

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**

A Bill

ACT 294 OF 1993
HOUSE BILL 1034

4 **By: Representatives Thicksten and Mahony**

5

6

7

For An Act To Be Entitled

8 "AN ACT TO AMEND OR REPEAL VARIOUS SECTIONS OF TITLE 6 OF
9 THE ARKANSAS CODE RELATING TO ELEMENTARY AND SECONDARY
10 EDUCATION THAT ARE ANTIQUATED, SUPERSEDED, INCONSISTENT OR
11 AMBIGUOUS; AND FOR OTHER PURPOSES."

12

13

Subtitle

14 **"AN ACT TO AMEND OR REPEAL VARIOUS SECTIONS OF**
15 **TITLE 6 OF THE ARKANSAS CODE RELATING TO**
16 **ELEMENTARY OR SECONDARY EDUCATION THAT ARE**
17 **ANTIQUATED, SUPERSEDED, INCONSISTENT, OR**
18 **AMBIGUOUS."**

19

20 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:**

21

22 **SECTION 1. LEGISLATIVE INTENT AND PURPOSE.** The General Assembly
23 hereby acknowledges that many of the laws relating to elementary and secondary education in
24 this state are either antiquated or ambiguous or are inconsistent with more recently enacted
25 provisions of law. Consequently, it is the intent of the General Assembly and the purpose of
26 this Act to adopt the recommendations of the Education Laws Revision Commission
27 established under Act 979 of 1991 to clarify the relevant chapters of Title 6 of the Arkansas
28 Code Annotated of 1987.

29

30 **SECTION 2. (a) Arkansas Code Annotated § 6-2-106 is hereby repealed.**

31 **(b) Arkansas Code Annotated § 6-2-108 is hereby amended to read as follows:**

32 **"6-2-108. Filing and recording fees.**

33 **The Secretary of State may set and receive a reasonable fee for the filing and recording**
34 **of a charter of any educational institution or any certificate as to change of name or of the**
35 **provisions of any such charter. Such fee shall be paid by the Board of Trustees of the**
36 **institution filing such document."**

1 **(c) Arkansas Code Annotated § 6-2-III is hereby amended to read as follows:**

2 **"6-2-III. Degrees, diplomas, and honors.**

3 **(a) All institutions incorporated as colleges or universities shall have power to confer**
4 **the customary degrees and grant the usual diplomas and honors conferred by reputable**
5 **institutions of like grade.**

6 **(b)(1) No degree or diploma of any kind shall be conferred by any institution of higher**
7 **education that has not been incorporated in the manner provided by law.**

8 **(2) No institution of higher education shall confer degrees upon students for**
9 **mere correspondence courses or upon any student who has not studied in residence at the**
10 **institution for one (1) scholastic year;**

11 **(3) No purely honorary degree shall be conferred except by institutions of**
12 **higher education maintaining standard collegiate or university courses with at least six (6) full**
13 **professors and a body of genuine college or university students in residence.**

14 **(c) Any president, professor, or other officer of any institution of higher education who**
15 **shall violate the provisions of subsection (b) of this section shall be deemed guilty of a**
16 **misdemeanor and upon conviction shall be fined in any sum not less than fifty dollars**
17 **(\$50.00) nor more than one thousand dollars (\$1,000), and it is made the duty of the State**
18 **Board of Higher Education to enforce this section."**

19

20 **SECTION 3. (a) Arkansas Code Annotated § 6-10-108(b) is hereby amended to read**
21 **as follows:**

22 **"(b) The board of directors of any school district is authorized to initiate and maintain**
23 **a twelve-month year-round educational program in any or all of the public schools in the**
24 **district. However, any school district which does not elect to operate on a twelve-month basis**
25 **must start school in accordance with the provisions of §6-10-106."**

26

27 **SECTION 4. (a) Arkansas Code Annotated § 6-11-101(a) is hereby amended to read**
28 **as follows:**

29 **"(a) The State Board of Education shall be composed of nine (9) members, two (2) to**
30 **be selected from each congressional district of the state and the remainder to be appointed at**
31 **large from within the state."**

32 **(c) Arkansas Code Annotated § 6-11-101(g) is hereby amended to read as follows:**

33 **"(g) The members of the State Board of Education shall serve without remuneration**
34 **other than:**

35 **(1) Their actual expenses while attending regular and special meetings of the**

1 board; and

2 **(2) A per diem allowance when in attendance at regular or special meetings of**
3 **the board."**

4 **(d) Arkansas Code Annotated § 6-11-102(d) is hereby amended to read as follows:**

5 **"(d) It is the specific intention of this act to define and declare the Director of General**
6 **Education to be the employee of the State Board of Education and the Director of Vocational**
7 **and Technical Education to be the employee of the State Board of Vocational Education."**

8 **(e) Arkansas Code Annotated § 6-11-102(f) is hereby amended to read as follows:**

9 **"(f) The state shall furnish the directors with suitable offices."**

10 **(f) Arkansas Code Annotated § 6-11-104 is hereby amended to read as follows:**

11 **"6-11-104. Meetings.**

12 **(a) The State Board of Education shall meet a minimum of six (6) times annually. The**
13 **board will meet each December to determine the meeting dates for the following year. Special**
14 **meetings may be called by the chairman of the board on five (5) days' written notice to the**
15 **members. In the absence of the chairman, the Director of the Division of General Education**
16 **shall call a meeting on the request of three (3) members of the board. If both the chairman and**
17 **the Director of the Division of General Education shall be absent or refuse to call a meeting,**
18 **any three (3) members of the board may call a meeting by similar notices in writing.**

19 **(b) The State Board of Vocational Education shall meet a minimum of four (4) times**
20 **annually. The board will meet each July to determine the meeting dates for the following year.**
21 **Special meetings may be called by the chairman of the board on five (5) days' written notice to**
22 **the members. In the absence of the chairman, the Director of the Division of Vocational and**
23 **Technical Education shall call a meeting on the request of three (3) members of the board. If**
24 **both the chairman and the Director of the Division of Vocational and Technical Education**
25 **shall be absent or refuse to call a meeting, any three (3) members of the board may call a**
26 **meeting by similar notices in writing."**

27 **(f) The following laws are hereby repealed: Arkansas Code Annotated §§6-11-109 and**
28 **6-11-123.**

30 **SECTION 5. (a) Arkansas Code Annotated § 6-12-102(c) is hereby amended to read**
31 **as follows:**

32 **"(c) The county boards of education may hire the staff they deem necessary and**
33 **establish the salaries for that staff."**

34 **(b) Arkansas Code Annotated § 6-12-106 is hereby amended to read as follows:**

35 **"6-12-106. Organization.**

1 **(a) Within thirty (30) days after its election, the members of the county board of**
2 **education shall meet at the county courthouse and organize by electing one (1) of its members**
3 **as chairman.**

4 **(b) The county board shall designate an ex officio secretary of the board."**

5 **(c) Arkansas Code Annotated § 6-12-108(a) is hereby amended to read as follows:**

6 **"(a) The public school districts in the several counties of the state shall each employ a**
7 **superintendent of schools, whose qualifications and duties shall be prescribed by the State**
8 **Board of Education."**

9 **(d) Arkansas Code Annotated § 6-12-109(b) is hereby amended to read as follows:**

10 **"(b) Specifically, these duties, among others, shall include the following:**

11 **(1) To apportion all school funds as provided by law and in conformity to the**
12 **regulations of the State Board of Education;**

13 **(2) To form local school districts, change boundary lines of school districts,**
14 **dissolve school districts and annex the territory of such districts to another district, create new**
15 **school districts, and perform all other functions regarding changes in school districts, in**
16 **accordance with the law;**

17 **(3) To transfer funds and attach territory which is in no school district to other**
18 **districts as may seem best for the educational welfare of the county;**

19 **(4) To cause to be set aside from funds in the county general school fund**
20 **amounts necessary for the expenses of the board and of any designee;**

21 **(5) To administer the compulsory school attendance laws in the county;**

22 **(6) To approve budgets of school districts coming under the provisions of this**
23 **chapter;**

24 **(7) To appoint all school directors in all school districts where the authority to**
25 **do so has heretofore been conferred on any county judge of any county."**

26 **(e) Arkansas Code Annotated § 6-12-113 is hereby repealed.**

27 **(f) Arkansas Code Annotated § 6-12-201(a) is hereby amended to read as follows:**

28 **"(a) The county board of education may select and employ a person to be county school**
29 **supervisor and contract with him for such service for a term of one (1) or two (2) years, subject**
30 **to reemployment, provided that neither husband nor wife of a member of the county board of**
31 **education nor any person related within the fourth degree of consanguinity or affinity to any**
32 **member of the county board of education shall be eligible for such employment."**

33
34 **SECTION 6. (a) Arkansas Code Annotated § 6-13-101 is hereby amended to read as**
35 **follows:**

1 **"6-13-101. Only one kind of school district.**

2 **(a) There shall be only one (1) kind of school district in this state, and each shall have**
3 **the same prerogatives, powers, duties, and privileges as herein set forth.**

4 **(b) All school districts which may be hereafter created shall be the same kind, with the**
5 **same prerogatives, powers, duties, and privileges as provided by law."**

6 **(b) Arkansas Code Annotated § 6-13-104 is hereby amended to read as follows:**

7 **"6-13-104. Uncertain boundaries. In case there is any doubt as to the boundaries of a**
8 **school district because of lost records or other uncertainty, the county board of education shall**
9 **issue an order fixing the boundaries and shall file the order with the county clerk who shall**
10 **make a permanent record of the order, and thereafter the boundaries so fixed shall be the**
11 **boundaries of the district until changes are made according to the provisions of law, and the**
12 **district shall be a school district according to the provisions of this act."**

13 **(c) Arkansas Code Annotated § 6-13-108 is hereby repealed.**

14

15 **SECTION 7. (a) The following laws are hereby repealed:**

16 **(1) Arkansas Code Annotated §§ 6-13-201 through 6-13-217.**

17 **(2) Arkansas Code Annotated §§ 6-13-219 through 6-13-222.**

18 **(3) Arkansas Code Annotated §§ 6-13-301 through 6-13-311.**

19 **(4) Arkansas Code Annotated §§ 6-13-401 through 6-13-412.**

20 **(5) Arkansas Code Annotated §§ 6-13-501 and 6-13-502.**

21 **(6) Arkansas Code Annotated §§ 6-13-504 through 6-13-507.**

22 **(7) Arkansas Code Annotated §§ 6-13-601 through 6-13-603.**

23 **(b) Arkansas Code Annotated § 6-13-604(a) is hereby amended to read as follows:**

24 **"(a) The board of directors of any school district in this state which now has or which is**
25 **authorized to have five (5) or more directors may file a petition with the county board of**
26 **education requesting an increase in the number of directors for such district to any number**
27 **not to exceed seven (7); provided that in any school district in the state having an average daily**
28 **attendance of twenty-five thousand (25,000) or more, the petition may request that the board**
29 **of directors for the district be increased to nine (9) members."**

30 **(c) Arkansas Code Annotated § 6-13-604(c) is hereby amended to read as follows:**

31 **"(c) Upon a showing that the increase will be for the benefit of the district petitioning**
32 **for it, the county board of education is authorized to increase the number of directors for such**
33 **district to any number not to exceed seven (7) or not to exceed nine (9) in the case of a school**
34 **district having an average daily attendance of twenty-five thousand (25,000) or more."**

35 **(d) Arkansas Code Annotated §§ 6-13-605, 6-13-609, and 6-13-610 are hereby**

1 repealed.

