

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013  
4

# A Bill

SENATE BILL 554

5 By: Senator J. Key  
6 By: Representative McLean  
7

## For An Act To Be Entitled

9 AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE ARKANSAS  
10 CODE CONCERNING PUBLIC EDUCATION; AND FOR OTHER  
11 PURPOSES.  
12  
13

## Subtitle

14 TO MAKE TECHNICAL CORRECTIONS TO THE  
15 ARKANSAS CODE CONCERNING PUBLIC  
16 EDUCATION.  
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19

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

22 SECTION 1. Arkansas Code § 6-10-106(a)(1), concerning uniform dates  
23 for beginning and end of school year, is amended to add an additional  
24 subdivision to read as follows:

25 (D) As used in this section, "week" means a seven-day  
26 period that begins on a Sunday and ends on a Saturday.  
27

28 SECTION 2. Arkansas Code § 6-11-102(c)(1)(D), concerning the  
29 qualifications of the Commissioner of Education, is amended to read as  
30 follows:

31 (D) Hold a valid state teacher's ~~certificate~~ license.  
32

33 SECTION 3. Arkansas Code § 6-11-105(a)(4), concerning the powers and  
34 duties of the State Board of Education, is amended to read as follows:

35 (4) Issue ~~certificates~~ licenses based upon credentials presented  
36 by applicants for ~~certificates~~ licenses to teach in the public schools of the



1 state;

2

3 SECTION 4. Arkansas Code § 6-11-105(a)(9)(B), concerning the powers  
4 and duties of the State Board of Education, is amended to read as follows:

5 (B) However, ~~nothing in this act~~ this section shall not  
6 prohibit the state board and the Department of Education from issuing  
7 teachers' ~~certificates~~ licenses upon the results of teachers' examinations as  
8 now provided by law;

9

10 SECTION 5. Arkansas Code § 6-13-1010(b), concerning the qualifications  
11 of an education service cooperative director, is amended to read as follows:

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

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

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

18

19 SECTION 6. Arkansas Code § 6-13-1011(b), concerning education service  
20 cooperative personnel, is amended to read as follows:

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

23

24 SECTION 7. Arkansas Code § 6-13-1403(a)(1), concerning conditions  
25 under which the State Board of Education may annex school districts, is  
26 amended to read as follows:

27 (1) The state board, after providing thirty (30) ~~days~~ days'  
28 written notice to the affected school districts, determines that annexation  
29 is in the best interest of the affected district or districts and the  
30 receiving district based upon failure to meet standards for accreditation or  
31 failure to meet academic, ~~or~~ fiscal, or facilities distress requirements  
32 pursuant to The Quality Education Act of 2003, § 6-15-201 et seq., the  
33 Arkansas Comprehensive Testing, Assessment, and Accountability Program Act, §  
34 6-15-401 et seq., ~~and~~ the Arkansas Fiscal Assessment and Accountability  
35 Program, § 6-20-1901 et seq., and the Arkansas Public School Academic  
36 Facilities Program Act, § 6-21-801 et seq.;

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SECTION 8. Arkansas Code § 6-13-1404(a)(1), concerning conditions under which the State Board of Education may consolidate school districts, is amended to read as follows:

(1) The state board, after providing thirty (30) ~~days~~ days' written notice to the affected school districts, determines consolidation is in the best interest of the affected district or districts and the resulting district based upon failure to meet standards for accreditation or academic, ~~or fiscal, or facilities~~ distress requirements pursuant to The Quality Education Act of 2003, § 6-15-201 et seq., the Arkansas Comprehensive Testing, Assessment, and Accountability Program Act, § 6-15-401 et seq., ~~and~~ the Arkansas Fiscal Assessment and Accountability Program, § 6-20-1901 et seq., and the Arkansas Public School Academic Facilities Program Act, § 6-21-801 et seq.; or

SECTION 9. Arkansas Code § 6-13-1411(b), concerning the use of school district fund balances, is amended to read as follows:

(b) The provisions of this section shall not apply if the consolidation or annexation is because of the school district's failure to meet standards for accreditation or failure to meet academic, ~~or fiscal, or~~ facilities distress requirements pursuant to The Quality Education Act of 2003, § 6-15-201 et seq., the Arkansas Comprehensive Testing, Assessment, and Accountability Program Act, § 6-15-401 et seq., ~~or~~ the Arkansas Fiscal Assessment and Accountability Program, § 6-20-1901 et seq., or the Arkansas Public School Academic Facilities Program Act, § 6-21-801 et seq.

