

ARKANSAS DEPARTMENT OF EDUCATION

SUBJECT: School District Requirements for Personnel Policies, Salary Schedules, Minimum Salaries, and Documents Posted to District Websites

DESCRIPTION: This informs districts of the documents that are required by law to be posted to their website. The documents include: Licensed and classified personnel policies, licensed and classified salary schedules, and financial data to include:

1. Local and state revenue sources
2. Administrator and teacher salary and benefit expenditures
3. School district balances, including legal balance and building fund balances
4. Minutes of regular and special meetings of the school board
5. District budget for current year
6. Monthly expenses
7. Salary schedules, including extended contract and supplementary pay amounts
8. Current contract information (with personal data blocked out)
9. Current year annual budget
10. Annual Statistical Report

PUBLIC COMMENT: The public hearing was held on October 18, 2011. The public comment period ended on October 21, 2011. The following comments were submitted to the Department:

Chris Crain, Caddo Hills School District

Comment:

- 5.03 – This section requires the school board’s president’s signature to be posted on the district’s website. That is not a very secure policy for the school district’s board president. Maybe the wording of 5.03 could fall in line with the wording of Licensed Personnel Policies and Salary Schedules 4.03. **RESPONSE:** Comment considered. The rule language tracks the language of the statute, Ark. Code Ann. § 6-17-2301, which specifically requires the policies posted on the website to be signed by the board president. The Department does not have the authority to change the requirements of statute.

Tripp Walter, Staff Attorney, Arkansas Public School Resource Center

Comment:

- 3.02 – What about “Health/Medical”? **RESPONSE:** Comment considered. The categories listed in the definition are those listed in Ark. Code Ann. § 6-17-2303. Because the statute does not list “Health/Medical” as a separate category, the rule does not list it separately.
- 3.05 – Does this mean cannot be hourly rate? **RESPONSE:** Comment considered. Presumably, the comment is in reference to the use of the term

“salaries” instead of “wages” or some similar term. “Salary” is the term used in statute, Ark. Code Ann. § 6-17-2301, and the Department is unaware of any case law or other rule interpreting “salary” to exclude hourly employment.

- 4.02.10 – Should this be “Grievance procedures”? **RESPONSE:** Comment considered. The phrasing is taken verbatim from Ark. Code Ann. § 6-17-201. The term “Grievances” clearly encompasses all related topics, including procedures for filing grievances.
- 7.04 – Previous law allowed unless repealed. **RESPONSE:** Comment considered and accepted in part. The rule follows the language of Ark. Code Ann. § 6-17-807(e). Neither the statute nor the proposed rule prohibits the payment of a teacher’s daily rate for teaching summer school or performing non-licensed work, but they also do not require it. The rule language will be clarified to make this understanding explicit.
- 7.04.1 – Amend first line to read, “Such services require a separate contract or agreement and the district shall not....” **RESPONSE:** Comment considered. The comment does not identify a rationale for this change, nor does the Department see any reason for making this change. In employment terms, the phrase “contract” encompasses every agreement of any kind, whether oral or written, whether express or implied.
- 7.05 – If the teacher agrees to work in the summer after his/her contract has ended to develop curriculum, and the teacher agrees to a lesser rate why would the teacher be paid the same rate as the regular contract? **RESPONSE:** Comment considered. The rule does not require a teacher be paid the regular contract amount for additional work performed outside the normal base contract period. However, a licensed employee may not waive payment according to the salary schedule in order to accept a lesser rate. Ark. Code Ann. § 6-17-204(d)(3). Every licensed employee must be paid in accordance with the salary schedule. Ark. Code Ann. § 6-20-2206(c)(4). A school may pay a teacher a different rate for work that is outside the normal base contract period and requires a license, but the rate must be identified on the salary schedule or supplement, and the rate must satisfy the requirements of the minimum teacher compensation schedule. Ark. Code Ann. § 6-17-2403.

The proposed effective date is January 2012.

CONTROVERSY: This is not expected to be controversial.

FINANCIAL IMPACT: There is no financial impact. ADE positions to monitor requirements of this rule are already established.

LEGAL AUTHORIZATION: Arkansas Code Annotated §6-11-105 (d) gives the Department general authority to make rules and regulations.

This rule has been promulgated to incorporate the changes in the law made by Act 989 of 2011.

MNH 12-29-11

Arkansas Department of Education Rules Governing
School District Requirements for Personnel Policies, Salary Schedules,
Minimum Salaries, and Documents Posted to District Websites

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1.00 REGULATORY AUTHORITY

1.01 These rules and regulations shall be known as the Arkansas Department of Education Rules Governing School District Requirements for Personnel Policies, Salary Schedules, Minimum Salaries, and Documents Posted to District Websites (Rules).

1.02 The Rules are enacted pursuant to the State Board of Education's authority under Ark. Code Ann. § 6-11-105, § 6-11-129 § 6-17-201, § 6-17-207, § 6-17-807 § 6-17-2203, § 6-17-2301, § 6-17-2402, §6-17-2403 and Act 989 of 2011.