2 (e) Arkansas Code Annotated § 6-13-613(d) is hereby amended to read as follows:

3 "(d) It shall be the duty of the secretary of the school board to notify the county board
4 or the board's designee of such appointments within five (5) days of the appointment if made by
5 the local board. This notice shall state the name of the person who the appointee is succeeding
6 and the expiration date of the term of office."

7 (f) Arkansas Code Annotated § 6-13-616 is hereby amended to read as follows:

8 "**6-13-616. Qualifications of directors.**

9 (a) Except as provided in subsection (b) of this section, no person shall be eligible to be
10 a member of any school district board of directors in this state unless he is a qualified elector of
11 the school district which he serves.

12 (b)(1) A person whose residential property contains portions of two (2) school districts
13 shall be eligible to be a member of either of the school district_s board of directors provided he
14 is a qualified elector of the county in which the school district for which he seeks the position
15 lies and he has or formerly had children enrolled in that school district.

16 (2) For purposes of this subsection, _residential property_ means that parcel of
17 land which contains the dwelling in which the person resides not less than nine (9) months out
18 of each year."

19 (g) Arkansas Code Annotated § 6-13-620 is hereby amended to read as follows:

20 "**6-13-620. Powers and duties.** The board of directors of each school district in the
21 state shall be charged with the following powers and perform the following duties:

22 (1) Have the care and custody of the schoolhouse, grounds, and other property
23 belonging to the district; and shall keep it in good repair, in sanitary and sightly condition; and
24 lease sixteenth section lands located in the school district, individually or in conjunction with
25 the other boards of directors of other school districts interested in the sixteenth section, as the
26 case may be.

27 (2) Purchase buildings or rent schoolhouses and sites therefor and sell, rent, or
28 exchange such sites or schoolhouses. Provided, that in the selection of any school site or the
29 erection of any schoolhouse outside of an incorporated town or city that contains two thousand
30 five hundred (2,500) or more inhabitants, the selection or erection shall be approved by the
31 county board of education before the contract for securing the site or contract for building the
32 house is made.

33 (3) Employ teachers and other employees necessary for the proper conduct of the
34 public schools of the district and make written contracts with teachers and all other employees
35 in the form prescribed by the State Board of Education.

1 **(A) There shall be four (4) copies of each contract made:**
2 **(i) One (1) copy to be retained by the board;**
3 **(ii) One (1) copy to be given to the employee;**
4 **(iii) One (1) copy to be forwarded to the county treasurer; and**
5 **(iv) One (1) copy to be filed with the county board or the board's**
6 **designee.**

7 **(B) Relationship by any degree of affinity or consanguinity to a member of the**
8 **county school board shall in no way prejudice the employment or hiring of anyone by a school**
9 **board or public school district.**

10 **(C) The issuing of annual contracts to personnel other than substitute teachers**
11 **employed on a daily basis and teachers shall be in writing and shall recite the duration of**
12 **employment, specific duties, and annual salary.**

13 **(4) See that all subjects for study prescribed by the State Board of Education or by law**
14 **for all grades of schools in their district are taught.**

15 **(5) Procure from the county board or the board's designee all forms for each teacher at**
16 **the commencement of the school term, including a register and such other forms and blanks**
17 **and supplies as are required by law to be furnished to the teachers.**

18 **(6) Visit the schools frequently, see to the welfare of the pupils, encourage them in**
19 **their studies, and assist the teacher in the work so far as they can.**

20 **(7) Prepare, send a copy thereof to the county board of education, and publish once a**
21 **week for three (3) consecutive weeks in a newspaper published in the county at least**
22 **twenty-five (25) days before the annual election an estimate of the amount of money needed by**
23 **the district for the ensuing year, showing separately the amount needed for general control,**
24 **instruction, operation of the plant, maintenance of the plant, auxiliary agencies, fixed charges,**
25 **capital outlay, and debt service.**

26 **(8) Issue warrants on the county treasurer in accordance with the provisions of this**
27 **act for the payment of salaries due teachers and other employees, and for any other lawful**
28 **purposes, and state in the warrants the consideration for which it is drawn, provided that the**
29 **issuance of the warrants for the purposes set out in subdivision (10) of this section shall be**
30 **governed by the penalty therein set out. The warrant shall be in the form approved by the State**
31 **Board of Education.**

32 **(9) Obtain from the county collector and county treasurer information from time to**
33 **time as to the state of finances of their school district, and to keep their expenditures safely**
34 **within the means of the district.**

35 **(10) Buy and pay for out of district school funds supplies such as fuel, crayons, charts,**

1 globes, dictionaries, etc., which may be necessary for the efficient operation of the schools,
2 provided that, for schools except for those in cities having two thousand five hundred (2,500)
3 or more population, the supplies meet the approval of the county board or the board's designee
4 in price and merit and provided further that no warrants shall be issued by any school board
5 for the payment of the supplies or services set out in this subdivision until the supplies or
6 services shall have been delivered to the school. If any school board or any part of the directors
7 of any school board in the State of Arkansas shall issue warrants in payment of supplies or
8 services prior to the delivery of the supplies or services to the school, and the school district
9 suffers any loss because of the failure of the seller to deliver the supplies or services or because
10 of the defective quality of the supplies or services or for any other reason, then the directors
11 shall be personally liable to the school district for the total amount of loss suffered by the
12 district.

13 **(II)(A)** If in any school district it should be apparent that the schools cannot be
14 operated for the remainder of the school year without incurring more indebtedness than that
15 represented by outstanding bonds and those that may be issued for buildings, equipment for
16 the school buildings, purchasing sites, and repairing school buildings, or the improvement of
17 sites, it shall be the duty of the school district board of directors to close the school and cease
18 paying the teachers for the remainder of that fiscal year; and each contract made with the
19 teachers shall be subject to that contingency, and the district shall not be liable for teachers'
20 salaries for the time the school is so closed.

21 **(B)** Should any director participate in keeping a school open and incurring
22 additional expenses which would cause increased indebtedness of the district herein
23 prohibited, he shall be liable personally for the amount of such additional indebtedness.

24 **(C)** However, in cases of an emergency the State Board of Education may grant
25 special permission to a district to create temporary current indebtedness.

26 **(D)** Nothing herein shall prevent any school district board of
27 directors from borrowing money from banks, individuals, or from next year's revenue in order
28 to provide funds in such amount that the maximum nonbonded indebtedness of their school
29 district so incurred shall not be greater than the maximum nonbonded indebtedness of such
30 districts was at any time during the preceding fiscal year.

31 **(E)** If any nonbonded debt is funded by the issuance of bonds, the amount so
32 funded shall not be considered in determining the maximum amount of nonbonded
33 indebtedness during the preceding fiscal year.

34 **(12)** Do all other things necessary and lawful for the conduct of efficient free public
35 schools in the district."

1 **(h) Arkansas Code Annotated § 6-13-621 is hereby repealed.**

2 **(i) Arkansas Code Annotated § 6-13-701(d) is hereby amended to read as follows:**

3 **"(d) The duties of the school district treasurer shall be as follows:**

4 **(1) To receive and disburse funds of the school district. Disbursements of such**
5 **funds shall be made only upon warrants signed by the president and secretary of the school**
6 **district board of directors and countersigned by the superintendent of schools of the district.**
7 **As an evidence of authority for disbursement of any funds, he shall have on hand approved**
8 **invoices and payrolls, such payrolls to be in conformance with written contracts on file in his**
9 **office;**

10 **(2) To keep record of all financial transactions of the school district on forms**
11 **approved by the Department of Education and the Division of Legislative Audit;**

12 **(3) To make a monthly statement to the school district board of directors of the**
13 **financial condition of the district;**

14 **(4) To submit an annual statement of the affairs of the district to the school**
15 **district board of directors in July of each year;**

16 **(5) To make such financial reports to the county board or the board's designee**
17 **and Department of Education as are required by law;**

18 **(6) Not to be interested directly or indirectly in any contract authorized by the**
19 **school district board of directors;**

20 **(7) To make his records available at all times for inspection by any taxpayer of**
21 **the district."**

22 **(j) Arkansas Code Annotated § 6-13-703 is hereby repealed.**

23 **(k) Arkansas Code Annotated § 6-13-1017(c) is hereby amended to read as follows:**

24 **"(c) Education service cooperatives may provide shared educational programs and**
25 **services such as needs assessment and school improvement planning, staff development,**
26 **curriculum development, itinerant teachers, instructional materials, adult and vocational**
27 **education, programs for gifted and talented, education for children with disabilities, and other**
28 **services which the State Board of Education may approve or which school districts may**
29 **support with local funds."**

30 **(l) Arkansas Code Annotated §6-13-1202 is hereby amended by adding a new**
31 **subsection (c) to read as follows:**

32 **"(c)(1) The county boards of education shall not merge, add, or annex any territory or**
33 **district to, or consolidate any territory or district with, another school district or districts**
34 **which are not geographically contiguous unless granted permission to do so by the State Board**
35 **of Education under the limited circumstances as provided in this Act.**

1 **(2) The county boards of education may petition the State Board of Education**
2 **for permission to merge, annex, or consolidate school districts which are noncontiguous**
3 **geographically. The State Board of Education may grant permission for noncontiguous school**
4 **districts to be merged, annexed, consolidated if the county board seeking permission can**
5 **provide evidence that the merger, annexation, or consolidation will:**

6 **(A) Result in the overall advancement of the level of the educational**
7 **curriculum for all the school districts involved; or**

8 **(B) Provide a significant advantage in transportation costs or travel to**
9 **all the school districts involved."**

10 **(m) Arkansas Code Annotated § 6-13-1203 is hereby amended to read as follows:**
11 **"6-13-1203. Special election.**

12 **(a)(1) An election on the question of annexation or consolidation shall be held at a**
13 **special election called by the controlling county board of education.**

14 **(2) The controlling county board of education shall prepare the form of ballot**
15 **for any election on the formation of school districts and the dissolution thereof or the**
16 **annexation of territory as herein provided.**

17 **(b) Upon receipt of a resolution by the district board of directors for annexation or**
18 **consolidation of the school district, or upon petition of at least ten percent (10%) of the**
19 **qualified electors of the district, the controlling county board of education shall call a special**
20 **election on the question of annexation or consolidation.**

21 **(c)(1) All petitions shall be filed with the county clerk of the county in which the largest**
22 **portion of the resulting district shall lie, who shall, within fourteen (14) days of receipt, certify**
23 **the signatures on the petition and notify the county board of education.**

24 **(2) Any elector signing the petition may have his name stricken from the**
25 **petition, upon written demand, at any time prior to the final action of the county board upon**
26 **the petition.**

27 **(d)(1) Upon receipt of the certified petition, the controlling county board of education**
28 **shall consider whether the petition is signed by the requisite number of electors. For the**
29 **purpose of determining whether the petition contains a majority of the qualified electors of**
30 **each district, a majority shall be determined as of the date the petition is considered by the**
31 **controlling county board of education.**

32 **(2) Upon receipt of the certified petition, the controlling county board of**
33 **education shall set a date for the election and file notice of such election with the county clerk,**
34 **and shall publish notice of same, clearly stating the date and purpose, once a week for three (3)**
35 **weeks, the last date not more than five (5) days prior to the election, in a newspaper having**

1 general circulation in the resulting district.

2 (e) Any action for the formation of a new school district or a change of the boundaries
3 of existing school districts shall be accompanied by a map showing the proposed changes."

4 (n) Subchapter 12 of Chapter 13 of Title 6 of the Arkansas Code is hereby amended by
5 adding at the end thereof an additional section to read as follows:

6 "6-13-1208. (a) On the change of any boundaries of school districts, notice:

7 (1) Shall immediately be given to the State Board of Education and mailed to
8 the president of the board of directors in each district affected; and

9 (2) Shall be filed with the county board of education or the board's designee.