SECTION 10. Arkansas Code § 6-13-1416(e)(1)(B), concerning voluntary consolidation or annexation of school districts, is amended to read as follows:

(B) All the members of the permanent board of directors of the resulting district or receiving district are elected at-large, then the ~~state board~~ written agreement may stagger the terms of the interim board of directors, which shall be determined by lot so that no more than two (2) members' terms expire during any one (1) year.

SECTION 11. Arkansas Code § 6-13-1417(b)(3)(C), concerning formation

1 of a permanent board of directors of consolidated or annexed school  
 2 districts, is amended to read as follows:

3 (C) ~~File a digital map detailing the election zone~~  
 4 ~~boundaries of the resulting district or receiving district with the Secretary~~  
 5 ~~of State and the Arkansas Geographic Information Office in a format~~  
 6 ~~prescribed by the Arkansas Geographic Information Office no~~ No later than one  
 7 hundred twenty (120) calendar days before the second school election  
 8 following the effective date of the consolidation or annexation, file a  
 9 digital map, in a format prescribed by the Arkansas Geographic Information  
 10 Office, detailing the election zone boundaries of the resulting district or  
 11 receiving district with the:

- 12 (i) Secretary of State;
- 13 (ii) Arkansas Geographic Information Office; and
- 14 (iii) County clerk of each county that contains  
 15 school district territory of each affected district, receiving district, or  
 16 resulting district.

17  
 18 SECTION 12. Arkansas Code § 6-13-1601(4), concerning the definition of  
 19 "average daily membership" in the Public Education Reorganization Act, is  
 20 amended to read as follows:

21 (4)(A) ~~“Average daily membership” means the total number of days~~  
 22 ~~attended plus the total number of days absent by students in grades~~  
 23 ~~kindergarten through twelve (K-12) during the first three (3) quarters of~~  
 24 ~~each school year divided by the number of school days actually taught in the~~  
 25 ~~school district during that period of time rounded up to the nearest~~  
 26 ~~hundredth.~~ has the same meaning as defined in § 6-20-2303;

27 (B) ~~Students who may be counted for average daily~~  
 28 ~~membership are:~~

- 29 (i) ~~Students who reside within the boundaries of the~~  
 30 ~~school district and who are enrolled in a public school operated by the~~  
 31 ~~school district or a private school for special education students, with~~  
 32 ~~their attendance resulting from a written tuition agreement approved by the~~  
 33 ~~Department of Education;~~
- 34 (ii) ~~Legally transferred students living outside the~~  
 35 ~~school district but attending a public school in the school district; and~~
- 36 (iii) ~~Students who reside within the boundaries of~~

1 ~~the school district and who are enrolled in the Arkansas National Guard Youth~~  
2 ~~Challenge Program, so long as the students are participants in the program;~~

3  
4 SECTION 13. Arkansas Code § 6-15-430(b)(2), concerning State Board of  
5 Education authority over a school in academic distress, is amended to read as  
6 follows:

7 (2) The cost of transporting the student from the resident  
8 district to the nonresident district shall be the cost of the resident  
9 district under § 6-18-227.

10  
11 SECTION 14. Arkansas Code § 6-15-441(a)(2), concerning the Arkansas  
12 College and Career Readiness Planning Program, is amended to read as follows:

13 (2) "College readiness assessment" means a test ~~of student~~  
14 ~~educational development~~ that measures student readiness for ~~future~~  
15 postsecondary learning that is used by and is:

16 (A) Institutions Administered under this section; or

17 (B) Used by institutions of higher education as part of  
18 their admissions, placement, and scholarship processes; ~~and~~

19 ~~(B) High schools to improve college and workforce~~  
20 ~~readiness;~~

21  
22 SECTION 15. Arkansas Code § 6-15-1402(a), concerning the annual school  
23 performance report, is amended to read as follows:

24 (a)(1) In order to generally improve public school accountability, to  
25 provide benchmarks for measuring individual school improvement, and to  
26 empower parents and guardians of children enrolled in Arkansas public schools  
27 by providing them with the information to judge the quality of their schools,  
28 the Department of Education shall annually prepare and publish a school  
29 performance report for each individual public school in the state, including  
30 the Arkansas School for the Deaf, the Arkansas School for the Blind, and the  
31 Arkansas School for Mathematics, Sciences, and the Arts, and shall distribute  
32 the report to the House Committee on Education and the Senate Committee on  
33 Education no later than ~~March 15~~ April 15 each year.

