

DEPARTMENT OF EDUCATION, DIVISION OF ELEMENTARY AND SECONDARY EDUCATION

SUBJECT: DESE Rules Governing Insulin and Glucagon Administration

DESCRIPTION: The Division of Elementary and Secondary Education proposes changes to the Division of Elementary and Secondary Education and Arkansas State Board of Nursing Rules Governing the Administration of Insulin and Glucagon to Arkansas Public School Students Diagnosed with Diabetes, pursuant to Act 757 of 2019, § 37, which added language to Arkansas Code Annotated § 6-18-711, concerning the administration of medication to a public school student with diabetes. The language allows that a public school employee may be trained and may administer glucagon to a student with Type I diabetes. This language has been added to Section 4.03 of the rules. All other changes were to change “Department” to “Division.”

PUBLIC COMMENT: A public hearing was held on May 26, 2020. The public comment period expired on June 8, 2020. The Division provided the following summary of the comments that it received and its responses thereto:

Lucas Harder, Arkansas School Boards Association

3.02: I would recommend changing “altered mental status” to “altered mental state.” There is a comma missing from between “seizure” and “or.”

3.04: As “licensed health care practitioner” is defined at 3.05, there is no need to include the same list here as contained in the definition.

3.08.7: It appears that the semicolon here was accidentally struck.

4.0910: The “has” at “Once other qualified staff has” should be “have.”

6.03: Based on the language in 4.056, I believe that the “8” at “3.08” is being unnecessarily struck.

7.02: There appears to be a comma missing here and so I would recommend changing this for clarity to read: “district shall maintain a copy of the student’s health plan, a list.”

Response: All comments considered, and non-substantive changes made.

Rebecca Miller-Rice, an attorney with the Bureau of Legislative Research, asked the following question:

It appears that these rules are jointly promulgated by both the Division of Elementary and Secondary Education and the State Board of Nursing, in accord with Ark. Code Ann. § 17-87-103(11)(E). Has the State Board of Nursing been consulted concerning the proposed changes? **RESPONSE:** Yes, the Division has been communicating and working with the State Board of Nursing on the proposed rules.

The proposed effective date is pending legislative review and approval.

FINANCIAL IMPACT: The agency states that the amended rules have no financial impact.

LEGAL AUTHORIZATION: Pursuant to Arkansas Code Annotated § 17-87-103(11)(E), the State Board of Education and the Arkansas State Board of Nursing shall promulgate rules necessary to administer Ark. Code Ann. § 17-87-103(11), which exempts from the requirement of a nursing license certain trained volunteer school personnel who may administer glucagon or insulin, or both, to a student diagnosed with diabetes, as outlined in the statute. *See also* Ark. Code Ann. § 6-18-711(c) (providing that “[a] public school employee may volunteer to be trained to administer and may administer glucagon to a student with Type 1 diabetes in an emergency situation as permitted under § 17-87-103(11)”). Changes to the rules include those made in light of Act 757 of 2019, sponsored by Representative Bruce Cozart, which amended and updated various provisions of the Arkansas Code concerning public education.

**QUESTIONNAIRE FOR FILING PROPOSED RULES WITH THE
ARKANSAS LEGISLATIVE COUNCIL**

DEPARTMENT/AGENCY Division of Elementary and Secondary Education
DIVISION Learning Services
DIVISION DIRECTOR Dr. Kiffany Pride
CONTACT PERSON Taylor Dugan
ADDRESS Four Capitol Mall, Room 301-A, Little Rock, AR 72201
PHONE NO. 501-682-1958 **FAX NO.** 501-682-4249 **E-MAIL** taylor.dugan@arkansas.gov
NAME OF PRESENTER AT COMMITTEE MEETING Taylor Dugan
PRESENTER E-MAIL Taylor.dugan@arkansas.gov

INSTRUCTIONS

- A. Please make copies of this form for future use.
- B. Please answer each question completely using layman terms. You may use additional sheets, if necessary.
- C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.
- D. Submit two (2) copies of this questionnaire and financial impact statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

**Jessica C. Sutton
Administrative Rules Review Section
Arkansas Legislative Council
Bureau of Legislative Research
One Capitol Mall, 5th Floor
Little Rock, AR 72201**

- 1. What is the short title of this rule? DESE/ASBN Rules Governing Insulin and Glucagon Administration
- 2. What is the subject of the proposed rule? To meet the Requirements of Act 757 section 37 of 2019
- 3. Is this rule required to comply with a federal statute, rule, or regulation? Yes _____ No x _____
If yes, please provide the federal rule, regulation, and/or statute citation.
- 4. Was this rule filed under the emergency provisions of the Administrative Procedure Act?
Yes _____ No X _____
If yes, what is the effective date of the emergency rule? N/A _____
When does the emergency rule expire? N/A _____
Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes _____ No X _____

5. Is this a new rule? Yes _____ No If yes, please provide a brief summary explaining the rule.

Does this repeal an existing rule? Yes _____ No If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.

