

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

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

As Engrossed: S3/24/03

A Bill

SENATE BILL 857

5 By: Senator Bryles
6
7

For An Act To Be Entitled

9 AN ACT TO PROVIDE FOR THE REFORM AND
10 REORGANIZATION OF ARKANSAS PUBLIC SCHOOLS AS
11 NECESSARY TO PROVIDE AN ADEQUATE AND EFFICIENT
12 *SYSTEM OF PUBLIC EDUCATION; AND FOR OTHER*
13 *PURPOSES.*
14

Subtitle

15 AN ACT TO PROVIDE FOR THE REFORM AND
16 REORGANIZATION OF ARKANSAS PUBLIC
17 SCHOOLS AS NECESSARY TO PROVIDE AN
18 ADEQUATE AND EFFICIENT SYSTEM OF PUBLIC
19 *EDUCATION.*
20
21
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

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

27 *6-13-111. School districts.*

28 *(a) As of January 1, 2004, the following school districts, meeting the*
29 *requirements in subsection (c) of this section, shall continue to exist*
30 *offering all courses and curricula through the twelfth grade if:*

31 *(1)(A) The school district existed in this state before the*
32 *effective date of this act, and has an average daily membership, which shall*
33 *include enrollment of four (4) year olds in any prekindergarten programs*
34 *offered by the school district, of seven hundred fifty (750) students or*
35 *greater.*

36 *(B) School districts with variance of twenty-five (25)*



1 students or less and a history of growth may remain a school district under
2 subdivision (a)(1)(A), and shall be allowed two (2) years to reach the
3 required average daily membership, which shall include enrollment of four (4)
4 year olds in any prekindergarten programs offered by the school district, of
5 seven hundred fifty (750);

6 (2) The school district is made up of all the school districts
7 in the county;

8 (3) The district is a combination of districts that voluntarily
9 agreed to merge by July 1, 2004 to create a combined district that has an
10 average daily membership, which shall include enrollment of four (4) year
11 olds in any prekindergarten programs offered by the school district,
12 exceeding one thousand (1,000) and one (1) administrative unit.

13 (b)(1)(A) By July 1, 2004, school districts shall meet adequacy
14 standards with regard to curriculum, facilities, equipment, and teacher
15 salaries.

16 (B)(i) Beginning July 1, 2004, school districts shall
17 offer forty (40) or more curriculum units for students in grades nine through
18 twelve (9-12) each year, or additional units as may be required by the State
19 Board of Education after the 2004-2005 school year, which shall not be
20 increased by more than five (5) units per school year.

21 (ii) School districts may participate in class
22 sharing with other districts, concurrent enrollment programs with technical
23 institutes and two-year colleges, and distance learning programs to meet
24 additional curriculum requirements.

25 (c) On July 1, 2004, any school district not meeting the requirements
26 of subsections (a) and (b) of this section shall be reorganized by the State
27 Board of Education.

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

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

7 (B) An existing site may be a two-year institution, a
8 four-year institution, ~~an education service cooperative~~, or other
9 institution.

10 (C) Preference for location shall be given to four-year
11 institutions or ~~education service cooperatives~~ possible education service
12 centers in Helena, Pine Bluff, or Monticello that have experience in
13 professional development support mentoring, teacher licensure, and teacher
14 quality.

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

18
19 SECTION 3. Arkansas Code § 6-10-109(b)(1), pertaining to entities that
20 are eligible for grants to operate Parents As Teachers programs, is amended
21 to read as follows:

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

26
27 SECTION 4. Arkansas Code § 6-13-109 is amended to read as follows:

28 6-13-109. School superintendent. [Effective July 1, 2000.]

29 (a) The public school districts in the state shall each employ a
30 superintendent of schools, whose qualifications and duties shall be
31 prescribed by the General Assembly and the State Board of Education.

32 (b) "Superintendent of schools" is defined as the executive officer of
33 a school district board of directors directing the affairs of the school
34 district and teaching not more than one-half (1/2) of the time in the school
35 day.

36 (c) Superintendents shall be employed by written contract for a period

1 of time of not more than three (3) years on terms and conditions negotiated
2 by the superintendent and the school board subject to the laws and statutes
3 of the State of Arkansas.

4 (d) Notwithstanding any terms and conditions of any contract with a
5 superintendent, the superintendent may be suspended or terminated by the
6 recommendation of the Director of the Department of Education to the State
7 Board of Education for:

8 (1) Gross misconduct contrary to the laws and statutes of the
9 State of Arkansas applicable to the management and operation of public
10 schools;

11 (2) Conduct jeopardizing the fiscal or academic status of the
12 district;

13 (3) Gross incompetence; or

14 (4) Failure to act to preserve the safety of students and
15 others.

16 (e) The director shall notify the superintendent of suspension or the
17 termination recommendation as follows:

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

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

26 (f)(1) Whenever the Director of the Department of Education has reason
27 to believe that cause exists for the suspension or termination of the
28 superintendent, and that immediate suspension of the superintendent is
29 necessary, the director may suspend the superintendent without notice or a
30 hearing.

31 (2) The director shall notify the superintendent in writing
32 within two (2) school days of the suspension.

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

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

7 (g)(1) A superintendent who receives a notice of recommended
8 termination or nonrenewal may file a written request with the State Board of
9 Education for a hearing.

10 (2) The written request for a hearing shall be sent by certified
11 or registered mail to the President, Vice President, or Secretary of the
12 State Board of Education, with a copy to the director, or may be delivered in
13 person by the superintendent to the President, Vice President, or Secretary
14 of the State Board of Education, with a copy to the director, within thirty
15 (30) calendar days after the written notice of proposed termination or
16 suspension is received by the superintendent.

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

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

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

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

29 (B) The hearing shall be private unless the superintendent
30 requests that the hearing be public;

31 (C) The superintendent and the board may be represented by
32 representatives of their choosing;

33 (D)(i) A full record of the proceedings at the hearing
34 shall be made and preserved.