34 (2) The school performance report for each school shall be made  
35 available to every parent or guardian of a child in kindergarten through  
36 grade twelve (K-12) in the public schools of Arkansas by posting the school

1 performance report for each school on the website of the department and the  
2 website of the school district in which the public schools addressed in the  
3 school performance report are located no later than ~~March 15~~ April 15 each  
4 year.

5  
6 SECTION 16. Arkansas Code § 6-15-1402(b)(3)(A)(xiv), concerning the  
7 annual school performance report, is amended to read as follows:

8 (xiv) Student participation in ~~College Preparatory~~  
9 ~~Enrichment Program (CPEP)~~ the Arkansas College and Career Readiness Planning  
10 Program under § 6-15-441; and

11  
12 SECTION 17. Arkansas Code § 6-15-2101(a)(3), concerning the public  
13 school rating system, is amended to read as follows:

14 (3) Annual school performance reports shall be:

15 (A) ~~sent~~ Made available in hard copy to all parents or  
16 guardians;

17 (B) ~~posted~~ Posted on the department's website;

18 (C) Posted on the local school district's website; and

19 (D) ~~published~~ Published by the local school district in  
20 the local newspaper.

21  
22 SECTION 18. Arkansas Code § 6-16-507 is repealed:

23 ~~6-16-507. Removal of vehicle involved in accident.~~

24 ~~The Department of Education and the Department of Arkansas State Police~~  
25 ~~shall include instruction within the Department of Education Driver Education~~  
26 ~~and Training Program and the Driver's Manual of the Department of Arkansas~~  
27 ~~State Police concerning the times when a driver involved in an accident must~~  
28 ~~remove his or her vehicle from the roadway. The Department of Arkansas State~~  
29 ~~Police shall include the subject on the examination for a driver's license.~~

30  
31 SECTION 19. Arkansas Code § 6-16-603(b)(1), concerning local  
32 postsecondary preparatory programs and placement tests, is amended to read as  
33 follows:

34 (1) Counsel and strongly encourage each student enrolled in  
35 grades eight through eleven (8-11) who is identified through college  
36 readiness assessments as not meeting the college readiness benchmarks in

1 mathematics, English, or reading to enroll in a postsecondary preparatory  
2 program, if a program is available to the student;

3  
4 SECTION 20. Arkansas Code § 6-17-201(e), concerning personnel policy  
5 requirements, is amended to read as follows:

6 (e) The department shall notify any school district that has not ~~filed~~  
7 posted its policies on the school district website or provided the department  
8 with the website address in accordance with this section.

9  
10 SECTION 21. Arkansas Code § 6-17-306(d)(2), concerning leaves of  
11 absence, is amended to read as follows:

12 (2) This leave shall be granted in addition to all other leave  
13 to which the licensed employee or ~~certified~~ classified employee is entitled.

14  
15 SECTION 22. Arkansas Code § 6-17-402(e), concerning professional  
16 development for retired teachers, is repealed.

17 ~~(e)(1)(A) The State Board of Education shall waive the requirement for~~  
18 ~~professional development for a retired teacher who:~~

19 ~~(i) Maintains a valid license; and~~

20 ~~(ii) Reenters the educational setting prior to~~  
21 ~~sixty five (65) years of age due to a teacher shortage.~~

22 ~~(B) "Educational setting" means the employment setting~~  
23 ~~where the certified employee works, including without limitation:~~

24 ~~(i) A public or private school;~~

25 ~~(ii) An institution of higher education;~~

26 ~~(iii) An education service cooperative;~~

27 ~~(iv) The Department of Education;~~

28 ~~(v) An adult education setting; or~~

29 ~~(vi) Another agency or organization that employs~~  
30 ~~licensed teachers for educational purposes.~~