10 (b) It shall be the duty of the controlling county board to immediately make such
11 changes in the maps of the school districts of the county to properly show the changes of
12 boundaries."

13

14 SECTION 8. (a) Arkansas Code Annotated §6-14-102 is hereby amended to read as
15 follows:

16 "6-14-102. Annual election date.

17 (a) The annual school election shall be held in each school district of the state on the
18 third Tuesday in September.

19 (b) However, when any school district in this state suffers damage to its physical
20 facilities in an amount exceeding one hundred twenty-five thousand dollars (\$125,000) as a
21 result of fire or other natural disaster, the board of directors of that school district is
22 authorized to set the date of the next annual school election in that district.

23 (c) If the board of directors of the school district determines that the proceeds of
24 insurance on those facilities will be insufficient to restore or replace the facilities, the board of
25 directors may, by resolution duly adopted and with the approval of the Director of the
26 Department of Education, Division of General Education, postpone the date of the annual
27 school election in that school district for such year from the third Tuesday in September to the
28 second Tuesday in December.

29 (d) Certified copies of the resolution shall be delivered not later than the Monday next
30 preceding the third Tuesday in September to the Director of the Department of Education,
31 Division of General Education, and to the county supervisor, or secretary of the county board
32 of education if there is no county school supervisor, and chairman of the county board of
33 election commissioners of each county in which any of the territory of the school district is
34 located."

35 (b) Arkansas Code Annotated §§6-14-103 and 6-14-107 are hereby repealed.

1 **(c) Arkansas Code Annotated § 6-14-121 is hereby amended to read as follows:**

2 **"6-14-121. Runoff elections.**

3 **(a) Whenever there are more than two (2) candidates for election to any county or**
4 **district school board at any election held in this state, and no candidate for any county or**
5 **district position receives a majority of the votes cast for the office, there shall be a runoff**
6 **election held in the county or district. The runoff election shall be held two (2) weeks following**
7 **the date of the election; the names of the two (2) candidates receiving the highest number of**
8 **votes, but not a majority, shall be placed on the ballot to be voted upon by the qualified electors**
9 **of the county or the district, as the case may be.**

10 **(b) The person receiving the majority of the votes cast for the position at the runoff**
11 **election shall be declared elected.**

12 **(c) In the event the two (2) candidates seeking election to the same county or district**
13 **position shall receive the same number of votes, a tie shall be deemed to exist. The county**
14 **board of education, at an open public meeting and in the presence of the two (2) candidates,**
15 **shall determine the winner by lot.**

16 **(d) The provisions of this section are intended to be in addition to and supplemental to**
17 **the laws of this state pertaining to the election of county and district school board directors."**

18

19 **SECTION 9. (a) Arkansas Code Annotated § 6-15-207 is hereby amended to read as**
20 **follows:**

21 **"6-15-207. Annexation and combination by petition.**

22 **(a) Any school district may petition the county board of education of the county in**
23 **which the district is administered to combine the district's top four (4) grades or top six (6)**
24 **grades with an adjoining district which operates a secondary program which meets the**
25 **minimum standards for accreditation.**

26 **(b) Upon receipt of such a petition, the county board of education shall order the**
27 **combination of the secondary program of such district with an adjoining district for purposes**
28 **of operation of the top four (4) or top six (6) grades.**

29 **(c) Any school district directed by order of the county board of education to participate**
30 **in such a combination is mandated to accept the students transferred to such district.**

31 **(d) Any district exercising the option provided herein shall continue to exist as a**
32 **separate school district to operate a school with grades kindergarten through six (6) and may**
33 **operate grades seven (7) and eight (8) if the district's educational program at grade seven (7)**
34 **and eight (8) meets minimum accreditation standards.**

35 **(e) Such district shall have all rights, duties, and powers granted to school districts**

1 under the laws of this state, except that such district may not establish or operate a high school.

2 (f) The county board of education when ordering such a combination shall order the
3 affected districts to enter into a contract for the transfer of specified revenues from the
4 petitioning district to the receiving district on an annual basis.

5 (g) The amount of revenues to be transferred from the petitioning district to the
6 receiving district shall be determined in accordance with guidelines which the State Board of
7 Education is directed to formulate to assure equitable reallocation of revenues for the
8 operation of combined educational programs."

9 (b) Arkansas Code Annotated §§ 6-15-208 through 6-15-210 and 6-15-212 are hereby
10 repealed.

11 (c) Arkansas Code Annotated § 6-15-408 is hereby amended to read as follows:

12 "6-15-408. Administration of basic competency tests to third and sixth graders - Effect.

13 (a) Basic competency tests in reading and mathematics shall be administered to all
14 third grade students except those children with disabilities exempted pursuant to the
15 provisions of 6-15-411.

16 (b) Basic competency tests in reading, mathematics, science, social studies, and
17 language arts shall be administered to all sixth grade students except those children with
18 disabilities exempted pursuant to the provisions of §6-15-411.

19 (c) Any student who does not score at or above the level of mastery of basic skills as
20 established by the Department of Education shall be evaluated by the student's school
21 principal, teachers, and counselor who shall jointly develop an academic skills plan to assist
22 the student in achieving mastery of basic skills in subject areas where performance is below
23 mastery level.

24 (d) School principals and classroom teachers shall consider performance on basic
25 competency tests and other relevant indicators of student competency in determining
26 promotion or retention of students at grade levels third and sixth. Retention of a student in
27 grade levels third and sixth shall not be based solely on performance on basic competency
28 tests."

29 (d) Arkansas Code Annotated § 6-15-409(a) is hereby amended to read as follows:

30 "(a) In school year 1986-87 and annually thereafter, basic competency tests in reading,
31 mathematics, science, social studies, and language arts shall be administered to all students in
32 the eighth grade, except those children with disabilities exempted pursuant to the provisions of
33 6-15-411."

34 (e) Arkansas Code Annotated § 6-15-411 is hereby amended to read as follows:

35 "6-15-411. Handicapped students. The Department of Education shall promote

1 regulations consistent with Public Law 94-142 and 6-41-201 et seq. for application of the
2 provisions of this subchapter to students classified as children with disabilities pursuant to the
3 provisions of those acts."

4 (f) Arkansas Code Annotated § 6-15-902(a) is hereby amended to read as follows:

5 "(a) The following grading scale shall be used by all public schools in the state for all
6 courses in grades nine (9) through twelve (12), except advanced placement, offered:

7 (1) A = 93-100;

8 (2) B = 83-92;

9 (3) C = 70-82;

10 (4) D = 60-69; and

11 (5) F = 59 and below."

12

13 **SECTION 10. (a) Arkansas Code Annotated § 6-16-101 is hereby repealed.**

14 **(b) Arkansas Code Annotated § 6-16-111 is hereby amended to read as follows:**

15 **"6-16-111. Morals, manners, patriotism, and business and professional**
16 **integrity. Curricula in morals, manners, patriotism, and business and professional integrity**
17 **shall be included in the course of study for the state public schools."**

18 **(c) Arkansas Code Annotated § 6-16-113 is hereby repealed.**

19 **(d) Arkansas Code Annotated § 6-16-118 is hereby amended to read as follows:**

20 **"6-16-118. GED testing for adults. General Educational Development tests for adults**
21 **shall be administered by the county board or the board's designee and other educational**
22 **agencies and institutions approved by the Department of Education and the American Council**
23 **on Education."**

24

25 **SECTION 11. (a) Arkansas Code Annotated § 6-17-103 is hereby repealed.**

26 **(b) Arkansas Code Annotated § 6-17-104(b) is hereby amended to read as follows:**

27 **"(b) No teacher shall be entitled to the last month's pay for any school taught by him**
28 **until he shall have returned to the county board or the board's designee of the county in which**
29 **such school was taught, the daily register furnished him, with all statistical work which**
30 **teachers are by law required to perform, perfect, and complete, and no director shall otherwise**
31 **issue an order for the last month's pay."**

32 **(c) Arkansas Code Annotated § 6-17-105(a) is hereby amended to read as follows:**

33 **"(a) All principals or head teachers of each public school shall transmit to the county**
34 **board or the board's designee, not later than July 10 of each year, a written report showing:**

35 **(1) The number and name of the school district;**

1 **(2) The number by school grades of males and females, respectively, of each**
2 **race, that attended school during the last preceding school year;**

3 **(3) The average number of each sex in each school grade that attended daily;**

4 **(4) The number of days the school was taught during the year by a licensed**
5 **teacher;**

6 **(5) The name of each teacher, the grade of his certificate, the salary paid each**
7 **teacher per month, and the whole amount of salary paid the teacher during the last school year;**
8 **and**

9 **(6) All other information called for by the State Board of Education."**

10 **(d) Arkansas Code Annotated § 6-17-401(b) is hereby amended to read as follows:**

11 **"(b) No license shall be valid in any county until it has been registered in the office of**
12 **the county board or the board's designee."**

13 **(e) Arkansas Code Annotated § 6-17-408(a) is hereby amended to read as follows:**

14 **"(a) In any action filed in any court in this state, wherein the party instituting the**
15 **action seeks or has sought to impose upon any county treasurer, county board, or**
16 **superintendent of schools any liability arising out of failure to file a teacher's certificate in the**
17 **office of the county board and arising out of the failure to file a teacher's contract, which would**
18 **have been valid except for prior failure to file a teacher's license in the office of the county**
19 **board, the county treasurer, school superintendent, or county board against whom such**
20 **liability is sought to be imposed may assert as a complete defense the filing in the office of the**
21 **county board, at any time before final judgment in the action, of a teacher's license for the**
22 **particular teacher involved showing on its face that the particular teacher to whom the license**
23 **was issued possesses all the qualifications required by law and the particular teacher's**
24 **contract as of the date the teacher was required to perform the teaching contract."**

25 **(f) Arkansas Code Annotated § 6-17-902 is hereby amended to read as follows:**

26 **"6-17-902. Definitions. As used in this subchapter, unless the context otherwise**
27 **requires:**

28 **_Teacher_ shall include any full-time employee of a school district who is compelled by**
29 **law to secure a license from the State Board of Education."**

30 **(g) Arkansas Code Annotated §§ 6-17-903 through 6-17-906 are hereby repealed.**

31 **(h) Arkansas Code Annotated § 6-17-907 is hereby amended to read as follows:**

32 **"6-17-907. Funds generally.**

33 **(a) The county treasurer of each county in the state is directed to establish for each**
34 **school district in his county the following funds:**

35 **(1) The teachers' salary fund;**

1 **(2) Operating fund;**

2 **(3) Building fund;**

3 **(4) Debt service fund;**

4 **(5) Capital outlay fund; and**

5 **(6) Consolidated federal grants fund - Control.**

6 **(b) The county treasurer shall credit to the operating fund all other revenues not**
7 **earmarked for the building fund, debt service fund, or capital outlay fund.**

8 **(c) He shall credit to the building fund those funds received:**

9 **(1) Through the sale of bonds or otherwise;**

10 **(2) From insurance collected for damages to school property except when the**
11 **property damages have been repaired out of the operating fund which will be reimbursed by**
12 **the insurance proceeds.**

13 **(d) He shall credit to the debt service fund revenue from any continuing levy for the**
14 **retirement of bonded indebtedness.**

15 **(e) He shall credit to the capital outlay fund any revenue specifically dedicated for**
16 **capital outlay fund purposes.**

17 **(f) He shall credit all the various federal funds to the consolidated federal grants fund**
18 **unless otherwise specifically designated by the Department of Education.**

19 **(g) The county treasurer charged with custody of the aforementioned consolidated**
20 **federal grants fund shall be responsible only for the combined federal funds in his possession**
21 **without regard to the various approved projects and limitations within the total federal**
22 **allocations to the school district.**

