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

*As Engrossed: S3/12/03*

# A Bill

SENATE BILL 758

5 By: Senators Argue, Whitaker, Wilkins, Baker, Altes  
6 By: Representatives C. Johnson, White, Green, Anderson, Bledsoe, Borhauer, Haak, Hardwick, Harris,  
7 Kenney, Parks, Penix, Rosenbaum  
8  
9

## For An Act To Be Entitled

11 AN ACT TO REORGANIZE THE EXISTING PUBLIC  
12 EDUCATION SYSTEM; TO ESTABLISH THE POWERS AND  
13 DUTIES OF THE OFFICERS OF THE PUBLIC EDUCATION  
14 SYSTEM; AND FOR OTHER PURPOSES.  
15

### Subtitle

16 THE PUBLIC EDUCATION REORGANIZATION ACT.  
17  
18  
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
21

22 WHEREAS, The Arkansas Supreme Court, in the decision of Lake View  
23 School District No. 25 v. Huckabee, 351 Ark. 31 (2002) declared the now  
24 extant system of public education to be unconstitutional because it is both  
25 inequitable and inadequate; and  
26

27 WHEREAS, The Arkansas Supreme Court set forth the test for a  
28 constitutional system to be one in which the state has an "absolute duty" to  
29 provide an "equal opportunity to an adequate education"; and  
30

31 WHEREAS, The Arkansas Supreme Court defined an "equal opportunity" to  
32 include the "basic components [of] substantially equal curricula,  
33 substantially equal facilities, and substantially equal equipment for  
34 obtaining an adequate education"; and  
35

36 WHEREAS, The Arkansas Supreme Court pointed to discrepancies in teacher



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1 salaries finding that “[w]ell paid and well motivated teachers are what make  
2 the education engine run”; and

3  
4 WHEREAS, The Arkansas Supreme Court has only given until January 1,  
5 2004, to implement a constitutional education system; and

6  
7 WHEREAS, The State of Arkansas recognizes that it has been the position  
8 of the state that any school district, regardless of size, whose students  
9 consistently exhibited exceptional performances on state, regional, or  
10 national examinations or on other related indicators of academic success  
11 would not be adversely affected by any structure of public education; and

12  
13 WHEREAS, It is the desire of the State of Arkansas to maintain as many  
14 community schools and as much community involvement in public education as  
15 possible; and

16  
17 WHEREAS, The state recognizes that there is no greater indicator of  
18 success in education than the involvement of the parents of students and the  
19 members of the community; and

20  
21 WHEREAS, Multiple studies of education and education efficiency have  
22 determined that there are better ways of delivering an education system than  
23 the one that currently exists in Arkansas; and

24  
25 WHEREAS, The state is acutely aware of financial and monetary  
26 restraints that have been placed on it by both the current state of the  
27 economy and the Constitution of the State of Arkansas; and

28  
29 WHEREAS, The state has to find an efficient method to use its limited  
30 resources to create a system of public education as defined by Article 14, as  
31 amended, of the Arkansas Constitution,

32  
33 THEREFORE,

34 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

35  
36 SECTION 1. Arkansas Code § 6-1-101(b), pertaining to the requirements

1 of an audit report by an independent accountant, is amended to read as  
2 follows:

3 (b) Any statutorily required audit of an educational institution  
4 performed by an independent accountant shall include, as a minimum and as an  
5 integral part of the annual financial report, a review and comments on  
6 substantial compliance with each of the following:

7 (1) Management letter for audit of political subdivisions, §§  
8 14-75-101 - 14-75-104;

9 (2) School officials prohibited from having interest in sales to  
10 school and from receiving pecuniary profits for favorable actions, §§ ~~6-13-~~  
11 ~~6-28,~~ 6-21-601, 6-21-603;

12 (3) School elections, §§ 6-14-102, 6-14-118;

13 (4) Management of schools, §§ ~~6-13-617~~ ~~6-13-620~~ §§ 6-13-637 -  
14 6-13-643 and 6-13-701;

15 (5) Revolving loan fund, §§ 6-19-114, 6-20-801, 6-20-802;

16 (6) District finances, §§ 6-20-402, 6-20-409;

17 (7) District school bonds, §§ 6-20-1208, 6-20-1210;

18 (8) Teachers and employees, §§ 6-17-201, 6-17-203 - 6-17-206, 6-  
19 17-301, 6-17-401;

20 (9) Teachers' salaries, the Minimum Foundation Program Aid Act,  
21 §§ 6-17-803, 6-17-907, 6-17-908, 6-17-911 - 6-17-915, 6-17-918, and 6-17-919;

22 (10) Surety bonds if district has district treasurer, § 19-1-  
23 403;

24 (11) Deposit of funds, §§ 19-8-104, 19-8-106;

25 (12) Investment of funds, § 19-1-504; and

26 (13) Improvement contracts, §§ 22-9-201 - 22-9-205.

27

28 SECTION 2. Arkansas Code § 6-1-202(c)(3), pertaining to the location  
29 of the Arkansas Leadership Institute for Teachers of the Delta, is amended to  
30 read as follows:

31 (3)(A) A-Lift shall be located in Helena, Pine Bluff, or Monticello at  
32 an existing site with space available to house the institute.

33 (B) An existing site may be a two-year institution, a  
34 four-year institution, ~~an education service cooperative,~~ or other  
35 institution.

36 (C) Preference for location shall be given to four-year

1 institutions or ~~education service cooperatives~~ possible education service  
 2 centers in Helena, Pine Bluff, or Monticello that have experience in  
 3 professional development support mentoring, teacher licensure, and teacher  
 4 quality.

5 (D) The board shall have authority to issue the requests  
 6 for proposals site selection, and the selection shall be based upon a  
 7 response to a request for proposal issued through the board.

8

9 SECTION 3. Arkansas Code § 6-10-109(b)(1), pertaining to entities that  
 10 are eligible for grants to operate Parents As Teachers programs, is amended  
 11 to read as follows:

12 (b)(1) Only public school districts or ~~education service cooperatives~~  
 13 ~~established under Act 103 of the Extraordinary Session of 1983 [repealed] or~~  
 14 ~~under § 6-13-1001 et seq.~~ education service centers are eligible for grants  
 15 to operate Parents As Teachers programs.

16

17 SECTION 4. Arkansas Code § 6-13-101 is repealed.

18

19 SECTION 5. Arkansas Code § 6-13-102 is amended to read as follows:  
 20 6-13-102. Body corporate - Name.

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

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

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

36 (d) All school districts shall have the right to acquire and hold real

1 estate and all other classes of property.

2  
3 SECTION 6. Arkansas Code § 6-13-106 is amended to read as follows:

4 ~~6-13-106. Districts where no high school is maintained~~ High schools.

5 (a)(1) Any school district in this state ~~wherein~~ in which a high  
6 school ~~facilities are~~ is not maintained may contract with another school  
7 district for the furnishing of high school facilities for the pupils of that  
8 district upon such terms and conditions as ~~to the respective board of~~  
9 ~~directors~~ State Board of Education may ~~appear~~ find reasonable and proper.

10 ~~(b)(2)~~ These districts are authorized to pay, for the  
11 facilities, and the tuition of such pupils out of ~~the school fund apportioned~~  
12 ~~to the districts from the Public School Fund of the State of Arkansas~~ any  
13 combination of nonrestricted federal, state, and local funds.

14 ~~(e)(3)~~ These school districts may also contract and provide for  
15 the transportation of pupils.

16 (b)(1) Any high school extant on July 1, 2004, may remain open and  
17 functioning under the following conditions:

18 (A) The high school meets the curriculum, facility, and  
19 accreditation standards; and

20 (B) The high school proves to the State Board of Education  
21 that it can operate efficiently and meet all teacher salary requirements set  
22 by law.

23 (2) Any high school that cannot meet the requirements set forth  
24 in subdivision (b)(1) of this section may remain open and functioning if:

25 (A) The school district proves to the State Board of  
26 Education that the high school can meet curriculum, accreditation, facility,  
27 and efficiency standards and meet teacher salary requirements by entering  
28 into cooperative agreements with other high schools or post-secondary  
29 institutions to share faculty, equipment, and facilities or by utilizing  
30 distance education technologies; or

31 (B) The school district proves to the State Board of Education  
32 that it would be unduly cost-prohibitive to transport the students to another  
33 high school because of the geographical terrain.

34 (3) Any high school that cannot meet the requirements in  
35 subdivisions (b)(1) or (b)(2) of this section shall be closed and the  
36 students shall be given freedom of choice to attend another high school

1 located within the school district or in another school district.

2 (c) After July 1, 2004, the State Board of Education may determine the  
3 need for and location of any new high school to be located in a school  
4 district upon petition of the school board of the school district.

5  
6 SECTION 7. Arkansas Code Title 6, Chapter 13, Subchapter 1 is amended  
7 to add three (3) additional sections to read as follows:

8 6-13-111. Classes of school districts.

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

12 (b)(1) Unified School Districts.

13 (A) As of January 1, 2004, any school district that  
14 existed in this state before that date and which had an average daily  
15 membership of one thousand five hundred (1,500) students or greater shall  
16 continue to exist as a unified school district offering all courses and  
17 curricula through the twelfth grade.

18 (B) After July 1, 2004, any unified school district that  
19 has an average daily membership of less than one thousand five hundred  
20 (1,500) for two (2) consecutive years may be dissolved and merged with one  
21 (1) or more other unified, regional, or special school districts.

22 (2) Regional School Districts.

23 (A) As of January 1, 2004, any school district that  
24 existed in this state before that date and which had an average daily  
25 membership of less than one thousand five hundred (1,500) students shall  
26 cease to exist, except as provided in subdivision (b)(3) of this section, and  
27 shall be combined with other school districts.

28 (B)(i) The State Board of Education shall determine the  
29 boundaries of the new regional school districts, which are created from those  
30 school districts that do not qualify as unified school districts under  
31 subdivision (b)(1) of this section. There shall be no more than thirty (30)  
32 regional school districts.

33 (ii) In determining the boundaries of the regional  
34 school districts, the State Board of Education need not abide by either  
35 county boundaries or the boundaries of school districts. This includes the  
36 possibility that a school district falling under subdivision (b)(2)(A) of

1 this section might have to be consolidated with a unified school district.

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

6 (C) Regional school districts shall provide all courses  
7 and curricula through the twelfth grade.

8 (3) Special School Districts.

9 (A) Any school district that does not qualify as a unified  
10 school district under subdivision (b)(1) of this section, may apply to the  
11 State Board of Education for special school district status. A school  
12 district that qualifies as a special school district shall have the same  
13 prerogatives, powers, duties, and privileges as a unified school district.