31 ~~(2) A retired teacher who receives a waiver under subdivision~~  
32 ~~(e)(1) of this section shall participate in the staff development programs~~  
33 ~~required by the school district where he or she is employed.~~

34  
35 SECTION 23. Arkansas Code § 6-17-403(c)(5)(B), concerning the  
36 qualifications for provisional licensure for teachers trained and licensed in

1 other states, is amended to read as follows:

2 (B) Teacher education accredited by the National Council  
3 for Accreditation of Teacher Education, Teacher Education Accreditation  
4 Council, or Council for Accreditation of Educator Preparation; or

5  
6 SECTION 24. Arkansas Code § 6-17-423(c), concerning renewal of a  
7 retired teacher's license, is amended to read as follows:

8 (c) A retired teacher whose license has expired may renew his or her  
9 license upon completion of the professional development required for the year  
10 in which the person applies for license renewal+

11 ~~(1) More than one (1) year prior to July 31, 2007, may renew his~~  
12 ~~or her license upon completion of sixty (60) hours of professional~~  
13 ~~development; and~~

14 ~~(2) Less than one (1) year prior to July 31, 2007, shall be~~  
15 ~~under subsections (a) and (b) of this section.~~

16  
17 SECTION 25. Arkansas Code § 6-17-1113(a)(1)(P), concerning the School  
18 Worker Defense Program, is amended to read as follows:

19 (P) Each employee of the following who is required to hold  
20 ~~a teaching certificate~~ an educator license issued by the department:

- 21 (i) A public school district;  
22 (ii) The Arkansas School for Mathematics, Sciences,  
23 and the Arts;  
24 (iii) The Arkansas School for the Deaf; and  
25 (iv) The Arkansas School for the Blind;

26  
27 SECTION 26. Arkansas Code § 6-17-1113(b)(1), concerning the School  
28 Worker Defense Program, is amended to read as follows:

29 (b)(1) The program is further authorized to provide limited financial  
30 reimbursement not to exceed five thousand dollars (\$5,000) for attorney's  
31 fees and costs for the defense of criminal charges if the covered person is  
32 exonerated by a court of law or if all charges are subsequently withdrawn or  
33 dismissed unless ~~such withdrawal~~;

34 (A) Withdrawal or dismissal of the criminal charges is  
35 conditioned upon termination of employment or surrender of a professional  
36 license; or



1                   (B) The covered person enters a plea of guilty or nolo  
2 contendere to the criminal charges.

3  
4           SECTION 27. Arkansas Code § 6-17-1702(1), concerning definitions for  
5 the Public School Employee Fair Hearing Act, is amended to read as follows:

6           (1) "Employee" ~~shall mean~~ means any person employed by a school  
7 district under a written annual contract, who is not required to have a  
8 ~~teaching certificate~~ an educator license issued by the Department of  
9 Education as a condition of employment;

10  
11          SECTION 28. Arkansas Code § 6-17-2301(d) and (e), concerning  
12 requirements for written personnel policies, is amended to read as follows:

13          (d)(1)(A) A school district shall not receive in any year any  
14 additional state funding from the Public School Fund until the school  
15 district has posted on the school district's website, in accordance with § 6-  
16 11-129, its current personnel policies for classified employees ~~signed by the~~  
17 ~~president of the school board~~, including any salary schedules as required by  
18 this subchapter.

19                   (B) The school district shall maintain in a central  
20 records location a written copy of the policies signed by the president of  
21 the school district's board of directors.

22          (2) By September 15 of each year, a school district shall  
23 provide the Department of Education with the website address at which its  
24 current personnel policies for classified employees, including the salary  
25 schedule, may be found.

26          (e) The department shall notify any school district that has not ~~filed~~  
27 posted its policies on the school district website or provided the department  
28 with the website address in accordance with this section.

29  
30          SECTION 29. Arkansas Code § 6-18-503(b)(2), concerning the requirement  
31 of written student discipline policies, is amended to read as follows:

32          (2) As used in this section, "teachers and administrators" means  
33 those persons employed by a school district and required to have a state-  
34 issued ~~certificate~~ educator license as a condition of their employment.