23 **(h) Accountability and separability of various projects shall be the responsibility of**
24 **each school district.**

25 **(i) The approved budget for the district shall be used as a guide by the county treasurer**
26 **in setting of these funds.**

27 **(j) The local board may authorize the county treasurer to transfer funds from the**
28 **operating fund to the teachers' salary fund.**

29 **(k) The county board or the board's designee, by written statement, shall instruct the**
30 **county treasurer of the various percentages and amounts of revenue to be credited to the**
31 **respective funds of each school district in the county.**

32 **(l) The county treasurer or the county board or the board's designee may request**
33 **representatives of the Division of Legislative Audit or of the Department of Education to assist**
34 **in establishing and crediting of the various percentages of revenue to the respective funds."**

35 **(i) Arkansas Code Annotated § 6-17-908 is hereby amended to read as follows:**

1 **"6-17-908. Teachers' salary fund.**

2 **(a) Only warrants or checks in payment of salaries of teachers, as defined in §**
3 **6-17-902(1), in payment of dues of teachers to professional organizations, in payment of**
4 **teachers' contributions to the Teacher Retirement System, and in payment of insurance or**
5 **other fringe benefits for teachers shall be paid from the teachers' salary fund. However,**
6 **insurance or other fringe benefits must be approved by a majority of the teachers in the school**
7 **district voting in a secret election.**

8 **(b) The county treasurer and his surety or the district treasurer, if the district has its**
9 **own treasurer, and his surety shall be liable for any warrants or checks paid from the teachers'**
10 **salary fund which are not herein authorized.**

11 **(c) No officer, agent, or other person shall charge or collect any commission for**
12 **handling any part of the teachers' salary fund."**

13 **(j) Arkansas Code Annotated §§ 6-17-909 and 6-17-910 are hereby repealed.**

14 **(k) Arkansas Code Annotated § 6-17-911 is hereby amended to read as follows:**
15 **"6-17-911. Effect of failure to make records and settlements.**

16 **(a) The disbursing officer of the State Board of Education shall withhold any and all**
17 **state funds due the school districts of any county until the county treasurer and the county**
18 **board or the board's designee have set up their records in accordance with 6-17-907.**

19 **(b) If the county collector fails to make settlements with the county treasurer as now**
20 **provided by law, the county board or the board's designee shall forthwith notify the Director of**
21 **General Education and the Director of the Department of Finance and Administration of such**
22 **failure.**

23 **(c) If such delinquent settlement is not made within two (2) weeks, the disbursing**
24 **officer of the State Board of Education shall withhold any and all state funds due the school**
25 **districts of such county until such settlement is made to the satisfaction of the director of the**
26 **Department of Finance and Administration."**

27 **(l) Arkansas Code Annotated § 6-17-912 is hereby amended to read as follows:**

28 **"6-17-912. Advances from other funds. The county treasurer is authorized to make**
29 **advances from one (1) fund to another upon written request from the county board or the**
30 **board's designee during the fiscal year."**

31 **(m) Arkansas Code Annotated § 6-17-913 is hereby amended to read as follows:**

32 **"6-17-913. Audits of accounts.**

33 **(a) The accounts of all school districts shall be audited annually by the Division of**
34 **Legislative Audit or a certified public accountant.**

35 **(b) Where audits are made by a certified public accountant, a certified copy of the**

1 **audit shall be distributed to the county board or the board's designee, the school district, the**
2 **Department of Finance and Administration, and the Department of Education."**

3 **(n) Arkansas Code Annotated §§ 6-17-916 and 6-17-917 are hereby repealed.**

4 **(o) Arkansas Code Annotated § 6-17-918 is hereby amended to read as follows:**
5 **"6-17-918. Issuing and countersigning warrants.**

6 **(a) For those districts for which the county board's designee does not serve as ex officio**
7 **financial secretary as provided in 6-12-205, it shall be the duty of the district superintendent**
8 **of schools to serve as ex officio financial secretary and to issue and countersign all warrants.**

9 **(b) For those districts for which the county board's designee serves as ex officio**
10 **financial secretary, he shall also issue and countersign all warrants.**

11 **(1) However, upon request of the board of directors of any other school district**
12 **administered in the county, the county board of education shall authorize a designee to serve as**
13 **ex officio financial secretary of the district.**

14 **(2) Any school district board of directors by resolution adopted by majority vote**
15 **may designate the ex officio financial secretary as the disbursing officer of the district, and no**
16 **additional signature shall be required on warrants.**

17 **(3) Such resolution must be filed with the county board of education and the**
18 **county treasurer.**

19 **(4) No warrants shall be valid without the signature of the ex officio financial**
20 **secretary.**

21 **(5)(A) Such countersigning officer shall give bond in the sum of two thousand**
22 **dollars (\$2,000) or an amount equal to ten percent (10%) of the total amount of the estimated**
23 **revenue of the school district for the school fiscal year covered by the bond, whichever is the**
24 **greater, the maximum not to exceed twenty thousand dollars (\$20,000), for the faithful**
25 **discharge of his duties and for the proper accounting of all school money that may come into**
26 **his hands or under his control.**

27 **(B) The surety of such bond is to be a surety company authorized to do**
28 **business in the State of Arkansas as surety.**

29 **(C) Such bond shall be filed in the office of the county clerk and a copy**
30 **thereof filed in the office of the Director of General Education.**

31 **(D) Premiums of such bonds shall be paid by the school district board**
32 **or county board in the same manner as other fixed charges.**

33 **(c) The county board's designee or the district superintendent of schools shall neither**
34 **issue nor countersign any warrants until he has determined that the warrants have been issued**
35 **in conformity with 6-20-402, this subchapter, and other laws."**

1 **(p) Arkansas Code Annotated § 6-17-919 is hereby amended to read as follows:**
2 **"6-17-919. Warrants void without valid certificate and contract.**

3 **(a) All warrants issued in payment of teachers' salaries are void unless:**

4 **(1) The teacher has a valid teachers' certificate filed with the county board or**
5 **with the board designee's office;**

6 **(2) The teacher has been employed by a valid written contract; and**

7 **(3) Copies of such contract are on file in the offices of the county treasurer and**
8 **the county board or the board's designee.**

9 **(b) The county board or the board's designee or the district superintendent of schools**
10 **and his surety shall be liable for any warrants which he countersigns in payment of teachers'**
11 **salaries unless and until there is a valid teachers' certificate and contract for the teacher on**
12 **file with the county board or with the board's designee.**

13 **(c) The county treasurer and his surety shall be liable for all warrants in payment of**
14 **teachers' salaries which he pays unless and until there is a valid contract on file in his office."**

15 **(q) Arkansas Code Annotated § 6-17-920 is hereby amended to read as follows:**
16 **"6-17-920. Examination of teachers' contracts - Effect.**

17 **(a) It shall be the duty of the county board or the board's designee, when the teachers'**
18 **contracts are filed as required by 6-13-620 and 6-17-919, to examine such contracts.**

19 **(b) If the county board finds that any board of directors has entered into contracts**
20 **with teachers who have not recorded a valid teachers' certificate with the board, the county**
21 **board or the board's designee shall immediately notify the board of directors in writing to**
22 **correct the contract or contracts to conform to the legal requirements.**

23 **(c) If the board of directors does not make contracts in accordance with this**
24 **subsection and other legal requirements, the county board or the board's designee shall notify**
25 **the county treasurer that the contracts are invalid.**

26 **(d) It shall then be the duty of the county treasurer to refuse payment of warrants**
27 **issued upon the contracts, and he and his sureties shall be liable for failure to do so.**

28 **(e) Moreover, the county board or the board's designee and their surety shall be liable**
29 **for any warrants countersigned which are inconsistent with the provisions of this section."**

30 **(r) Arkansas Code Annotated § 6-17-921 is hereby amended to read as follows:**
31 **"6-17-921. Checking certain county treasurers' records - Effect.**

32 **(a) The county board or the board's designee in each county of the state, on or before**
33 **June 30 of each fiscal year, shall check the county treasurer's records to ascertain whether or**
34 **not each district in the county has earmarked and paid the proper amount for teachers'**
35 **salaries as provided *under current law*.**

1 **(b) The county board or the board's designee may call upon a representative of the**
2 **State Board of Education to verify and approve the accuracy of the board's figures.**

3 **(c) If it is found that a district has not paid to its teachers the amount required *under***
4 ***current law*, then the county board or the board's designee shall immediately notify the school**
5 **district board in writing to make the adjustment and shall notify the county treasurer in**
6 **writing to stop payment on all warrants issued by the district until the adjustment has been**
7 **made.**

8 **(d) If the county treasurer refuses to stop payment on all warrants presented after**
9 **receipt of notice from the county board or the board's designee, then he shall be personally**
10 **liable for the amount of the adjustment due plus a penalty in an equal amount of the**
11 **adjustment.**

12 **(e) The county board or the board's designee shall make such checks as provided above**
13 **and send to the school district boards and the county treasurer a statement certifying whether**
14 **the teachers have been paid the amount required by *law*.**

15 **(f) A copy of this statement to each of the districts shall be sent to the Division of**
16 **Legislative Audit not later than July 10 of each year.**

17 **(g) If the school district board refuses to make the adjustment within thirty (30) days**
18 **after receipt of notice, then the county board or the board's designee shall notify the disbursing**
19 **officer of the State Board of Education.**

20 **(h) Upon receipt of this notice the disbursing officer shall withhold all future**
21 **allotments from state funds accruing from special taxes to which the district is entitled until**
22 **the adjustment has been made."**

23 **(s) Arkansas Code Annotated § 6-17-922 is hereby repealed.**

24
25 **SECTION 12. (a) Arkansas Code Annotated § 6-18-218 is hereby amended to read as**
26 **follows:**

27 **"6-18-218. Monthly report of parental noncompliance - Notification of prosecuting**
28 **attorney.**

29 **(a) It shall be the duty of each teacher in the public schools, either directly or through**
30 **his or her principal or superintendent, to report specially each month to the county school**
31 **board or the board's designee and to the clerk or secretary of the school district board of**
32 **directors the names and addresses of any parents or guardians residing in his or her district**
33 **who have failed to comply with the provisions of this act after due notice was given as provided**
34 **in 6-10-107.**

35 **(b) It shall be the duty of the county school board or the board's designee to forward**

1 copies of the report, within ten (10) days after receiving it, to the prosecuting attorney of his
2 district.

3 (c) The provisions of this section shall not be construed as conflicting with duties and
4 powers of the attendance officers as set forth in 6-18-210."

5 (b) Arkansas Code Annotated § 6-18-219 is hereby amended to read as follows:

6 "6-18-219. False attendance reports. Any teacher, director, county school board or the
7 board's designee, or any other person whose duty it is to make reports as to the schools of the
8 county, who shall make a false report to the county board of education or the State Board of
9 Education as to the number of children enumerated, the number enrolled in school, or the
10 number in average daily attendance in the schools shall be:

11 (1) Guilty of a misdemeanor, punishable by a fine not to exceed one hundred dollars
12 (\$100) payable into the general school fund of the county; and

13 (2) Liable personally for any loss of revenue which the district or state sustains as a
14 result of the false report."

15 (c) Arkansas Code Annotated § 6-18-704(c) is hereby amended to read as follows:

16 "(c) In districts having a high concentration of children with disabling conditions as
17 determined by the State Board of Education, the ratio of school nurses-to-students should be
18 one (1) to four hundred (400) in those schools so designated."

19 (d) Arkansas Code Annotated § 6-18-704(d) is hereby amended to read as follows:

20 "(d) In a district which provides a center for profoundly disabled students, the ratio
21 should be one (1) school nurse per one hundred twenty-five (125) students at that center."