35 (ii) The Board shall make and preserve at its own
36 expense a record of the hearing and shall furnish a transcript to the

1 superintendent without cost; and

2 (E) The board shall not consider at the hearing any new
 3 reasons that were not specified in the notice provided pursuant to this
 4 subchapter.

5 (h) Upon the recommendation of the director to terminate or suspend
 6 the superintendent's contract, the board may:

7 (1) Reject or modify the director's recommendation to terminate
 8 or suspend the superintendent's contract;

9 (2) Vote to continue the contract of the superintendent under
 10 the restrictions, limitations, or assurances as the board may deem to be in
 11 the best interest of the school district;

12 (3) The decision shall be reached by the board within ten (10)
 13 days from the date of the hearing, and a copy shall be furnished in writing
 14 to the superintendent, either by personally delivering it to the
 15 superintendent or by addressing it to the superintendent or Education Service
 16 Cooperative Director by registered or certified mail; and

17 (4) The salary of a superintendent director shall cease as of
 18 the date the board sustains the recommendation of termination, or upon final
 19 adjudication of any appeal of the board's decision, whichever is later.

20
 21 SECTION 5. Arkansas Code § 6-13-801(b), pertaining to the authority of
 22 school districts to enter in to an educational compact, is amended to read as
 23 follows:

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

28
 29 SECTION 6. Arkansas Code Title 6, Chapter 13, Subchapter 9 is
 30 repealed.

31 ~~6-13-901. Title.~~

32 ~~The title of this subchapter shall be "The Public School Educational~~
 33 ~~Cooperative Act of 1981".~~

34
 35 ~~6-13-902. Definitions.~~

36 ~~As used in this subchapter, unless the context otherwise requires:~~

1 ~~(1) "Educational cooperative" means a voluntary association of school~~
2 ~~districts to share resources, personnel, materials, and equipment and to~~
3 ~~provide and improve services and programs to students; and~~

4 ~~(2) "Public school district" means any public school district in the~~
5 ~~state serving students in a kindergarden through grade twelve (K-12) program~~
6 ~~or a grade one through grade twelve (1-12) program.~~

7
8 ~~6-13-903. Powers.~~

9 ~~(a) Public school districts in the State of Arkansas are empowered to~~
10 ~~voluntarily agree to share programs, personnel, materials, and equipment for~~
11 ~~the purpose of enlarging curriculum or services or providing new services to~~
12 ~~students in their respective districts.~~

13 ~~(b) The cooperatives are empowered to receive state, local, and~~
14 ~~federal funds that have been assigned to the cooperatives by the member~~
15 ~~school districts and are also empowered to spend those funds on behalf of the~~
16 ~~districts assigning those funds.~~

17 ~~(c) The Department of Education shall not distribute state~~
18 ~~equalization aid directly to any educational cooperative.~~

19
20 ~~6-13-904. Agents for districts.~~

21 ~~(a) The cooperatives will act as an agency for all or some of the~~
22 ~~member districts in dealings with other governmental and private agencies.~~

23 ~~(b) They will have the power to contract and handle funds for the~~
24 ~~member districts under conditions specified in the agreement between the~~
25 ~~member school districts and federal and state law and regulation.~~

26
27 ~~6-13-905. Board of directors.~~

28 ~~(a) Each cooperative will be governed by a board of directors~~
29 ~~consisting of one (1) representative appointed by the board of directors of~~
30 ~~each cooperating school district.~~

31 ~~(b) The board shall be empowered to hire a director and other~~
32 ~~employees and to contract for services, supplies, and equipment.~~

33 ~~(c) Policies for the operation of the cooperative will be developed by~~
34 ~~the board of directors and be filed with the Department of Education as~~
35 ~~required by law of school districts generally.~~

36

1 ~~6-13-906. Rules, regulations, and reports.~~

2 ~~(a) The cooperatives will:~~

3 ~~(1) Abide by all rules and regulations of the Department of~~
4 ~~Education which apply to school districts generally; and~~

5 ~~(2) Make all reports as required by law and regulation which~~
6 ~~apply to school districts generally to the department.~~

7 ~~(b)(1) Records of the expenditures and receipts of the cooperatives~~
8 ~~shall be kept in such manner and on such forms as may be specified by the~~
9 ~~department or the School Audit Section of the Division of Legislative Audit~~
10 ~~of the Legislative Joint Auditing Committee.~~

11 ~~(2) Reports on expenditures and receipts shall be made for the~~
12 ~~cooperative as a single agency or shall be made separately by the school~~
13 ~~districts to reflect the status of each member district at such time and in~~
14 ~~such manner as specified by the department.~~

15
16 SECTION 7. Arkansas Code Title 6, Chapter 13, Subchapter 10 is
17 repealed.

18 ~~6-13-1001. Title.~~

19 ~~The title of this subchapter shall be "The Education Service~~
20 ~~Cooperative Act of 1985".~~

21
22 ~~6-13-1002. Education service cooperatives established Functions.~~

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

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

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

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

35 ~~(3) Promoting coordination between school districts and the~~
36 ~~Department of Education in order to provide services which are consistent~~

1 ~~with the needs identified by school districts and the educational priorities~~
2 ~~of the state as established by the General Assembly or the board.~~

3
4 ~~6-13-1003. Boundaries—Adjustments.~~

5 ~~(a) The State Board of Education shall establish tentative boundaries~~
6 ~~for the system of cooperatives authorized by this subchapter.~~

7 ~~(b) These education service cooperatives will be established so that:~~

8 ~~(1) They include at least three (3) but no more than nine (9)~~
9 ~~counties;~~

10 ~~(2) They include at least ten (10) but no more than thirty-five~~
11 ~~(35) school districts;~~

