

ARKANSAS SENATE
84th General Assembly - Regular Session, 2003
Amendment Form

Subtitle of Senate Bill No. 317

"AN ACT PERTAINING TO STATE SCHOOL STANDARDS; TO PROVIDE FOR AN
ADEQUATE AND EFFICIENT EDUCATION IN ARKANSAS SCHOOLS."

Amendment No. 3 to Senate Bill No. 317.

Amend Senate Bill No. 317 as engrossed, S3/13/03:

Delete everything following the enacting clause and substitute the following:

"SECTION 1. Arkansas Code § 6-13-101 is repealed.

~~6-13-101. Only one kind of school district.~~

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

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

SECTION 2. Arkansas Code § 6-13-102 is amended to read as follows:

6-13-102. Body corporate - Name. [Effective July 1, 2,000.]

(a) Each school district in the state shall be a body corporate, may contract and be contracted with, and may sue and be sued in its corporate name, which shall be the name ~~it now has unless changed~~ established by the State Board of Education on July 1, 2004, unless changed by the state board.

(b) The state board in naming school districts shall name them, " School District No. of County", or " Regional School District of County", giving each district a name and showing the name of the county in which situated, and if it has territory in more than one (1) county, then the name of the county that is the domicile of the district.

(c) A certificate showing the name authenticated by the state board shall be filed with the county clerk of the county or of each county in which there is any territory of the district and ~~by him~~ inscribed in a book kept ~~by him~~ for that purpose.

(d) All school districts shall have the right to acquire and hold real estate and all other classes of property.

SECTION 3. Arkansas Code § 6-13-106 is amended to read as follows:

6-13-106. ~~Districts where no high school is maintained~~ High schools.

(a) Any school district in this state ~~wherein~~ in which a high school



~~facilities are~~ is not maintained may contract with another school district for the furnishing of high school facilities for the pupils of that district upon such terms and conditions as ~~to the respective board of directors~~ State Board of Education may ~~appear~~ find reasonable and proper.

(b) These districts are authorized to pay, for the facilities, and the tuition of such pupils out of ~~the school fund apportioned to the districts from the Public School Fund of the State of Arkansas~~ any combination of nonrestricted federal, state, and local funds.

(c) These school districts may also contract and provide for the transportation of pupils.

SECTION 4. Arkansas Code Title 6, Chapter 13, Subchapter 1 is amended to add additional sections to read as follows:

6-13-111. Classes of school districts.

(a) There shall be three (3) classes of school districts in this state, and each shall have the prerogatives, powers, duties, and privileges as provided by law.

(1) Unified school districts.

(A) As of January 1, 2004, any school district that existed in this state before that date and which demonstrates to the State Board of Education that it is capable of meeting the accreditation standards, contained in this act, facilities, and meets the teachers' salary requirements that are adopted by the legislature by July 1, 2004, shall continue to exist as a school district offering all courses and curricula through the twelfth (12th) grade.

(B) As of January 1, 2004, any school district not capable of meeting the accreditation, facility, and teacher salary requirements of this act may combine with other school districts and may continue to exist providing the resulting district can demonstrate to the State Board of Education that it can meet those accreditation, facility, and teacher salary requirements by July 1, 2004.

(2) Regional school districts.

(A) As of January 1, 2004, any school district that existed in this state before that date and which cannot demonstrate to the State Board of Education that it is capable of meeting the accreditation standards contained in this act and meet the facility and teachers' salary requirements, shall cease to exist, and shall be combined with other school districts to become a regional school district.

(B)(i) The State Board of Education shall determine the boundaries of the new regional school districts, which are created from those school districts that do not qualify to remain a school district or isolated school district under the provisions of this section.

(ii) In determining the boundaries of the regional school districts, the State Board of Education need not abide by either county boundaries or the boundaries of school districts. This includes the possibility that a school district might have to be consolidated or annexed with another school district of another county.

(iii) In determining the boundaries of the regional school districts, the State Board of Education shall bear in mind the demographics of the school districts in a manner as to not promote or foster racial segregation of the public education system in Arkansas.

(C) Regional school districts shall provide all courses

and curricula through the twelfth grade.

(3) Isolated school districts. As of January 1, 2004, any school district that existed in this state before that date and which meets the qualifications to obtain an isolated status as listed under § 6-20-601 and which demonstrates to the State Board of Education that it can meet the accreditation and facility standards contained in this act and meet the requirements of teachers salaries of this act, by July 1, 2004 shall continue to exist as an isolated school district with the rights, privileges, and funding appropriated by the legislature.

(b) All school districts that are created shall have the same prerogatives, powers, duties, and privileges as provided by law.

(c) Wherever the term "school district" appears in the Arkansas Code, the term shall apply to all classes of school districts, unless the context would demand otherwise.

(d) The State Board of Education shall have complete and final authority over the organization and boundaries of school districts.

6-13-112. Elementary, middle, and junior high schools.

(a) On July 1, 2004, all elementary, middle, and junior high schools that offer courses and curricula through eighth grade in existence at that time shall remain in existence.

(b) After July 1, 2004, the State Board of Education may determine the need for and location of new elementary, middle, or junior high schools to be located in school districts upon petition of the school board of the school district.

6-13-113. Closure of schools.

(a) After implementation of this act, the State Board of Education may close any school due to continued poor performance by students as defined in the Arkansas Comprehensive Testing, Assessment, and Accountability Program, or failure to meet accreditation or facility standards and teacher salary requirements.

(b) Recommendations of school district boards of directors and school superintendents shall be considered in any deliberations of the State Board of Education.

(c) No school shall be closed if it has an expenditure per student at or below the state millage expenditure per student and has a student performance score that is equal to or above the state average score or nationally-normed achievement tests.

SECTION 5. Arkansas Code Title 6, Chapter 13, Subchapter 6 is amended to add an additional sections to read as follows:

6-13-635. School district board of directors – Length of terms and vacancy in office.

(a)(1) In cases where directors have entered the services of the armed forces of the United States, temporary vacancies on the boards are declared to exist until the end of the terms of the members or until their return to civilian life in the district if their return occurs before the expiration of their elected terms.

(2) These vacancies shall be filled in the manner prescribed by law, except that appointments of the successors shall be conditional upon the return of the members to resume their normal civilian activities in the

district. Upon return, they may resume their duties as directors for their unexpired terms by written notice to the secretaries of their respective school boards.

(3) Directors appointed under this subsection (a) shall take the required oath of office and conform in all respects to legal provisions regarding directors.

(4) It shall be the duty of the secretary of the school board to notify the county clerk in which the school district is domiciled of the appointments within five (5) days after the appointment if made by the local board. This notice shall state the name of the person whom the appointee is succeeding and the expiration date of the term of office.

(5) Directors serving in the armed forces shall be eligible for reelection in the usual manner prescribed by law. If reelected, the procedure for filling the temporary vacancies provided under this subsection (a) shall be again followed in the appointment of the successor to the absentee, and all other provisions of this section shall prevail.

(6) If there is a majority of the directors left after the absences mentioned in this section, the majority may act without notice to those so absent as fully and as effectively as if all directors were present.

(7) If there is more than a majority remaining after the absences, notice must be given for a reasonable length of time before the meeting to directors not so absent of the time, place, and purpose of a meeting of the board, unless the meeting is a regular and not a special or called meeting.

(b) If a member of the board of directors of a school district no longer resides in the school district, a vacancy shall exist and the vacancy shall be filled as provided by this section.

6-13-636. School district boards of directors – Training and instruction.

(a)(1)(A) Effective July 1, 2003, all members of a school district board of directors elected for an initial or noncontinuous term of office shall obtain a minimum of six (6) hours of training and instruction including, but not limited to, the school laws of Arkansas and the laws, rules, and regulations governing the powers, duties, and responsibilities of school boards, improvement of student achievement, academic and fiscal accountability, student assessment, school finance, and ethics by January 1, 2004.

(B) Beginning January 1, 2004, and each year thereafter, in addition to the six (6) hours training requirement, these new members of a school district board of directors shall also comply with all other training requirements contained in this section, for a total of fifteen (15) hours of training obtained between the time of their election and the end of their first full calendar year of office, and nine (9) hours each year thereafter.

(C) Beginning January 1, 2004, and every year thereafter, all existing and reelected board members shall obtain a minimum of nine (9) hours training and instruction including, but not limited to, the school laws of Arkansas and the laws, rules, and regulations governing the powers, duties, and responsibilities of school boards, improvement of student achievement, academic and fiscal accountability, student assessment, school finance, and ethics by December 31 of each calendar year.

(D) Hours of training and instruction obtained in excess

of the minimum requirements may cumulate and be carried over from year to year.

(2)(A) This instruction may be received from an institution of higher learning in this state, from instruction sponsored by the Department of Education, or by an inservice training program conducted by the Arkansas School Boards Association or some other provider.

(B) Any instruction not provided by the Department of Education shall be preapproved as to form and content by the Department of Education.

(3) Any school board member completing a course of instruction shall receive a certification of completion, and a copy shall be entered in the minutes of the local school board on which he or she serves.

(4) If any member of a school district board of directors fails to obtain required training by the end of the calendar year, and fails to cure the deficiency by March 1 of the following calendar year and no time extension request having been filed, as determined by the records of the Department of Education, a vacancy shall exist on the board of directors by operation of law from the date of receipt of notification by the superintendent. The Department of Education shall immediately notify the superintendent by certified mail, return receipt requested, with a copy to the board president, of the existence of a vacancy on the board of directors, and the resulting vacancy may be filled in accordance with the law.

(5)(A) If any member or members of a school district board of directors fails to obtain all required training by the end of the calendar year, the failure shall constitute one (1) citation against the district as measured by the Standards of Accreditation of Arkansas Public Schools.

(B) If a member of a school district board of directors is unable to obtain required training because of military service of the member or illness of the member verified by a written sworn statement of the member's attending physician, the Department of Education shall grant a time extension permitting the member additional time to obtain required training.

(C) The issuance of a time extension shall not constitute a citation against the district as measured by the Standards for Accreditation of Arkansas Public Schools and shall not operate to remove a member of a school district board of directors from office.