22

23 **SECTION 13.** (a) Arkansas Code Annotated §§ 6-20-210 through 6-20-214 are
24 hereby repealed.

25 (b) Arkansas Code Annotated § 6-20-215 is hereby amended to read as follows:

26 "6-20-215. General school fund - Sources generally. The general school fund of any
27 county shall be composed of all money received from the Public School Fund of the state, such
28 fines, penalties, and other money as shall be accrued to such funds in accordance with the law,
29 and any appropriation from the general revenue of the county for public school purposes."

30 (c) Arkansas Code Annotated § 6-20-216 is hereby amended to read as follows:

31 "6-20-216. General school fund - Apportionment generally. The county board of
32 education, after setting aside the funds for the salaries and expenses of the county school board
33 designee's office, shall apportion the general school fund of the county on the basis on which
34 public school funds are apportioned to the counties."

35 (d) Arkansas Code Annotated § 6-20-220 is hereby amended to read as follows:

1 **"6-20-220. County treasurer's report to the county supervisor. The county treasurer**
2 **of each county shall on or before July 10 of each year forward to the county school board or the**
3 **board's designee a certified statement showing:**

4 **(1) The amount of public school funds received by him;**

5 **(2) From what source received;**

6 **(3) How and for what purpose they have been disbursed during the past school year;**

7 **and**

8 **(4) The amount that remains in the treasury on July 1."**

9 **(e) Arkansas Code Annotated § 6-20-302(2) is hereby amended to read as follows:**

10 **"(2) _Weighted average daily membership (WADM)_ means the average daily**
11 **membership plus the _add-on_ weights for special education, vocational education, and gifted**
12 **and talented education.**

13 **(A) Students evaluated as special education students in accordance with**
14 **regulations promulgated by the Department of Education shall be given add-on weights in the**
15 **following amounts for each type of setting in which services are required:**

16	Itinerant	.40	Resource Room
17	.85 Self-contained (Ratio of 1-15)	.70	Self-contained (Ratio
18	of 1-10)	1.10	Self-contained (Ratio of 1-6)
19	Special School, Day	2.35	2.00

20 **(B) Vocational programs**
21 **shall be divided into four (4) groups. Group 1 shall include career orientation and cooperative**
22 **programs except those involving students with disabilities. Group 2 shall include coordinated**
23 **career education, consumer and homemaking education, and exploratory programs in all**
24 **occupational areas. Group 3 shall include skill training programs in all occupational areas.**
25 **Group 4 shall include exceptionally high cost skill training programs limited to electronics,**
26 **welding, machine shop, industrial equipment mechanics, and metal trades. Weighting for**
27 **programs approved by the Vocational and Technical Education Division shall be as follows:**

	SERVICE HOUR	FULL-TIME EQUIVALENT
28 Group 1	.067	.40
29 Group 2	.083	.50
30 Group 3	.100	.60
31 Group 4	.150	.90

32 **(C) When a home district sends students to an approved vocational center,**
33 **funds shall be transmitted by the home district to the vocational center during the year**
34 **instruction is provided on the same schedule through which the home district receives its**
35 **Minimum Foundation Program Aid from the Department of Education or on some alternate**

1 schedule approved by the Vocational and Technical Education Division. These funds shall
 2 equal two hundred fifty dollars (\$250) per half-time equivalent student (three (3) periods)
 3 during school year 1985-86 for tuition and one hundred percent (100%) of the funds
 4 generated by add-on weights. The tuition shall increase to three hundred dollars (\$300) per
 5 half-time equivalent student for the school year 1986-87 and shall, for school years thereafter,
 6 be determined by the State Board of Vocational Education after an analysis of the impact of
 7 charging tuition on vocational centers enrollments. Each school district participating in a
 8 vocational center shall submit to the Vocational and Technical Education Division by April 10
 9 of each year the number of students enrolled in the current school year. The Vocational and
 10 Technical Education Division shall use current enrollments to determine the number of
 11 add-ons to be certified, by April 25 of each year, to the General Education Division which is
 12 used for the computation of state aid.

13 (D) School districts which operate, either individually or as a part of a
 14 cooperative of districts, an approved educational program for gifted and talented students shall
 15 receive funds for the operation of the program based on an add-on weight of twenty-five
 16 hundredths (.25) for each of its students identified as being gifted and talented under
 17 guidelines and criteria approved by the State Board of Education, up to a number equal to five
 18 percent (5%) of its ADM for the previous year."

19 (f) Arkansas Code Annotated § 6-20-305 is hereby amended to read as follows:

20 "6-20-305. Funds included in formula. Public school fund programs to be included in
 21 the aid allocation formula provided by this subchapter are:

- 22 (1) Minimum Foundation Program Aid;
- 23 (2) Aid for Education of Children With Disabilities;
- 24 (3) Guidance Aid;
- 25 (4) Elementary and Secondary Textbook Funds; and
- 26 (5) Vocational Aid, excluding aid for Basic and General Adult Education."

27 (g) Arkansas Code Annotated § 6-20-306 is hereby amended to read as follows:

28 "6-20-306. Computation of state aid for allocation to school districts.

29 (a)(1) A charge shall be levied against each district's charged assessed valuation by
 30 property class as indicated below:

31	REAL	PERSONAL	UTILITIES AND
32	PROPERTY	PROPERTY	REGULATED
33		CARRIERS	
34	19 Mills	45 Mills	45 Mills

35 (2)(A) The charge levels as provided by this subsection shall be increased by

1 **one (1) mill against each property class except personal property, utilities, and regulated**
2 **carriers, for each twenty-five million dollars (\$25,000,000), or major fraction thereof,**
3 **increase in funding by the state for Minimum Foundation Program Aid. The charge levels shall**
4 **not be increased by more than six (6) mills, resulting in a maximum to be charged under the**
5 **provisions of this subsection of twenty-five (25) mills on real property and fifty-one (51) mills**
6 **on personal property, utilities, and regulated carriers.**

7 **(B) The charge levels as provided by this subsection shall be increased**
8 **by one-tenth (1/10) mill against each property class, except personal property, utilities, and**
9 **regulated carriers, for each two million five hundred thousand dollar increase in funding by**
10 **the state for Minimum Foundation Program Aid. The charge levels shall not be increased by**
11 **more than six (6) mills, resulting in a maximum to be charged under the provisions of this**
12 **subsection of twenty-five (25) mills on real property and fifty-one (51) mills on personal**
13 **property, utilities, and regulated carriers.**

14 **(3) Beginning July 1, 1995, and thereafter, the charge levels provided by this**
15 **subsection shall be increased by one-tenth (1/10) mill against personal property, utilities, and**
16 **regulated carriers for each two million five hundred thousand dollar increase in funding by the**
17 **state for Minimum Foundation Program Aid. The charge levels shall not be increased by more**
18 **than six (6) mills, resulting in a maximum to be charged under the provisions of this**
19 **subsection of twenty-five (25) mills on real property and fifty-one (51) mills on personal**
20 **property, utilities, and regulated carriers.**

21 **(b) Any school district which in the second annual school election after an increase is**
22 **made in the state's charged millage levy votes a millage levy on its assessment that is more than**
23 **three (3) mills below the state's charge levy on real property shall lose all add-on weights for**
24 **which it qualifies under § 6-20-302(2)(B), (C), (D), and (E), except that the total minimum**
25 **millage required to be voted under this provision to avoid such a loss shall not exceed**
26 **twenty-two (22) mills. Add-on weights lost under this provision shall be restored in the school**
27 **year following the annual school election in which the voters of the district approve a tax levy**
28 **on its charged assessment which is within three (3) mills of the state's charged levy.**

29 **(c) Each district's state aid allocation shall be an amount determined when its adjusted**
30 **local resource rate per WADM is subtracted from the state base equalization rate per WADM**
31 **and the difference is multiplied by its WADM of the previous year."**

32 **(h) Arkansas Code Annotated §§ 6-20-310(a) is hereby amended to read as follows:**

33 **"(a) Funds shall be set aside from the total funds available for allocation under the**
34 **provisions of this subchapter for adjustments in aid allocation to any district whose actual real**
35 **property assessment, when certified by the county clerk or the county school board or the**

1 board's designee, has decreased by more than five percent (5%) from the projected amount
2 used in determining the aid for the district."

3 (i) Arkansas Code Annotated §§ 6-20-312 is hereby repealed.

4 (j) Arkansas Code Annotated § 6-20-313 is hereby amended to read as follows:

5 "**6-20-313. Other set-aside funds. Other set-aside funds shall be as follows:**

6 (1) Funds required for the Department of Correction school district;

7 (2) Two hundred fifty thousand dollars (\$250,000) annually for contingency aid to
8 school districts undergoing hardships or emergencies identified by criteria approved by the
9 State Board of Education and with an amount not to exceed fifteen thousand dollars
10 (\$15,000) being awarded to any one (1) school district;

11 (3) One hundred seventy-five thousand dollars (\$175,000) for those districts
12 identified as isolated by criteria approved by the State Board of Education, provided that any
13 school district receiving such aid shall have voted at the previous school election a millage levy
14 equal to at least the state millage charge on real property, as set forth in 6-20-306(a);

15 (4) Funds sufficient to pay the school employee liability insurance required by
16 6-17-1113 and funds necessary to pay the amounts required by 6-20-302(13), 6-20-306(d),
17 and 6-20-309;

18 (5) Funds shall also be set aside to pay for the educational costs of children without
19 disabilities who have been placed in approved residential treatment facilities, as defined by the
20 Arkansas Department of Education (ADE), Division of Special Education, up to an amount
21 equal to the product of the regular ADM count plus an add-on weight of three and one-tenth
22 (3.1) for residential placement and the state base equalization rate; and for the educational
23 costs of children without disabilities in school districts not qualifying for any Minimum
24 Foundation Program Aid, who have been placed in approved residential treatment facilities as
25 defined by the ADE, Division of Special Education, up to an amount equal to the product of the
26 regular ADM count plus an add-on weight of three and one-tenth (3.1) for residential
27 placement, and the state base equalization rate;

28 (6) Funds shall also be set aside to pay for the educational costs of children with
29 disabilities, including those in school districts not qualifying for any Minimum Foundation
30 Program Aid, who have been placed in approved residential treatment facilities, as defined by
31 the Arkansas Department of Education, Division of Special Education, up to an amount equal
32 to the product of the regular ADM count plus an add-on weight of three and one-tenth (3.1),
33 and the state base equalization rate, regardless of the setting in which the education is
34 provided. An add-on weight of three and one-tenth (3.1) is to be used if the student must
35 receive his or her educational program in a special residential school. An add-on weight of two

1 and thirty-five hundredths (2.35) is to be used if the student must receive his education in a
2 special day school and the state base equalization rate. Educational costs funded under this
3 subsection are specifically covered by 6-20-316(b)."

4 (k) Arkansas Code Annotated § 6-20-316 is hereby amended to read as follows:

5 "6-20-316. Allocation and administration of funds - Aid to handicapped.

6 (a) The Special Education Section of the Department of Education shall require that
7 each district qualifying for aid for children with disabilities present a projected budget of
8 expenditures each year for programs for children with disabilities that will ensure the proper
9 allocation of both state and local moneys for expenditures for this purpose.

10 (b) One hundred percent (100%) of state funds generated by add-on weighting for
11 children with disabilities in each district and that amount of other state and local resources
12 per child multiplied by the number of children with disabilities shall be allocated and expended
13 as required to meet the excess cost provisions of federal law.

14 (c) The proposed budget of expenditures form prepared by the Special Education
15 Section of the Department of Education for this purpose shall include space for information
16 concerning the expenditure of all federal moneys that might be received by the district for
17 education of children with disabilities.