12 ~~(3) They include at least twenty thousand (20,000) pupils in~~
13 ~~kindergarden through grade twelve (K-12) average daily membership;~~

14 ~~(4) They include at least one (1) postsecondary education~~
15 ~~institution; and~~

16 ~~(5) There is no more than fifty (50) miles distance or~~
17 ~~approximately one (1) hour driving time to the area's main offices for ninety~~
18 ~~percent (90%) of the school districts.~~

19 ~~(c) The board may make adjustments in the boundaries when criteria~~
20 ~~such as minimum average daily membership and maximum driving distances~~
21 ~~conflict. However, no more than four (4) of the areas formed may contain~~
22 ~~fewer than twenty thousand (20,000) students. In no case shall any~~
23 ~~cooperative be established with fewer than twelve thousand (12,000) pupils.~~

24
25 ~~6-13-1004. Requests for establishment of cooperative—Requirements.~~

26 ~~(a) Education service cooperatives shall be established when seventy-~~
27 ~~five percent (75%) of the school districts in a proposed cooperative area~~
28 ~~request such action by formal resolutions filed by the school district boards~~
29 ~~of directors with the Director of the Department of Education.~~

30 ~~(b) Each resolution shall, in addition to requesting establishment of~~
31 ~~an education service cooperative, indicate by name or position that~~
32 ~~district's representative on the board of directors of the proposed education~~
33 ~~service cooperative.~~

34 ~~(c) Requests must be filed by seventy-five percent (75%) of the school~~
35 ~~district boards of directors by May 1 if an education service cooperative is~~
36 ~~to be established for the following school year.~~

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~~6-13-1005.—Alteration of boundaries.~~

~~(a)—The State Board of Education, upon the request of one (1) or more school district boards of directors, and consistent with the provisions of § 6-13-1003, may alter the boundaries of a proposed or operational education service cooperative when it determines such alteration to be in the best interest of the school districts in the cooperatives involved.~~

~~(b)—Consistent with provisions of § 6-13-1003, no member of an existing pilot cooperative established under Acts 1983 (1st Ex. Sess.), No. 103 [repealed] nor any member of a cooperative formed after January 1, 1984, under § 6-13-901 et seq., may be moved to another education service cooperative without that member's consent.~~

~~6-13-1006.—Board of directors.~~

~~(a)—Each education service cooperative shall be governed by a board of directors consisting of one (1) representative appointed by each school district board of directors within the boundary of the cooperative.~~

~~(b)—No school district may have official representation on more than one (1) cooperative board of directors.~~

~~(c)—The board of directors of each established education service cooperative shall function as a public corporate body, shall meet, except as otherwise provided in § 6-13-1007, at least eight (8) times each year, and shall exercise general fiduciary responsibilities for the education service cooperative with regard to policies and practices which guard the integrity of the agency and maintain public trust in its operation.~~

~~(d)—Such responsibilities, consistent with funds available, shall include, but not be limited to:~~

~~(1)—Employment of a director of the education service cooperative who shall serve as the nonvoting executive officer of the board of directors;~~

~~(2)—Establishment of policies and procedures for the operation and management of the education service cooperative which shall be in written form and shall be filed with the State Board of Education;~~

~~(3)—Preparation of an annual budget estimating income and expenditures for programs and services in accordance with procedures established by the state board;~~

1 ~~(4) Receipt and expenditure of funds needed to provide programs~~
2 ~~and services in the area;~~

3 ~~(5) Making such surveys or other inquiries which may be required~~
4 ~~to determine the service needs of school districts in the education service~~
5 ~~cooperative and developing plans to provide such needed services;~~

6 ~~(6) Employment, upon the recommendations of the director of the~~
7 ~~education service cooperative, of such personnel as may be required to~~
8 ~~provide the services requested by the school districts in the area;~~

9 ~~(7) Implementation of policies established by the state board~~
10 ~~for the operation of education service cooperatives;~~

11 ~~(8) Cooperation with other education service cooperatives,~~
12 ~~school districts, and other agencies to provide programs and services for~~
13 ~~children and adults residing within their respective areas;~~

14 ~~(9) Renting, leasing, or receiving by gift such facilities and~~
15 ~~buildings as may be required to provide authorized programs and services; and~~

16 ~~(10) Carrying out such other duties as may be required for the~~
17 ~~efficient operation of the education service cooperative for which the board~~
18 ~~is responsible.~~

19
20 ~~6-13-1007. Executive committee.~~

21 ~~(a)(1) In a meeting, with a majority of its members present and~~
22 ~~voting, the board of directors of an education service cooperative may elect~~
23 ~~from its membership an executive committee of seven (7), nine (9), or eleven~~
24 ~~(11) members.~~

25 ~~(2) Candidates for the executive committee, if one is formed,~~
26 ~~shall be chosen so that the school districts within the education service~~
27 ~~cooperative are equitably represented.~~

28 ~~(3) All subsequent members of the executive committee shall be~~
29 ~~elected by a majority vote of the board of directors in attendance at the~~
30 ~~annual meeting.~~

31 ~~(b) The function of the executive committee shall be to carry out~~
32 ~~those duties delegated to it by the governing board, the provisions of § 6-~~
33 ~~13-1006 notwithstanding.~~

34 ~~(c) Terms of executive committee members shall be three (3) years~~
35 ~~except for the initial members which shall have terms assigned by lot so as~~
36 ~~to stagger terms to equalize as nearly as possible the number of members to~~

1 ~~be elected each year. Vacancies occurring after the annual meeting shall be~~
2 ~~filled by the executive committee until the next annual meeting.~~

3 ~~(d) Should an executive committee be established in any education~~
4 ~~service cooperative, it shall meet at least nine (9) times per year, and the~~
5 ~~requirements for board of directors meetings shall be reduced to three (3)~~
6 ~~times annually. The president of the board of directors shall serve as~~
7 ~~chairman of the executive committee. No person, however, may serve in this~~
8 ~~position for more than two (2) consecutive years.~~