(b) Local school district boards of directors are authorized to pay per diem and other necessary expenses from funds belonging to the school district and to reimburse school board directors for expenses incurred in attending inservice workshops, conferences, and other courses of training and instruction required in completing the hours of instruction as required in subsection (a) of this section or other instruction as authorized and approved by the school district board of directors.

(c)(1) The State Board of Education shall modify the Standards of Accreditation for Arkansas Public Schools as required by this section, and it shall be the responsibility of the Department of Education to receive and maintain records of instructional hours obtained by members of school district boards of directors.

(2) The State Board of Education may promulgate rules and regulations consistent with the provisions and intent of this section.

SECTION 6. Arkansas Code § 6-13-1002 is amended to read as follows:
6-13-1002. Education service cooperatives established - Functions.

(a) The State Board of Education is authorized to ~~establish~~ continue a statewide system of not more than fifteen (15) multi-county education service cooperatives of school districts. Such cooperatives shall be intermediate service units in the state's elementary and secondary education system and as such shall be eligible to receive and expend funds from state and federal governments, school districts, and other public or private sources.

(b) Education service cooperatives established by this subchapter will provide to school districts which choose to use them assistance in:

(1) Meeting or exceeding accreditation standards and equalizing educational opportunities;

(2) Using educational resources more effectively through cooperation among school districts; and

(3) Promoting coordination between school districts and the Department of Education in order to provide services which are consistent with the needs identified by school districts and the educational priorities of the state as established by the General Assembly or the board.

(c) Education service cooperatives established by this subchapter shall support and implement state initiatives and programs as designated by the State Board of Education.

SECTION 7. Arkansas Code § 6-13-1010 is amended to read as follows:
6-13-1010. Director.

(a) Each education service cooperative shall be administered by a director who shall perform the following duties:

(1) Administer the programs and services of the education service cooperative;

(2) Recommend the employment of professional and nonprofessional personnel authorized by the education service cooperative's governing body;

(3) Prepare the budget for adoption by the education service cooperative's governing body;

(4) Direct expenditures of funds within the budget; ~~and~~

(5) Supply any and all information and reports requested by the Director of the Department of Education in a timely manner; and

~~(5)-(6)~~ (6) Perform other duties as required by the education service cooperative's governing body and the policies, rules, and regulations of the State Board of Education.

(b) The director of each education service cooperative shall:

(1) Hold an administrator's certificate and meet all requirements to serve as a superintendent of schools in the State of Arkansas; or

(2) Have an equivalent level of education and administrative experience and obtain the approval of the board.

(c) The governing body of any education service cooperative may enter into a contract with a director for a period not to exceed three (3) years.

(d)(1) If the Director of the Department of Education determines that any director of an education service cooperative fails to fulfill any of the provisions of this subchapter, a written report of such finding shall be submitted to the cooperative's board of directors.

(2) The State Board of Education, using the same procedures as afforded other licensed personnel, may revoke, suspend, or place on probation the professional license of the director of the cooperative for failing to fulfill any provisions of this subchapter.

SECTION 8. Arkansas Code § 6-13-1012 is amended to read as follows:
6-13-1012. Agency personnel.

(a) ~~With the approval of an education service cooperative's governing body, the~~ The directors in the Department of Education may assign state educational agency personnel to ~~that~~ education service cooperative, assuming that there is space and monetary support available.

(b) In cases of disagreement, the Director of the Department of Education and the education service cooperative's governing body will meet to discuss the merits and concerns of the assignment.

(c) If agreement is not reached by these discussions, the State Board of Education shall make the final decision.

SECTION 9. Arkansas Code § 6-13-1017 is amended to read as follows:
6-13-1017. Programs and services.

(a) The primary programs and services of each education service cooperative shall be based upon the needs of the school districts included in its service area ~~and upon the educational priorities of the state.~~ Priority will be given to programs that relate to the educational priorities of the state as established by the State Board of Education.

(b) Each education service cooperative shall provide a teacher center as its basic curriculum and staff development capability.

(c) Education service cooperatives may provide shared educational programs and services such as needs assessment and school improvement planning, staff development, curriculum development, itinerant teachers, instructional materials, adult and vocational education, programs for gifted and talented, education for children with disabilities, alternative educational programs, secondary area vocational centers, community-based education programs and other services which the State Board of Education may approve or which school districts may support with local funds.

SECTION 10. Arkansas Code § 6-13-1019 is amended to read as follows:
6-13-1019. Funding of cooperatives.

(a) The state shall provide funds to support the basic structure of the education service cooperatives established under the provisions of this subchapter.

(b) This structure shall include:

(1) Salaries and fringe benefits for a director, a teacher center coordinator, and support staff;

(2) Costs such as travel, utilities, rent, equipment, and supplies;

(3) Funds to support staff and curriculum development activities; and

(4) Funds in an annual amount not to exceed twenty-five thousand dollars (\$25,000) for the travel expenses of itinerant personnel employed by the education service cooperative to serve the part-time needs of local districts.

(c) School districts may contract with their education service cooperative for services and part-time personnel to be supported in whole or in part by local funds, but no school district shall be assessed a membership fee.

(d) Categorical state or federal funds may also be assigned to any

education service cooperative ~~upon approval of its governing body and~~ under conditions set by the State Board of Education.

(1) In cases of disagreement, the Director of the Department of Education and the education service cooperative's governing body will meet to discuss the merits and concerns of the fund assignments.

(2) If agreement is not reached by these discussions, the State Board of Education shall make the final decision.

(e) As a public agency, each education service cooperative shall be eligible to receive and expend public and private funds.

SECTION 11. Arkansas Code § 6-13-1021 is amended to read as follows:
6-13-1021. Evaluations.

(a) Within each five-year period, on a schedule established by the Director of the Department of General Education, all active education service cooperatives must be visited by an evaluation committee of not more than nine (9) persons. The Director of the Department of Education may assemble such committee at times other than that reflected by the established schedule.

(b) Each evaluation shall include, but not be limited to, an investigation of user satisfaction, service adequacy, extent of local financial support, staff qualifications, ~~and~~ performance and administration effectiveness, and support and implementation of state initiatives as designated by the State Board of Education.

(c)(1) The report of this committee shall be filed with the cooperative visited, with its constituent school districts, and with the State Board of Education.

(2) The board shall acknowledge receipt of the report and comment on any deficiencies identified in the report which should be corrected for the cooperative to remain eligible for base funding.

(d) The intent of this evaluation procedure is to provide a means for school districts to express their concerns about the operation of their cooperative and to ensure that each education service cooperative remains alert and responsive to the needs of the local schools it serves, and to ensure that state initiatives as designated by the State Board of Education are supported and implemented.

(e)(1) For each evaluation, the director shall appoint the committee and designate its chairperson.

(2) The committee shall include the following from outside the boundary of the education service cooperative being evaluated:

- (A) A Department of Education staff member;
- (B) A teacher;
- (C) An administrator;
- (D) A college staff member; and
- (E) A present or former staff member of an area education

service agency.

(3) In addition, the committee shall include from within the cooperative's area:

- (A) A member of the school district board of directors;
- (B) A representative of business and industry; and
- (C) A school parent from each of two (2) school districts.

(4) Each cooperative shall pay the reasonable costs of its evaluation.

SECTION 12. Arkansas Code § 6-13-1022 is amended to read as follows:
6-13-1022. Dissolution of cooperative.

(a) ~~After 1990, the~~ The State Board of Education shall be authorized to dissolve any education service cooperative upon the request of a majority of its school district boards of directors or upon the recommendation of the evaluation committee provided for in § 6-13-1021.

(b) A dissolved education service cooperative's area shall be assigned to one (1) or more adjacent education service cooperatives, the provisions of § 6-13-1003 notwithstanding, with the dissolved cooperative's base funding apportioned to all remaining education service cooperatives in the state.

SECTION 13. Arkansas Code § 6-13-1406 is amended to read as follows:
6-13-1406. Board of Directors – Term – Election.

(a)(1) Unless the board of directors of the affected district or districts and the board of directors of the receiving district or districts agree otherwise, the board of directors of the receiving district or districts after annexation shall be the same board of directors of the receiving district prior to the annexation until the next regular school election.

(2) The boards of directors of the affected districts may by agreement establish a new board of directors other than the current board of directors of the receiving district composed of not fewer than five (5) nor more than seven (7) directors except for those school districts allowed to do otherwise pursuant to § 6-13-604.

(3) The board of directors of the receiving district created by agreement shall be elected ~~from single member zones of substantially equal population based upon the most recent census information and from which racial minorities may be represented on the board in proportions reflected in the district as a whole~~ in compliance with the Federal Voting Rights Act and the Fourteenth Amendment to the United States Constitution.

(b)(1) Unless the boards of directors of the affected districts agree otherwise, the board of directors of the resulting district after consolidation shall be composed of seven (7) members until the next regular school election.

(2) The boards of directors of the affected districts may by agreement establish a board of directors of the resulting district composed of not fewer than five (5) nor more than seven (7) directors except for those school districts allowed to do otherwise pursuant to § 6-13-604.

(3) The board of directors of the resulting district shall be elected ~~from single member zones of substantially equal population based upon the most recent census information and from which racial minorities may be represented on the board in proportions reflected in the district as a whole.~~ in compliance with the Federal Voting Rights Act and the Fourteenth Amendment to the United States Constitution.

(c) The length of the term of each member of the board of directors after annexation or consolidation shall be for a time period as allowed by law.

(d) At the first meeting of a new board after annexation or consolidation, the members shall determine their terms by lot so that no more than two (2) members' terms expire during any one (1) year.

(e) Any vacancy on the board shall be filled in the manner provided for by law.

(f) The establishment of a board of directors with an even number of members following annexation or consolidation is hereby prohibited.

SECTION 14. Arkansas Code Title 6, Chapter 13, is amended to add the following new section:

6-13-1410. Achievement Plan Task Force – Establishment.

The State Board of Education shall establish a task force to research and adopt a plan to close the achievement gap for minority and disadvantaged students. The State Board of Education shall have the authority to promulgate rules and regulations for this section.