18 (d) The Finance Section of the Department of Education, General Division, shall
19 disburse moneys from the Public School fund to those school districts qualifying for state aid
20 for education of children with disabilities.

21 (e) The Special Education Section shall monitor local programs for the education of
22 children with disabilities and ensure that all necessary records are kept locally for proper
23 identification and classification of children with disabilities in each district.

24 (f) Each district shall make reports as might be required by the Special Education
25 Section of the Department of Education concerning information or progress of their
26 educational program for children with disabilities.

27 (g) No later than April 10 of each year, each district shall report the average daily
28 membership of all qualifying children with disabilities to the Special Education Section of the
29 Department of Education, General Division, by classification as determined in 6-20-302(2),
30 with such attendance reflecting the first three (3) quarters of the current school year.

31 (h) The Special Education Section will then compute the add-on weights for each
32 school district and make this information available to the Department of Education, General
33 Division, no later than April 25 of each year.

34 (i) The evaluation file of each student classified as a child with disabilities shall be
35 subject to monitoring by officials of the Department of Education to ensure that the child is

1 **classified in the proper category for weighting.**

2 **(j) The Arkansas Department of Education may issue a waiver allowing the use of a**
3 **limited amount of special education funds, generated under Minimum Foundation Program**
4 **Aid for students not diagnosed as seriously emotionally disturbed under special education**
5 **regulations, but who have been properly diagnosed as emotionally disturbed, who receive or**
6 **need to receive services in an approved school-based day treatment program. Any such waivers**
7 **shall be granted only in accordance with regulations established by the department. Such**
8 **students shall not be eligible to be counted for generation of Minimum Foundation Program**
9 **Aid under special education weighting. Such students shall not be eligible for funds under the**
10 **Education of the Handicapped Act, as amended, 20 U.S.C. 1400 et seq.**

11 **(k) Set-aside funds for the educational costs of children with disabilities placed in**
12 **approved residential treatment facilities located outside the boundaries of the State of**
13 **Arkansas may be used to fund the excess cost of such placement incurred by a school district.**
14 **The excess cost to the district will be that amount remaining after the district has paid the**
15 **funds available under the set-aside funds at the rate of four and one-tenth (4.1) times the state**
16 **base equalization rate plus an amount equal to the greater of nine (9) times the state base**
17 **equalization rate or fifty percent (50%) of the balance after the district applies the four and**
18 **one-tenth (4.1) times the state base equalization rate to the total costs."**

19 **(l) Arkansas Code Annotated § 6-20-403 is hereby amended to read as follows:**

20 **"6-20-403. Authority to draw warrants - Countersignature. The school district board**
21 **of directors is authorized to draw warrants on the county treasurer for all funds to be**
22 **disbursed by them, such warrants to be countersigned by the agent authorized by the county**
23 **school board, as countersignature is expressly required by law."**

24 **(m) Arkansas Code Annotated §§ 6-20-405 and 6-20-406 are hereby repealed.**

25 **(n) Arkansas Code Annotated § 6-20-501 is hereby amended to read as follows:**

26 **"6-20-501. Legislative determination. The General Assembly recognizes that:**

27 **(1) Under present laws and practices, school students of this state may, for various**
28 **reasons and purposes, be transferred or assigned to attend school in another district;**

29 **(2) In many such instances, the respective school districts involved here have entered**
30 **into agreements with respect to the financial rights and responsibilities of the respective school**
31 **districts involved in student transfer and assignment and have made provision for the sharing**
32 **in the cost of the education of the child mutually acceptable to both districts;**

33 **(3) In many instances involving a child living in a foster home or children with**
34 **disabilities, as defined in this subchapter, the foster child or child with disabilities or his**
35 **parents, guardian, or some other person having custody of the child or standing in the**

1 relationship of loco parentis to the child, enters or seeks to enter a school district other than
2 the school district in which the parents of the child reside and that gross inequities are worked
3 upon the school district receiving the child if the district is unable to receive the state, local,
4 and federal funds available to the sending district for the education of the child; and

5 **(4) Fairness and equity demand that appropriate rules and regulations be adopted to**
6 **define the relative rights and responsibilities of the involved school districts to share the**
7 **educational funds received by a sending district to educate a child with disabilities or a child**
8 **living in a foster home who attends school in another school district in this state if it is**
9 **determined that it is in the best interest of the education of the child with disabilities to attend**
10 **school in the receiving district, so long as attendance therein is not based upon racial or other**
11 **reasons which are contrary to applicable federal or state laws and regulations."**

12 **(o) Arkansas Code Annotated § 6-20-502 is hereby amended to read as follows:**

13 **"6-20-502. Definitions. As used in this subchapter, unless the context otherwise**
14 **requires:**

15 **(1) _Child with Disabilities_ or _student with disabilities_ means a person eligible to**
16 **attend the public schools in this state who is identified as disabled in accordance with**
17 **regulations promulgated by the State Board of Education under 6-41-201 et seq.;**

18 **(2) _Child living in a foster home_ means a school-age child in this state living in the**
19 **residence of the guardian or the residence of a foster family home or child care facility where**
20 **the Department of Human Services has custody of the child or where the child has been placed**
21 **in a foster family home or child care facility by a juvenile or chancery court, or where the child**
22 **has been placed in a family care and training home by the Department of Human Services.**

23 **_Child care facility_ shall not include any unit of the human development centers operated by**
24 **the Department of Human Services or its successor;**

25 **(3) _State funds_ means any state funds received by the school district in the form of**
26 **Minimum Foundation Program Aid, Transportation Aid, Aid to Children with Disabilities, or**
27 **other state special education funds;**

28 **(4) _Local operating funds_ means any local operating funds derived from property**
29 **taxes for the school year, including any surplus funds received from millage pledged for**
30 **indebtedness purposes but which are not necessary to meet debt service requirements and are**
31 **transferred to the operating account of the school district for the year;**

32 **(5) _Federal funds_ means any federal funds received by the school district which are**
33 **of a category or nature that would have benefited a child with disabilities or a child living in a**
34 **foster home, as defined in this subchapter, if the child attended the school district during the**
35 **school year or the portion of the school year, but who instead attended another school district**

1 in this state which makes application for funds to be used in behalf of the education of the
2 child, as provided in this subchapter;

3 (6) **_Sending district_ means the school district which is defined by laws or regulations**
4 **as being the school district of residence of the school-age child;**

5 (7) **_Receiving district_ means a school district in this state in which a child attends or**
6 **seeks to attend school other than the school district or residence of the child."**

7 (p) **Arkansas Code Annotated § 6-20-503 is hereby amended to read as follows:**

8 **"6-20-503. Rules and regulations. The State Board of Education shall adopt**
9 **reasonable rules and regulations for the administration and enforcement of the provisions of**
10 **this subchapter and to carry out the purposes and intent of this subchapter that reasonable**
11 **procedures be established to assure that funds provided for the education of a child living in a**
12 **foster home and of children with disabilities, as defined in this subchapter, in this state shall be**
13 **equitably and fairly shared by the school districts having the lawful responsibility for the**
14 **education of such children in this state, as defined in this subchapter."**

15 (q) **Arkansas Code Annotated § 6-20-504(b) is hereby amended to read as follows:**

16 **"(b)(1) In those instances in which a child living in a foster home attends a public**
17 **school in a school district in which the foster family home or child care facility is located but,**
18 **during the previous school year, attended another school district in this state which, due to the**
19 **average daily attendance of that child during the previous school year, receives Minimum**
20 **Foundation Program Aid and other state aid and federal funds for or in behalf of the education**
21 **of such child during the current school year, the school district in which the foster child is a**
22 **student may make application to the other school district receiving state and federal funds for**
23 **the education of the child to remit the pro rata part of such state, federal, and local funds**
24 **available for the education of the child, including special education funds if the foster child is a**
25 **child with disabilities, to the school district in which the foster child is now a student.**

26 (2) **Application shall be in writing and shall state the name of the child, the fact**
27 **that the child is in a foster home in the school district, and request payment to such district of**
28 **the state, federal, and local funds, including special education funds, if the foster child is a**
29 **child with disabilities as defined in this subchapter, available for the education of the child for**
30 **the current school year due to the attendance of the child at the school during the previous**
31 **year.**

32 (3) **If the school district to which the request is made fails or refuses to pay the**
33 **requested funds to the requesting school district within thirty (30) days after receiving the**
34 **request, the requesting school district may notify the Department of Education of the fact, and**
35 **the Department of Education shall investigate the facts of the request and refusal to remit**

1 payment.

2 **(4) If the Department of Education determines that the funds requested were**
3 **due the requesting school district as provided in this section, the Department of Education**
4 **shall notify the school districts involved of the determination and shall withhold the amount**
5 **thereof from the next state aid funds available for distribution to the school district which**
6 **failed or refused to remit the funds as provided in this subchapter and shall pay the amount**
7 **over to the requesting school district as provided in this section, to be used for the education of**
8 **the child living in a foster home who is a student in the school district during the current**
9 **school year."**

10 **(r) Arkansas Code Annotated § 6-20-505 is hereby amended to read as follows:**

11 **"6-20-505. Handicapped children - Receiving district's request for funds.**

12 **(a) Whenever any child with disabilities attends or seeks to attend a school district**
13 **other than the school district in which his lawful parents, guardian, or other person in loco**
14 **parentis to the child resides, the receiving district may make application to the sending district**
15 **requesting that all state, federal, local or other funds received by the sending district in behalf**
16 **of the education of the child for the school year or portion of the school year the child attends**
17 **school in the receiving district be remitted by the sending district to the receiving district.**

18 **(b) Before requesting such funds, the requesting district shall have made a**
19 **determination that:**

20 **(1) The child is a child with disabilities as defined in this subchapter and the**
21 **applicable rules and regulations promulgated by the State Board of Education, as provided in**
22 **this subchapter;**

23 **(2) the attendance of the child with disabilities in the school district is in the**
24 **best interest of the education of the disabled child;**

25 **(3) The receiving district has accepted or is willing to accept the child with**
26 **disabilities as a student; and**

27 **(4) The request for attendance at the receiving district is not based upon any**
28 **racial or other reason which might be contrary to the laws and regulations of the United States**
29 **or of this state or the rules and regulations promulgated by the State Board of Education**
30 **under the provisions of this subchapter.**

31 **(c) The request for funds from the sending district shall be prepared by the receiving**
32 **district in writing, setting forth the name of the child; the name and address of the parents,**
33 **guardian, or other person lawfully responsible for the child; a statement of reasons why the**
34 **child is in attendance or seeks to attend the receiving district instead of the district in which**
35 **the child should be in attendance; and that the receiving district has determined it is in the**

1 **best interest of the education of the child with disabilities that the child be permitted to attend**
2 **school in the receiving district."**

3 **(s) Arkansas Code Annotated § 6-20-506(c) is hereby amended to read as follows:**

4 **"(c) The amount of local funds to be remitted shall not exceed the pro rata amount per**
5 **child of local operating funds as defined in this subchapter which are received by the school**
6 **district from the sending district for property taxes for the school year, as these funds relate to**
7 **the total number of school-age children in average daily attendance in the school district for**
8 **the school year; and the amount of federal funds to be remitted shall be the pro rata amount**
9 **per child of federal funds as defined in this subchapter which are received for the category of**
10 **all students eligible to receive federal funds who are within the same classification or category**
11 **of the child with disabilities for which payment is sought."**

12 **(t) Arkansas Code Annotated 6-20-507(b) is hereby amended to read as follows:**

13 **"(b)(1) The hearing officer may recommend approval of the request to the State Board**
14 **of Education if the hearing officer determines that:**

15 **(A) The application is made by or in behalf of a child with disabilities as**
16 **defined in this subchapter;**

17 **(B) It is in the best interest of the education of the child to be admitted**
18 **to or to continue to attend school in the receiving district;**

19 **(C) The child's educational needs can be better served in the receiving**
20 **district; and**

21 **(D) The request for attendance at the receiving district is not based**
22 **upon any racial or other reason which might be contrary to the laws and regulations of the**
23 **United States or of this state or the rules and regulations promulgated by the State Board of**
24 **Education under the provisions of this subchapter.**

25 **(2) Any district aggrieved by the report and recommendations of the hearing**
26 **officer may appeal to the State Board of Education within thirty (30) days after the date of the**
27 **ruling of the hearing officer."**

28 **(u) Arkansas Code Annotated § 6-20-508(a) is hereby amended to read as follows:**

29 **"(a)(1) If a hearing by the State Board of Education is requested in writing by either or**
30 **both of the affected school districts or any party to the action, at least ten (10) days prior to the**
31 **next regular board meeting, the State Board of Education shall schedule a hearing in regard**
32 **thereto and shall give each of the affected districts and the affected parties at least five (5)**
33 **days' notice of the date, time, and place of the hearing.**

34 **(2) On the day and at the time scheduled for the hearing, the board may hear all**
35 **interested parties and, upon conclusion thereof, may issue its ruling in regard to the**

1 application for payment of funds in behalf of the child with disabilities, and, unless an appeal is
2 filed therefrom with a court of competent jurisdiction within twenty (20) days after the date of
3 such ruling, the ruling shall be final and shall be binding on the school districts and the parties
4 affected."