9
10 ~~6-13-1008. Teacher center—Teacher center committee.~~

11 ~~(a) Each education service cooperative shall establish a teacher~~
12 ~~center which will provide, consistent with funds available, curriculum~~
13 ~~development assistance, educational materials, and staff development services~~
14 ~~to teachers within the school districts in the service area.~~

15 ~~(b) A teacher center committee, composed of at least one (1)~~
16 ~~representative from the staff of each school district, shall advise the~~
17 ~~director and the governing body on the staffing, programs, and operation of~~
18 ~~the teacher center.~~

19 ~~(c) The governing body of each cooperative shall determine the initial~~
20 ~~composition of the teacher center committee to achieve a balance of~~
21 ~~elementary, middle school or junior high, and high school personnel and~~
22 ~~assure that at least one half (1/2), but not more than two thirds (2/3), of~~
23 ~~the members are classroom teachers.~~

24 ~~(d) All positions on the committee shall be assigned to school~~
25 ~~districts by lot.~~

26 ~~(e) Each teacher must be elected by colleagues in his or her district,~~
27 ~~and each administrator or support person shall be appointed by the~~
28 ~~superintendent.~~

29 ~~(f) Initial terms shall be determined by lot for equal or nearly equal~~
30 ~~periods of one (1), two (2), and three (3) years.~~

31 ~~(g) Thereafter, terms shall be for three (3) years.~~

32 ~~(h) The committee shall meet at least three (3) times per year.~~

33 ~~(i) In the last meeting each year, positions represented by expiring~~
34 ~~terms shall be reassigned by lot.~~

35
36 ~~6-13-1009. Cooperative committees generally.~~

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

4
5 ~~6-13-1010. Director.~~

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

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

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

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

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

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

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

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

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

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

26
27 ~~6-13-1011. Personnel generally.~~

28 ~~(a) Personnel of education service cooperatives shall be employed in~~
29 ~~accordance with laws, rules, regulations, and procedures applicable to the~~
30 ~~school districts of this state.~~

31 ~~(b) Certificate requirements shall be the same as those expected of~~
32 ~~persons holding similar positions in local school districts.~~

33 ~~(c) Termination or contract nonrenewal of education service~~
34 ~~cooperative personnel shall be as provided by law for the school district~~
35 ~~personnel.~~

36

1 ~~6-13-1012.—Agency personnel.~~

2 ~~With the approval of an education service cooperative's governing body, the~~
3 ~~directors in the Department of Education may assign state educational agency~~
4 ~~personnel to that education service cooperative.~~

5
6 ~~6-13-1013.—Policies, rules, and regulations.~~

7 ~~(a) The State Board of Education shall develop such policies, rules,~~
8 ~~and regulations as may be needed for the proper administration of this~~
9 ~~subchapter consistent with the need to support and assist education service~~
10 ~~cooperatives in the delivery of services to school districts and with prudent~~
11 ~~use of available human and financial resources.~~

12 ~~(b) Such policies, rules, and regulations shall include, but not be~~
13 ~~limited to, those concerns that keep the education service cooperatives~~
14 ~~operating within appropriate state and federal laws and serve as guides for~~
15 ~~settling possible disputes between school districts and in equity or~~
16 ~~jurisdictional matters relating to shared assets and services.~~

17
18 ~~6-13-1014.—Sharing and coordination of activities—Liaison.~~

19 ~~(a) The Department of Education shall encourage sharing and~~
20 ~~coordination of activities among the education service cooperatives.~~

21 ~~(b) The Director of the Department of Education shall name a person to~~
22 ~~serve as liaison between the department and the education service~~
23 ~~cooperatives.~~

24 ~~(c) This liaison shall provide information on resources and programs~~
25 ~~and be the general contact person in the department for the cooperatives.~~

26
27 ~~6-13-1015.—Liaison with postsecondary institutions.~~

28 ~~(a) Each education service cooperative, in carrying out its programs~~
29 ~~and services, shall cooperate with the various state-supported postsecondary~~
30 ~~educational institutions located within its area.~~

31 ~~(b) Each such postsecondary institution, within the availability of~~
32 ~~funds and personnel, shall establish liaison with the education service~~
33 ~~cooperatives in its service area and assist them in all practical ways.~~

34
35 ~~6-13-1016.—Annual surveys and needs assessments.~~

36 ~~(a) Each education service cooperative shall conduct annual surveys~~

1 ~~and needs assessments to assist the cooperative in its first priority of~~
2 ~~helping school districts improve their educational programs and practices.~~

3 ~~(b) Such activities may include written surveys, visits to schools to~~
4 ~~meet with local personnel, and other means to identify local needs throughout~~
5 ~~the service area.~~

6 ~~(c) Each education service cooperative shall work with the Department~~
7 ~~of Education to conduct statewide surveys which complement, rather than~~
8 ~~duplicate, the work of the department.~~

9 ~~(d) The objective shall be to obtain statewide, area, and local data~~
10 ~~with as little duplication as possible.~~

11
12 ~~6-13-1017. Programs and services.~~

13 ~~(a) The programs and services of each education service cooperative~~
14 ~~shall be based upon the needs of the school districts included in its service~~
15 ~~area and upon the educational priorities of the state.~~

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

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

26
27 ~~6-13-1018. Participation of local school districts—Contracts.~~

28 ~~(a) Each school district within the service area of the education~~
29 ~~service cooperative shall be entitled to participate in those programs and~~
30 ~~services which are fully supported by state funds.~~

31 ~~(b) No school district shall be required to participate in any~~
32 ~~service.~~

33 ~~(c) School districts may enter into contracts with the education~~
34 ~~service cooperative for services supported partially or completely by local~~
35 ~~school funds.~~