14 (B) Any school district applying to be a special school  
15 district must demonstrate to the State Board of Education that it is capable  
16 of continuing to meet all curriculum, accreditation, efficiency, and facility  
17 standards and comply with all laws including those concerning teachers'  
18 salaries in the future.

19 (c) All school districts that are created shall be a unified school  
20 district, a regional school district, or a special school district, with the  
21 same prerogatives, powers, duties, and privileges as provided by law to that  
22 class of school district.

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

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

28  
29 6-13-112. Elementary, middle, and junior high schools.

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

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

1  
2 6-13-113. Closure of schools.

3 (a) After reorganization instituted by this act of the 2003 Regular  
4 Session General Assembly and the completion of efficiency, adequacy, and  
5 facilities studies, only the State Board of Education may close any school  
6 due to continued poor performance by students or failure to meet curriculum,  
7 accreditation, facility, or efficiency standards and teacher salary  
8 requirements.

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

12  
13 SECTION 8. Effective July 1, 2004, Arkansas Code §§ 6-13-604 through  
14 6-13-634 are repealed.

15  
16 SECTION 9. Arkansas Code Title 6, Chapter 13, Subchapter 6 is amended  
17 to add additional sections to read as follows:

18 6-13-635. School district boards of directors – Creation and size.

19 (a) All school districts shall have a board of directors consisting of  
20 five (5), seven (7), or nine (9) members.

21 (b) Except as provided in § 6-13-636(a), all school districts shall  
22 elect their boards of directors from single-member electoral zones that are  
23 in compliance with the federal Voting Rights Act and the Fourteenth Amendment  
24 to the United States Constitution.

25 (c)(1) Any school district board of directors may petition the State  
26 Board Of Education to change the number of its members, so long as that  
27 number of members is five (5), seven (7), or nine (9) members on condition  
28 that:

29 (2)(A) Notice of the filing of the petition shall be published  
30 within ten (10) days thereafter by one (1) insertion in some newspaper having  
31 a general circulation in the district.

32 (B) Upon a showing that an increase or decrease in the  
33 number of board members will be beneficial to the district petitioning for  
34 it, the state board may increase or decrease the number of directors for the  
35 district.

36 (C) The order directing an increase or decrease in the



1 number of board members shall be entered not more than sixty (60) days after  
2 the publication of the notice.

3 (D) The order directing an increase or decrease in the  
4 number of board members shall contain one (1) of the following methods for  
5 implementing the order:

6 (i) If there is a decrease in the number of  
7 directors, the directors in the effected zones shall draw lots to determine  
8 who will leave the board;

9 (ii) If there is an increase in the number of  
10 directors, an individual will be appointed to serve in each of the effected  
11 zone in the same manner as filling other vacancies on the board of directors.  
12

13 6-13-636. School district boards of directors – Election zones.

14 (a) Each school district shall elect its board of directors from  
15 single member electoral zones with the exception that those school districts  
16 with seven (7) or nine (9) board members may have two (2) of its members  
17 elected at large.

18 (b) By August 1, 2004, each school district shall produce and file  
19 with the county board of election commissioners a map, a legal description,  
20 or both of its electoral zones to be used at the next school election.

21 (c)(1) At the 2004 annual school election, any school district having  
22 boundaries that have changed since the 2003 annual school election or that  
23 previously had a board consisting solely of at-large members shall conduct an  
24 election at which all board members are elected.

25 (2) At the first meeting of the board of directors following the  
26 2004 school election in those school districts to which subdivision (c)(1)  
27 applies, members shall draw lots for term lengths in compliance with § 6-13-  
28 638.

29 (d)(1) Upon completion of the 2010 decennial census and every  
30 decennial census thereafter, and ninety (90) days before the 2012 school  
31 election and every school election falling two (2) years after of the  
32 decennial census, the school district shall redraw its electoral zones to be  
33 in compliance with the federal Voting Rights Act and the Fourteenth Amendment  
34 of the United States Constitution.

35 (2) The election following the adjustment of electoral zone  
36 boundaries shall be of the same manner as provided in subsection (c) of this

1 section.

2  
3 6-13-637. Qualifications for office and oath.

4 (a)(1) No person shall be eligible to be a member of any school  
5 district board of directors in this state unless he or she is a qualified  
6 elector of the school district and electoral zone in which he or she serves.

7 (2) No person who is elected to a school district board of  
8 directors shall be eligible for employment in that school district.

9 (3) No person shall be eligible to be a member of any school  
10 district board of directors in this state if the State Board of Education has  
11 determined under the Administrative Accountability Law, § 6-15-1601, et seq.,  
12 that the person committed an act or violation that jeopardized the fiscal or  
13 academic integrity of a school or school district.

14 (b)(1) Each director elected or appointed shall, within ten (10) days  
15 after receiving notice of his or her election or appointment, subscribe to  
16 the following oath:

17 "I, \_\_\_\_\_, do solemnly swear or affirm, that I will support the  
18 Constitution of the United States and the Constitution of the State of  
19 Arkansas, and that I will not be interested, directly or indirectly, in any  
20 contract made by the district of which I am a director, except as permitted  
21 by state law and that I will faithfully discharge the duties as school  
22 director in \_\_\_\_\_ (Unified / Regional / Special) School District of Arkansas,  
23 upon which I am about to enter."

24 (2) The county clerk, upon receipt of the oath prescribed for a  
25 director, shall immediately commission the persons, and they shall enter, at  
26 once, upon their duties as directors.

27  
28 6-13-638. School district board of directors – Length of terms and  
29 vacancy in office.

30 (a)(1) All members of a school district board of directors shall be  
31 elected to a term of office of not less than three (3) years nor more than  
32 five (5) years in length and with the expiration of the terms so arranged  
33 that, as nearly as possible, an equal number of positions are filled each  
34 year.

35 (2) All members of a school district board of directors shall  
36 have terms of office of equal length.

1       (b)(1) If a vacancy occurs on the school district board of directors,  
2 the vacancy shall be filled by a majority vote of the remaining directors.

3       (2) If, as a result of several vacancies on the board, only a  
4 minority of the directors remains or if the remaining directors fail to fill  
5 vacancies within thirty (30) days, the vacancies shall be filled by  
6 appointment by the county quorum court of the county in which the school  
7 district is domiciled.

8       (3) All appointed directors shall serve only to the next annual  
9 school election, at which time the electors shall select, in the usual  
10 manner, directors to serve the unexpired terms of the vacating directors.

11       (c)(1)(A) When a member of the board of directors of any school  
12 district in this state pleads guilty or nolo contendere to, or is found guilty  
13 of a felony, a vacancy shall immediately exist on that board of directors  
14 from the date of the final judgment of conviction.

15       (B) The prosecuting attorney who successfully prosecutes a  
16 school district board member for a felony shall immediately notify the  
17 remaining members of that board of the fact of the conviction and of the  
18 existence of a vacancy on the board of directors of the school district.

19       (2) When the State Board of Education determines a member of the  
20 board of directors of any school district in this state has committed an act  
21 or violation that jeopardizes the fiscal or academic integrity of a school or  
22 school district under the Administrative Accountability Law, § 6-15-1601, et  
23 seq., a vacancy shall immediately exist on that board of directors from the  
24 date of the final determination of the State Board of Education.

25       (3) The remaining members of the board of directors of the  
26 school district shall at their next regular meeting select a person to fill a  
27 vacancy created under this subsection (c) until the next regular school  
28 election, at which election a successor member shall be elected for the  
29 remaining portion of the vacated term.

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

35       (2) These vacancies shall be filled in the manner prescribed by  
36 law, except that appointments of the successors shall be conditional upon the

1 return of the members to resume their normal civilian activities in the  
2 district. Upon return, they may resume their duties as directors for their  
3 unexpired terms by written notice to the secretaries of their respective  
4 school boards.

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

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

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

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

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

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

29  
30 6-13-639. School district boards of directors – Organization.

31 (a) At the first regular meeting following the annual school election,  
32 the board of directors of each school district shall organize by electing:

33 (1) One (1) of their number president;

34 (2) One (1) of their number vice-president; and

35 (3) A secretary who may, but need not be, a member of the board.

36 (b)(1) The board, by resolution adopted by a majority vote, may

1 designate the ex officio financial secretary as the disbursing officer of the  
2 district, and no warrant or other order of payment shall be valid in the  
3 absence of the manual or electronic signature as authorized by law of the  
4 disbursing officer.

5 (2) The resolution must be filed with the county treasurer and  
6 the Director of the Department of Finance and Administration.

7 (3)(A) The disbursing officer shall give bond in the amount of  
8 two thousand dollars (\$2,000) or an amount equal to ten percent (10%) of the  
9 total amount of estimated revenue of the school district for the school year  
10 covered by the bond, whichever is the greater, the maximum not to exceed  
11 twenty thousand dollars (\$20,000), for the faithful discharge of his or her  
12 duties and for the proper accounting of all school money that may come into  
13 his or her hands or under his or her control.

14 (B) The surety on the bond shall be a surety company  
15 authorized to do business in the State of Arkansas.

16 (C) The bond shall be filed in the office of the county  
17 clerk and a copy filed with the Director of the Department of Education.

18 (D) The board shall pay for premiums of the bonds in the  
19 same manner as other fixed charges.

20 (4) Subdivision (b)(3) of this section shall only be operative  
21 if Arkansas Code Title 21, Chapter 2, Subchapter 7 is repealed or a person is  
22 not entitled to be bonded under this program.

23  
24 6-13-640. School district boards of directors – Meetings.

25 (a)(1) The board of directors shall hold regular monthly meetings  
26 during the school term and shall meet on call of the president or any three  
27 (3) members of the board or when petitioned to do so by a petition in writing  
28 signed by fifty (50) electors in the district.

29 (2) Regular meetings of the school board and all school board  
30 committees, and special meetings of the school board and school board  
31 committees that deal with personnel or personnel policies, shall, except in  
32 emergency situations, be held after 5:00 p.m.

33 (b)(1) Minutes of regular and special meetings of the school board  
34 shall be kept by the secretary of the board and filed by him or her in a  
35 permanent record.

36 (2) This record shall also contain a copy of all budgets of the

1 district and all reports of the county treasurer on the financial affairs of  
2 the district.

3 (c)(1)(A) A majority of a quorum voting affirmatively shall be  
4 required for the passage of any motion or resolution.

5 (B) Any member who abstains from voting shall be counted  
6 toward satisfying the quorum requirements, but shall not be counted as either  
7 for or against any motion.

8 (C) If a member announces a conflict of interest with  
9 regard to the issue, the member may leave the meeting until the voting on the  
10 issue is concluded.