Is this an amendment to an existing rule? Yes No _____ If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. **Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."**

6. Cite the state law that grants the authority for this proposed rule? If codified, please give the Arkansas Code citation. Ark. Code Ann. These rules are enacted pursuant to the Arkansas State Board of Education's authority under Ark. Code Ann. §§ 6-11-105, 6-18-711, 17-87-103 and 25-15-201 et seq.. These rules are enacted pursuant to the Arkansas State Board of Nursing's authority under Ark. Code Ann. §§6-18-711, 17-87-203, 17-87-103 and 25-15-201 et seq.

7. What is the purpose of this proposed rule? Why is it necessary? Section 37 of Act 757 added language to Ark. Code Ann. § 6-17-711 concerning the administration of medication to a public school student with diabetes. It allows that a public school employee may be trained and may administer glucagon to a student with Type 1 diabetes. This language has been added to section 4.03 to the rules. All other changes were to change "Department" to "Division".

8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b).
<http://www.arkansased.gov/divisions/legal/rules/pending>

9. Will a public hearing be held on this proposed rule? Yes No _____
If yes, please complete the following:

Date: May 26, 2020

Time: 1:30PM

Place: ADE Auditorium

10. When does the public comment period expire for permanent promulgation? (Must provide a date.)
June 8th, 2020

11. What is the proposed effective date of this proposed rule? (Must provide a date.)
October 2020

12. Please provide a copy of the notice required under Ark. Code Ann. § 25-15-204(a), and proof of the publication of said notice. See attached

13. Please provide proof of filing the rule with the Secretary of State as required pursuant to Ark.

Code Ann. § 25-15-204(e). See attached

14. Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide their position (for or against) if known.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Division of Elementary and Secondary Education

DIVISION Learning Services

PERSON COMPLETING THIS STATEMENT Taylor Dugan

TELEPHONE NO. 501-682-1958 **FAX NO.** 501-682-4249 **EMAIL:** taylor.dugan@arkansas.gov

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE DESE Rules Governing Insulin and Glucagon Administration

1. Does this proposed, amended, or repealed rule have a financial impact?
Yes _____ No X _____
2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?
Yes _____ X _____ No _____
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes _____ X _____ No _____

If an agency is proposing a more costly rule, please state the following:

- (a) How the additional benefits of the more costly rule justify its additional cost;
- (b) The reason for adoption of the more costly rule;
- (c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and
- (d) Whether the reason is within the scope of the agency's statutory authority, and if so, please explain.
4. If the purpose of this rule is to implement a federal rule or regulation, please state the following:
- (a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

General Revenue _____

Next Fiscal Year

General Revenue _____

Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____
 Total _____

Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____
 Total _____

(b) What is the additional cost of the state rule?

Current Fiscal Year

General Revenue _____ 0
 Federal Funds _____ 0
 Cash Funds _____ 0
 Special Revenue _____ 0
 Other (Identify) _____ 0
 Total _____ 0

Next Fiscal Year

General Revenue _____ 0
 Federal Funds _____ 0
 Cash Funds _____ 0
 Special Revenue _____ 0
 Other (Identify) _____ 0
 Total _____ 0

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

Current Fiscal Year

\$ _____ 0

Next Fiscal Year

\$ _____ 0

6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

\$ _____ 0

Next Fiscal Year

\$ _____ 0

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes _____ No _____ X

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously

with the financial impact statement and shall include, without limitation, the following:

(1) a statement of the rule's basis and purpose;

(2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;

(3) a description of the factual evidence that:

(a) justifies the agency's need for the proposed rule; and

(b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;

(4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;

(5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;

(6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and

(7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:

(a) the rule is achieving the statutory objectives;

(b) the benefits of the rule continue to justify its costs; and

(c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.