36 ~~(d) School districts within one (1) education service cooperative may~~

1 ~~also contract for services with another education service cooperative.~~

2
3 ~~6-13-1019. Funding of cooperatives.~~

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

7 ~~(b) This structure shall include:~~

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

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

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

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

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

22 ~~(d) Categorical state or federal funds may also be assigned to any~~
23 ~~education service cooperative upon approval of its governing body and under~~
24 ~~conditions set by the State Board of Education.~~

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

27
28 ~~6-13-1020. Policies and procedures—Expenditures, reports, and~~
29 ~~audits.~~

30 ~~(a)(1) The policies and procedures for each education service~~
31 ~~cooperative shall be filed with and approved by the State Board of Education.~~
32 ~~This report shall be filed on or before June 1 of each year and shall~~
33 ~~contain, but is not limited to, a record of the cooperative's employment~~
34 ~~policies and practices for the year. This annual employment record must~~
35 ~~include the race and sex of each person employed or terminated during the~~
36 ~~year by the cooperative and the race and sex of every person who sought~~

1 ~~employment with the cooperative during the year. The employment report must~~
2 ~~further disclose each person employed by the cooperative during the year who~~
3 ~~is related by blood or marriage to another employee or board member of the~~
4 ~~cooperative.~~

5 ~~(2) Reports of receipts and expenditures shall also be filed~~
6 ~~with the board on forms provided and time schedules set by the Director of~~
7 ~~the Department of Education. These reports shall contain, but not be limited~~
8 ~~to, an itemization of administrative and programmatic expenditures.~~
9 ~~Expenditures shall be reported in accordance with uniform accounting~~
10 ~~procedures adopted by the department.~~

11 ~~(3) Education service cooperatives shall be subject to annual~~
12 ~~audits by the Legislative Joint Auditing Committee.~~

13 ~~(b) In an annual meeting of the board of directors which must be~~
14 ~~convened between May 15 and July 15, the education service cooperatives shall~~
15 ~~report to their constituent school districts on the year's operations. Such~~
16 ~~reports shall be supplemented with written reports to each district and to~~
17 ~~the Department of Education on a school by school, service by service~~
18 ~~accounting basis. Any balances in particular service accounts must be~~
19 ~~apportioned and returned to the schools involved or credited to their~~
20 ~~accounts for the following year.~~

21
22 ~~6-13-1021. Evaluations.~~

23 ~~(a) Within each five year period, on a schedule established by the~~
24 ~~Director of the Department of Education, all active education service~~
25 ~~cooperatives must be visited by an evaluation committee of not more than nine~~
26 ~~(9) persons.~~

27 ~~(b) Each evaluation shall include, but not be limited to, an~~
28 ~~investigation of user satisfaction, service adequacy, extent of local~~
29 ~~financial support, staff qualifications, and performance and administration~~
30 ~~effectiveness.~~

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

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

1 ~~(d) The intent of this evaluation procedure is to provide a means for~~
 2 ~~school districts to express their concerns about the operation of their~~
 3 ~~cooperative and to ensure that each education service cooperative remains~~
 4 ~~alert and responsive to the needs of the local schools it serves.~~

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

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

9 ~~(A) A Department of Education staff member;~~

10 ~~(B) A teacher;~~

11 ~~(C) An administrator;~~

12 ~~(D) A college staff member; and~~

13 ~~(E) A present or former staff member of an area education~~
 14 ~~service agency.~~

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

17 ~~(A) A member of the school district board of directors;~~

18 ~~(B) A representative of business and industry; and~~

19 ~~(C) A school parent from each of two (2) school districts.~~

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

22
 23 ~~6-13-1022. Dissolution of cooperative.~~

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

28 ~~(b) A dissolved education service cooperative's area shall be assigned~~
 29 ~~to one (1) or more adjacent education service cooperatives, the provisions of~~
 30 ~~§ 6-13-1003 notwithstanding, with the dissolved cooperative's base funding~~
 31 ~~apportioned to all remaining education service cooperatives in the state.~~

32
 33 ~~6-13-1023. Technology training center—Technology coordinator.~~

34 ~~(a) Consistent with funds available and upon a majority vote of the~~
 35 ~~members present and voting, the board of directors of each education service~~
 36 ~~cooperative established under this subchapter is authorized to establish a~~

1 ~~technology training center and employ a technology coordinator who has~~
2 ~~demonstrated expertise in computer technology and staff development.~~

3 ~~(b) The duties of the technology coordinator at such technology~~
4 ~~training center shall include, but not be limited to, the following:~~

5 ~~(1) To provide staff development for personnel of member~~
6 ~~schools;~~

7 ~~(2) To assist member schools with determining technology needs~~
8 ~~and types of computer hardware and software necessary to meet those needs;~~

9 ~~(3) To assist with technology system analysis and local network~~
10 ~~design;~~

11 ~~(4) To provide member schools with information on technology~~
12 ~~standards and specifications;~~

13 ~~(5) To develop and coordinate a technology training center~~
14 ~~located at the education service cooperative;~~

15 ~~(6) To coordinate information with the Arkansas Public School~~
16 ~~Computer Network, the Instructional Microcomputer Project for Arkansas~~
17 ~~Classrooms, and the Governor's Technology Task Force so that member schools~~
18 ~~will be informed on technological activity in the state; and~~

19 ~~(7) To assist with requests for proposal development and bid~~
20 ~~analysis so that member schools will be better able to spend funds for~~
21 ~~technology.~~

22
23 ~~6-13-1025. Mathematics and science center — Mathematics and science~~
24 ~~coordinator.~~

25 ~~(a) Consistent with funds available and upon a majority vote of the~~
26 ~~members present and voting, the board of directors of each education service~~
27 ~~cooperative established under this subchapter is authorized to establish a~~
28 ~~mathematics and science center and to employ a mathematics and science~~
29 ~~coordinator who has demonstrated expertise in mathematics and science~~
30 ~~content, in pedagogy, and in staff development.~~