SECTION 15. Arkansas Code Title 6, Chapter 13, is amended to add the following new subchapter:

6-13-1701. Parent advisory council – Establishment.

Each school shall establish a parent advisory council based on the following principles:

(1) A student's education is a responsibility shared by the school and family during the entire time that he or she spends in school;

(2) Schools and parents must work as knowledgeable partners in order to support the goal of the schools to educate all students effectively;

(3) Parents are integral components of a school's ability to provide for the educational success of students, although parents and students are diverse in culture, language, and needs;

(4) The engagement of parents is essential to improve student achievement; and

(5) Schools should foster a safe and secure environment that supports active parental involvement.

6-13-1702. Parent Advisory Council – Membership.

(a)(1) The Parent Advisory Council shall consist of the school principal and no fewer than six (6) parents or legal guardians, or both, representative of the grade levels, race, gender, and socioeconomic status of the school's population.

(2) No parent or legal guardian representative on the parent advisory council may be an employee of that school.

(b) Each school shall establish policies regarding individual member's length of service on the council and filling vacancies.

(c) Membership on the council shall be by nomination from the school principal and that school's organized parent group.

(d) The school district board of directors will confirm nominations.

6-13-1703. Parent Advisory Council – Meetings.

The Parent Advisory Council shall meet at least quarterly during the school year.

6-13-1704. Parent Advisory Council – Roles and responsibilities.

(a) The Parent Advisory Council shall recognize the principal as the chief academic and operational officer of the school.

(b) The Parent Advisory Council shall:

(1) Annually review the school improvement plan including the disaggregation of achievement data from each tested grade or course in the school as well as the performance of the various student subgroups;

(2) Annually review the school's report card including the narrative of yearly progress based on current state and federal requirements;

(3) Make recommendations encouraging regular, two-way meaningful communication with parents and legal guardians, such as publishing the school's process for resolving parental concerns, including whom to approach first and how to develop solutions;

(4) Make recommendations regarding the school's parental involvement program, including activities such as sponsoring seminars to inform parents and legal guardians of high school students about how to be involved in the decisions affecting course selection, career planning, and preparation for postsecondary opportunities, as well as other activities to promote parent participation;

(5) Provide input into the development of parental involvement activities as required in the school improvement plan;

(6)(A) Make recommendations regarding appropriate professional development activities to be included as part of the required professional development for teachers and administrators.

(B) These professional activities shall enhance the understanding of effective parent involvement; and

(7) Make recommendations regarding the school's collaboration with community organizations for the purpose of enhancing student achievement.

6-13-1705. Parent Advisory Council – School roles and responsibilities.

(a)(1) With input from the Parent Advisory Council, each school shall develop a written parent involvement policy to encourage parents and legal guardians to participate as full partners in the decisions that affect his or her child and family.

(2) The policy shall be distributed to all parents and guardians of students in that school.

(b)(1) Each school shall annually disseminate through multi-media an explanation of the appropriate state and federal accreditation standards, curriculum standards, and assessment and accountability requirements.

(2) The school shall also report how the school complies with those established standards and requirements.

6-13-1706. Parent Advisory Council – Monitoring.

The organization of the Parent Advisory Council and its required activities shall be monitored by the Department of Education during the official scheduled compliance review of the school.

SECTION 16. Arkansas Code Title 6, Chapter 13, is amended to add an additional subchapter to read as follows:

6-13-1801. Definitions:

For purposes of this subchapter:

(1) "Annexation" and "annexed" means the joining of an affected school district or part thereof with a receiving district;

(2) "Consolidation" and "consolidate" means the joining of two (2) or more school districts or parts thereof to create a new single school district;

(3) "Minority" means black or African American, Hispanic American,

American Indian or Native American, Asian, and Pacific Islander, or other ethnic group underrepresented in a school;

(4)(A) "Individual school" means a public elementary or secondary educational institution that is under the administrative control of a principal or head teacher.

(B) "Individual school" does not include any school that is:

(i) Exclusively a preschool program; or

(ii) An instructional program operated in a correctional facility; and

(5) "Teacher" means:

(A) An individual who is required to hold a teaching license from the Department of Education and who is engaged directly in instruction with students in a classroom setting for more than seventy percent (70%) of the individual's contracted time;

(B) A guidance counselor; or

(C) A librarian.

6-13-1802. Compliance.

(a) The Department of Education shall review pertinent information from every school district annually to ensure that the district and schools are in compliance with current standards for accreditation and report their findings to the State Board of Education.

(b) The State Board of Education shall notify any school district that fails to meet accreditation and facilities standards or teacher salary requirements in any given year. A district shall be in compliance with all standards in the following school year.

(c) The State Board of Education shall have authority to impose actions against those school districts not in compliance during the second school year to bring those districts into compliance. This can include:

(1) Removal of the superintendent and the local school board;

(2) Assignment of a task force to evaluate the deficiencies of the district and assist the district in enacting corrections measures.

(A) The task force shall work under the authority of the director.

(B) The task force shall include representatives from the Department of Education, teachers, administrators from other districts, and other stakeholders such as community leaders and business interests; or

(3) Consolidating, annexing, merging, or detaching part of the school district with one (1) or more school districts or the dissolution of the school district into multiple school districts.

SECTION 17. Arkansas Code Title 6, Chapter 15, is amended to add an additional subchapter to read as follows:

6-15-1502. Failure to meet standards.

(a) The State Board of Education may reorganize any school district that fails to meet the accreditation and facilities standards or teacher salary requirements as determined by the Department of Education and the Arkansas General Assembly.

(b)(1) The board shall have complete authority to reorganize a school district under subsection (a) of this section in any manner that the board determines is necessary.

(2) To reorganize a school district the board may consolidate,

annex, merge, or detach part of the school district with one (1) or more other school districts or the dissolution of the school district into multiple school districts.

(c) If a school district fails to meet accreditation and facilities standards or teacher salary requirements in any two (2) consecutive years, the Director of the Department of Education shall immediately take action to correct the situation, which may include, but not be limited to, removal of the superintendent or school board as provided in these provisions.

SECTION 18. Arkansas Code Title 6, Chapter 15, is amended to add an additional new subchapter to read as follows:

6-15-1601. Title. This subchapter shall be known and may be cited as the "Administrative Accountability Law".

6-15-1602. Purpose.

The purpose of this subchapter shall be to assist the State Board of Education and the Department of Education to provide substantially equal educational opportunities to all students.

6-15-1603. Rules and regulations-State Board of Education.

(a)(1) By July 1, 2004, the State Board of Education shall promulgate rules and regulations to establish and implement a program for identifying, evaluating, and addressing actions or violations by a school superintendent that jeopardize the fiscal or academic integrity of a school or school district under § 6-17-410.

(2) Actions or violations by a school superintendent that jeopardize the fiscal or academic integrity of a school or school district may include, but are not limited to, violations of Arkansas or federal law, rules and regulations, and reporting requirements.

(b)(1) By July 1, 2004, the State Board of Education shall promulgate rules and regulations to establish and implement a program for identifying, evaluating, and addressing actions or violations by a school board director that jeopardize the fiscal or academic integrity of a school or school district.

(2) Actions or violations by a school board director that jeopardize the fiscal or academic integrity of a school or school district may include, but are not limited to, violations of Arkansas or federal law, rules and regulations and reporting requirements.

(c) If the Department of Education determines that any school superintendent or school board director has committed an action or violation that may jeopardize the fiscal or academic integrity of a school or school district, a written notice of the board's finding shall be submitted in writing via certified mail to that individual and the school district board of directors.

6-15-1604. Due process to superintendents and education cooperative directors.

(a) Superintendents or education service cooperative directors shall be employed by written contract for a period of time of not more than three (3) years on terms and conditions negotiated by the superintendent or education service cooperative director and the school board or education service cooperative board, subject, however, to the laws and statutes of the

State of Arkansas.

(b) Notwithstanding any terms and conditions of any contract with a superintendent or the Education Service Cooperative Director, the superintendent or the Education Service Cooperative Director may be suspended or terminated by the recommendation of the Director of the Department of Education to the State Board of Education for gross misconduct contrary to the laws and statutes of the State of Arkansas applicable to the management and operation of public schools, for conduct jeopardizing the fiscal or academic status of the district, and gross incompetence or failure to act to preserve the safety of students and others.

(c) Notice of suspension or termination recommendation. The director shall notify the superintendent or education service cooperative director of suspension or the termination recommendation as follows:

(1) The notice shall include a statement of the grounds for the recommendation of the suspension or termination, setting forth the grounds in separately numbered paragraphs so that the superintendent or education service cooperative director can prepare a defense; and

(2) The notice shall be delivered in person to the superintendent or education service cooperative director, or sent by registered or certified mail, to the superintendent at the superintendent's residence address, or education service cooperative director at the director's residence address, as reflected in their contracts.

(d) Suspension or termination.

(1) Whenever the Director of the Department of Education has reason to believe that cause exists for the suspension or termination of the superintendent or education service cooperative director and that immediate suspension of the superintendent or education service cooperative director is necessary, the director may suspend the superintendent or education service cooperative director without notice or a hearing.

(2) The director shall notify the superintendent or the education service cooperative director in writing within two (2) school days of the suspension.

(3) The written notice shall include a statement of the grounds for suspension or recommended termination, setting forth the grounds in separately numbered paragraphs so that the superintendent or the education service cooperative director can prepare a defense.

(4) The written notice shall be delivered in person to the superintendent or the education service cooperative director, or sent by registered or certified mail, to the superintendent at the superintendent's residence address or to the education service cooperative director at the director's residence address as reflected in the superintendents' or director's contract and shall state that a hearing before the State Board of Education is available to the superintendent or the education service cooperative director upon request, provided that the request is made in writing within thirty (30) days.

(e) Hearing.

(1) A superintendent or education service cooperative director who receives a notice of recommended termination or non-renewal may file a written request with the State Board of Education for a hearing.

(2) Written request for a hearing shall be sent by certified or registered mail to the President, Vice President, or Secretary of the State Board of Education, with a copy to the director, or may be delivered in

person by the superintendent or the education service cooperative director, the President, Vice President, or Secretary of the State Board of Education, with a copy to the director, within thirty (30) calendar days after the written notice of proposed termination or suspension is received by the superintendent or the education service cooperative director.