5 (v) Arkansas Code Annotated § 6-20-509 is hereby amended to read as follows:

6 "6-20-509. Handicapped children - Sending district's refusal to pay.

7 If the ruling of the State Board of Education provides for payment to be made by the
8 sending district in behalf of the education of the child in the receiving district and the sending
9 district shall refuse to make payments in the amount approved by the board, upon certification
10 thereof by the receiving district, the State Board of Education shall cause the amount of any
11 state, federal, local, or other funds not remitted to the receiving district to be withheld from the
12 next Minimum Foundation Program Aid, Transportation Aid, Aid to Children with
13 Disabilities, or special education funds to the district which has failed to make payments and
14 shall remit the funds to the receiving district in compensation for payments not made by the
15 sending district."

16 (w) Arkansas Code Annotated § 6-20-510 is hereby amended to read as follows:

17 "6-20-510. Confidentiality of records. All files and records which are required by the
18 laws of this state or under the provision of applicable federal laws or regulations to be kept
19 confidential and all court orders pertaining to the confidentiality of records or prohibiting or
20 limiting the disclosure thereof pertaining to a child living in a foster home or a child with
21 disabilities under the provisions of this subchapter shall be strictly complied with by the
22 respective school districts and the Department of Education in all correspondence and
23 transactions pertaining to administration of the provisions of this subchapter."

24 (x) Arkansas Code Annotated §6-20-1213 is hereby amended to read as follows:

25 "6-20-1213. Duty to pay on maturity - Effect of failure.

26 (a) The school district board of directors, the secretary of the board, and the county
27 board or the board's designee shall see to it that sufficient funds to meet each maturity of
28 principal and interest of all bonds of their district are in the place of payment not later than the
29 day before the date of maturity.

30 (b) Any failure thereof shall be cause for the State Board of Education to withhold the
31 monthly salary of the county board's designee and to withhold any apportionment of school
32 funds that would otherwise be apportioned to that district and apply them on any past due
33 bonds of that district."

34 (y) Arkansas Code Annotated §§ 6-20-1403 through 6-20-1405 and 6-20-1408 are
35 hereby repealed.

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SECTION 14. (a) Arkansas Code Annotated 6-41-101(a) is hereby amended to read as follows:

"(a) Prior to expending any funding for new programs to children with disabilities which include funding for evaluation, counseling, assessment, personnel, equipment, or other capital outlay in other than public schools, the Division of Vocational and Technical Education of the Department of Education shall publish a public notice of the intent to provide additional special services to the disabled, specifying the services in the public notice, and inviting organizations that are recognized by the state to provide education, assessment, jobs skills training, or vocational education to children with disabilities to submit proposals to provide the additional special services."

(b) Arkansas Code Annotated § 6-41-102 is hereby amended to read as follows:

"6-41-102. Extended year program. The extended year program for school-age children with disabilities shall be established and implemented by school districts as established by the individual education plan of the child during the summer at the close of each school year."

(c) Arkansas Code Annotated § 6-41-201 is hereby amended to read as follows:

"6-41-201. Title. This subchapter shall be known as The Children With Disabilities Act of 1973."

(d) Arkansas Code Annotated § 6-41-202 is hereby amended to read as follows:

"6-41-202. Policy and purposes.

(a) It shall be the policy of this state to provide and to require school districts to provide, as an integral part of the public schools, a free appropriate public education (FAPE) for students with disabilities. The State Board of Education is therefore expressly authorized to assign responsibility for providing free appropriate public education of any child with a disability to an appropriate school district.

(b)(1) One of the purposes of this subchapter is to cooperate in any reasonable way with programs now in operation for children with disabilities in any state institution or treatment facility.

(2) It shall be a primary purpose of this subchapter to cooperate fully with the institutions and treatment facilities to the end that the best interests of children with disabilities shall be served."

(e) Arkansas Code Annotated § 6-41-203 is hereby amended to read as follows:

"6-41-203. Definitions. As used in this subchapter, unless the context otherwise requires:

1 **(1) _A child with disabilities_ means a person between the ages of three (3) and**
2 **twenty-one (21) years who, because of mental, physical, emotional, or learning disabilities,**
3 **requires special education services as defined by *the federal Individuals with Disabilities***
4 ***Education Act of 1990*. This term is to be specifically interpreted to mean but not be wholly**
5 **limited to children with mental retardation, hearing impairments, speech impairments, visual**
6 **impairments, emotional disturbances, physical impairments, specific learning disabilities, or**
7 **children with other health impairments who by reason thereof require special education and**
8 **related services.**

9 **(2) _Special education_ means classroom, home, hospital, or other instruction to meet**
10 **the needs of children with disabilities and includes transportation and corrective and**
11 **supporting services required to assist children with disabilities in taking advantage of or**
12 **responding to educational programs and opportunities, but excludes instruction provided in**
13 **the state-operated schools or institutions for the disabled;**

14 **(3) _Board_ means the State Board of Education."**

15 **(f) Arkansas Code Annotated § 6-41-204 is hereby amended to read as follows:**

16 **"6-41-204. Separate schooling.**

17 **(a)(1) To the maximum extent practicable, children with disabilities shall be educated**
18 **along with children who do not have disabilities and shall attend regular classes.**

19 **(2) Impediments to learning and to the normal functioning of children with**
20 **disabilities in the regular school environment shall be overcome, when possible, by the**
21 **provision of special aids and services rather than by separate schooling for children with**
22 **disabilities.**

23 **(b) Separate schooling or other removal of children with disabilities from the regular**
24 **educational environment shall occur only when, and to the extent that, the nature or severity of**
25 **the disability is such that education in regular classes, even with the use of supplementary aids**
26 **and services, cannot be accomplished satisfactorily."**

27 **(g) Arkansas Code Annotated § 6-41-205 is hereby amended to read as follows:**

28 **"6-41-205. Provision for education.**

29 **(a) The State Board of Education shall provide or cause to be provided by school**
30 **districts, or in some cases by other departments of state government, institutions, or through**
31 **private facilities, all regular and special education, corrective, and supporting services**
32 **required by children with disabilities to the end that they shall receive the benefits of a free**
33 **public education appropriate to their needs.**

34 **(b) Programs and services may be provided under this subchapter for children below**
35 **school age who have serious disabling conditions which, if untreated, could become greatly**

1 compounded by school age."

2 (h) Arkansas Code Annotated § 6-41-206(a) is hereby amended to read as follows:

3 (a)(1) The responsibility of school districts and the state to provide free public
4 education for children with disabilities is not diminished by the availability of private schools
5 and services.

6 (2) Whenever private schools and services are utilized, it continues to be the
7 responsibility of the appropriate local school district and the State Board of Education to
8 assure an appropriate quantity and quality of instructional and related services, to assure the
9 protection of all other rights, and to ascertain that all children with disabilities receive the
10 educational and related services and rights to which the law of this state entitles them."

11 (i) Arkansas Code Annotated § 6-41-207 is hereby amended to read as follows:

12 "6-41-207. Board's duties.

13 (a) The board is empowered to initiate, inspect, approve, and supervise a program of
14 education for children with disabilities as defined in this subchapter.

15 (b) It is also designated as the agency for cooperation with the state and federal
16 government, the approved treatment centers, institutions, and the local schools in carrying out
17 the provisions of this subchapter.

18 (c) The board shall make the necessary rules and regulations in keeping with the
19 provisions of this subchapter and shall employ the necessary personnel for the proper
20 administration of this subchapter if funds are made available for this purpose.

21 (d) The board shall have authority to require reports as it deems advisable so long as
22 the requirements are in keeping with this subchapter.

23 (e) The board, in compliance with federal enforcement requirements, is authorized to
24 disallow the generation of all state aid to children with disabilities to any local school district
25 or education service cooperative which fails to comply with state and federal regulations as
26 determined by independent hearing officers, agency hearing decisions, agency complaint
27 investigation decisions, agency compliance monitoring reports, or agency jurisdictional
28 decisions. The board is authorized to set aside funds disallowed under this subsection and to
29 utilize such funds for the provision of a FAPE to appropriate children with disabilities.

30 (f) The board, in keeping with federal requirements, is designated as the agency having
31 general education supervision over public agencies which provide educational services to
32 children with disabilities as defined in this subchapter to ensure that each public agency
33 complies with state and federal regulations pursuant to the education of children with
34 disabilities."

35 (j) Arkansas Code Annotated § 6-41-209 is hereby amended to read as follows:

1 **"6-41-209. Cooperation among state agencies. The State Board of Education is**
2 **granted authority and is directed to cooperate with the Department of Human Services and**
3 **with available treatment institutions and qualified individuals in order to provide diagnostic**
4 **services to children with disabilities in need of such services."**

5 **(k) Arkansas Code Annotated § 6-41-210 is hereby amended to read as follows:**

6 **"6-41-210. Section for Education of Exceptional Children.**

7 **(a) There is established in the Department of Education a Special Education Section.**

8 **(b) The section shall be headed by an associate director who shall be qualified by**
9 **education, training, and experience to take responsibility for, and give direction to, the**
10 **programs of the Department of Education relating to children with disabilities.**

11 **(c) Implementation of this section shall be dependent upon funds being made available**
12 **to the Department of Education for this purpose."**

13 **(l) Arkansas Code Annotated § 6-41-211 is hereby amended to read as follows:**

14 **"6-41-211. Advisory council.**

15 **(a)(1) There shall be an Advisory Council for the Education of Children with**
16 **Disabilities which shall advise and consult with the Director of the General Education**
17 **Division of the Department of Education and the Associate Director of the Special Education**
18 **Section and which shall engage in such other activities as are set forth in this section.**

19 **(2) The advisory council shall be advisory only and shall have no administrative**
20 **responsibility or authority.**

21 **(b)(1) The advisory council shall be composed of nine (9) members who are not**
22 **officers or employees of state agencies, and no more than four (4) of whom may be officers or**
23 **employees of local school districts.**

24 **(2) The advisory council shall be composed of persons broadly representative of**
25 **community organizations interested in children with disabilities, professions related to the**
26 **educational needs of children with disabilities, and the general public.**

27 **(c)(1) The Director of the General Education Division of the Department of**
28 **Education shall appoint the members of the advisory council for three-year terms.**