11 (2) For the purposes of this section, a "quorum" shall be a  
12 majority of the membership of the board.

13 (d)(1) Any member of the board who misses three (3) regular and  
14 consecutive board meetings during a school year for any reason other than  
15 military service or illness of the member may be removed from office by a  
16 majority vote of the remaining board members, but only after an opportunity  
17 for a hearing before the board upon fifteen (15) days notice by personal  
18 delivery or by certified mail with return receipt signed by addressee only  
19 requested.

20 (2) If the board takes action to remove the member from office,  
21 the remaining members shall then appoint another individual to serve until  
22 the next annual school election, when electors shall select in the usual  
23 manner a director to serve the unexpired term of the removed member.

24  
25 6-13-641. School district boards of directors – Publication of the  
26 budget and previous year's annual expenditures.

27 (a) The requirement of Article 14, Section 3 of the Arkansas  
28 Constitution, as amended, for publication of the budget shall be discharged  
29 by the board of directors of each school district by publication of its  
30 budget one (1) time in some newspaper published in the county or counties in  
31 which the district operates.

32 (b) The publication shall be made not less than sixty (60) days before  
33 the election at which the annual school district ad valorem tax is voted  
34 upon.

35 (c) At the same time as the publication of the budget, the school  
36 district shall publish the expenditures of the school district for the

1 previous year, or the most recent year for which complete expenditure data is  
2 available.

3  
4 6-13-642. School district boards of directors – Training and  
5 instruction.

6 (a)(1)(A) Effective July 1, 2003, all members of a school district  
7 board of directors elected for an initial or noncontinuous term of office  
8 shall obtain a minimum of six (6) hours of training and instruction,  
9 including, but not limited to, the school laws of Arkansas and the laws,  
10 rules, and regulations governing the powers, duties, and responsibilities of  
11 school boards, improvement of student achievement, academic and fiscal  
12 accountability, student assessment, school finance, and ethics by January 1,  
13 2004.

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

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

27 (D) Hours of training and instruction obtained in excess  
28 of the minimum requirements may cumulate and be carried over from year to  
29 year.

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

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

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

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

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

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

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

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

34           (c)(1) The State Board of Education shall modify the Standards of  
35 Accreditation for Arkansas Public Schools as required by this section, and it  
36 shall be the responsibility of the Department of Education to receive and



1 maintain records of instructional hours obtained by members of school  
2 district boards of directors.

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

5  
6 6-13-643. School district boards of directors – Powers and duties.

7 (a) The board of directors of each school district in the state shall  
8 be charged with the following powers and perform the following duties,  
9 subject to those powers and duties reserved to the State Board of Education:

10 (1)(A) Employ teachers and other employees necessary for the  
11 proper conduct of the public schools of the district and make written  
12 contracts with teachers and all other employees in the form prescribed by the  
13 State Board of Education.

14 (B) There shall be four (4) copies of each contract made:

15 (i) One (1) copy to be retained by the board;

16 (ii) One (1) copy to be given to the employee;

17 (iii) One (1) copy to be forwarded to the county  
18 treasurer if the county treasurer serves as treasurer for the school  
19 district; and

20 (iv) One (1) copy to be filed with the county clerk  
21 of the county in which the school district is domiciled.

22 (C) The issuing of annual contracts to personnel, other  
23 than substitute teachers, employed on a daily basis and teachers shall be in  
24 writing and shall recite the duration of employment, specific duties, and  
25 annual salary;

26 (2) Shall have the care and custody of the educational  
27 facilities, grounds, and other property belonging to the district and shall  
28 keep it in good repair and in sanitary and sightly condition;

29 (3) May lease sixteenth section lands located in the school  
30 district, individually or in conjunction with the other boards of directors  
31 of other school districts interested in the sixteenth section, as the case  
32 may be;

33 (4) May purchase buildings or rent educational facilities and  
34 sites therefor and sell, rent, or exchange the sites or educational  
35 facilities;

36 (5) Shall see that the curriculum prescribed by the state board

1 or by law for all grades of schools in their district are taught;

2 (6) Shall visit classrooms frequently, but no less than  
3 annually, in the schools in their district while children are present, see to  
4 the welfare of the pupils, encourage them in their studies, and assist the  
5 teachers in the work so far as they can;

6 (7) Shall prepare and publish the district's budget for the  
7 ensuing year, in accordance with § 6-13-641;

8 (8)(A) May issue warrants on the county treasurer, when the  
9 county treasurer serves as treasurer of the school district, in accordance  
10 with the law for the payment of salaries due teachers and other employees and  
11 for any other lawful purposes and declare in the warrants the consideration  
12 for which each is drawn.

13 (B) The warrant shall be in the form approved by the state  
14 board;

15 (9) Shall obtain from the county collector and county treasurer  
16 information from time to time as to the state of finances of their school  
17 district and keep their expenditures safely within the means of the district;

18 (10)(A) May buy and pay for, out of the school district's funds,  
19 supplies and technological resources which may be necessary for the efficient  
20 operation of the schools.

21 (B) However, no warrants shall be issued by any school  
22 board for the payment of the supplies or services set out in this subdivision  
23 until the supplies or services have been delivered to the school;

24 (11)(A)(i) Shall close the schools and cease paying the teachers  
25 for the remainder of that fiscal year, if it should be apparent that the  
26 schools cannot be operated for the remainder of the school year without  
27 incurring more indebtedness than that represented by outstanding bonds and  
28 those that may be issued for buildings, equipment for the school buildings,  
29 purchasing sites, and repairing school buildings or the improvement of sites.

30 (ii) Each contract made with the teachers shall be  
31 subject to that contingency, and the district shall not be liable for  
32 teachers' salaries for the time the school is so closed.

33 (B) However, in cases of emergency, the state board may  
34 grant special permission to a district to create temporary current  
35 indebtedness.

36 (C) Nothing in this section shall prevent any school

1 district board of directors from borrowing money from banks, from  
2 individuals, or from next year's revenue in order to provide funds in an  
3 amount that the maximum nonbonded indebtedness of its school district so  
4 incurred shall not be greater than the maximum nonbonded indebtedness of the  
5 district was, at any time, during the preceding fiscal year.

6 (D) If any nonbonded debt is funded by the issuance of  
7 bonds, the amount so funded shall not be considered in determining the  
8 maximum amount of nonbonded indebtedness during the preceding fiscal year;

9 (12) Shall publish on the district's web site:

10 (A) Minutes of regular and special meetings of the school  
11 board;

12 (B) The budget for the ensuing year;

13 (C) Financial breakdown of monthly expenses of the  
14 district;

15 (D) Salary schedule and fringe benefits for all employees;

16 (E) The school district's yearly audit; and

17 (F) The annual statistical report;

18 (13) May convey any of the district's sixteenth section lands in  
19 exchange for any other land that would be more beneficial to the district;

20 (14)(A) May employ legal counsel to defend the school district,  
21 any member of the board of directors, or any school official in any legal  
22 proceeding to which the school district, any member thereof, or any school  
23 official may be a defendant, when a proceeding is instituted against it or  
24 against any member of the board of directors, by virtue of his or her actions  
25 in connection with his or her duties as a board member.

26 (B) All costs, expenses, and liabilities of proceedings so  
27 defended shall be a charge against the school district and paid out of funds  
28 provided by the governing body of the school district;

29 (15)(A) May without any authorization by electors of the  
30 district execute and deliver oil, gas, and mineral leases upon the lands of  
31 the district, which leases are to contain the terms and are to be given for  
32 consideration as is acceptable to the board of directors.

33 (B) All oil, gas, and mineral leases covering lands of any  
34 school district, executed by the board of directors of the district, are  
35 valid, effectual, and binding on the district.

36 (C) All oil, gas, and mineral leases covering the lands of

1 any school district of this state which have been made and executed by the  
2 board of directors of the district are declared to be binding on the district  
3 and effectual for all the purposes therein set out;

4 (16)(A) May purchase liability insurance to protect the  
5 individual members of the board of directors from legal liability for  
6 activities arising out of duties as a director, including liability arising  
7 out of alleged malfeasance, errors, omissions, wrongful acts not related to  
8 bodily injury or property damage, and other actions taken in the performance  
9 of their duties as directors.

10 (B) The board of directors may pay the premium on the  
11 liability insurance policy from funds belonging to the school district; and

12 (17) May do all other things necessary and lawful for the  
13 conduct of efficient free public schools in the district.

14 (b) If the board of directors of a school district permits access to  
15 the school grounds, facilities, and records by any person or group of persons  
16 whose purpose is to make students aware of occupational and educational  
17 options and opportunities, the board shall also permit access on the same  
18 basis to official recruiting representatives of the military forces of the  
19 state and the United States to enable those representatives to inform  
20 students of educational and career opportunities available in the military.

21  
22 SECTION 10. Arkansas Code § 6-13-801(b), pertaining to the authority  
23 of school districts to enter in to an educational compact, is amended to read  
24 as follows:

25 ~~(b) If all of the school districts that have entered into a compact~~  
26 ~~are within the service area of the same education service cooperative, that~~  
27 ~~education service cooperative is~~ Education service centers are also  
28 authorized to enter into ~~the~~ a compact.

29  
30 SECTION 11. Effective July 1, 2004, Arkansas Code Title 6, Chapter 13,  
31 Subchapter 9 is repealed.

32  
33 SECTION 12. Effective July 1, 2004, Arkansas Code Title 6, Chapter 13,  
34 Subchapter 10 is repealed.

35  
36 SECTION 13. Arkansas Code § 6-13-1501 is amended to read as follows:

1           6-13-1501. Creation of district by detaching territory from existing  
2 district.

3           (a)(1) It is the intent of the General Assembly, by this subchapter,  
4 to provide opportunities for children of this state by allowing local  
5 community members the opportunity to establish and maintain public schools in  
6 a manner that optimizes educational resources within a community.

7           (2) The General Assembly finds that the educational needs of the  
8 students of this state shall be best served by not allowing creation of a  
9 district under this subchapter with fewer than ~~four thousand (4,000)~~ one  
10 thousand five hundred (1,500) students, thus ensuring adequate educational  
11 opportunities for students.

12           (b) A new school district may be created by detaching territory from:

13                   (1) An existing school district; or

14                   (2) Two or more existing contiguous school districts.

15           (c) A school district created under this subchapter shall have all the  
16 rights, privileges, and responsibilities of ~~other public~~ unified school  
17 districts.

18  
19           SECTION 14. Arkansas Code § 6-13-1502 is amended to read as follows:

20           6-13-1502. Minimum area and attendance requirements.

21           (a) A new district may not be created in an area with fewer than ~~four~~  
22 ~~thousand (4,000)~~ one thousand five hundred (1,500) students in average daily  
23 membership.