(3) The hearing shall be scheduled by the President, Vice President, or Secretary of the State Board of Education and the superintendent, or the education service cooperative director, and shall be held within thirty (30) days after a request for the hearing is received by the board.

(4) If sufficient grounds for termination or suspension are not found, the superintendent or the education service cooperative director shall be reinstated without loss of compensation.

(5) Upon receipt of a request for a hearing, the board shall grant a hearing in accordance with the following provisions:

(A) The hearing shall take place at a time agreed upon in writing by the parties, but if no time can be agreed upon, then the hearing shall be held no fewer than thirty (30) days after the written request has been received by the board;

(B) The hearing shall be private unless the superintendent or the education service cooperative director shall request that the hearing be public;

(C) The superintendent or the education service cooperative director and the board may be represented by representatives of their choosing;

(D) A full record of the proceedings at the hearing shall be made and preserved. The board shall make and preserve at its own expense a record of the hearing and shall furnish a transcript to the superintendent or the education service cooperative director without cost; and

(E) The board shall not consider at the hearing any new reasons which were not specified in the notices provided pursuant to this subchapter.

(f) Board action on termination or suspension - Appeal.

(1) In upholding the recommendation of the director to terminate or suspend the superintendent's or the education service cooperative director's contract, the board may:

(A) Reject or modify the director's recommendation to terminate or suspend the superintendent's or the education service cooperative director's contract; or

(B) Vote to continue the contract of the superintendent or the education service cooperative director under such restrictions, limitations, or assurances as the board may deem to be in the best interest of the school district.

(2) The decision shall be reached by the board within ten (10) days from the date of the hearing, and a copy shall be furnished in writing to the superintendent or the education service cooperative director involved, either by personally delivering it to the superintendent or the education service cooperative director or by addressing it to the superintendent or education service cooperative director by registered or certified mail.

(3) The exclusive remedy for any superintendent or education service cooperative director aggrieved by the decision made by the board shall be an appeal there from to the circuit court of the county in which the

school district is located, within seventy-five (75) days of the date of written notice of the action of the board. Additionally, testimony and evidence may be introduced on appeal to show facts and circumstances showing that the termination or suspension was lawful or unlawful.

(4) The salary of a superintendent or the education service cooperative director shall cease as of the date the board sustains the recommendation of termination or any appeal of the board's decision is finally adjudicated, whichever is later.

SECTION 19. Arkansas Code Title 6, Chapter 16, is amended to add an additional subchapter to read as follows:

6-16-1101. The following Arkansas Standards of Accreditation for Arkansas Public Schools shall be codified in law to become requirements of school districts to continue to exist after January 1, 2004.

(a) All school districts' policies and actions shall be nondiscriminatory and shall be in compliance with state and federal laws.

(b) Each school district in Arkansas shall be required to develop, with appropriate staff and community participation, a five-year educational plan. School district goals shall be compatible with state and national educational goals and shall address local needs. The plan shall be filed with and reviewed by the Department of Education annually.

(c) Each school district shall provide each school year a written report to the public detailing progress toward accomplishing program goals, accreditation standards, and proposals to correct deficiencies.

(d) Each school board shall adopt written policies for the operation of the school district in accordance with guidelines established by the Department of Education.

(e) Each school shall maintain all reports and records necessary for effective planning, operation, and education.

(f) The administrators, teachers, other school staff, and parents of each school shall develop an annual school improvement plan to monitor that school's progress and to project its continuing needs. The annual school improvement plan shall be filed with and reviewed by the Department of Education.

(g) Each school shall review in-depth each curriculum area at least every five (5) years.

(h) Each accredited school shall use these curriculum frameworks to plan instruction leading to student demonstration of the Arkansas content standards.

(i) The core curriculum for grades K-8 shall encompass all types of developmentally appropriate learning experiences and provide for differences in rates of learning among children. It shall emphasize reasoning and problem solving, communicating, connecting (linking knowledge, skills, and other understandings within and across disciplines to real-life situations), and internalizing (acting on the learning to make it meaningful, useful, and worthwhile). Mastery of core concepts and abilities in the following areas is to be emphasized.

GRADES K-4

Language Arts

Reading

Writing

Listening, Speaking, Viewing

Mathematics

Number sense, properties, and operations

Measurement

Geometry and spatial sense

Data analysis and statistics

Algebra and functions

Social Studies

History and culture of Arkansas (a unit at each grade level with emphasis at grade 4), the nation, and the world (including foreign language experiences)

Geography

Economics

Civic education

Science

Life science

Earth and space science

Physical sciences (physics and chemistry)

Environmental education

Tools for Learning

Technical skills: research and information skills, use of computers and calculators

Data gathering: use of data banks, atlases, dictionaries, almanacs, networks, news sources, and interviews

Fine Arts

Visual arts instruction, appreciation, and application

Performing arts instruction, appreciation, and application

(40 minutes of art or music must be taught each week)

Practical Living Skills/Career Exploration

Health and Safety Education and Physical Education

(60 minutes of physical activity must be provided each week)

GRADES 5-8

Language Arts

Reading

Writing

Listening, Speaking, Viewing

Mathematics

Number sense, properties, and operations

Measurement

Geometry and spatial sense

Data analysis and statistics

Algebra and functions

Science

Life science
Earth and space science
Physical sciences (physics and chemistry)
Environmental education

Social Studies

History and culture of Arkansas (a unit at grades 5 and 6, with emphasis at grade 5), the nation, and the world (including foreign language experiences)
Geography
Economics
Civic education

Physical Education (60 minutes of physical activity must be provided each week)

Fine Arts

Visual arts instruction, appreciation, and application
Performing arts instruction, appreciation, and application

Health and Safety

Tools for Learning

Technical skills: research and information skills, use of computers and calculators
Data gathering: use of data banks, atlases, dictionaries, almanacs, networks, news sources, and interviews

Career and Technical Education

A unit of Arkansas history shall be taught as a social studies subject at each elementary grade level in every public elementary school in this state with greater emphasis at the fourth (4th) and fifth (5th) grade levels, and at least one (1) full semester of Arkansas history shall be taught to all students at the 7th, 8th, 9th, 10th, 11th, or 12th grade level in every public secondary school in this state.

GRADES 9-12

The following courses shall be taught by an accredited high school. Total: 43 units.

Language Arts - 6 units

4 units English

1 unit oral communications or ½ unit oral communications and ½ unit drama

*1 unit journalism

Advanced Placement English or concurrent credit

(Other options as approved by the Department of Education)

Science - 6 units

1 unit biology

*1 unit chemistry

*1 unit physics

Advanced Placement English or concurrent credit

(Other options as approved by the Department of Education)
All science units must provide hands-on laboratory experience for students a minimum of 20% of instructional time.

Mathematics - 6 units

1 unit Algebra I

1 unit geometry

*1 unit Algebra II

*1 unit pre-calculus mathematics to include trigonometry

Advanced Placement English or concurrent credit

(Other options as approved by the Department of Education)

Foreign Languages - 2 units of the same language

Fine Arts - 3 ½ units

1 unit art

1 unit instrumental music

1 unit vocal music

*½ unit survey of fine arts or an advanced art or music course

Computer Applications with emphasis on current applications - 2 unit
(to include word processing, spreadsheets, databases, graphics, and
telecommunications)

Social Studies - 4 units

1 unit American history each year with emphasis on 20th Century America

1 unit world history

½ unit civics/government

½ unit of Arkansas history if not taught in grades 7 or 8

(Other options as approved by the Department of Education)

Health and Safety Education and Physical Education - 1½ units

1 unit physical education

½ unit health and safety education

Career and Technical Education - 12 units

(j) A minimum of three (4) programs of study selected from three (3)
different occupational/technical programs offered annually

(k) Student-teacher interaction time shall be for a minimum of 178
days, except as waived by the Department of Education for professional
development.

(l) All public school teacher/administrator contracts (elementary,
secondary, vocational-- exception vocational agriculture) shall be a minimum
of 185 days.

(m) At least thirty (30) hours shall be used for professional
development and in-service training and at least two (2) days shall be used
for parent/teacher conferences.

(o) The planned instructional time in each school day shall not
average less than six (6) hours per day or thirty (30) hours per week.

(p) Kindergarten shall be no more than twenty (20) students to one (1)
teacher in a classroom. However, kindergarten class maximum may be no more

than twenty-two (22) with a one-half time instructional aide being employed for those classes.

(q) The average student/teacher ratio for grades one through three in a school district shall be no more than twenty-three (23) students per teacher in a classroom. There shall be no more than twenty-five (25) students per teacher in any classroom.

(r) The average student/teacher ratio for grades four through six in a school district shall be no more than twenty-five (25) students per teacher in a classroom, and shall be no more than twenty-eight (28) students per teacher in any classroom.

(s) In grades seven through twelve, a teacher shall not be assigned more than one hundred fifty (150) students; and an individual academic class shall not exceed thirty (30) students, provided that, in exceptional cases or for courses that lend themselves to large group instruction, these ratios may be increased.

(t) Each school district shall adopt written discipline policies consistent with those guidelines that include a code of student behavior.

(u) Each district's written discipline policies shall be filed with the Department of Education.

(v) Local districts and individual schools shall involve parents, staff, and students in the formulation and review of their student discipline policies, rules, and procedures.

(w) Schools shall inform students and parents of the rules and procedures by which the school is governed. Schools shall make the students aware of the behavior that will call for disciplinary action, as well as the types of corrective actions that may be imposed.

(x) Students and parents shall acknowledge that they have received and understand the school's discipline policies by a signed statement. The school shall document procedures and methods used to inform parents and students of the policy.

(y) Teachers and administrators, classified school employees, and volunteers shall be provided with appropriate student discipline training.

(z) Each school district must provide a full-day kindergarten for each child age five (5) on or before September 15. A parent or guardian shall sign a waiver if they elect not to enroll a child in kindergarten at age five (5). Any six-year-old child who has not completed a state accredited kindergarten program prior to public school enrollment shall be evaluated by the school district to determine whether placement for the child shall be in kindergarten or the first grade.