29 **(2) Appointees may be eligible for reappointment for one (1) term.**

30 **(d) Vacancies which leave unexpired terms shall be filled in the regular manner for the**
31 **unexpired period of time, and vacancies as a result of expiration of terms shall be filled in the**
32 **regular manner for three-year periods.**

33 **(e) The advisory council annually shall elect its own chairman and vice-chairman.**

34 **(f) The Associate Director of the Special Education Section of the Department of**
35 **Education shall meet with and act as secretary to the advisory council and, within available**

1 **personnel, facilities, and appropriations, shall furnish meeting facilities and staff services for**
2 **the advisory council.**

3 **(g) The advisory council shall:**

4 **(1) Have an opportunity to comment on rules and regulations proposed for**
5 **issuance pursuant to this subchapter;**

6 **(2) Consider any problems presented to it by the Director of the General**
7 **Education Division of the Department of Education or the Associate Director of Special**
8 **Education Section of the Department of Education and give advice thereon;**

9 **(3) Review required state plans prepared by the Special Education Section**
10 **prior to their submission to duly constituted authorities;**

11 **(4) Make an annual report to the Governor, the General Assembly, the State**
12 **Board of Education, and the Director of the General Education Division of the Department of**
13 **Education.**

14 **(A) The report shall be made available to the news media in order that**
15 **the general public may be advised with reference to the thinking of the advisory council**
16 **regarding education for children with disabilities.**

17 **(B) Funds for the publication of the annual report of the advisory**
18 **council shall be made available by the State Board of Education from its regular**
19 **appropriations. Available federal or state funds may be used for this purpose."**

20 **(m) Arkansas Code Annotated § 6-41-212 is hereby amended to read as follows:**
21 **"6-41-212. Facilities.**

22 **(a) Physical aspects and specifications for buildings, classrooms, and other facilities**
23 **for, or likely to be used by, children with disabilities shall be approved by the State Board of**
24 **Education.**

25 **(b) The State Board of Education is required to review plans for public school**
26 **construction or remodeling which is designed for children with disabilities to insure**
27 **accessibility and usefulness for that purpose."**

28 **(n) Arkansas Code Annotated § 6-41-215(a) is hereby amended to read as follows:**

29 **"(a) Every school district shall test and examine, or cause to be tested and examined,**
30 **each child it believes has disabilities."**

31 **(o) Arkansas Code Annotated § 6-41-217(a) is hereby amended to read as follows:**

32 **"(a) Before any action is taken with respect to the initial placement of a child with**
33 **disabilities in a special education program, a full and individual evaluation of the child's**
34 **educational needs must be conducted."**

35 **(p) Arkansas Code Annotated § 6-41-217(b)(2) is hereby amended to read as follows:**

1 **"(2) The term _individual education plan_ means a written statement for each child**
2 **with disabilities developed in any meeting by a representative of the local educational agency or**
3 **an intermediate educational unit who shall be qualified to provide, or supervise the provision**
4 **of, specially designed instruction to meet the unique needs of children with disabilities, the**
5 **teacher, the parents or guardian of the child, and, whenever appropriate, the child."**

6 **(q) Arkansas Code Annotated § 6-41-218(a) is hereby amended to read as follows:**

7 **"(a) Every public school district shall make and keep current a list of all children with**
8 **disabilities tested and examined."**

9 **(r) Arkansas Code Annotated § 6-41-220 is hereby amended to read as follows:**

10 **"6-41-220. Equality in expenditure.**

11 **(a)(1) It is the responsibility of school districts to expend effort on behalf of the**
12 **education of each child with disabilities equal to the effort expended on account of the**
13 **education of each child who does not have a disability.**

14 **(2) Any additional effort necessary to provide supplemental aids and services**
15 **shall be the ultimate responsibility of the state but shall, to the maximum extent practicable, be**
16 **the responsibility of the local school districts.**

17 **(b) For purposes of determining the responsibility for expenditure of equal effort, the**
18 **residence of a child with disabilities shall be deemed to be the school district in which the**
19 **parent or legal guardian of the child resides. In the case of a child with disabilities whose**
20 **parents do not reside in the same school district, the residence of the child shall be the district**
21 **in which the parent having legal custody of the child resides.**

22 **(c)(1) Two (2) or more school districts may join together to establish special classes**
23 **for children with disabilities.**

24 **(2) In such event, one (1) district shall be designated as the controlling agent**
25 **and all reimbursement for the education of children with disabilities from the board shall be**
26 **made to this district.**

27 **(3) Local revenues or tuition from other districts participating in the**
28 **cooperative will be paid to the controlling district on an accepted prorated formula per child."**

29 **(s) Arkansas Code Annotated § 6-41-221 is hereby amended to read as follows:**

30 **"6-41-221. Receipt and disbursement of federal funds.**

31 **(a)(1) The board is designated as the state agency to receive and disburse federal funds**
32 **designed to improve educational opportunities provided for children with disabilities as**
33 **defined in this subchapter.**

34 **(2) The funds shall not include moneys appropriated by the Congress which are**
35 **designated specifically for use by other agencies, institutions, or treatment facilities for**

1 children with disabilities.

2 (b) The specific intention of this section is to provide that the board is designated as
3 the state agency to receive and disburse federal and state funds made available to this state for
4 education of children with disabilities, except as specifically provided for otherwise by the
5 Congress of the United States or the General Assembly, and no other interpretation shall be
6 given to it.

7 (c)(I) It is declared to be the intent of the General Assembly that of the state funds
8 allocated and appropriated to the State Board of Education for children with disabilities, the
9 State Board of Education is authorized to spend no more than two percent (2%) of the funds
10 or appropriations, or both, for program costs necessary at the state level to implement the
11 intent of this subchapter.

12 (2) The costs may include, but are not necessarily limited to, the programs or
13 services benefiting children with disabilities such as consultative services, workshop expenses,
14 institutional materials, council expenses, in-service programs, scholarships for teachers of
15 children with disabilities and testing programs.

16 (d) The State Board of Education shall develop such plans and procedures as may be
17 required in order to receive and disburse federal funds for children with disabilities."

18 (t) Arkansas Code Annotated § 6-41-223 is hereby amended to read as follows:

19 "6-41-223. Reports. Each school district shall report annually to the State Board of
20 Education at a prescribed due date the extent to which it is at that time providing for the
21 special education for children with disabilities necessary to implement the policy of this
22 subchapter."

23

24 SECTION 15. Arkansas Code Annotated §§ 6-41-401 through 6-41-407 are hereby
25 repealed.

26

27 SECTION 16. (a) Arkansas Code Annotated § 6-43-101(c) is hereby amended to read
28 as follows:

29 "(c)(I) Members of the board appointed by the governor under the provisions of this
30 section, in addition to possessing the qualifications of an elector, shall reside in the State of
31 Arkansas.

32 (2)(A) The Governor, Attorney General, Secretary of State, State Auditor,
33 State Treasurer, Commissioner of State Lands, Justices of the Supreme Court, and the
34 directing head of any state department, state agency, or state institution shall be ineligible for
35 membership on the board provided for in this section during the time for which he was elected

1 or appointed.

2 **(B) No individual may be a member of more than one (1) of the boards**
3 **created under the provisions of this section and 25-17-201 at the same time."**

4 ***(3) There shall be at all times one (1) member of the board who is a deaf person***
5 ***who fluently utilizes deaf sign language.***

6 **(b) Arkansas Code Annotated § 6-43-105(f) is hereby amended to read as follows:**

7 **"(f) It shall be the duty of county school boards or the boards' designees, school**
8 **attendance officers, prosecuting attorneys, and any special attendance officers appointed by**
9 **the schools for the deaf and blind, as well as all peace officers, to enforce the provisions of this**
10 **section."**

11 **(c) Arkansas Code Annotated § 6-43-201 is hereby amended to read as follows:**

12 **"6-43-201. Board of trustees - Eligibility. The superintendent, general business**
13 **manager, and teachers of the school shall not be eligible for the office of trustee for the school."**

14 **(d) Arkansas Code Annotated § 6-43-209 is hereby amended to read as follows:**

15 **"6-43-209. Steward.**

16 **(a) The general business manager, before entering upon the duties of his office, shall**
17 **give bond to the state in penalty and with surety, to be approved by the trustees, conditioned for**
18 **the faithful performance of his official duties. The bond is to be filed in the office of the Auditor**
19 **of State.**

20 **(b) The general business manager shall discharge his various duties under the**
21 **direction of the superintendent, who shall examine all statements prepared by the general**
22 **business manager, whether for past or contemplated expenditures, and the trustees shall**
23 **receive no statement of expenditures from the general business manager unless the approval of**
24 **the superintendent is endorsed thereon."**

25 **(e) Arkansas Code Annotated § 6-43-211 is hereby amended to read as follows:**

26 **"6-43-211. Qualifications of teachers. No teacher shall be employed in the school**
27 **unless the teacher holds a current teacher's license issued by the State Board of Education."**

28 **(f) Arkansas Code Annotated § 6-43-214 is hereby amended to read as follows:**

29 **"6-43-214. Admissions.**

30 **(a) All blind persons of suitable character and capacity between the ages of three (3)**
31 **and twenty-one (21) years, residing in the state, shall be entitled to the benefits of the school**
32 **free of charge.**

33 **(b) Pupils from outside the state may be admitted to the privileges of the institution**
34 **upon the payment of such sums as the board may consider sufficient to defray expenses.**

35 **(c) If, in the opinion of the board of trustees, any blind person above the age of twenty-**

1 **one (21) years may be benefited by being received into the institution for a limited time to learn**
2 **a trade or receive instruction, they may, by unanimous vote, and approval of the**
3 **superintendent, admit such person."**

4 **(g) Arkansas Code Annotated § 6-43-222(b) is hereby amended to read as follows:**

5 **"(b)(1) The general business manager shall report to the board of trustees a detailed**
6 **statement, under oath, of all the expenditures he may have made for the preceding three (3)**
7 **months, to whom made, and for what purpose, to the truth of which he shall take and subscribe**
8 **an oath.**

9 **(2) The report shall be accompanied with proper vouchers."**

10 **(h) Arkansas Code Annotated § 6-43-305 is hereby amended to read as follows:**

11 **"6-43-305. Teachers generally.**

12 **(a) The School for the Deaf is hereby authorized to pay employees hired in the position**
13 **of teacher for the sensory impaired for the yearly school term the maximum annual salary rate**
14 **established for each position.**

15 **(b) Teachers for the sensory impaired shall be eligible for an additional step increase**
16 **after being certified in teaching the vision or hearing impaired by the State Department of**
17 **Education."**

18 **(i) Arkansas Code Annotate § 6-43-307 is hereby amended to read as follows:**

19 **"6-43-307. Limitations on salary increases. The salary of any person connected with**
20 **this school shall be as determined by law."**

21 **(j) Arkansas Code Annotated §§ 6-43-312 through 6-43-314 are hereby repealed.**

22

23 **SECTION 17. Arkansas Code Annotated §§ 6-50-401 through 6-50-407 are hereby**
24 **repealed.**

25

26 **SECTION 18. All provisions of this act of a general and permanent nature are**
27 **amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision**
28 **Commission shall incorporate the same in the Code.**

29

30 **SECTION 19. If any provision of this act or the application thereof to any person or**
31 **circumstance is held invalid, such invalidity shall not affect other provisions or applications of**
32 **the act which can be given effect without the invalid provision or application, and to this end**
33 **the provisions of this act are declared to be severable.**

34

35 **SECTION 20. All laws and parts of laws in conflict with this act are hereby repealed.**

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/s/Edward F. Thicksten, et al

APPROVED: 03/01/93