2.00 PURPOSE

The purpose of these Rules is to apprise districts of the requirements for publishing school district classified and licensed personnel policies, salary schedules, establishing minimum salaries, and other documents mandated to be posted to the district's website.

3.00 DEFINITIONS

3.01 Basic Contract means a teacher employment contract for one hundred ninety (190) days that includes ten (10) days of professional development.

3.02 Classified Employee means any employee who performs work for the school district under a written annual contract in a position that does not require a valid teaching license issued by the Arkansas State Board. Classified employees generally fall into one of five classifications: 1) Maintenance, operation, and custodians; 2) Transportation; 3) Food service; 4) Secretary and clerks; and 5) Aides and paraprofessionals.

3.03 Classified Employee Minimum Salary is the calculation of the minimum rate listed in Ark. Code Ann. §6-17-2203 that has been adjusted by the same percentage of increase as reported in the consumer price index each year. The adjusted rate is announced prior to July 1 each year in a Commissioner's memo.

3.04 Classified Personnel Policies are written district policies, guidelines, regulations, and procedures that pertain to the terms and conditions of a classified employee's employment with the district.

3.05 Classified Salary Schedule is a set of matrices that are updated and published each school year, which contains the minimum salaries for all five classifications of classified employees and includes ranges, steps, and rates of pay. The salary schedule is required to reflect the actual pay practices of the district.

- 3.06 Full Time Classified Employee** means any classified employee contracted to work twenty (20) or more hours per week.
- 3.07 Licensed Employee** is a person hired by the local school district who is compelled by law or regulation to secure a license from the State Board of Education.
- 3.08 Licensed Personnel Policies** are written district policies, guidelines, regulations, and procedures that pertain to the terms and conditions of a licensed employee's employment with the district.
- 3.09 Licensed Salary Schedule** is a set of matrices that are updated and published each school year that contains the minimum salary licensed employees earn based on number of years of experience, education degrees, computations for extended contracts, and salary supplements for additional duties or responsibilities. The salary schedule is required to reflect the actual pay practices of the district.
- 3.10 Teacher** means an individual who is required to hold a teaching license from the Department of Education and who is engaged directly in instruction with students in a classroom setting for more than seventy percent (70%) of the individual's contracted time; a guidance counselor; or a librarian.
- 3.11 Website** is a set of interconnected webpages, including a homepage, generally located on the same server. It is prepared and maintained as a collection of information by a person, group, or organization.

4.00 LICENSED PERSONNEL POLICIES AND SALARY SCHEDULES

- 4.01** School districts shall have a set of written licensed personnel policies.
- 4.02** The licensed personnel policies shall include, but are not limited to, the following:
- 4.02.1** The licensed salary schedule;
 - 4.02.2** Benefits;
 - 4.02.3** Compensation;
 - 4.02.4** Designation of workdays;
 - 4.02.5** Holidays and non-instructional days;
 - 4.02.6** The annual calendar;
 - 4.02.7** Methods of evaluations;
 - 4.02.8** Extra duties;
 - 4.02.9** Leave;
 - 4.02.10** Grievances;
 - 4.02.11** Dismissal or nonrenewal;
 - 4.02.12** Reduction in force; and
 - 4.02.13** Assignment of teacher aides.
- 4.03** The licensed personnel policies and salary schedules must be posted to the District's website no later than September 15 each year. The district must keep a copy of the licensed salary schedule and personnel policies, signed by the president of the school board and retained in a central location.
- 4.04** The district should place an obvious hyperlink, button, or menu item on the Website homepage that links directly to the current year licensed policies and salary schedules.

- 4.05 The district is required to provide to the Arkansas Department of Education, no later than September 15 of each year, the website address where the licensed personnel policies and salary schedules are located. This information is currently collected in state reporting cycles 1-9. The website address must be entered correctly in each cycle, especially if there are changes to the website address.
- 4.06 A district failing to meet the above requirements will not receive in any year any additional state foundation funding from the Public School Fund until the licensed personnel policies and salary schedules are posted to the district's website.
- 4.07 The Arkansas Department of Education shall not accredit a district that does not have written licensed personnel policies.
- 4.08 The Arkansas Department of Education will notify any school district that has not filed its licensed personnel policies and salary schedules as required.