24           (b) An existing district shall not be reduced by means of detachment  
25 to an area with fewer than ~~four thousand (4,000)~~ one thousand five hundred  
26 (1,500) students in average daily membership.

27           ~~(c) A new district to be created by detachment must only be made up of~~  
28 ~~students from one (1) existing district.~~

29           ~~(d) This subchapter shall apply only to school districts that in the~~  
30 ~~school year immediately preceding the detachment had an average daily~~  
31 ~~membership of at least fifteen thousand (15,000) students but not more than~~  
32 ~~twenty thousand (20,000) students.~~

33  
34           SECTION 15. Arkansas Code § 6-13-1504 is amended to read as follows:

35           6-13-1504. Election.

36           (a)(1) Not later than the ~~thirtieth~~ sixtieth day after the date the

1 State Board of Education receives a petition or resolution under this  
2 subchapter, the state board shall hold a hearing on the validity of the  
3 petition or resolution.

4 (2) To be valid, a petition or resolution shall:

5 (A) State the purpose for which the petition or resolution  
6 is being submitted;

7 (B) Contain a plat or map of the proposed new district;

8 (C) Contain an independent feasibility study stating:

9 (i) Cost of operation of the new district and the  
10 ability to operate the new district taking into consideration the tax base,  
11 debt service, ~~and~~ division of assets to the new district, and the ability of  
12 the new district to meet all curriculum, accreditation, facility, and  
13 efficiency standards and meet teacher salary requirements;

14 (ii) A list of the public school assets to be  
15 transferred from the existing district to the new district;

16 (iii) The size of the new district; and

17 (iv) The effect of detachment on court-ordered  
18 desegregation; and

19 (D) Be signed by at least ten percent (10%) of the  
20 registered voters of the area proposed for detachment.

21 (b)(1) If the state board determines that the petition or resolution  
22 is valid and the petition or resolution does not conflict with subdivision  
23 (b)(2) of this section, the state board may, after complying with subdivision  
24 (b)(2) of this section, order an election on the proposition of detachment to  
25 be held at the next annual school election or general election.

26 (2)(A) The state board shall not order any creation of a new  
27 district by detachment under this subchapter or any other act or combination  
28 of any acts that hampers, delays, or in any manner negatively affects  
29 desegregation efforts of a school district or districts in this state.

30 (B) ~~Prior to~~ Before the entry of any order for election on  
31 the question of detachment, the state board shall seek an advisory opinion  
32 from the Attorney General concerning the impact of the proposed detachment  
33 and creation of a new school district on the effort of the state to assist  
34 the affected school district or districts in the desegregation of the public  
35 schools of this state.

36 (3) The order for election on the proposition of detachment

1 shall:

2 (A) Contain a plat or map of the proposed new district;

3 and

4 (B) Comply with all requirements and procedures set forth  
5 in § 6-14-101 et seq. that do not conflict with the provisions of this  
6 subchapter.

7 (c)(1)(A) The state board shall certify ~~two (2)~~ copies of the  
8 detachment order and convey one (1) copy to the county clerk and one (1) copy  
9 to the county election commission in the county or counties in which land  
10 involved in the detachment is situated at least sixty (60) days ~~prior to~~  
11 before the date the commission sets for election on the question of  
12 detachment.

13 (B)(i) No later than forty-five (45) days ~~prior to~~ before  
14 the election, the county clerk of each county affected shall identify all  
15 persons who reside within the area proposed to be detached, and the county  
16 clerk shall determine the names and addresses of all qualified electors  
17 residing within that area.

18 (ii) The failure to identify all persons residing  
19 within the area proposed to be detached or the failure to determine the names  
20 and addresses of all qualified electors residing within that area shall not  
21 invalidate or otherwise affect the results of the election.

22 (C) All of the qualified electors residing within the  
23 territory to be detached shall be entitled to vote in the election.

24 (D) The petitioners shall give notice of the election by  
25 publication of at least one (1) insertion in a newspaper having general  
26 circulation in each school district from which territory is being detached.

27 (2)(A) The county clerk shall prepare a list by precinct of all  
28 those qualified electors residing within the area to be detached who are  
29 qualified to vote in that precinct and furnish that list to the election  
30 officials at the time the ballot boxes and voting machines are delivered.

31 (B) If the county clerk or the county election commission  
32 shall fail to perform any duties required, then any interested party may  
33 apply for a writ of mandamus to require the performance of the duties.

34 (C) The failure of the county clerk or the county election  
35 commission to perform the duties shall not void the detachment election  
36 unless a court finds that the failure to perform the duties substantially

1 prejudiced an interested party.

2 (d)(1) The ballot shall be printed to permit voting for or against the  
3 proposition in a manner similar to the following: "Creation of a new school  
4 district by detachment of property and territory that includes the following  
5 *property and territory from the \_\_\_\_\_ (Unified / Regional / Special)*  
6 *School District\* of \_\_\_\_\_ County."*

7 (2) The ballot description of the property and territory to be  
8 detached shall be sufficient to give general notice of the territory  
9 affected.

10

11 SECTION 16. Arkansas Code § 6-13-1505(d), pertaining to the creation  
12 of a school district by detachment and the millage rate of that new district,  
13 is amended to read as follows:

14 (d)(1) The millage rate of the qualified electors of the detached  
15 territory shall remain the same until an election may be held to change the  
16 rate of taxation for the detached area.

17 (2) In the detached territory, the interim board of directors of  
18 the new school district shall submit to the qualified electors of the  
19 district at the next school election a proposed tax millage rate for the  
20 district. If the qualified electors of the new district approve the proposed  
21 millage rate, it shall be the tax rate for the new school district, provided  
22 the tax rate complies with the uniform rate of tax.

23 (3) In the detached territory, if the qualified electors have  
24 failed to approve the millage rate proposed at the first annual school  
25 election for the detached territory, then the millage rate for the new  
26 district shall be the uniform rate of tax and whatever debt service millage  
27 necessary to secure the bonded indebtedness of the new district.

28

29 SECTION 17. Arkansas Code Title 6, Chapter 13 is amended to add a new  
30 subchapter:

31 6-13-1601. Education service centers – Establishment.

32 (a)(1) The State Board of Education may establish education service  
33 centers in the state.

34 (2) The education service centers shall serve as intermediate  
35 service units and part of the Department of Education and shall be eligible  
36 to receive and expend funds from state and federal government, school



1 districts, and other public and private sources.

2 (b) Education service centers established under this subchapter shall  
3 provide to schools and school districts assistance in:

4 (1) Using educational resources more effectively through  
5 cooperation among schools or school districts or refocusing of resources;

6 (2) Promoting coordination among schools, school districts,  
7 other institutions, and the Department of Education in order to provide  
8 services that are consistent with providing an equal opportunity to an  
9 adequate education for each and every student; and

10 (3) Engaging parents in the support of programs that improve  
11 student achievement.

12 (c)(1) The General Assembly designates that the education service  
13 centers created by this subchapter meet the definition of "local education  
14 agencies" by virtue of the fact that each is a public authority, legally  
15 constituted within this state to perform a service function for a public  
16 elementary and secondary school in school districts and other political  
17 subdivisions of the state and to form a consortia of schools and school  
18 districts which are recognized by the General Assembly as administrative  
19 agents for public elementary and secondary schools.

20 (2) This section intends to recognize the function of the  
21 education service centers and to provide eligibility to the education service  
22 centers to receive state and federal funds upon written requests from the  
23 school districts.

24  
25 6-13-1602. Education service centers – Area of service – Establishment  
26 and adjustment.

27 (a) The State Board of Education shall establish the service area  
28 boundaries for the education service centers created under this subchapter.

29 (b) Each school district in the state shall be assigned to an  
30 education service center.

31 (c) The State Board of Education, either upon the request of one (1)  
32 or more school district boards of directors or upon its own motion, and  
33 consistent with the provisions of this section, may alter the service area of  
34 education service centers if it determines that an alteration of the service  
35 area is in the best interest of the students in the areas involved.

36

1 6-13-1603. Education service centers – Committees.

2 (a) Each education service center shall have an advisory committee to  
3 aid the director of the education service center in meeting the objectives of  
4 the education service center and the state.

5 (b)(1) The advisory committee shall consist of nine (9) individuals  
6 appointed by the director of the education service center with the approval  
7 of the Director of the Department of Education.

8 (2) The members of the advisory committee shall each serve  
9 three-year staggered terms, with an equal number rotating off of the advisory  
10 committee each year.

11 (3) The membership of the committee shall include at least three  
12 (3) teachers, at least three (3) parents, and at least two (2)  
13 administrators.

14 (c) The duties of the advisory committee are:

15 (1)(A) Establishment of policies and procedures for the  
16 operation and management of the education service center.

17 (B) The policies and procedures shall be in written form  
18 and shall be approved by and filed with the State Board of Education;

19 (2) Making surveys or other inquiries that may be required to  
20 determine the service needs of school districts in the service area of the  
21 education service center and developing plans to provide the needed services;

22 (3) Implementation of policies established by the State Board of  
23 Education for the operation of the education service center;

24 (4) Cooperation with other education service centers, school  
25 districts, and other agencies to provide programs and services for children  
26 and adults residing within their respective areas; and

27 (5) Carrying out other duties that may be required for the  
28 efficient operation of the education service center.

29 (d)(1) The advisory committee shall meet at least quarterly.

30 (2)(A) At least annually and on a schedule set by the Director  
31 of the Department of Education, the education service center shall report to  
32 the Director of the Department of Education on the prior year's operations.

33 (B) The education service center's reports to the Director  
34 of the Department of Education shall be written reports, with copies to each  
35 school and school district that is in the service area of the education  
36 service center.

1       (e) Each education service center may establish other committees of  
2 local school personnel needed to keep its programs responsive to the schools  
3 it serves.

4  
5       6-13-1604. Education service centers – Director.

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

8           (1) Administer the programs and services of the education  
9 service center;

10          (2) Direct expenditures of funds within the budget;

11          (3) Receive and expend funds needed to provide programs and  
12 services in the area;

13          (4) Secure and maintain facilities as are required to provide  
14 authorized programs and services; and

15          (5) Perform other duties as required by the Director of the  
16 Department of Education and the policies, rules, and regulations of the State  
17 Board of Education.

18       (b)(1) The director of the education service center shall be an  
19 employee of the Department of Education.

20       (2) The Director of the Department of Education shall solicit  
21 recommendations from the advisory committee of the education service center  
22 as to the employment and termination of the director of the education service  
23 center.

24  
25       6-13-1605. Education service centers – Personnel.

26       The personnel of education service centers shall be employees of the  
27 Department of Education.

28  
29       6-13-1606. Education service centers – Professional development  
30 center.