**ARKANSAS DEPARTMENT OF EDUCATION DIVISION OF ELEMENTARY AND
SECONDARY EDUCATION AND ARKANSAS STATE
BOARD OF NURSING RULES GOVERNING THE ADMINISTRATION OF
INSULIN AND GLUCAGON TO ARKANSAS PUBLIC SCHOOL STUDENTS
DIAGNOSED WITH DIABETES**

**PUBLIC COMMENTS AND RESPONSES OF THE DIVISION OF ELEMENTARY AND
SECONDARY EDUCATION**

Commenter Name: Rebecca Miller-Rice, Bureau of Legislative Research (05/12/2020)

Comment:

(1) It appears that these rules are jointly promulgated by both the Division of Elementary and Secondary Education and the State Board of Nursing, in accord with Ark. Code Ann. § 17-87-103(11)(E). Has the State Board of Nursing been consulted concerning the proposed changes?

Response: Yes, the Division has been communicating and working with the State Board of Nursing on the proposed rules.

Commenter Name: Lucas Harder Arkansas School Board Association (10/28/2019)

Comment:

- 3.02: I would recommend changing “altered mental status” to “altered mental state”.
There is a comma missing from between “seizure” and “or”.
- 3.04: As “licensed health care practitioner” is defined at 3.05, there is no need to include the same list here as contained in the definition.
- 3.08.7: It appears that the semicolon here was accidentally struck.
- 4.0910: The “has” at “Once other qualified staff has” should be “have”.
- 6.03: Based on the language in 4.056, I believe that the “8” at “3.08” is being unnecessarily struck.
- 7.02: There appears to be a comma missing here and so I would recommend changing this for clarity to read: “district shall maintain a copy of the student’s health plan, a list”.

Response: All comments considered and nonsubstantive changes made.

Notice of Rulemaking

Pursuant to Arkansas Code Annotated § 25-15-201 et seq., notice is hereby given that the Arkansas State Board of Education and the Division of Elementary and Secondary Education are considering revisions to the following DESE Rules and are releasing them for public comment: Administration of Insulin and Glucagon to Arkansas Public School Students Diagnosed with Diabetes. DESE Rules Governing Nutrition and Physical Activity Standards and Body Mass Index for Age Assessment Protocols in Arkansas Public Schools. DESE Rules Governing the Arkansas Fiscal Assessment and Accountability Program; and Repeal of the ADE Rules Governing Minimum Qualifications for Business Managers

Repeal of ADE Rules Governing Special Education and Related Services, Sections 22.00, 23.00, 27.00, and 28.00

A public hearing regarding these amended rules will be held on May 26, 2020, at 1:30 p.m. at the Arkansas Department of Education Auditorium, Four Capitol Mall, Little Rock, AR 72201. Participants may also call in to the hearing at (605) 475-4071 using access code 637586.

Written comments regarding these proposed rules may be mailed to the Office of Legal Services at Four Capitol Mall, Room 301A, Little Rock, AR 72201. Comments also may be emailed to ADE.RulesComments@arkansas.gov. A copy of the proposed rules can be found at the Department's website at: <http://www.arkansased.org/divisions/legal/rules/pending>. Copies also may be obtained by contacting ADE's Office of Legal Services at the above address or via phone at (501) 682-4227.

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

As Engrossed: H3/11/19

A Bill

HOUSE BILL 1573

5 By: Representative Cozart
6 By: Senator J. English
7

For An Act To Be Entitled

8
9 AN ACT TO AMEND AND UPDATE VARIOUS PROVISIONS OF THE
10 ARKANSAS CODE CONCERNING PUBLIC EDUCATION; AND FOR
11 OTHER PURPOSES.
12
13

Subtitle

14
15 TO AMEND AND UPDATE VARIOUS PROVISIONS OF
16 THE ARKANSAS CODE CONCERNING PUBLIC
17 EDUCATION.
18
19

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

22 SECTION 1. Arkansas Code § 6-11-125(b), concerning the use of
23 information technology to eliminate the amount of paperwork by the State
24 Board of Education, is repealed.

25 ~~(b) The State Board of Education, acting through the department, shall~~
26 ~~use every means available to eliminate the amount of paperwork required by~~
27 ~~state law and regulations to be reported from each local school district by~~
28 ~~utilizing to the fullest extent possible, beginning no later than July 1,~~
29 ~~1998, the information technology network linking local school districts and~~
30 ~~the department.~~

31
32 SECTION 2. Arkansas Code § 6-11-126 is repealed.