31 ~~(b) The duties of the mathematics and science coordinator at the~~
32 ~~mathematics and science resource center shall include, but not be limited to,~~
33 ~~the following:~~

34 ~~(1) Providing mathematics and science staff development for and~~
35 ~~individual technical assistance to personnel of member schools;~~

36 ~~(2) Assisting member schools with determining mathematics and~~

~~1 science curricula, with instruction, and with assessment of needs and
2 resources necessary to meet those needs;~~

~~3 (3) Enhancing curricula and instruction using technology;~~

~~4 (4) Providing member schools with information for curriculum
5 alignment with mathematics and science standards and state frameworks;~~

~~6 (5) Developing and coordinating a mathematics and science
7 resource center located at the education service cooperative; and~~

~~8 (6) Assisting with the development of requests for proposals for
9 teacher enhancement in mathematics and science.~~

~~10
11 6-13-1026. Cooperatives qualify as local education agencies.~~

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

~~20 (b) This section intends to recognize the function of the cooperatives
21 and to provide eligibility to cooperatives to receive state and federal funds
22 upon written requests from the school districts.~~

~~23
24 SECTION 8. Arkansas Code Title 6, Chapter 13 is amended to add a new
25 subchapter:~~

~~26 6-13-1601. Education service centers - Establishment.~~

~~27 (a)(1) The State Board of Education may establish education service
28 centers in the state.~~

~~29 (2) The education service centers shall serve as intermediate
30 service units and part of the Department of Education and shall be eligible
31 to receive and expend funds from state and federal government, school
32 districts, and other public and private sources.~~

~~33 (b) Education service centers established under this subchapter shall
34 provide to schools and school districts assistance in:~~

~~35 (1) Using educational resources more effectively through
36 cooperation among schools or school districts or refocusing of resources;~~

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

5 (3) Engaging parents in the support of programs that improve
6 student achievement.

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

15 (2) This section intends to recognize the function of the
16 education service centers and to provide eligibility to the education service
17 centers to receive state and federal funds upon written requests from the
18 school districts.

19
20 6-13-1602. Education service centers – Area of service – Establishment
21 and adjustment.

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

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

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

31
32 6-13-1603. Education service centers – Committees.

33 (a) Each education service center shall have an advisory committee to
34 aid the director of the education service center in meeting the objectives of
35 the education service center and the state.

36 (b)(1) The advisory committee shall consist of nine (9) individuals

1 appointed by the director of the education service center with the approval
2 of the Director of the Department of Education.

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

6 (3) The membership of the committee shall include at least three
7 (3) teachers, at least three (3) parents, and at least two (2)
8 administrators.

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

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

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

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

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

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

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

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

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

28 (B) The education service center's reports to the Director
29 of the Department of Education shall be written reports, with copies to each
30 school and school district that is in the service area of the education
31 service center.

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

35
36 6-13-1604. Education service centers – Director.

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

3 (1) Administer the programs and services of the education
4 service center;

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

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

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

10 (5) Perform other duties as required by the Director of the
11 Department of Education and the policies, rules, and regulations of the State
12 Board of Education.

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

15 (2) The Director of the Department of Education shall solicit
16 recommendations from the advisory committee of the education service center
17 as to the employment and termination of the director of the education service
18 center.

19
20 6-13-1605. Education service centers – Personnel.

21 The personnel of education service centers shall be employees of the
22 Department of Education.

23
24 6-13-1606. Education service centers – Professional development
25 center.

26 (a) Each education service center shall establish a professional
27 development center that will provide curriculum development assistance,
28 educational materials, and professional development services to educators,
29 parents, and other community groups within the school districts in the
30 service area or to other entities.

31 (b) A professional development coordinator, who shall report to the
32 director of the education service center, shall manage the professional
33 development center.

34 (c) Each professional development center shall develop, maintain, and
35 deliver services to improve student, school, and school district academic
36 performance and to implement initiatives identified by the Director of the

1 Department of Education.

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

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

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

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

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

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

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

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

31
32 6-13-1607. Education service centers – Technology support center
33 Each education service center shall to establish a technology support
34 center for the purpose of:

35 (1) Providing relevant technology staff development for personnel of
36 member schools;

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

4 (3) Assisting with technology system analysis and local network
5 design;

6 (4) Providing member schools with information on technology standards
7 and specifications;

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

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

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

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

17
18 6-13-1608. Education service centers – Sharing and coordinating
19 activities.

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

22
23 6-13-1609. Education service centers - Programs and services.

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

28 (b) Education service centers may provide shared educational programs
29 and services such as needs assessment and school improvement planning, staff
30 development, curriculum development, itinerant teachers, distance learning,
31 instructional materials, adult and vocational education, programs for gifted
32 and talented children, education for children with disabilities, alternative
33 educational programs, secondary area vocational centers, community-based
34 education programs, and other services that the State Board of Education may
35 approve or that school districts may support with local funds.

36 (c)(1) Each education service center shall conduct annual surveys and

1 needs assessments to assist the center in its first priority of helping
2 schools and school districts improve their educational programs and
3 practices.

4 (2) Annual surveys and needs assessments may include written
5 surveys, visits to schools to meet with local personnel, meeting with school
6 councils, and other means to identify local needs throughout the service
7 area.

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

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

12 (4) School districts within the service area of one (1)
13 education service center may also contract for services with another
14 education service center.

15
16 6-13-1610. Education service centers – Evaluations.

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

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

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

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

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

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

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

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

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

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

7 (A) A Department of Education staff member;

8 (B) A teacher;

9 (C) A public school administrator;

10 (D) A representative of higher education;

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

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

14 (G) A representative of business and industry.