31       (a) Each education service center shall establish a professional  
32 development center that will provide curriculum development assistance,  
33 educational materials, and professional development services to educators,  
34 parents, and other community groups within the school districts in the  
35 service area or to other entities.

36       (b) A professional development coordinator, who shall report to the

1 director of the education service center, shall manage the professional  
2 development center.

3 (c) Each professional development center shall develop, maintain, and  
4 deliver services to improve student, school, and school district academic  
5 performance and to implement initiatives identified by the Director of the  
6 Department of Education.

7 (d)(1)(A) Each Professional Development Center shall develop a  
8 professional development plan.

9 (B) The plan shall be based on the requirements within the  
10 Professional Development Rules and Regulations, State Board of Education  
11 priorities, student achievement data, and the school improvement plans of the  
12 member school districts.

13 (2) Improvement of student achievement shall be the prerequisite  
14 goal of all professional development.

15 (3) The plan shall include the purposes and descriptions of  
16 services the center shall provide to schools in school improvement and the  
17 other schools or entities served by the center.

18 (4)(A) Teachers, administrators, and classified school employees  
19 shall be involved in the design, implementation, and evaluation of the  
20 professional development offerings.

21 (B) The evaluation results shall be given to each group of  
22 employees and used for continuing improvement.

23 (e) Each professional development center shall annually report to the  
24 Director of Education regarding professional development activities for the  
25 previous year as required by the department.

26 (f) Each professional development center shall provide for the  
27 services of a mathematics specialist, literacy specialist, instructional  
28 technology specialist, and other specialists, including, but not limited to,  
29 gifted and talented, special education, early childhood, as identified and  
30 required by the Department of Education, with special attention and  
31 additional services provided to those schools and school districts with high  
32 concentrations of low income families or students from low income families as  
33 indicated by eligibility for the free or reduced price lunch program under  
34 the National School Lunch Act or any other act of the United States Congress,  
35 in existence on January 1, 2003.

36

1       6-13-1607. Education service centers – Technology support center  
2       Each education service center shall to establish a technology support  
3       center for the purpose of:

4       (1) Providing relevant technology staff development for personnel of  
5       member schools;

6       (2) Assisting member schools with determining technology needs,  
7       technology planning, and the appropriate types of technology including  
8       computer hardware and software necessary to meet those needs;

9       (3) Assisting with technology system analysis and local network  
10      design;

11      (4) Providing member schools with information on technology standards  
12      and specifications;

13      (5) Developing and coordinating technical training and support  
14      services at the education service center;

15      (6) Assisting the Department of Education in awarding and monitoring  
16      state and federal technology grants and resources;

17      (7) Coordinating information with the Arkansas Public School Computer  
18      Network so that member schools will be informed on technological activity in  
19      the state; and

20      (8) Assisting with requests for proposal development and bid analysis  
21      so that member schools will be better able to spend funds for technology.

22  
23      6-13-1608. Education service centers – Sharing and coordinating  
24      activities.

25      The Department of Education shall oversee the sharing and coordination  
26      of activities among the education service centers.

27  
28      6-13-1609. Education service centers - Programs and services.

29      (a) The programs and services of each education service center shall  
30      be based upon the needs of the schools and school districts included in its  
31      service area and as they directly relate to the educational priorities of the  
32      state as established by the State Board of Education.

33      (b) Education service centers may provide shared educational programs  
34      and services such as needs assessment and school improvement planning, staff  
35      development, curriculum development, itinerant teachers, distance learning,  
36      instructional materials, adult and vocational education, programs for gifted

1 and talented children, education for children with disabilities, alternative  
2 educational programs, secondary area vocational centers, community-based  
3 education programs, and other services that the State Board of Education may  
4 approve or that school districts may support with local funds.

5 (c)(1) Each education service center shall conduct annual surveys and  
6 needs assessments to assist the center in its first priority of helping  
7 schools and school districts improve their educational programs and  
8 practices.

9 (2) Annual surveys and needs assessments may include written  
10 surveys, visits to schools to meet with local personnel, meeting with school  
11 councils, and other means to identify local needs throughout the service  
12 area.

13 (3)(A) School districts may enter into contracts with the  
14 education service center for services supported partially or completely by  
15 local, state, or federal funds.

16 (B) No school district shall be assessed a membership fee.

17 (4) School districts within the service area of one (1)  
18 education service center may also contract for services with another  
19 education service center.

20  
21 6-13-1610. Education service centers – Evaluations.

22 (a) On a schedule, which shall not be longer than a five (5) year  
23 cyclical period, established by the Director of the Department of Education,  
24 an evaluation committee of seven (7) persons shall visit all education  
25 service centers.

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

31 (c)(1) The report of the committee shall be filed with the education  
32 service center visited, with its constituent schools and school districts,  
33 and with the Department of Education.

34 (2) The advisory committee and the director of the education  
35 service center shall acknowledge receipt of the report and comment on any  
36 deficiencies identified in the report.

1           (d) The intent of this evaluation procedure is to:

2                   (1) Provide a means for schools and school districts to express  
3 their concerns about the operation of their education service center;

4                   (2) Ensure that each education service center remains alert and  
5 responsive to the needs of the local schools it serves; and

6                   (3) Ensure that state initiatives as designated by the State  
7 Board of Education are supported and implemented.

8           (e)(1) For each evaluation, the Director of Education shall appoint  
9 the committee and designate its chairperson.

10                   (2) The committee shall include the following from outside the  
11 service area of the education service center being evaluated:

12                           (A) A Department of Education staff member;

13                           (B) A teacher;

14                           (C) A public school administrator;

15                           (D) A representative of higher education;

16                           (E) A parent serving as a member of a school's Parent  
17 Advisory Council;

18                           (F) A member of a school district board of directors; and

19                           (G) A representative of business and industry.

20  
21           6-13-1611. Education service centers – Regulations.

22           The State Board of Education may develop policies, rules, and  
23 regulations as needed for the proper administration of this subchapter  
24 consistent with the need to support and assist education service centers in  
25 the delivery of services to schools and school districts and with prudent use  
26 of available human and financial resources.

27  
28           SECTION 18. Arkansas Code Title 6, Chapter 13, is amended to add the  
29 following new subchapter:

30           6-13-1701. Parent advisory council – Establishment.

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

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

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

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

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

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

8  
9       6-13-1702. Parent advisory council – Membership.

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

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

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

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

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

21  
22       6-17-1703. Parent advisory council – Meetings.

23       The parent advisory council shall meet at least quarterly during the  
24 school year.

25  
26       6-13-1704. Parent advisory council – Roles and responsibilities.

27       (a) The parent advisory council shall recognize the principal as the  
28 chief academic and operational officer of the school.

29       (b) The parent advisory council shall:

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

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

35               (3) Make recommendations encouraging regular, two-way meaningful  
36 communication with parents and legal guardians, such as publishing the



1 school's process for resolving parental concerns, including whom to approach  
2 first and how to develop solutions;

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

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

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

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

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

19  
20 6-13-1705. Parent advisory council – School roles and  
21 responsibilities.

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

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

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

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

33  
34 6-13-1706. Parent advisory council – Monitoring.

35 The organization of the parent advisory council and its required  
36 activities shall be monitored by the Department of Education during the

1 official scheduled compliance review of the school.

2  
3 SECTION 19. Arkansas Code § 6-15-211 is repealed.

4  
5 SECTION 20. Arkansas Code Title 6, Chapter 15, Subchapter 2, is  
6 amended to add an additional section to read as follows:

7 6-15-213. Failure to meet standards.

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

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

15 (2) To reorganize a school district the board may consolidate,  
16 annex, merge, or detach part of the school district with one (1) or more  
17 other school districts or the dissolution of the school district into  
18 multiple school districts.

19 (c) If a school district fails to meet curriculum, accreditation,  
20 efficiency, or facilities standards or teacher salary requirements in any  
21 given year, the Director of the Department of Education shall take immediate  
22 action to correct the situation, including, but not limited to, removal of  
23 the superintendent.

24  
25 SECTION 21. Arkansas Code § 6-15-504(b)(1)(A), pertaining to testing  
26 of home-schooled students is amended to read as follows:

27 (b)(1)(A) The administration of the tests required of home-schooled  
28 students shall be ~~by the directors of the education service cooperatives~~  
29 ~~established under § 6-13-1001 et seq.~~ or as otherwise designated by the  
30 Department of Education.

31  
32 SECTION 22. Arkansas Code Title 6, Chapter 15, is amended to add the  
33 following new subchapter:

34 6-15-1601. Title.

35 This subchapter shall be known and may be cited as the “Administrative  
36 Accountability Law”.

1  
2 6-15-1602. Purpose.

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

6  
7 6-15-1603. Rules and regulations-State Board of Education.

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

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

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

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

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

32 (d)(1) The school superintendent under § 6-17-410 or school board  
33 director under this subchapter may appeal to the State Board of Education  
34 concerning any determination or any ruling by the department as allowed for  
35 under subsection (c) of this section.

36 (2) Any appeal under this subchapter must be made within fifteen

1 (15) days of the department's ruling, and the State Board of Education shall  
2 act on the appeal within sixty (60) days of receipt of the appeal.

3 (3) The State Board of Education's decision on appeal shall be  
4 final with no further right of appeal by the school superintendent or school  
5 board director.

6  
7 6-15-1604. Enforcement.

8 (a) The State Board of Education, using the same procedure as required  
9 under § 6-17-410 for cause, may revoke, suspend, or place on probation the  
10 professional license of the superintendent based on the action or violation  
11 that jeopardizes the fiscal or academic integrity of the school or school  
12 district.

13 (b) In the case of a school board director, the State Board may, at a  
14 public hearing using procedures required in this subchapter, determine  
15 whether a school board director is unqualified to hold the school board  
16 position to which the director was elected under § 6-13-637.

17  
18 6-15-1605. Superintendent contract.

19 (a) Every school superintendent contract with a public school district  
20 shall require that the terms and conditions of the contract shall become void  
21 upon the revocation or suspension of the school superintendent's license and  
22 that the terms and conditions of the contract shall become voidable at the  
23 option of the district if the school superintendent's license is placed on  
24 probationary status under § 6-17-410.

25 (b) A superintendent contract with a public school district shall not  
26 be for a term greater than three (3) years.

27 (c) No contract between a superintendent and a public school district  
28 shall provide any greater right or claim of employment or compensation beyond  
29 those rights allowed by this subchapter.

30  
31 6-15-1606. School board director qualifications.

32 (a) No person shall have any qualification or right to hold an elected  
33 school board position beyond the terms and conditions of this subchapter.

