

1 State of Arkansas
2 84th General Assembly
3 Second Extraordinary Session, 2003
4

As Engrossed: H12/22/03
A Bill

Call Item 4

HOUSE BILL 1065

5 By: Representatives J. Johnson, Wood, Walters, Elliott, *Pickett*
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8 **For An Act To Be Entitled**

9 AN ACT TO ENSURE THAT ALL TEACHERS IN THE STATE
10 RECEIVE SUBSTANTIALLY EQUAL TEACHER SALARIES AND
11 BENEFITS; AND FOR OTHER PURPOSES.
12

13 **Subtitle**

14 TO ENSURE THAT ALL TEACHERS IN THE STATE
15 RECEIVE SUBSTANTIALLY EQUAL TEACHER
16 SALARIES AND BENEFITS.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code Title 6, Chapter 17, Subchapter 10 is amended
22 to add an additional section to read as follows:

23 6-17-1005. Applicability of teacher salary schedule.

24 (a) As used in this section:

25 (1) "Teacher" shall include any full-time employee of a local
26 public school district:

27 (A) Who is compelled by law to secure a license from the
28 State Board of Education as a condition precedent to employment in a position
29 in or related to grades prekindergarten through twelve (preK-12) of the
30 public schools of this state; and

31 (B) Who is:

32 (i) Engaged directly in instruction with students in
33 a classroom setting for more than seventy percent (70%) of the individual's
34 contracted time;

35 (ii) A guidance counselor; or

36 (iii) A librarian;



1 (2) "Entity" means:

2 (i) A state agency, a state department, the Arkansas
3 National Guard; or a political subdivision; or

4 (ii) A corporation, a partnership, a limited liability
5 company, or a person contracting to provide educational services in or for a
6 state agency or state department; and

7 (3) "State funds" means any money derived from state or local
8 taxes.

9 (b) Any teacher employed by any entity receiving state funds shall be
10 paid no less than the amounts set forth under the state minimum teacher
11 salary law.

12 (c) Any teacher employed by any entity receiving state funds shall be
13 qualified as an "employee", for purposes of the Arkansas Teacher Retirement
14 System Act, § 24-7-201 et seq. and shall be eligible to become a member of
15 the Arkansas Teacher Retirement System beginning July 1, 2004,

16 (d)(1) If a teacher is employed by a state agency or department and is
17 paid under the Uniform Classification and Compensation Act of 1973 an amount
18 that is less than the amount required by this section, the teacher shall be
19 entitled to a pay increase as required by this section to the extent that the
20 teacher's salary range with his or her current grade allows for an increase.

21 (2) If the teacher's salary range with his or her current grade
22 does not allow for a pay increase as required under this section, the
23 teacher's grade and salary shall reviewed by the staff of the Bureau of
24 Legislative Research for the purpose of making recommendations consistent
25 with the provisions of this section to be included in amendments to the
26 Uniform Classification and Compensation Act of 1973 to the General Assembly.

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28 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
29 General Assembly of the State of Arkansas that the Arkansas Supreme Court in
30 Lake View School District No. 25 v. Huckabee, 351 Ark. 31 (2002) declared the
31 current system of education to be unconstitutional because it is both
32 inequitable and inadequate; and the Arkansas Supreme Court set forth the test
33 for a constitutional system to be one in which the state has an "absolute
34 duty" to provide an "equal opportunity to an adequate education"; the
35 Arkansas Supreme Court instructed the General Assembly to undertake actions
36 as necessary to provide an opportunity for an adequate and equitable

1 education for the children of Arkansas; and the provisions of this bill are
2 necessary steps toward accomplishing that goal. Therefore, an emergency is
3 declared to exist and this act being immediately necessary for the
4 preservation of the public peace, health, and safety shall become effective
5 on:

6 (1) The date of its approval by the Governor;

7 (2) If the bill is neither approved nor vetoed by the Governor,
8 the expiration of the period of time during which the Governor may veto the
9 bill; or

10 (3) If the bill is vetoed by the Governor and the veto is
11 overridden, the date the last house overrides the veto.

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13 */s/ J. Johnson, et al*
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