(aa) Schools shall be responsible for assessing each student's progress at each grade level in acquiring mastery of the competencies, skills, and other subjects required by law and Arkansas Comprehensive Testing, Assessment, and Accountability Program (ACTAAP) regulations. Assessment data may include performance assessments, competency test scores, standardized test scores, subject matter mastery test scores, and observations of teachers and parent(s) or guardian(s).

(bb) Grades assigned to students for performance in a course shall reflect only the extent to which a student has achieved the expressed academic objectives of the course. Grades that reflect other educational objectives such as the student learning expectations contained in the curriculum frameworks may also be given. The state uniform grading scale shall be used in grades 7-12.

(cc) Students with special needs shall have equal access to programs that meet the criteria for their identified Individualized Education Program and shall receive services in the least restrictive environment that meets their needs.

(dd) At least a total of twenty-two (22) units earned in grades nine through twelve shall be required for high school graduation. Only one (1) of these units may be in physical education.

(ee) A unit of credit shall be defined as the credit given for a course which meets for a minimum of 120 clock hours. A minimum average six-hour day or minimum average thirty (30)-hour week is required.

(ff) Twenty-two (22) units of credit will be required for graduation. These requirements include the following:

1. COMMON CORE -- Sixteen (16) units

English-- four (4) units

Oral Communications -- one-half (1/2) unit

Social Studies -- three (3) units

(one (1) unit of world history, one (1) unit of U. S. history, one-half (2) unit of civics or government)

Mathematics -- three (3) units

(one (1) unit of algebra or its equivalent* and one (1) unit of geometry or its equivalent.* All math units must build on the base of algebra and geometry knowledge and skills.)

Science-- three (3) units

(at least one (1) unit of biology or its equivalent and one (1) unit of a physical science)

Physical Education -- one-half (1/2) unit

Health and Safety -- one-half (1/2) unit

Fine Arts -- one-half (1/2) unit

One (1) unit computer application

*A two-year algebra equivalent or a two-year geometry equivalent may be counted as two units of the three-unit requirement.

(gg) Local school districts may require additional units for graduation beyond the fifteen (15) common core units. These may be in academic and/or technical areas. All the common core, career focus, and elective units must total at least twenty-two (22) units to graduate.

(hh) Each school shall employ at least a half-time principal. A full-time principal shall be employed when a school's enrollment reaches three hundred (300). A school district superintendent may be permitted to serve as a half-time principal (when district enrollment is less than 300) providing the superintendent is appropriately certified and is not already teaching classes. Schools with an enrollment exceeding five hundred (500) shall employ at least one full-time principal and a half-time assistant principal, instructional supervisor, or curriculum specialist.

(kk) All administrative, teaching, and other personnel shall, where required by law and rules and regulations, hold a current Arkansas teaching license.

(ll) Each school district shall develop and implement a plan for professional development and in-service training based on local educational needs and state educational goals. The plan shall provide education and training for school board members, school and district administrators, teachers, and support staff on a continuing and regular basis throughout the school year. Teachers shall be involved in the development of the plan for

their own in-service education. All programs for professional development and in-service training shall be evaluated by the participants in each program.

(mm) Each school district shall have flexibility in establishing plans for professional development and in-service training, provided the plans meet standards for inservice education as developed by the Department of Education. A minimum of thirty (30) hours of professional development is required for teachers and administrators annually.

(nn) Support services shall be designed to be comprehensive and integral to the process of schooling and the development of all students. Each school district for each school building site shall develop and implement a written plan, as set forth in current laws and regulations. The plans shall be based upon the needs identified by parents, teachers, principals, students, and other agencies with which the school district works. Further, the plan shall be incorporated into the comprehensive school improvement plan for each site.

(oo) Each school shall provide a developmentally appropriate guidance program to aid students in educational, personal/social, and career development.

(pp) Each school shall provide supportive personnel and appropriate facilities to ensure effective counseling to meet individual needs of students.

(qq) Each school shall assign appropriate certified counselor staff with the district being required to maintain an overall ratio of one (1) to four hundred fifty (450).

(rr) Sufficient resources shall be budgeted and spent yearly for purchasing and maintaining an appropriate, current collection.

(ss) The changing role of the library media center shall support technology as a tool for learning. Each school with less than three hundred (300) students enrolled shall employ at least a half-time certified library media specialist. A school with three hundred (300) or more students enrolled shall employ a full-time certified library media specialist. Schools enrolling fifteen hundred (1,500) or more students shall employ two full-time certified library media specialists. For districts with enrollment less than five hundred (500), a full-time library media specialist may serve the district. The library media specialist(s) shall ensure that access to records and resource data bases shall be available to students. The media specialist(s) shall assist students in the development and use of research skills.

(tt) Each school district shall have a health services program under the direction of a licensed nurse. The program shall include screening, referral, and follow-up procedures for all students.

(uu) Health services shall include but not be limited to: (1) Students with special health care needs, including chronically ill, medically fragile, and technology dependent, and students with other health impairments shall have an Individualized Health Care Plan. (2) Invasive medical procedures required by students and provided at school shall be performed by trained, licensed personnel who are licensed to perform the task, and the regular classroom teacher shall not perform these tasks. (3) Custodial health care services required by students under an Individualized Healthcare Plan shall be provided by trained school employees other than the regular classroom teachers.

(vv) Special education programs and special schools shall be

accredited in accordance with applicable laws and rules and regulations adopted by the State Board of Education.

(ww) Each school district shall develop procedures to identify gifted and talented students in accordance with guidelines established by the Department of Education.

(xx) Each school district shall provide educational opportunities for students identified as gifted and talented appropriate to their ability.

(yy) Each school district shall provide opportunities for qualified students to enroll in courses at institutions of higher education.

(zz) Each school district shall provide appropriate alternative program(s) for students who are identified as requiring such programs to continue their education.

(aaa) Each room shall be furnished with equipment and instructional materials necessary to provide the environment and working conditions appropriate for subjects or activities assigned.

(bbb) In reference to required class size and ratios, the ADE will review evidence submitted to determine unexpected population shifts, which could result in removal of probation for the violation of these standards.

6-16-1103. Facilities and equipment.

(a) School facilities shall be planned and constructed in accordance with the laws of the State of Arkansas and the regulations of the Arkansas Department of Health, the office of the State Fire Marshall, and the Department of Education.

(b) Each room shall be furnished with equipment and instructional materials necessary to provide the environment and working conditions appropriate for subjects or activities assigned.

(c) Each school district must meet all facility and equipment standards as defined by the General Assembly based on the adequacy and facilities studies.

(d) Facility and equipment improvements may be achieved through agreements or partnerships with public or private entities.

SECTION 20. Arkansas Code Title 6, Chapter 17, Subchapter 2, is amended to add an additional section to read as follows:

6-17-209. Reduction in Force – Layoffs.

(a) For purposes of this section the following definitions shall apply:

(1) “Certification area” means grade levels or subject area for which the state provides a license to teach;

(2) “Classified employee” means a non-supervisory employee holding a position who is not required by law to hold a license issued by the State Board of Education and whose salary is on a support or classified salary schedule;

(3) “Consolidation” means any reorganization of a school district effective on or before July 1, 2004, either voluntarily under Arkansas Code Title 6, Chapter 13, Subchapter 14 or involuntary under this act of 2003;

(4) “Grade level” means:

(A) Pre-kindergarten;

(B) Elementary, which consists of kindergarten through grades five (5) or six (6);

(C) Middle or junior high, which consists of grades six (6) or seven (7) through grades eight (8) or nine (9); or

(D) Senior high, which consists of grades nine (9) through twelve (12);

(5) "New school district" means the resulting school district after consolidation;

(6) "Seniority" means the total number of years of employment as a teacher or as a classified employee in Arkansas public elementary and secondary schools. For purposes of this section:

(A) Teachers may not count service as classified employees towards seniority; and

(B) A semester under contract shall be counted as a year. Less than a semester shall not be recognized for seniority;

(7) "Supervisory employee" means any individual employed by the school district having authority, in the interest of the employer, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward or discipline other employees, the responsibility to evaluate them, or to adjust their grievances or effectively to recommend such action; and

(8) "Teacher" means a non-supervisory employee holding a position that requires a license from the State Board of Education whose salary is determined by the teacher salary schedule as required under § 6-17-1001.

(b)(1) In the event of a consolidation effective on or before July 1, 2004, including the creation of regional school districts, the school districts to be consolidated shall not implement a reduction in force and shall not non-renew or terminate any teacher's or classified employee's contract based upon the upcoming consolidation.

(2) The new school district shall become liable for all teacher and classified employee contracts of the school districts being consolidated.

(c)(1) If during the first two (2) years following a consolidation, effective on or before July 1, 2004, the new school district determines that it is necessary to reduce its staff of teachers or classified employees, or both, and that the reduction cannot be accomplished through attrition, then the new school district shall follow the provisions of this section.

(2) However, nothing in this section shall exempt a new school district from complying with the Arkansas Teacher Fair Dismissal Act, § 6-17-1501, et seq., as may be amended, or the Public School Employee Fair Hearing Act, § 6-17-1707, et seq., as may be amended, when implementing the reduction in force.

(d) For both teachers and classified employees, the reduction in force shall be accomplished through attrition as much as possible.

(e) When a new school district determines that a reduction in force is necessary, it shall approve a list of position reductions by school, grade level, certification areas, and classified job positions. All employees shall receive a copy of the necessary reductions.

(f)(1) If the reduction in force cannot be accomplished through attrition, then points will be assigned to each teacher based upon data as of July 1 of the year prior to the time in which the reduction in force is to take place as follows:

(A) One (1) point shall be given for each year of seniority;

(B) Additional points for graduate degrees, but only one

(1) applies:

(i) Two (2) points shall be given for an earned master's degree, maximum two (2) points;

(ii) Three (3) points shall be given for a master's degree plus thirty (30) additional graduate level hours, maximum three (3) points;

(iii) Four (4) points shall be given for an educational specialist degree, maximum four (4) points; and

(iv) Five (5) points shall be given for a doctorate degree, maximum five (5) points;

(C) Six (6) points shall be given for certification by the National Board of Professional Teaching Standards;

(D) One (1) point shall be given for a trained mentor teacher;

(E) One (1) point shall be given for a certified Praxis assessor;

(F) One (1) point shall be given for two (2) or more academic content areas of endorsement as identified by the State Board of Education;

(G) One (1) point shall be given for certification or teaching in a State Board of Education approved shortage area; and

(H) One (1) point shall be given for multiple areas and levels of licensure as identified by the State Board of Education.