34 (b) The Director of the Department of Education may request the  
35 Attorney General begin usurpation of office action under § 16-118-105 against  
36 any school board director identified by the State Board of Education as

1 unqualified for office, but who refuses to vacate the office.

2  
3 6-15-1607. Establishment of new school board.

4 (a) If the majority of the board of directors are determined to not be  
5 qualified to hold office and are removed, the Department of Education may  
6 call for the election of a new school board for the district.

7 (b) If an election is called under this section, the district shall  
8 reimburse the county board of election commissioners for election costs as  
9 otherwise required by law.

10  
11 *SECTION 23. Arkansas Code Title 6, Chapter 17, Subchapter 2 is amended*  
12 *to add an additional section to read as follows:*

13 6-17-209. Interim Personnel Policy Committees.

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

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

20 (2) "Interim school board" means:

21 (A) The temporary school board governing a regional school  
22 district under this act; or

23 (B) In the event of a voluntary consolidation under  
24 Arkansas Code Title 6, Chapter 13, Subchapter 14, a board consisting of the  
25 presidents of the school district boards of directors of the school districts  
26 to be consolidated, which shall be formed for the purpose of reviewing and  
27 adopting a uniform set of policies under this section; and

28 (3) "New school district" means the resulting school district  
29 after consolidation.

30 (b) As soon as possible after the school boards or the qualified  
31 electors of the school districts agree to be consolidated, or as soon as  
32 possible after the State Board of Education publishes it's preliminary list  
33 of school districts to be consolidated, the personnel policy committee of  
34 each of the school districts involved in the consolidation shall meet  
35 individually and elect members to form an interim personnel policy committee  
36 for the new school district.

1           (1) The personnel policy committees of the existing school  
2 districts shall elect:

3           (A) If three (3) or fewer school districts are  
4 consolidating, three (3) existing teacher members of the personnel policy  
5 committee from each school district to serve on the interim personnel policy  
6 committee; or

7           (B) If four (4) or more school districts are  
8 consolidating, two (2) existing teacher members of the personnel policy  
9 committee from each school district to serve on the interim personnel policy  
10 committee; and

11           (C) One (1) administrator from each of the school  
12 districts to serve on the interim personnel policy committee.

13           (2) The interim personnel policy committee shall elect a  
14 chairperson and a secretary, both of whom shall be classroom teachers, and  
15 schedule a calendar of meetings to review all the written uniform policies of  
16 the respective districts that affect the terms and conditions of the  
17 teachers' employment. From those written policies the interim personnel  
18 policy committee shall put together a proposed set of policies for the new  
19 school district.

20           (c)(1) After drafting a proposed set of policies for the new school  
21 district, the interim personnel policy committee shall meet with the interim  
22 school board of the new school district to present and explain to the interim  
23 school board the proposed set of policies for the new school district;

24           (2) Upon request of the interim personnel policy committee, the  
25 interim school board shall be entitled to meet with the interim personnel  
26 policy committee at least twice before June 1, 2004, for the purpose of  
27 reviewing, receiving, and discussing with the interim personnel policy  
28 committee the proposed policies for the new school district.

29           (d) The interim personnel policy committee shall serve as the new  
30 school district's personnel policy committee until a new personnel policy  
31 committee is formed and successor personnel policy committee members are  
32 elected under this subchapter, or until the new school district chooses to  
33 officially recognize in its policies an organization representing a majority  
34 of the teachers in the district for purposes of negotiating as provided for  
35 under this subchapter.

36           (e) The interim school board shall adopt a uniform set of policies

1 before July 1, 2004, which shall be the personnel policies for the new school  
2 district for the 2004-2005 school year.

3 (1) If the interim school board decides to adopt any policy or  
4 policies different from those proposed by the interim personnel policy  
5 committee, the interim school board shall submit the proposals to the interim  
6 personnel policy committee at least seven (7) calendar days prior to being  
7 considered for adoption by the board;

8 (2) The chair of the interim personnel policy committee, or a  
9 committee member designated by the chair, will have the opportunity to orally  
10 comment on any of the interim school board's proposals prior to their  
11 adoption;

12 (3) Any written policy of a new school district that affects the  
13 terms and conditions of a teacher's employment shall be considered a  
14 personnel policy;

15 (4) The new personnel policies shall not impair or diminish the  
16 existing contract rights of any teacher.

17 (f) If a school district with a personnel policy committee  
18 consolidates with another school that recognizes in its policies an  
19 organization representing the majority of the teachers of the district for  
20 the purpose of negotiating personnel policies, salaries, and educational  
21 matters of mutual concern pursuant to Arkansas Code § 6-17-202, the teachers  
22 in the district with the personnel policy committee shall have the right, in  
23 their first year of employment with the new district, to elect to have their  
24 contract governed by the negotiated personnel policies of the new district or  
25 to continue with the terms of their existing contract under the personnel  
26 policies of the district they were employed by the year prior to the  
27 consolidation.

28 (g) The provisions of this section shall expire on July 1, 2005.

29  
30 SECTION 24. Arkansas Code Title 6, Chapter 17, Subchapter 2, is  
31 amended to add an additional section to read as follows:

32 6-17-210. Reduction in Force – Lay-Offs.

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

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

1           (2) "Classified Employee" means a non-supervisory employee  
2 holding a position that is not required by law to hold a license issued by  
3 the State Board of Education and whose salary are on a support or classified  
4 salary schedule;

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

9           (4) "Grade Level" means:

10           (A) Pre-kindergarten;

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

13           (C) Middle or Junior High, which consists of grades six  
14 (6) or grade seven (7) through grades eight (8) or nine (9); or

15           (D) Senior High, which consists of grades nine (9) through  
16 twelve (12);

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

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

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

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

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

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

35           (b)(1) In the event of a consolidation effective on or before July 1,  
36 2004, including the creation of regional school districts, the school



1 districts to be consolidated shall not implement a reduction in force and  
2 shall not nonrenew or terminate any teacher's or classified employee's  
3 contract based upon the upcoming consolidation;

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

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

11 (2) However, nothing in this section shall exempt a new school  
12 district from complying with the Arkansas Teacher Fair Dismissal Act, §§ 6-  
13 17-1501, et seq., as may be amended, or the Public School Employee Fair  
14 Hearing Act, §§ 6-17-1707, et seq., as may be amended, when implementing the  
15 reduction in force.

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

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

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

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

28 (B) Additional points for graduate degrees, but only one  
29 (1) applies:

30 (i) Two (2) points shall be given for an earned  
31 Master's Degree, maximum two (2) points;

32 (ii) Three (3) points shall be given for a Master's  
33 Degree plus thirty (30) additional graduate level hours, maximum three (3)  
34 points;

35 (iii) Four (4) points shall be given for an  
36 Educational Specialist Degree, maximum four (4) points; and

1                   (iv) Five (5) points shall be given for a Doctorate  
2 Degree, maximum five (5) points; and

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

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

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

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

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

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

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

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

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

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

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

33                   (g) In the event of a necessary reduction in force under this section  
34 of classified employees, the school district shall supply all classified  
35 employees a list of employees by length of service. The school district shall  
36 first lay-off probationary classified employees, then the classified

1 employees with the least seniority in the identified job classification. For  
2 two (2) years following the reduction, classified employees whose positions  
3 have been eliminated due to a reduction under this section shall have the  
4 right to assume a position for which they are qualified that is held by the  
5 least senior classified employee with the same job classification and length  
6 of contract. Laid-off classified employees shall be recalled for a period of  
7 two (2) years in reverse order of the lay-off to any position for which they  
8 are qualified. Any classified employee's refusal of a job shall end the  
9 district's obligation to place that classified employee.

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

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

17  
18 SECTION 25. Arkansas Code § 6-17-410(e)(2), pertaining to the reasons  
19 for which a license may be revoked or suspended or the licensee placed on  
20 probation, is amended to add an additional subdivision to read as follows:

21 (I) Determination by the Department of Education that a school  
22 superintendent has committed an act or violation, including, but not limited  
23 to, any violation of Arkansas or federal law, rules or regulations, or  
24 reporting requirements which jeopardizes the fiscal or academic integrity of  
25 a school or school district.

26  
27 SECTION 26. Arkansas Code § 6-17-413(a)(3)(F), pertaining to  
28 qualifications to receive incentive or yearly bonuses due to certification by  
29 National Board for Professional Teaching Standards, is amended to read as  
30 follows:

31 (F) No person shall receive either a starting incentive bonus or a  
32 yearly incentive bonus, irrespective of the person's past participation in  
33 the national board's certification as either a teacher, a building-level  
34 principal, or a building-level assistant principal if the person:

35 (i) Leaves the full-time employment of an Arkansas public school  
36 district;

1 (ii) Becomes employed as a district-level central office  
2 administrator;

3 (iii) Is employed by an Arkansas institution of higher  
4 education; or

5 (iv) Is employed by ~~an education service cooperative~~ the  
6 Department of Education and does not teach in a classroom with students.

7  
8 SECTION 27. Arkansas Code § 6-17-413(b)(2), pertaining to situations  
9 in which an individual must repay the money that he or she received for  
10 training under the National Board for Professional Teaching Standards, is  
11 amended to read as follows:

12 (2) If the teacher, principal, or assistant principal leaves the  
13 employment of a public school district before the two (2) continuous years  
14 are completed and is employed by an Arkansas institution of higher education  
15 ~~or employed by an education service cooperative~~ by the Department of  
16 Education and the teacher does not teach in a classroom with students, the  
17 teacher, principal, or assistant principal shall repay the department the  
18 amount it contributed to the national board's participation fee and the total  
19 amount it contributed to any yearly salary bonus.

20  
21 SECTION 28. Arkansas Code § 6-17-414(a)(1)(A)(i) pertaining to  
22 conditions for initial employment by noncertified personnel is amended to  
23 read as follows:

24 (a)(1)(A)(i) On and after April 10, 1997, the board of directors of a  
25 local school district or the director of an education service ~~cooperative~~  
26 center shall require as a condition for initial employment in a noncertified  
27 staff position any person making application to apply to the Bureau of  
28 Identification and Information for a statewide and nationwide criminal  
29 records check, the latter to be conducted by the Federal Bureau of  
30 Investigation.

31  
32 SECTION 29. Arkansas Code § 6-17-414(a)(2) pertaining to completion of  
33 criminal background checks on noncertified personnel is amended to read as  
34 follows:

35 (2) Upon completion of the criminal records check, the Bureau of  
36 Identification and Information shall forward all information obtained

1 concerning the person in the commission of any offense listed in subsection  
2 (b) of this section to the department, which shall promptly inform the board  
3 of directors of the local school district or the director of the education  
4 service ~~cooperative~~ center whether or not the applicant is eligible for  
5 employment as provided by subdivision (b)(1) of this ~~act~~ section.