15
 16 6-13-1611. Education service centers – Regulations.

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

22
 23 SECTION 9. Arkansas Code Title 6, Chapter 15, Subchapter 2, is amended
 24 to add an additional section to read as follows:

25 6-15-213. Failure to meet standards.

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

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

33 (2) To reorganize a school district the board may consolidate,
 34 annex, merge, or detach part of the school district with one (1) or more
 35 other school districts or the dissolution of the school district into
 36 multiple school districts.

1 (c) If a school district fails to meet curriculum, accreditation,
 2 efficiency, or facilities standards or teacher salary requirements in any
 3 given year, the Director of the Department of Education shall take immediate
 4 action to correct the situation, including, but not limited to, removal of
 5 the superintendent, or local school board of directors, or both.

6
 7 SECTION 10. Arkansas Code § 6-15-504(b)(1)(A), pertaining to testing
 8 of home-schooled students is amended to read as follows:

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

13
 14 SECTION 11. Arkansas Code § 6-17-413(a)(3)(F), pertaining to
 15 qualifications to receive incentive or yearly bonuses due to certification by
 16 National Board for Professional Teaching Standards, is amended to read as
 17 follows:

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

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

24 (ii) Becomes employed as a district-level central office
 25 administrator;

26 (iii) Is employed by an Arkansas institution of higher
 27 education; or

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

30
 31 SECTION 12. Arkansas Code § 6-17-413(b)(2), pertaining to situations
 32 in which an individual must repay the money that he or she received for
 33 training under the National Board for Professional Teaching Standards, is
 34 amended to read as follows:

35 (2) If the teacher, principal, or assistant principal leaves the
 36 employment of a public school district before the two (2) continuous years

1 are completed and is employed by an Arkansas institution of higher education
2 or ~~employed by an education service cooperative~~ by the Department of
3 Education and the teacher does not teach in a classroom with students, the
4 teacher, principal, or assistant principal shall repay the department the
5 amount it contributed to the national board's participation fee and the total
6 amount it contributed to any yearly salary bonus.

7
8 SECTION 13. Arkansas Code § 6-17-414(a)(1)(A)(i) pertaining to
9 conditions for initial employment by noncertified personnel is amended to
10 read as follows:

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

18
19 SECTION 14. Arkansas Code § 6-17-414(a)(2) pertaining to completion of
20 criminal background checks on noncertified personnel is amended to read as
21 follows:

22 (2) Upon completion of the criminal records check, the Bureau of
23 Identification and Information shall forward all information obtained
24 concerning the person in the commission of any offense listed in subsection
25 (b) of this section to the department, which shall promptly inform the board
26 of directors of the local school district or the director of the education
27 service ~~cooperative~~ center whether or not the applicant is eligible for
28 employment as provided by subdivision (b)(1) of this ~~act~~ section.

29
30 SECTION 15. Arkansas Code § 6-17-414(b)(1) pertaining to eligibility
31 for employment by noncertified personnel is amended to read as follows:

32 (b)(1) No person shall be eligible for employment by a local school
33 district or education service ~~cooperative~~ center in a noncertified staff
34 position if that person has pleaded guilty or nolo contendere to or has been
35 found guilty of any of the following offenses by any court in the state of
36 Arkansas or of any similar offense by a court in another state or of any

1 similar offense by a federal court:

2

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

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

10

11 SECTION 17. Arkansas Code § 6-17-703 is amended to read as follows:
12 6-17-703. Arkansas history in-service training.

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

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

18

19 SECTION 18. Arkansas Code § 6-17-920(a), pertaining to examination of
20 teachers' contracts, is amended to read as follows:

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

24

25 SECTION 19. Arkansas Code § 6-17-1113(a)(1) and (2), pertaining to a
26 list of entities eligible to participate in the school worker defense
27 program, are repealed.

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

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

30

31 SECTION 20. Arkansas Code § 6-17-1113(a), pertaining to a list of
32 entities eligible to participate in the school worker defense program, is
33 amended to add an additional subdivision to read as follows:

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

35

36 SECTION 21. Arkansas Code § 6-18-204(c) pertaining to students

1 attending school in another district for specific purposes is amended to read
2 as follows:

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

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

12

13 SECTION 22. Arkansas Code § 6-20-818 is repealed:

14 ~~6-20-818. Loans to education service cooperatives.~~

15 ~~(a) Subject to the conditions and limitations of this section, any~~
16 ~~education service cooperative established under § 6-13-1001 et seq. may~~
17 ~~borrow, and the State Board of Education may lend, moneys in the Revolving~~
18 ~~Loan Fund.~~

19 ~~(b) The maximum amount of money an education service cooperative may~~
20 ~~owe the Revolving Loan Fund at any one (1) time is that equal to a six-~~
21 ~~month's basic grant for the fiscal year in which a loan is sought.~~

22 ~~(c) The board of directors of any education service cooperative~~
23 ~~desiring to borrow money from the Revolving Loan Fund, acting through its~~
24 ~~director, shall file a formal application with the board. The application~~
25 ~~shall contain the following information:~~

26 ~~(1) The name and location of the cooperative;~~

27 ~~(2) The date and place of the meeting of the board at which~~
28 ~~action was taken authorizing the director to make formal application for a~~
29 ~~loan;~~

30 ~~(3) The estimated amount which it proposes to borrow, together~~
31 ~~with supporting evidence upon which the estimate is based;~~

32 ~~(4) The purpose for which the proceeds of the loan would be~~
33 ~~used;~~

34 ~~(5) The security for the loan and the method and schedule for~~
35 ~~repayment; and~~

36 ~~(6) Such additional information as may be required by the board.~~

1 ~~(d) After considering the merits of each application, the board may,~~
 2 ~~in its discretion.~~

3 ~~(1) Approve the application for the full amount of the proposed~~
 4 ~~loan.~~