(2) All points assigned shall be verified by documents on file with the new school district. Each teacher's points shall be added, and teachers shall be ranked by the total points from high to low in their certification areas. All teachers in the new school district shall receive the listing of personnel and point totals.

(3) In each certification area, those with fewest points will be laid off first with the following provisos:

(A) Full certification in a position shall prevail over greater points.

(B) If points are equal, earliest date of employment in an Arkansas public school shall prevail.

(4) If teachers are laid off from employment under this section, they shall be offered an opportunity to fill a vacancy for which they are qualified, for a period of up to two (2) years. The laid off teacher shall be recalled for a period of two (2) years in reverse order of the lay-off to any position for which they are qualified. A teacher's refusal of a position shall end the district's obligation to place the laid-off teacher.

(g) In the event of a necessary reduction in force under this section of classified employees, the school district shall supply all classified employees a list of employees by length of service. The school district shall first layoff probationary classified employees, then the classified employees with the least seniority in the identified job classification. For two (2) years following the reduction, classified employees whose positions have been eliminated due to a reduction under this section shall have the right to assume a position for which they are qualified that is held by the least senior classified employee with the same job classification and length of contract. Laid off classified employees shall be recalled for a period of two (2) years in reverse order of the layoff to any position for which they are qualified. Any classified employee's refusal of a job shall end the

district's obligation to place that classified employee.

(h) Laid off teachers or classified employees with skills in the area of a vacant position shall be given first consideration. If more than one (1) teacher or classified employee is qualified for the vacant position, the teacher with the greatest seniority shall be employed first.

(i) The provisions of this section shall expire on July 1, 2006, with the exception of the recall provisions in subdivisions (f)(4), (g), and (h) of this section.

SECTION 21. Arkansas Code Title 6, Chapter 17, is amended to read as follows:

6-17-1001. Minimum base salary - Master's degree.

~~(a) The board of directors in each school district in the state shall pay their teachers upon a salary schedule which has annual increments for education and experience and which provides for a base salary, a minimum salary for a teacher with a master's degree, and at least fifteen (15) years 10 of experience as described in this section.~~

~~(b) In school year 2000-2001 and in each school year thereafter, no school district shall pay its teachers with a bachelor's degree and no experience less than twenty one thousand eight hundred sixty dollars (\$21,860).~~

~~(c) In school year 2000-2001 and in each school year thereafter, school districts shall pay teachers with a master's degree and no experience at least one hundred fifteen percent (115%) of the minimum base salary prescribed in subsection (b) of this section.~~

~~(d) In school year 2001-2002 and in each school year thereafter, school districts shall pay a teacher with a master's degree and at least fifteen (15) years of experience one hundred fifty percent (150%) of the state minimum base salary.~~

~~(e)(1) In school year 1995-1996 and in each school year thereafter, each school district in the state shall have in place a salary schedule which provides at least fourteen (14) annual increments for experience.~~

~~(2) In school year 2001-2002 and in each school year thereafter, each school district in the state shall have in place a salary schedule which provides at least fifteen (15) annual increments for experience.~~

~~(3) In school year 2001-2002 and in each school year thereafter, each school district in the state shall have in place a salary schedule with at least the following minimum levels of compensation:~~

Years Experience	BA Degree Salary	MA Degree Salary
0	\$21,860	\$25,139
1	22,304	25,649
2	22,748	26,159
3	23,192	26,669
4	23,636	27,179
5	24,080	27,689
6	24,524	28,199
7	24,968	28,709
8	25,412	29,219
9	25,856	29,729
10	26,300	30,239
11	26,744	30,749

12	27,188	31,259
13	27,632	31,769
14	28,076	32,279
15 or more	28,520	32,789

~~(f) For the 1997-98 school year and for each year thereafter, each school district shall provide no less than four hundred dollar increments for experience for teachers with one (1) and two (2) years of experience.~~

~~(g) For the 1998-1999 school year and for each year thereafter, each school district shall provide no less than four hundred dollar increments for experience for teachers with three (3) and four (4) years of experience.~~

~~(h) For the 1999-2000 school year and for each year thereafter, each school district shall provide no less than four hundred dollar increments for experience for teachers with five (5) and six (6) years of experience.~~

~~(i) For the 2000-2001 school year and for each year thereafter, each school district shall provide no less than four hundred dollar increments for experience for teachers with seven (7) and eight (8) years of experience.~~

~~(j) For the 2001-2002 school year and for each year thereafter, each school district shall provide no less than four hundred dollar increments for experience for teachers with nine (9) and ten (10) years of experience.~~

~~(k) For the 2002-2003 school year and for each year thereafter, each school district shall provide no less than four hundred dollar increments for experience for teachers with eleven (11) and twelve (12) years of experience.~~

~~(l)(1) For the 2003-2004 school year and for each year thereafter, each school district shall provide no less than four hundred dollar increments for experience for teachers with thirteen (13) years of experience.~~

~~(2) For the 2004-2005 school year and for each year thereafter, each school district shall provide no less than four hundred dollar increments for experience for teachers with fourteen (14) years of experience.~~

~~(3) For the 2005-2006 school year and for each year thereafter, each school district shall provide no less than four hundred dollar increments for experience for teachers with fifteen (15) years of experience.~~

~~(m) Subsections (f) - (l) of this section shall not apply to any local school district whose minimum salary for teachers exceeds twenty one thousand eight hundred sixty dollars (\$21,860), and whose average salary exceeds the state average salary for teachers for the previous year.~~

~~(n) The term "teacher", as used in this section, shall include any full-time employee of a local public school district who is compelled by law to secure a license from the State Board of Education as a condition precedent to employment in a position in or related to grades prekindergarten through twelve (preK-12) of the public schools of this state.~~

~~(o) All minimum salaries set forth in this section shall be for a contract number of days that is not more than the number of days in the school year required by the state board's regulations for accreditation for the school year in which the contract is effective.~~

~~(p)(1) A district that determines that it cannot meet the minimum salary requirements of this section from funds available may petition the Department of Education for a waiver of the requirements of this section for up to three (3) school years, based on regulations promulgated by the state board.~~

~~(2) The department shall not grant a waiver to any district that is not in compliance with the uniform rate of tax requirements under Arkansas~~

~~Constitution, Amendment 74.~~

~~(q) [Repealed.]~~

(a) The board of directors in each school district in the state shall pay their teachers upon a minimum salary schedule which has annual increments for education and experience and which provides for a base salary, a minimum salary for a teacher with a master's degree, and annual increments for years of experience as described in this section.

(b) In school year 2004-2005 and in each school year thereafter, each school district shall pay teachers according to a salary schedule that includes the following:

(1) Teachers with a bachelor's degree and no experience, twenty-four thousand dollars (\$24,000);

(2) Teachers with a master's degree and no experience, at least one hundred fifteen percent (115%) of the minimum base salary or twenty-seven thousand six hundred dollars (\$27,600); and

(3) A salary schedule, which provides at least sixteen (16) annual increments for experience of four hundred fifty dollars (\$450) for a bachelor's degree and five hundred twenty-five dollars (\$525) for a master's degree, unless a school district's present salary schedule is greater than the minimum requirements of this act. If a school district's salary schedule is greater than the minimum requirements of this act and would not have the result of providing teachers a salary of less than the minimum requirements of this act, the district shall pay at least sixteen (16) annual increments of four hundred dollars (\$400).

(c) In school year 2005-2006 and in each school year thereafter, each school district shall pay teachers according to a salary schedule that includes the following:

(1) Teachers with a bachelor's degree and no experience, twenty-six thousand dollars (\$26,000);

(2) Teachers with a master's degree and no experience, at least one hundred fifteen percent (115%) of the minimum base salary or twenty nine thousand nine hundred dollars (\$29,900); and

(3) A salary schedule, which provides at least seventeen (17) annual increments for experience of four hundred fifty dollars (\$450) for a bachelor's degree and five hundred twenty-five dollars (\$525) for a master's degree, unless a school district's present salary schedule is greater than the minimum requirements of this act. If a school district's salary schedule is greater than the minimum requirements of this act and would not have the result of providing teachers a salary of less than the minimum requirements of this act, the district shall pay at least seventeen (17) annual increments of four hundred dollars (\$400).

(d) In school year 2006-2007 and in each school year thereafter, each school district shall pay teachers according to a salary schedule that includes the following:

(1) Teachers with a bachelor's degree and no experience, twenty-eight thousand dollars (\$28,000);

(2) Teachers with a master's degree and no experience, at least one hundred fifteen percent (115%) of the minimum base salary or thirty-two thousand two hundred dollars (\$32,200); and

(3) A salary schedule, which provides at least eighteen (18) annual increments for experience of four hundred fifty dollars (\$450) for a bachelor's degree and five hundred twenty-five dollars (\$525) for a master's

degree, unless a school district's present salary schedule is greater than the minimum requirements of this act. If a school district's salary schedule is greater than the minimum requirements of this act and would not have the result of providing teachers a salary of less than the minimum requirements of this act, the district shall pay at least eighteen (18) annual increments of four hundred dollars (\$400).

(e) In school year 2007-2008 and in each school year thereafter, each school district shall pay teachers according to a salary schedule that includes the following:

(1) Teachers with a bachelor's degree and no experience, thirty thousand dollars (\$30,000);

(2) Teachers with a master's degree and no experience, at least one hundred fifteen percent (115%) of the minimum base salary or thirty-four thousand five hundred dollars (\$34,500); and

(3) A salary schedule, which provides at least nineteen (19) annual increments for experience of four hundred fifty dollars (\$450) for a bachelor's degree and five hundred twenty-five dollars (\$525) for a master's degree, unless a school district's present salary schedule is greater than the minimum requirements of this act. If a school district's salary schedule is greater than the minimum requirements of this act and would not have the result of providing teachers a salary of less than the minimum requirements of this act, the district shall pay at least nineteen (19) annual increments of four hundred dollars (\$400).