33 ~~6-11-126. Computer funds approval.~~

34 ~~Before the Department of Education obligates any funds for the purchase~~
35 ~~or lease of a computer for the Arkansas Public School Computer Network, the~~
36 ~~department shall first seek prior review from the Joint Interim Oversight~~



1 ~~Subcommittee on Educational Reform.~~

2

3 SECTION 3. Arkansas Code § 6-11-127, is amended to read as follows:
4 6-11-127. School district boundaries.

5 The ~~Commissioner of Education~~ Arkansas Geographic Information Systems
6 Office shall keep for the Commissioner of Education ~~records showing~~
7 ~~descriptions of each school district in the state,~~ a map showing the school
8 districts with their boundaries, ~~the location of the schoolhouses, and the~~
9 ~~electoral zones, if any, into which each school district has been divided.~~

10

11 SECTION 4. Arkansas Code § 6-13-1403(d)(2)(B), concerning the
12 conditions under which the State Board of Education may annex school
13 districts, is amended to read as follows:

14 (B) It ~~shall be~~ is the duty of the ~~Department of Education~~
15 Arkansas Geographic Information Systems Office to make changes in the maps of
16 the school districts to properly show the boundary lines of the receiving
17 district or districts.

18

19 SECTION 5. Arkansas Code § 6-13-1404(d)(2)(B), concerning the
20 conditions under which the State Board of Education may consolidate school
21 districts, is amended to read as follows:

22 (B) It ~~shall be~~ is the duty of the ~~Department of Education~~
23 Arkansas Geographic Information Systems Office to make changes in the maps of
24 the school districts to properly show the boundary lines of the resulting
25 district or districts.

26

27 SECTION 6. Arkansas Code § 6-13-1414(d), concerning boundary changes
28 by the State Board of Education, is amended to read as follows:

29 (d) Upon an order from the state board to change or adjust boundary
30 lines, it shall be the duty of the ~~Department of Education~~ Arkansas
31 Geographic Information Systems Office to immediately make changes in the maps
32 of the school districts ~~of the county~~ to show the changes of boundaries.

33

34 SECTION 7. Arkansas Code § 6-14-113 is repealed.

35 ~~6-14-113. Election kits for school elections.~~

36 ~~(a) In order that the annual school elections held throughout this~~

1 ~~state will be conducted in a more uniform manner, the State Board of~~
2 ~~Education is authorized and directed to prepare and distribute annually upon~~
3 ~~the request of the county board of election commissioners of each county~~
4 ~~annual school election kits or packages designed especially for conducting~~
5 ~~annual school elections in the manner required by law.~~

6 ~~(b) The kits or packages shall contain forms for a list of voters and~~
7 ~~duplicate list of voters, tally sheets, oaths of election officials,~~
8 ~~certificates of results, and notices of election. In addition thereto, the~~
9 ~~kits or packages shall contain carbon paper, envelopes for regular,~~
10 ~~irregular, and spoiled ballots, instructions for voters and election~~
11 ~~officials, seals, and other necessary equipment and supplies except ballot~~
12 ~~boxes, ballots, and certified lists of eligible voters, which shall be~~
13 ~~furnished to the election officials in the manner provided by law.~~

14 ~~(c)(1) The kits or packages provided for in this section shall be~~
15 ~~distributed annually to the several county boards of election commissioners~~
16 ~~at least thirty (30) days prior to the annual school election.~~

17 ~~(2) A sufficient number of kits or packages shall be supplied to~~
18 ~~each county in order that at least one (1) kit or package may be made~~
19 ~~available at each voting precinct or voting place in the county.~~

20 ~~(d) The cost of the kits or packages prepared by the Department of~~
21 ~~Education pursuant to this section shall be paid from the maintenance funds~~
22 ~~provided for the department by legislative appropriation.~~

23
24 SECTION 8. Arkansas Code § 6-15-202(f)(15), concerning development of
25 regulations and standards for accreditation, is repealed.

26 ~~(15) Section 6-15-2009 [repealed] concerning remedial~~
27 ~~instruction;~~

28
29 SECTION 9. Arkansas Code § 6-15-202(f)(22) and (23), concerning
30 development of regulations and standards for accreditation regarding health
31 education and oral health standards, are repealed.