5 ~~(2) Approve the application for a loan of a lesser amount than~~
 6 ~~the amount requested; or~~

7 ~~(3) Disapprove the application.~~

8 ~~(e) Each such loan, which is to be paid in full as to both principal~~
 9 ~~and interest within or at the end of ten (10) years from the date of its~~
 10 ~~approval by the board, shall be evidenced by a certificate executed by the~~
 11 ~~Director of the Department of Education. Thereafter, each such certificate~~
 12 ~~shall be a negotiable instrument.~~

13
 14 SECTION 23. Arkansas Code § 6-41-207(f) pertaining to duties of the
 15 State Board of Education regarding children with disabilities is amended to
 16 read as follows:

17 (f) The board, in compliance with federal enforcement
 18 requirements, is authorized to disallow the generation of all state aid to
 19 children with disabilities to any local school district or education service
 20 ~~cooperative which~~ center that fails to comply with state and federal
 21 regulations, as determined by independent hearing officers, agency hearing
 22 decisions, agency complaint investigation decisions, agency compliance
 23 monitoring reports, or agency jurisdictional decisions. The board is
 24 authorized to set aside funds disallowed under this subsection (b) and to
 25 utilize such funds for the provision of a free and appropriate public
 26 education to appropriate children with disabilities.

27
 28 SECTION 24. Arkansas Code § 6-47-201 is amended to read as follows:

29 6-47-201. Administration in elementary schools.

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

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

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

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

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

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

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

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

18
19 SECTION 25. Arkansas Code § 6-47-302 is amended to read as follows:

20 6-47-302. Implementation in elementary and secondary schools – Courses
21 offered.

22 (a) The Department of Education shall plan for the statewide
23 implementation of distance learning in elementary and secondary public
24 schools in the state.

25 (b) The elementary or secondary school may utilize courses from
26 outside the state. However, ~~the course curriculum shall be reviewed by the~~
27 ~~Department of Education or the Department of Workforce Education prior to~~
28 ~~offering the courses through distance learning~~ Department of Education or the
29 Department of Workforce Education before offering the courses through
30 distance learning shall review the course curriculum.

31 (c) The courses offered through distance learning may include college
32 preparatory courses, advanced mathematics and science courses, and
33 technological courses.

34 (d) The Department of Education shall work with the Arkansas School
35 for Mathematics and Sciences, the Arkansas Educational Television Commission,
36 ~~the education service cooperatives,~~ the Arkansas State Library, and other

1 state agencies involved in distance learning.

2
3 SECTION 26. Arkansas Code § 6-51-301(a) pertaining to the creation of
4 new multidistrict vocational centers is amended to read as follows:

5 (a) Any request for approval of a proposed new center shall be
6 submitted by the superintendent or chief executive officer of the school or
7 institution proposed to function as the center and superintendents from the
8 several schools to be served by a center or the ~~board of an education service~~
9 ~~cooperative~~ advisory committee of the education service center within whose
10 ~~boundaries~~ service area the center is to be located.

11
12 SECTION 27. Arkansas Code § 21-1-402(a)(1) pertaining to employment by
13 individuals elected to a constitutional office is amended to read as follows:

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

18 (A) With any state agency;

19 (B) In any noncertified position with any public school
20 district of this state;

21 (C) With any vocational education school funded by the
22 state; or

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

24 ~~(E) With the Cooperative Education Services Coordinating~~
25 ~~Council, unless the constitutional officer resigns prior to entering into the~~
26 ~~employment.~~

27
28 SECTION 28. Arkansas Code § 25-30-102(b) pertaining to the powers and
29 duties of the State Board of Workforce Education and Career Opportunity is
30 amended to read as follows:

31 (b) The State Board of Workforce Education and Career Opportunities
32 shall develop and monitor a state plan for vocational-technical education
33 ~~which~~ that shall include the establishment of at least one (1) area
34 vocational center in each ~~educational service cooperative~~ area served by an
35 education service center ~~and in Pulaski County~~. All policy issues affecting
36 the public schools will be developed by the State Board of Workforce

1 Education and Career Opportunities after consultation with the State Board of
 2 Education and implemented in coordination with the Department of Education ~~or~~
 3 ~~the education service cooperatives, or both.~~

4
 5 SECTION 29. Arkansas Code § 26-51-420 is amended to read as follows
 6 26-51-420. Deductions – Education service ~~cooperative~~ centers
 7 contributions.

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

14
 15 SECTION 30. Arkansas Code § 26-80-111 is amended to read as follows:
 16 26-80-111. School districts formed by consolidation, annexation, or
 17 merger.

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

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

1 last preceding school election. However, if the rate last approved has been
2 modified pursuant to subsection (b) or (c)(2) of Amendment 74 to the Arkansas
3 Constitution, the tax shall be collected at the modified rate until another
4 rate is approved.

5
6 SECTION 31. Arkansas Code 29-20-126(e), pertaining to distance
7 learning, is amended to read as follows:

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

12
13 SECTION 32. EMERGENCY CLAUSE. It is found and determined by the
14 General Assembly of the State of Arkansas that the Arkansas Supreme Court in
15 Lake View School District No. 25 v. Huckabee, 351 Ark. 31 (2002) declared the
16 now extent system of education to be unconstitutional because it is both
17 inequitable and inadequate; and the Arkansas Supreme Court set forth the test
18 for a constitutional system to be one in which the State has an "absolute
19 duty" to provide an "equal opportunity to an adequate education"; and the
20 Arkansas Supreme Court instructed the General Assembly to define and provide
21 what is necessary to provide an adequate and equitable education for the
22 children of Arkansas, forthwith. Therefore, an emergency is declared to
23 exist and this act being immediately necessary for the preservation of the
24 public peace, health, and safety shall become effective on:

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

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

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

31 /s/ Bryles
32
33
34
35
36

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