(f) In school year 2009-2010 and in each school year thereafter, each school district shall pay teachers according to a salary schedule that includes the following:

(1) Teachers with a bachelor's degree and no experience, thirty-two thousand dollars (\$32,000);

(2) Teachers with a master's degree and no experience, at least one hundred fifteen percent (115%) of the minimum base salary or thirty-six thousand eight hundred dollars (\$36,800); and

(3) A salary schedule, which provides at least twenty (20) annual increments for experience of four hundred fifty dollars (\$450) for a bachelor's degree and five hundred twenty-five dollars (\$525) for a master's degree, unless a school district's present salary schedule is greater than the minimum requirements of this act. If a school district's salary schedule is greater than the minimum requirements of this act and would not have the result of providing teachers a salary of less than the minimum requirements of this act, the district shall pay at least twenty (20) annual increments of four hundred dollars (\$400).

6-17-1005. Salary Amount.

(a) The State Board of Education may grant waivers to school districts to pay a teacher or teachers an amount exceeding, but not less than, the amount set forth in the teacher salary schedule, if:

(1) The school district is located in an area of the state the Department of Education has determined to have a critical shortage of teachers;

(2) The teacher or teachers have a certification in a subject matter area that the Department of Education has determined to have a critical shortage of teachers;

(3) The teacher's particular skills, performance, training, or

experience would warrant a salary increase; or

(4) The school district or a particular school is experiencing a hardship in recruiting or retaining teachers because the teacher salary schedule is significantly disproportionate to the average salaries paid in other available job markets in the county.

(b) The salary schedule implemented by this act shall only be valid if completely funded by the General Assembly.

SECTION 22. Arkansas Code § 6-18-206 is amended to read as follows:
6-18-206. Public school choice.

(a)(1) This section may be referred to and cited as the "Arkansas Public School Choice Act of 1989".

(2) The General Assembly hereby finds that the students in Arkansas' public schools and their parents will become more informed about and involved in the public educational system if students and their parents or guardians are provided greater freedom to determine the most effective school for meeting their individual educational needs. There is no right school for every student, and permitting students to choose from among different schools with differing assets will increase the likelihood that some marginal students will stay in school and that other, more motivated students will find their full academic potential.

(3) The General Assembly further finds that giving more options to parents and students with respect to where the students attend public school will increase the responsiveness and effectiveness of the state's schools, since teachers, administrators, and school board members will have added incentive to satisfy the educational needs of the students who reside in the district.

(4) The General Assembly therefore finds that these benefits of enhanced quality and effectiveness in our public schools justify permitting a student to apply for admission to a school in any district beyond the one in which the student resides, provided that the transfer by this student would not adversely affect the desegregation of either district.

(5) A public school choice program is hereby established to enable any student to attend a school in a district in which the student does not reside, subject to the restrictions contained in this section.

(b)(1)(A) Before a student may attend a school in a nonresident district, the student's parent or guardian must submit an application on a form approved by the Department of Education to the nonresident district. This application must be postmarked not later than July 1 of the year in which the student would begin the fall semester at the nonresident district.

(B)(i) Within thirty (30) days of the receipt of an application from a nonresident student seeking admission under the terms of this section, ~~a participating~~ the nonresident district shall notify the parent or guardian and the resident district in writing as to whether the student's application has been accepted or rejected.

(ii) If the application is rejected, the nonresident district must state in the notification letter the reason for rejection.

(iii) If the application is accepted, the nonresident district shall state in the notification letter:

(a) An absolute deadline for the student to enroll in the district, or the acceptance notification is null; and

(b) Any instructions for the renewal

procedures established by the district.

(2)(A) ~~The school board of every public school district of any participating district~~ must adopt by resolution specific standards for acceptance and rejection of applications. Standards may include the capacity of a program, class, grade level, or school building. Nothing in this section requires a school district to add teachers or classrooms or in any way to exceed the requirements and standards established by existing law. Standards shall include a statement that priority will be given to applications from siblings or stepsiblings residing in the same residence or household of students already attending the district by choice. Standards may not include an applicant's previous academic achievement, athletic or other extracurricular ability, handicapping conditions, English proficiency level, or previous disciplinary proceedings, except that an expulsion from another district may be included pursuant to § 6-18-510.

(B)(i) Any student who applies for a transfer under this section and is denied a transfer by the nonresident district may request a hearing before the State Board of Education to reconsider the transfer.

(ii) A request for a hearing before the state board shall be in writing and shall be postmarked no later than ten (10) days after notice of rejection of the application under subdivision (b)(1)(B) is received by the student.

~~(3) A school board may by resolution determine that it will not admit any nonresident pupil to its schools pursuant to this section. Each school district shall participate in public school choice consistent with this section.~~

(c) The responsibility for transportation of a student from the student's resident school district to a nonresident school district shall be borne by the student or the student's parents. ~~The resident school district and the nonresident school district~~ may enter into a written agreement with the student, ~~or student's parents, or resident school district~~ to provide transportation to or from any place in the resident district to the nonresident district, or both.

(d)(1) A nonresident district shall accept credits toward graduation that were awarded by another district.

(2) The nonresident district shall award a diploma to a nonresident student if the student meets the nonresident district's graduation requirements.

(e) For purposes of determining a school district's state equalization aid, the nonresident student shall be counted as a part of the average daily membership of the district to which the student has transferred.

(f) The provisions of this section and all student choice options created in this section are subject to the following limitations:

(1) No student may transfer to a nonresident district where the percentage of enrollment for the student's race exceeds that percentage in the student's resident district except in the circumstances set forth in subdivisions (2) and (4) of this subsection;

(2) A transfer to a district is exempt from the restriction set forth in subdivision (f)(1) of this section if ~~all districts within a county have voted to participate in choice,~~ if the transfer is between two (2) districts within a county, and if the minority percentage in the student's race and majority percentages of school enrollment in both the resident and nonresident district remain within an acceptable range of the county's

overall minority percentage in the student's race and majority percentages of school population as set forth by the department;

(3) The department shall by the filing deadline each year compute the minority percentage in the student's race and majority percentages of each county's public school population from the October Annual School Report and shall then compute the acceptable range of variance from those percentages for school districts within each county. In establishing the acceptable range of variance, the department is directed to use the remedial guideline established in *Little Rock School District v. Pulaski County Special School District* of allowing an overrepresentation or underrepresentation of black or white students of one-fourth (1/4) or twenty-five percent (25%) of the county's racial balance. In establishing the acceptable range of variance for school choice, the department is directed to use the remedial guideline of allowing an overrepresentation or underrepresentation of minority or majority students of one-fourth (1/4) or twenty-five percent (25%) of the county's racial balance;

(4) A transfer is exempt from the restriction set forth in subdivision (f)(1) of this section if each school district within the county does not have a critical mass of minority percentage in the student's race of more than ten percent (10%) of any single race;

(5) In any instance where the foregoing provisions would result in a conflict with a desegregation court order or a district's court-approved desegregation plan, the terms of the order or plan shall govern;

(6) The department shall adopt appropriate rules and regulations to implement the provisions of this section; and

(7) The department shall monitor school districts for compliance with this section.

(g) The state board shall be authorized to resolve disputes arising under subsections (b)-(f) of this section.

(h) A district ~~participating under this program~~ shall cause public announcements to be made over the broadcast media and in the print media at such times and in such manner as to inform parents or guardians of students in adjoining districts of the availability of the program, the application deadline, and the requirements and procedure for nonresident students to participate in the program.

(i)(1) All school districts shall report to the Equity Assistance Center on an annual basis the race, gender, and other pertinent information needed to properly monitor compliance with the provisions of this section.

(2) The reports may be on those forms that are prescribed by the department, or the data may be submitted electronically by the district using a format authorized by the department.

(3) The department may withhold state aid from any school district that fails to file its report each year or fails to file any other information with a published deadline requested from school districts by the center so long as thirty (30) calendar days are given between the request for the information and the published deadline except when the request comes from a member or committee of the General Assembly.

(4) A copy of the report shall be provided to the Joint Interim Oversight Subcommittee on Educational Reform.

SECTION 23. Arkansas Code § 6-18-508 is amended to read as follows:
6-18-508. Alternative learning environment.

(a) Every school district shall establish an alternative learning environment which shall afford students an environment conducive to learning.

(b)(1) The alternative learning environment required by this section may be established by more than one (1) school district or may be operated by a public school educational cooperative established under § 6-13-901 et seq.

(2) The alternative learning environment must meet the following eligibility requirements:

(A) Have students supervised by a currently licensed teacher;

(B)(i) Have a student-to-teacher ratio in the alternative learning environment of no more than twenty (20) to one (1).

(ii) If an aide is employed in addition to a licensed supervisor, the student to teacher ratio shall be no more than twenty-two (22) to one (1);

(C) Provide each alternative learning student access to the services of a school counselor or a mental health professional; and

(D) Provide a curriculum including mathematics, science, social studies, and language arts correlated with the regular classroom instruction or with the standards for the tests of General Educational Development.

(3) The Department of Education shall randomly monitor school districts to ensure that alternative learning environments have been established, are conducive to learning, and are providing intervention services designed to address individual needs of students. Each school district shall be monitored at least once every three (3) years.

(c) The Department of Education shall establish criteria for teacher preparation for alternative learning environments, which shall include inservice training.

(d)(1)(A) Each school district shall report to the department, on a yearly basis, the race, gender, and other pertinent information regarding students placed in an alternative learning environment.

(B) This information shall be reported by the department to the Joint Interim Oversight Subcommittee on Educational Reform by September 15 of each year.

(2) The Arkansas Pygmalion Commission on Nontraditional Education will also report its findings by the same time each year to the same legislative body.