6  
7 SECTION 30. Arkansas Code § 6-17-414(b)(1) pertaining to eligibility  
8 for employment by noncertified personnel is amended to read as follows:

9 (b)(1) No person shall be eligible for employment by a local school  
10 district or education service ~~cooperative~~ center in a noncertified staff  
11 position if that person has pleaded guilty or nolo contendere to or has been  
12 found guilty of any of the following offenses by any court in the state of  
13 Arkansas or of any similar offense by a court in another state or of any  
14 similar offense by a federal court:

15  
16 SECTION 31. Arkansas Code § 6-17-414(b)(2) pertaining to offering  
17 provisional employment to noncertified personnel is amended to read as  
18 follow:

19 (2) Provided, however, that the board of directors of a local school  
20 district or the director of an education service ~~cooperative~~ center ~~is~~  
21 ~~authorized to~~ may offer provisional employment to an applicant pending  
22 receipt of eligibility information from the Department of Education.

23  
24 SECTION 32. Arkansas Code § 6-17-703 is amended to read as follows:  
25 6-17-703. Arkansas history in-service training.

26 (a) Every public school district in this state shall provide  
27 substantive and meaningful in-service training in Arkansas history for its  
28 teachers.

29 (b) The district may contract with an education service ~~cooperative~~  
30 center to provide the training.

31  
32 SECTION 33. Arkansas Code § 6-17-920(a), pertaining to examination of  
33 teachers' contracts, is amended to read as follows:

34 (a) It shall be the duty of the county clerk when the teachers'  
35 contracts are filed, as required by §§ ~~6-13-620~~ 6-13-643 and 6-17-919, to  
36 examine such contracts.

1  
2 SECTION 34. Arkansas Code § 6-17-1113(a)(1) and (2), pertaining to a  
3 list of entities eligible to participate in the school worker defense  
4 program, are repealed.

5 ~~(1) Education service cooperatives;~~

6 ~~(2) Education service cooperative board members;~~

7  
8 SECTION 35. Arkansas Code § 6-17-1113(a), pertaining to a list of  
9 entities eligible to participate in the school worker defense program, is  
10 amended to add an additional subdivision to read as follows:

11 (18) The members of an education service center advisory committee

12  
13 SECTION 36. Arkansas Code § 6-18-204(c) pertaining to students  
14 attending school in another district for specific purposes is amended to read  
15 as follows:

16 (c)(1) A student may attend school in another district for the  
17 purposes of enrolling for alternative education programs, secondary area  
18 vocational centers, or community-based education programs for which the  
19 resident district has entered into a compact with another district.

20 (2) The resident district of a student taking advantage of the  
21 provisions of this subsection shall pay tuition to the district or education  
22 service ~~cooperative~~ center that is the administrative agency for the compact  
23 program in the amount agreed upon the compact or as required by state  
24 regulation.

25  
26 SECTION 37. Arkansas Code § 6-18-206 is amended to read as follows:

27 6-18-206. Public school choice.

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

30 (2) The General Assembly ~~hereby~~ finds that the students in  
31 Arkansas' public schools and their parents will become more informed about  
32 and involved in the public educational system if students and their parents  
33 or guardians are provided greater freedom to determine the most effective  
34 school for meeting their individual educational needs. There is no right  
35 school for every student, and permitting students to choose from among  
36 different schools with differing assets will increase the likelihood that

1 some marginal students will stay in school and that other, more motivated  
2 students will find their full academic potential.

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

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

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

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

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

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

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

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

33 (b) Any instructions for the renewal  
34 procedures established by the district.

35 (2)(A) The school board of directors of every public school  
36 district ~~of any participating district~~ must adopt by resolution specific

1 standards for acceptance and rejection of applications. Standards may  
2 include the capacity of a program, class, grade level, or school building.  
3 Nothing in this section requires a school district to add teachers or  
4 classrooms or in any way to exceed the requirements and standards established  
5 by existing law. Standards shall include a statement that priority will be  
6 given to applications from siblings or stepsiblings residing in the same  
7 residence or household of students already attending the district by choice.  
8 Standards may not include an applicant's previous academic achievement,  
9 athletic or other extracurricular ability, handicapping conditions, English  
10 proficiency level, or previous disciplinary proceedings, except that an  
11 expulsion from another district may be included pursuant to § 6-18-510.

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

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

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

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

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

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

35 (e) For purposes of determining a school district's state equalization  
36 aid, the nonresident student shall be counted as a part of the average daily



1 membership of the district to which the student has transferred.

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

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

8 (2) A transfer to a district is exempt from the restriction set  
9 forth in subdivision (f)(1) of this section if ~~all districts within a county~~  
10 ~~have voted to participate in choice,~~ if the transfer is between two (2)  
11 districts within a county, and if the minority percentage in the student's  
12 race and majority percentages of school enrollment in both the resident and  
13 nonresident district remain within an acceptable range of the county's  
14 overall minority percentage in the student's race and majority percentages of  
15 school population as set forth by the department;

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

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

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

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

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

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

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

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

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

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

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

27  
28 SECTION 38. Arkansas Code § 6-18-508 is amended to read as follows:

29 6-18-508. Alternative learning environment.

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

32 (b)(1) The alternative learning environment required by this section  
33 may be established by more than one (1) school district ~~or may be operated by~~  
34 ~~a public school educational cooperative established under § 6-13-901 et seq~~  
35 or an education service center.

36 (2) The alternative learning environment must meet the following

1 eligibility requirements:

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

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

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

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

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

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

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

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

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

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

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

1 environments may only be expended for eligible alternative learning  
 2 environment programs.

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

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

11  
 12 SECTION 39. Arkansas Code § 6-20-323 is amended to read as follows:

13 6-20-323. Special needs students.

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

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

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

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

36 ~~(2) Funding for students with low socioeconomic status shall~~

1 ~~only be funded through June 30, 2005.~~

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

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

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

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

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

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

25 (f) The State Board of Education shall promulgate rules and  
 26 regulations for the disbursement of available funds for special needs  
 27 students explicated in this section.

28  
 29 SECTION 40. Arkansas Code § 6-20-818 is repealed.

30  
 31 SECTION 41. Arkansas Code § 6-41-207(f) pertaining to duties of the  
 32 State Board of Education regarding children with disabilities is amended to  
 33 read as follows:

34 (f) The board, in compliance with federal enforcement requirements, is  
 35 authorized to disallow the generation of all state aid to children with  
 36 disabilities to any local school district or education service ~~cooperative~~

1 ~~which center that~~ fails to comply with state and federal regulations, as  
2 determined by independent hearing officers, agency hearing decisions, agency  
3 complaint investigation decisions, agency compliance monitoring reports, or  
4 agency jurisdictional decisions. The board is authorized to set aside funds  
5 disallowed under this subsection (b) and to utilize such funds for the  
6 provision of a free and appropriate public education to appropriate children  
7 with disabilities.

8  
9 SECTION 42. Arkansas Code § 6-20-1609(b), pertaining to the power of  
10 the Department of Education in dealing with a school in Phase III academic  
11 distress, is amended to read as follows:

12 (b) During the 1998-1999 school year and each year thereafter until  
13 the school district is no longer classified as a Phase III district, the  
14 department shall have the following authority in dealing with any district  
15 classified as a Phase III school district:

16 (1) To require the superintendent to relinquish all authority  
17 with respect to the district, to appoint an individual to operate the  
18 district under the supervision of the Director of the Department of  
19 Education, and to compensate non-department employees for operating the  
20 district using the salary formerly given to the district superintendent;

21 (2) To have all the powers and duties of the local school board  
22 under ~~§ 6-13-620~~ § 6-13-643;

23 (3) To determine that it is in the best interests of the  
24 students in the district to continue operation of the district or that  
25 annexation to an adjacent district or districts is necessary;

26 (4) To call for the election of a new school board for the  
27 district, in which case the district shall reimburse the county board of  
28 election commissioners for election costs as otherwise required by law;

29 (5) To allow the district to operate without a local school  
30 board under the supervision of the local school district administration;

31 (6) To turn the administration of the district over to the  
32 former board or to a newly elected school board; and

33 (7) To waive the application of Arkansas law, with the exception  
34 of §§ 6-17-1501 et seq. and 6-17-1701 et seq. or department rules and  
35 regulations.

36

1 SECTION 43. Arkansas Code § 6-21-108(a), pertaining to school  
2 districts authority to own and convey real property, is amended to read as  
3 follows:

4 (a) In addition to the authority of school districts under ~~§ 6-13-620~~  
5 § 6-13-643 to have the care and custody of the schoolhouse, grounds, and  
6 other property belonging to the district, the board of directors for any  
7 Arkansas school district shall be authorized and empowered to acquire and  
8 hold real estate, tenements, hereditaments, and other real property as is  
9 necessary and proper for the purposes of the education of pupils of the  
10 district and the administration of the schools of the district.

11  
12 SECTION 44. Arkansas Code § 6-23-601(d)(3)(A), pertaining to  
13 employment contracts of teachers employed by a charter school, is amended to  
14 read as follows:

15 (3)(A) A certified teacher choosing to join the staff of a limited  
16 charter school shall be employed by the district by a written contract as set  
17 forth in ~~§ 6-13-620(4)~~ § 6-13-643(1), with the contract being subject to the  
18 provisions of the Teacher Fair Dismissal Act of 1983, § 6-17-1501 et seq.

19  
20 SECTION 45. Arkansas Code § 6-47-201 is amended to read as follows:

21 6-47-201. Administration in elementary schools.

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

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

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

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

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

36 (1) College preparatory courses, including, but not limited to,

1 calculus, physics, Arkansas history, foreign languages, and computer science;  
2 and

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

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

10

11 SECTION 46. Arkansas Code § 6-47-302 is amended to read as follows:

12 6-47-302. Implementation in elementary and secondary schools – Courses  
13 offered.

14 (a) The Department of Education shall plan for the statewide  
15 implementation of distance learning in elementary and secondary public  
16 schools in the state.

17 (b) The elementary or secondary school may utilize courses from  
18 outside the state. However, the ~~course curriculum shall be reviewed by the~~  
19 ~~Department of Education or the Department of Workforce Education prior to~~  
20 ~~offering the courses through distance learning~~ Department of Education or the  
21 Department of Workforce Education before offering the courses through  
22 distance learning shall review the course curriculum.

23 (c) The courses offered through distance learning may include college  
24 preparatory courses, advanced mathematics and science courses, and  
25 technological courses.