5.00 CLASSIFIED PERSONNEL POLICIES AND SALARY SCHEDULES

- 5.01 School districts shall have a set of written personnel policies, including the salary schedule for at least all five classifications of classified employees as listed in 3.02.
- 5.02 The personnel policies shall include, but are not limited to:
- 5.02.1 Salary schedule, fringe benefits, and other compensation issues;
 - 5.02.2 Annual school calendar, including work days and holidays;
 - 5.02.3 Evaluation procedures;
 - 5.02.4 Leave;
 - 5.02.5 Grievance procedures;
 - 5.02.6 Termination, nonrenewal, or suspension
 - 5.02.7 Reduction in force; and
 - 5.02.8 Assignments.
- 5.03 School districts must post classified personnel policies and salary schedules, signed by the president of the school board, to the district's website no later than September 15 each year.
- 5.04 The district should place an obvious hyperlink, button, or menu item on the Web homepage that links directly to the current year classified policies and salary schedules.
- 5.05 The district is required to provide to the Arkansas Department of Education, no later than September 15 of each year, the website address where the classified personnel policies and salary schedules are located. This information is currently collected in state reporting cycles 1-9. The website address must be entered correctly in each cycle, especially if there are changes to the website address.
- 5.06 A district failing to meet the above requirements will not receive in any year any additional state foundation funding from the Public School Fund until the classified personnel policies and salary schedules are posted to the district's website
- 5.07 The Arkansas Department of Education shall not accredit a district that does not have written classified personnel policies.

5.08 The Arkansas Department of Education will notify any school district that has not filed its classified personnel policies and salary schedules as required.

6.00 **LICENSED EMPLOYEE MINIMUM SALARY**

6.01 The district salary schedule shall provide:

6.01.1 Annual increments for education and experience

6.01.2 A base salary for a teacher with a BA degree listing salary increments each year for at least 15 years of experience

6.01.3 A minimum salary for a teacher with a master's degree listing salary increments each year for at least fifteen years of experience

6.02 Each school district shall have a salary schedule with at least the minimum levels of compensation for a basic contract as listed in Ark. Code Ann. § 6-17-2403(b)

6.03 The teaching experience is the total years of experience as a teacher with a valid Arkansas teaching license and teaching at any of the following:

6.03.1 A public school accredited by the Department of Education or a nationally recognized accrediting association;

6.03.2 Private school within the state of Arkansas accredited by a nationally recognized accrediting association;

6.03.3 An Institution of higher education within the State of Arkansas accredited by a nationally recognized higher education institution accrediting association; or

6.03.4 A facility operated by the Division of Youth Services or any facility contracting with the division to provide care for juveniles committed to the division.

7.00 **ADDITIONAL PAY**

7.01 If a teacher is required to work more days than listed in their contract, then the pay under the contract shall be increased proportionately so that the teacher will receive at least a daily rate of pay for each additional day worked.

7.02 Each school district shall establish a normal base contract period for teachers.

7.03 If the base contract period is increased, the teacher's pay under the contract shall be increased proportionately at no less than the daily rate for each day added to the contract.

7.04 The provisions of sections 7.01, 7.02, and 7.03 shall not apply to separate contracts for employment with a teacher to teach summer school or to perform services that do not require the teacher to hold a teaching license.

7.04.1 Such services require a separate contract and the district shall not condition initial employment of the teacher or renewal of the teacher's regular teaching contract on entering into a separate contract.

7.05 A district may employ a teacher in a part time contract to perform services in the teacher's area of certification after expiration of the normal base contract as long as

the teacher is agreeable and is paid in accordance with the salary schedule, on a pro rata basis for that work.

8.00 CLASSIFIED EMPLOYEE MINIMUM SALARY

8.01 For the 2011-2012 school year, a full-time contracted classified employee (working 20 hours a week or more) shall receive an hourly rate of compensation of no less than \$7.74 per hour.

8.02 The minimum hourly rate is adjusted each year by increasing the previous year's minimum amount by a percentage equal to the percentage increase of the consumer price index. The new minimum rate is announced in a Commissioner's Memo before July 1 each year.

9.00 Data to be Accessible on Website

9.01 The following data and information are required to be posted to the district's website or the district's education service cooperative website, if the education service cooperative maintains the district's website:

9.01.1 Current comprehensive financial data reports, including:

9.01.1.1 Local and state revenue sources;

9.01.1.2 Administrator and teacher salary and benefit expenditure data;

9.01.1.3 School district balances, including legal balances and building fund balances;

9.01.1.4 Minutes of regular and special meeting of the school board;

9.01.1.5 The school district budget for the current year must be posted on the website within thirty (30) days following the state reporting cycle 1 deadline (September 30);

9.01.1.6 A financial breakdown of monthly expenses of the school district;

9.01.1.7 Salary schedules for all employees, including extended contract and supplementary pay amounts;

9.01.1.8 Current contract information with all district employees except that social security numbers, telephone numbers, personal addresses, or signatures shall not be published.

9.01.1.9 The current year annual budget; and

9.01.1.10 The annual school district statistical report.

9.01.2 Licensed and classified personnel policies and salary schedules

9.02 The above information shall be the actual data for the two (2) previous school years and the projected budgeted information for the current school year.

9.03 The district should place an obvious hyperlink, button, or menu item on the Website homepage that links directly to the Web page containing the required postings in 9.01.1 through 9.01.2.