~~(e)(1) All funding for alternative education programs distributed outside the funding formula and which meets the guidelines developed by the department shall be released at the beginning of the school year or distributed proportionally along with the state aid to school districts. Any funds received by a local school district for alternative learning environments may only be expended for eligible alternative learning environment programs.~~

~~(2) Funds distributed under this section shall be exempted from inclusion in calculations of additional base funding in § 6-20-303 because these funds are restricted to use for students with special educational needs.~~

~~(f) For the 1999-2000 school year and each year thereafter, the department will develop an incentive program for those school districts whose alternative education programs have met the guidelines. The State Board of Education may promulgate rules and regulations to implement this section.~~

SECTION 24. Arkansas Code § 6-20-323 is amended to read as follows:
6-20-323. Special needs students.

(a) The Department of Education shall provide special assistance for students with special needs to local school districts from available revenues from line item appropriations in the Public School Fund.

(b) Funding for students with limited English proficiency shall be based upon actual students who have been identified based on the use of an English proficiency assessment instrument. These funds shall be distributed pro rata based upon the number of students identified as limited English proficient.

(c) Funding for special education - catastrophic occurrences shall be based upon those individual cases where special education and related services required by the individualized education program of a particular student with disabilities are unduly expensive, extraordinary, or beyond the routine and normal costs associated with special education and related services provided by a local school district.

~~(d)(1)~~ Funding for students with low socioeconomic status shall be based on students in kindergarten through grade one (K-1) living in areas with high concentrations of low income families or students from low income families as indicated by eligibility for the free or reduced price lunch program under the National School Lunch Act or any other act of the United States Congress. These funds shall be used only for early intervention strategies sanctioned by the department in reading and writing literacy or mathematics for students in pre-kindergarten through grade one (preK-1).

~~(2) Funding for students with low socioeconomic status shall only be funded through June 30, 2005.~~

~~(e)(1)~~ Funding for students in alternative learning environments shall be distributed either through grants, competitive or otherwise, or pro rata based upon the number of full-time equivalent alternative learning environment students participating in a nontraditional or flexible instructional program designed to improve student achievement in the core academic subjects which the students could not achieve in a regular classroom environment. be based on the current year's total of alternative learning students enrolled in eligible alternative learning environments and calculated as follows:

(A) The department shall calculate a funding factor equal to the amount of funds budgeted for alternative learning environments divided by the total statewide number of alternative learning students;

(B) For each alternative learning environment, the department shall distribute funds equal to the school district's alternative learning students times the funding factor in subdivision (e)(1) of this section; and

(C) These funds shall be distributed in two (2) installments as determined by the Department of Education.

(2)(A) For purposes of this section, "alternative learning student" means a student enrolled in an eligible alternative learning environment for a minimum of twenty (20) consecutive days per school year.

(B) Alternative learning students may be prorated for purposes of funding dependent on the amount of time the alternative learning student spends in an alternative learning environment.

(f) The State Board of Education shall promulgate rules and

regulations for the disbursement of available funds for special needs students explicated in this section.

SECTION 25. Arkansas Code § 6-47-201 is amended to read as follows:
6-47-201. Administration in elementary schools.

(a)(1) The Department of Education shall oversee and coordinate the implementation of distance learning in elementary and secondary public schools in the state.

(2) Distance learning shall be available to all school districts in the state by August 1, 2004.

(b) The department shall promulgate rules and regulations establishing appropriate adult supervision.

(c) The elementary or secondary school may import courses from outside the state. However, ~~the course curriculum shall be approved by the department prior to offering the courses through distance learning~~ before offering the courses through distance learning the department shall approve the course curriculum.

(d) The courses offered through distance learning shall include, but not be limited to:

(1) College preparatory courses, including, but not limited to, calculus, physics, Arkansas history, foreign languages, and computer science; and

(2) Technological courses, including, but not limited to, advanced math and science courses, advanced computer skills courses, and advanced courses in the arts.

(e) The department shall work with the Arkansas School for Mathematics and Sciences, the Arkansas Educational Television Commission, the education service cooperatives, and other state agencies involved in distance learning or in implementing distance learning.

SECTION 26. Arkansas Code § 26-80-111 is amended to read as follows:

26-80-111. School districts formed by consolidation, annexation, or merger.

(a) When a new school district is created from all or parts of two (2) or more districts or a district is dissolved and all or part of the area of the dissolved district is annexed to or consolidated with an existing district, the board of directors of the resulting district shall submit to the electors of the district at the ~~next annual~~ first school election on the millage rate a proposed tax millage rate for the district. If the ~~proposed millage rate is approved by the electors of the district~~ electors of the district approve the proposed millage rate, it shall be the rate for the district, provided such rate complies with the uniform rate of tax.

(b) If a new school district is created from all or parts of two (2) or more districts or a district is dissolved and all or part of the area of the dissolved district is annexed to or consolidated with an existing district and if the electors have failed to approve a proposed millage rate at ~~an annual~~ the first school election on the millage rate, then the millage rate for the district shall be ~~the millage rate levied, at the last school election prior to the consolidation, annexation or merger in the district which had the highest average daily membership during the school year preceding the consolidation, annexation, or merger, provided such rate complies with~~ the uniform rate of tax plus any millage necessary to secure

the existing bonded indebtedness of the newly formed district.

SECTION 27. Arkansas Code § 29-20-126 is repealed.

~~§ 29-20-126. Department of Education — Timing for distance learning coordination.~~

~~(a) The Department of Education shall oversee and coordinate the implementation of distance learning in elementary and secondary public schools in the state. Distance learning shall be available to one hundred (100) elementary and secondary public schools in the state by August 1, 2000. Distance learning shall be available to all school districts in the state by August 1, 2004.~~

~~(b) The Department of Education shall promulgate rules and regulations establishing appropriate adult supervision.~~

~~(c) The elementary or secondary school may import courses from outside the state; however, the course curriculum shall be approved by the Department of Education prior to offering the courses through distance learning.~~

~~(d) The courses offered through distance learning shall include but not be limited to:~~

~~(1) College preparatory courses, including, but not limited to calculus, physics, Arkansas history, foreign language courses, and computer science; and~~

~~(2) Technological courses, including, but not limited to advanced math and science courses, advanced computer skills courses, and advanced courses in the arts.~~

~~(e) The Department of Education shall work with the Arkansas School for Mathematics and Sciences, the Arkansas Educational Television Commission, the Education Service Cooperatives, and other state agencies involved in distance learning in implementing distance learning.~~

SECTION 28. IMPLEMENTATION AND SCHEDULE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL, AND TEMPORARY LAW.

(a) By January 1, 2004, the State Board of Education shall notify all school districts, then in existence, stating whether that school district has demonstrated the ability to meet the accreditation and facility standards of this act by July 1, 2004, and has complied with teachers' salary requirements adopted by the legislature, of this act, or if the school district will be collapsed into a regional school district or consolidated or annexed with another school district, then the State Board of Education shall state into which school district or regional school district the school district shall be assigned.

(b) By March 1, 2004, school districts wishing to voluntarily consolidate, annex, or detach, shall submit a plan to the State Board of Education. The State Board of Education shall have the authority to promulgate rules and regulations on this issue.

(1) School districts who voluntarily consolidate or annex shall receive consolidation incentive funding as may be determined by the General Assembly.

(2) The State Board of Education shall be the final authority for approving the plans for voluntary consolidation and annexation.

(c) By May 1, 2004, the State Board of Education shall notify all school districts whether that school district will continue to exist as a

school district, whether any plans submitted for voluntary consolidation or annexation have been approved, or if the school district will be collapsed into a regional school district or consolidated or annexed with another school district, then the State Board of Education shall state into which school district or regional school district the school district shall be assigned, giving priority consideration to the consolidation or annexation preferences of the school district to which the non-complying district will be joined. Nothing in this section shall preclude a student from exercising freedom of choice to the district of his or her choosing.

(d)(1) On July 1, 2004, any school district or regional school district created under this act shall become the successor in interest to the property of the school districts assigned to that school district or regional school district, shall become liable for the contracts and debts of the school districts assigned to the school district or regional school district, and may sue and be sued therefore.

(2) On July 1, 2004, when territory less than an entire school district is assigned to another school district or regional school district, the school district or the regional school district shall take the property of the school district from which the territory was taken, as the State Board of Education shall deem proper, and shall be liable for that part of all indebtedness of the district from which the territory was taken as shall be assigned to it by the State Board of Education.

(e)(1) Beginning on July 1, 2004, and until their successors are elected and take office under this act, school district boards of directors of school districts shall continue in office.

(2)(A) Beginning on May 1, 2004, and until their successors are elected and take office under this act, the interim board of directors of a regional school district shall consist of the presidents of the school district boards of directors of the school districts assigned to that regional school district. The presidents may then appoint other board members until the next regular school election at which time the board members or the regional district may be elected.

(B) The school board created under subdivision (e)(2)(A) of this section shall have the same powers and duties as any other school district board of directors. The first duty of the interim boards of directors created under this subsection (e) shall be to select a superintendent of schools who shall be hired for a term not to exceed July 1, 2007.

(f)(1) In regional school districts created under this act, the interim board of directors of the regional school district shall submit to the qualified electors of the district at the 2004 school election a proposed tax millage rate for the district. If the qualified electors of the regional school district approve the proposed millage rate, it shall be the tax rate for the regional school district, provided the tax rate complies with the uniform rate of tax.

(2) In a regional school district created under this act and if the electors have failed to approve a proposed millage rate at the 2004 annual school election, then the millage rate for the district shall be the uniform rate of tax and whatever debt service millage necessary to secure the bonded indebtedness of the regional school district.

SECTION 29. Effective Date.

Unless otherwise provided in this act, this act shall become effective on July 1, 2004.

SECTION 30. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the Arkansas Supreme Court in Lake View School District No. 25 v. Huckabee, 351 Ark. 31 (2002) declared the now extant system of education to be unconstitutional because it is both inequitable and inadequate; the Arkansas Supreme Court set forth the test for a constitutional system to be one in which the state has an "absolute duty" to provide an "equal opportunity to an adequate education"; and the Arkansas Supreme Court instructed the General Assembly to define and provide what is necessary to provide an adequate and equitable education for the children of Arkansas forthwith. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

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

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

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

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator Miller
KAS/VJF - 040720031443
VJF836

Secretary