26 (d) The Department of Education shall work with the Arkansas School  
27 for Mathematics and Sciences, the Arkansas Educational Television Commission,  
28 ~~the education service cooperatives~~, the Arkansas State Library, and other  
29 state agencies involved in distance learning.

30

31 SECTION 47. Arkansas Code § 6-51-301(a) pertaining to the creation of  
32 new multidistrict vocational centers is amended to read as follows:

33 (a) Any request for approval of a proposed new center shall be  
34 submitted by the superintendent or chief executive officer of the school or  
35 institution proposed to function as the center and superintendents from the  
36 several schools to be served by a center or the ~~board of an education service~~



1 ~~cooperative~~ advisory committee of the education service center within whose  
2 ~~boundaries~~ service area the center is to be located.

3  
4 SECTION 48. Arkansas Code § 10-4-208(b), pertaining to requirements of  
5 an audit report by independent accountant when performing an audit of  
6 publicly funded educational institutions, is amended to read as follows:

7 (b) Any statutorily required audit of an educational institution  
8 performed by an independent accountant shall include as a minimum and as an  
9 integral part of the annual financial report a review and comments on  
10 substantial compliance with each of the following:

11 (1) Management letter for audit of political subdivisions, §§  
12 14-75-101 - 14-75-104;

13 (2) School officials prohibited from having interest in sales to  
14 school and from receiving pecuniary profits for favorable actions, ~~§§ 6-13-~~  
15 ~~628, § 6-21-601, 6-21-603;~~

16 (3) School elections, §§ 6-14-102, 6-14-118;

17 (4) Management of schools, ~~§§ 6-13-617 - 6-13-620, §§ 6-13-637-~~  
18 ~~6-13-643, 6-13-701;~~

19 (5) Revolving Loan Fund, §§ 6-19-114(a), 6-20-801 et seq.;

20 (6) District finances, §§ 6-20-402, 6-20-409;

21 (7) District school bonds, §§ 6-20-1208, 6-20-1210(a) and (b);

22 (8) Teachers and employees, §§ 6-17-201(b) and (c), 6-17-203 -  
23 6-17-206, 6-17-301, 6-17-401;

24 (9) Teachers' salaries, the Minimum Foundation Program Aid Act,  
25 §§ 6-17-803(b), 6-17-907, 6-17-908(a) and (b), 6-17-911 - 6-17-915, 6-17-918,  
26 and 6-17-919;

27 (10) Surety bonds if district has a district treasurer, § 19-1-  
28 403;

29 (11) Deposit of funds, §§ 19-8-104, 19-8-106;

30 (12) Investment of funds, § 19-1-504; and

31 (13) Improvement contracts, §§ 22-9-202 -- 22-9-205.

32  
33 SECTION 49. Arkansas Code § 10-4-304(15), pertaining to laws under the  
34 purview of the Arkansas Governmental Compliance Act, is amended to read as  
35 follows:

36 (15) Sections ~~6-13-618, 6-17-910 [repealed], 6-13-639,~~ 6-17-912, 6-17-

1 913, 6-17-918, and 6-17-919;

2

3 SECTION 50. Arkansas Code § 12-29-304(b), pertaining to the department  
4 of correction school district, is amended to read as follows:

5 (b) In view of the role, duties, and responsibilities of the  
6 Department of Correction as a penal and correctional institution, the  
7 inability of the Department of Correction School District to meet the full  
8 requirements of the rules and regulations of the quality education standards  
9 promulgated by the State Board of Education pursuant to §§ 6-15-201, 6-15-  
10 203, ~~§ 6-15-204 [repealed effective July 1, 2000], § 6-15-205 [repealed], and~~  
11 ~~§ 6-15-206, § 6-15-207 [repealed effective July 1, 2000], and § 6-15-211,~~ and  
12 other laws and regulations of the state pertaining to quality education  
13 standards shall, in no way, penalize or jeopardize the eligibility of the  
14 Department of Correction School District to receive state grants and aids for  
15 public school districts as authorized in this subchapter.

16

17 SECTION 51. Arkansas Code § 14-77-102(5)(C)(i), pertaining to the  
18 subdivisions included in the Local Fiscal Management Responsibility Act, is  
19 amended to read as follows:

20 (i) School disbursing officer: Organization - Disbursing officer, ~~§ 6-~~  
21 ~~13-618~~ § 6-13-639;

22

23 SECTION 52. Arkansas Code § 21-1-402(a)(1) pertaining to employment by  
24 individuals elected to a constitutional office is amended to read as follows:

25 (a)(1) Subject to any restrictions or conditions prescribed by the  
26 Arkansas Constitution, no person elected to a constitutional office may,  
27 after being elected to the constitutional office and during the term for  
28 which elected, enter into employment:

29 (A) With any state agency;

30 (B) In any noncertified position with any public school  
31 district of this state;

32 (C) With any vocational education school funded by the  
33 state; or

34 (D) With any education service ~~cooperative; or~~ center.

35 ~~(E) With the Cooperative Education Services Coordinating~~  
36 ~~Council, unless the constitutional officer resigns prior to entering into the~~

1 ~~employment.~~

2  
3 SECTION 53. Arkansas Code § 25-30-102(b) pertaining to the powers and  
4 duties of the State Board of Workforce Education and Career Opportunity is  
5 amended to read as follows:

6 (b) The State Board of Workforce Education and Career Opportunities  
7 shall develop and monitor a state plan for vocational-technical education  
8 ~~which that~~ shall include the establishment of at least one (1) area  
9 vocational center in each ~~educational service cooperative~~ area served by an  
10 education service center and in Pulaski County. All policy issues affecting  
11 the public schools will be developed by the State Board of Workforce  
12 Education and Career Opportunities after consultation with the State Board of  
13 Education and implemented in coordination with the Department of Education ~~or~~  
14 ~~the education service cooperatives, or both.~~

15  
16 SECTION 54. Arkansas Code § 26-51-420 is amended to read as follows

17 26-51-420. Deductions – Education service ~~cooperative~~ centers  
18 contributions.

19 Education service ~~cooperatives~~ centers created pursuant to ~~§ 6-13-1001~~  
20 ~~et seq. or Act 103 of the First Extraordinary Session of 1983~~ Arkansas Code  
21 Title 6, Chapter 13 are hereby declared instrumentalities and political  
22 subdivisions of the State of Arkansas, and all contributions and donations  
23 made to them during calendar year 1992 and any calendar year thereafter shall  
24 be deductible from the Arkansas income tax levied by § 26-51-201 et seq.

25  
26 SECTION 55. Arkansas Code § 26-80-111 is amended to read as follows:

27 26-80-111. School districts formed by consolidation, annexation, or  
28 merger.

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

1 district, provided such rate complies with the uniform rate of tax.

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

13  
14 SECTION 56. Arkansas Code 29-20-126 is repealed.

15  
16 SECTION 57. REALIGNMENT OF THE DEPARTMENT OF EDUCATION. NOT TO BE  
17 INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL,  
18 LOCAL, AND TEMPORARY LAW.

19 (a)(1) Before the implementation of this act, the Department of  
20 Education will itself reorganize. It must maximize its role as the active  
21 senior partner with the schools and prepare to intervene immediately rather  
22 than after the school or school district fails. To this end, the department  
23 shall form a taskforce consisting of key department personnel, school  
24 district personnel, teachers, and other stakeholders in order to examine the  
25 department's delivery system and make recommendations for its realignment.  
26 This study is to be completed by August 1, 2003.

27 (2) As part of the study, the department shall conduct a  
28 comprehensive review of the salaries of individuals it will need in order to  
29 fulfill its constitutional mission. This study will include equity  
30 adjustments to recognize differences in responsibility, performance, or  
31 seniority. Qualifications and salary levels shall be comparable to those of  
32 similar employees in school districts or in other state education agencies.

33 (b) After the completion of the realignment study, the department  
34 shall make recommendations to the General Assembly as to any statutory  
35 changes that must be done in order for the department to implement the  
36 recommendations of the taskforce. These statutory changes may include, but

1 not be limited to, changes in the "Uniform Classification and Compensation  
2 Act" and the department's appropriation act for operations.

3  
4 SECTION 58. IMPLEMENTATION AND SCHEDULE. NOT TO BE INCORPORATED INTO  
5 THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL, AND TEMPORARY  
6 LAW.

7 (a) By January 1, 2004, the State Board of Education shall cause to be  
8 published a preliminary list of all school districts then in existence  
9 stating whether that school district will become a unified, special, or  
10 regional school district and if the school district will be collapsed into a  
11 regional school district or consolidated with a unified school district, then  
12 the State Board of Education shall state into which regional school district  
13 or unified district the school district shall be assigned.

14 (b) By March 1, 2004, any school district then in existence that  
15 wishes to become a special school district shall submit a petition to the  
16 State Board of Education. The State Board of Education shall have the  
17 authority to promulgate rules and regulations on this issue.

18 (c) By May 1, 2004, the State Board of Education shall cause to be  
19 published a final list of all school districts stating whether that school  
20 district will become a unified, special, or regional school district and if  
21 the school district will be collapsed into a regional school district or  
22 consolidated with a unified school district, then the State Board of  
23 Education shall state into which regional school district or unified school  
24 district the school district shall be assigned.

25 (d)(1) On July 1, 2004, any regional school district created under  
26 this act shall become the successor in interest to the property of the school  
27 districts assigned to the regional school district, shall become liable for  
28 the contracts and debts of the school districts assigned to the regional  
29 school district, and may sue and be sued therefor;

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

36 (3) On July 1, 2004, the Department of Education shall become the

1 successor in interest to the property of the education service cooperatives  
2 dissolved under this act of 2003. The Department of Education shall not  
3 assume any debts of the dissolved education service cooperatives. The  
4 Department of Education may assume any contracts issued by the education  
5 service cooperatives.

6 (e)(1) Beginning on July 1, 2004, and until their successors are  
7 elected and take office under this act, school district boards of directors  
8 of school districts classified as unified and special school districts shall  
9 continue in office.

10 (2)(A) Beginning on June 1, 2004, and until their successors are  
11 elected and take office under this act, the interim board of directors of a  
12 regional school district shall consist of the presidents of the school  
13 district boards of directors of the school districts assigned to that  
14 regional school district.

15 (B) The school board created under subdivision (e)(2)(A)  
16 of this section shall have the same powers and duties as any other school  
17 district board of directors. The first duty of the interim boards of  
18 directors created under this subsection shall be to select a superintendent  
19 of schools who shall be hired for a term not to exceed July 1, 2005.

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

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

32 (g) This section shall no longer be in effect on June 30, 2005.

33  
34 SECTION 59. Effective Date.

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

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SECTION 60. 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 extent system of education to be unconstitutional because it is both inequitable and inadequate; and 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.

*/s/ Argue*