35  
36          SECTION 30. Arkansas Code § 6-18-505(c)(2), concerning the School

1 Discipline Act, is amended to read as follows:

2 (2) As used in subdivision (c)(1) of this section, "teachers and  
3 administrators" means those persons employed by a school district and  
4 required to have a state-issued ~~certificate~~ educator license as a condition  
5 of their employment.

6  
7 SECTION 31. Arkansas Code § 6-18-514(i), concerning antibullying  
8 policies, is amended to read as follows:

9 (i)~~(1)~~ The school district shall ~~file with~~ provide the Department of  
10 Education with the website address at which a copy of the policies adopted in  
11 compliance with this section may be found.

12 ~~(2) The State Board of Education shall review the policies~~  
13 ~~provided by the school districts and may recommend changes or improvements to~~  
14 ~~the districts if the state board determines that the policies need~~  
15 ~~improvement.~~

16  
17 SECTION 32. Arkansas Code § 6-20-402(f), concerning limitations on  
18 current school district indebtedness, postdated warrants, and installment  
19 contracts, is amended to read as follows:

20 (f) If the state board withholds state aid from a school district  
21 under subsection (e) of this section, the school district shall be ~~classified~~  
22 as identified by the department to be a school district in fiscal distress  
23 under § 6-20-1906.

24  
25 SECTION 33. Arkansas Code § 6-20-604(e)(2)(B), concerning additional  
26 funding for isolated schools, is amended to read as follows:

27 (B) The school district closed an isolated facility  
28 serving students in grades seven through twelve (7-12) ~~between January 1,~~  
29 ~~2008, and July 1, 2008.~~

30  
31 SECTION 34. Arkansas Code § 6-20-701(2), concerning definitions for  
32 the school lunch program, is amended to read as follows:

33 (2) "School district" means:  
34 (A) a voluntary corporation organized for educational  
35 purposes, having jurisdiction over a political unit of the county government  
36 A geographic area with an elected board of directors that qualifies as a

1 taxing unit for purposes of school district taxes under § 26-80-101 et seq.,  
2 which board of directors conducts the daily affairs of public schools  
3 pursuant to the supervisory authority vested in it by the General Assembly  
4 and this title; and

5 (B) An open-enrollment public charter school; and  
6

7 SECTION 35. Arkansas Code § 6-47-305(c)(4), concerning the membership  
8 of the Distance Learning Coordinating Council, is amended to read as follows:

9 (4) One (1) member who is an employee of the ~~Office of~~  
10 ~~Information Technology~~ Department of Information Systems appointed by the  
11 Director of the ~~Office of Information Technology~~ Department of Information  
12 Systems;  
13

14 SECTION 36. Arkansas Code § 6-61-109 is repealed.

15 ~~6-61-109. Driver education and training programs.~~

16 ~~(a) Any state supported institution of higher learning offering an~~  
17 ~~approved driver education and training course as a part of a program for the~~  
18 ~~training of teachers of driver education may apply for and shall receive from~~  
19 ~~the Department of Education the sum of twenty dollars (\$20.00) for each high~~  
20 ~~school student completing the course.~~

21 ~~(b) Any state supported institution of higher learning receiving funds~~  
22 ~~under this section and §§ 6-16-501 — 6-16-506 [repealed] must offer the~~  
23 ~~training to high school students subject to the rules and regulations~~  
24 ~~promulgated by the State Board of Education for accredited driver education~~  
25 ~~courses in the high schools.~~  
26

27 SECTION 37. Arkansas Code § 27-18-107 is amended to read as follows:

28 27-18-107. Instruction as to removal of vehicle from roadway.

29 The ~~Department of Education and the~~ Department of Arkansas State Police  
30 shall include instruction within the ~~Department of Education Driver Education~~  
31 ~~and Training Program and the Driver’s Manual of the Department of Arkansas~~  
32 ~~State Police~~ department concerning the times when a driver involved in an  
33 accident must remove his or her vehicle from the roadway. The ~~Department of~~  
34 ~~Arkansas State Police~~ department shall include the subject on the examination  
35 for a driver’s license.  
36