32 ~~(22) Section 6-16-1002 [repealed] concerning health education;~~
33 ~~(23) Section 6-16-1003 [repealed] concerning oral health~~
34 ~~standards;~~

35
36 SECTION 10. Arkansas Code § 6-15-202(f)(31), concerning development of

1 regulations and standards for accreditation regarding the qualifications for
2 valedictorian and salutatorian, is amended to read as follows:

3 (31) Section 6-18-101 concerning qualifications for
4 valedictorian and salutatorian, if applicable;

5
6 SECTION 11. Arkansas Code § 6-15-202(f)(35), concerning development of
7 regulations and standards for accreditation regarding attendance, is
8 repealed.

9 ~~(35) Section 6-18-211 [repealed] concerning attendance for~~
10 ~~students in grades nine through twelve (9-12);~~

11
12 SECTION 12. Arkansas Code § 6-15-1005(f)(1), concerning safe,
13 equitable, and accountable public schools, is amended to read as follows:

14 (f)(1) All public schools will have a program plan of parental
15 involvement.

16
17 SECTION 13. Arkansas Code § 6-15-1402(a), concerning the rules
18 regarding school performance reports, is amended to read as follows:

19 (a)(1) In order to generally improve public school accountability, to
20 provide benchmarks for measuring individual school improvement, and to
21 empower parents and guardians of children enrolled in Arkansas public schools
22 by providing them with the information to judge the quality of their schools,
23 the Department of Education shall ~~annually~~ prepare and publish annually a
24 school performance report for each ~~individual~~ public school in the state,
25 including without limitation the Arkansas School for the Deaf, the Arkansas
26 School for the Blind, and the Arkansas School for Mathematics, Sciences, and
27 the Arts, and shall ~~distribute the report to~~ notify the House Committee on
28 Education and the Senate Committee on Education of the availability of the
29 report on the department website no later than April 15 each year.

30 (2)(A) The school performance report for each school shall be
31 made available to every parent or guardian of a child in kindergarten through
32 grade twelve (K-12) in the public schools of Arkansas by posting the school
33 performance report for each school on the website of the department by April
34 15 each year ~~and the website of the school district in which the public~~
35 ~~schools addressed in the school performance report are located no later than~~
36 ~~April 15 each year.~~

1 (B) Each school district shall post the school performance
2 report for each of its schools on the district's website not later than ten
3 (10) days after it is posted on the department's website.
4

5 SECTION 14. Arkansas Code § 6-15-1402(b)(2), concerning a school
6 performance report for elementary schools, is amended to read as follows:

7 (2) The school performance report for elementary schools shall:

8 (A) Include three-year trend data and allow parents or
9 guardians to compare the school's performance with state and national
10 averages in areas and shall include, ~~but not be limited to,~~ without
11 limitation the following measures:

- 12 (i) School safety;
- 13 (ii) Statewide student assessment results beginning
14 with grade three (3);
- 15 (iii) Licensed staff qualifications;
- 16 (iv) Total per-pupil spending;
- 17 (v) Assessment of the local taxpayer investment in
18 the school district;
- 19 (vi) Percentage of students eligible to receive free
20 or reduced-price meals;
- 21 (vii) Average salary of the staff; and
- 22 (viii) Average attendance rates for students; and

23 (B) Indicate separately whether:

- 24 (i) The school distributed the school's student
25 discipline policy to parents;
- 26 (ii) The school's teachers, administrators,
27 classified school employees, and volunteers have been provided with
28 appropriate student discipline training; and
- 29 (iii) The school district has adopted a parental
30 involvement plan in compliance with § 6-15-1702.

31
32 SECTION 15. Arkansas Code § 6-15-1704(a), concerning the annual review
33 of parental involvement plans, is amended to read as follows:

34 (a) Annually by ~~October~~ August 1, every school district shall review
35 and update the school district's parental involvement plan and:

- 36 (1) File a copy of the plan with the Department of Education;

1 (2) Place a copy of the plan on the school district's website;
2 and

3 (3)(A) Place a parent-friendly summary of the plan as a
4 supplement to the student handbook.

5 (B) The parent shall sign a form acknowledging receipt of
6 the summary and return the signed form to the school where the student is
7 enrolled.

8
9 SECTION 16. Arkansas Code § 6-15-2006(b)(1), concerning annual school
10 performance reports, is amended to read as follows:

11 (b)(1) A school district board of directors shall publish annually the
12 school performance report required by § 6-15-2101 on its website not later
13 than ten (10) days after it is posted on the department's website, with the
14 option of also publishing it in the local newspaper, ~~by October 15 of each~~
15 ~~year, and the following information on the prior school year or the latest~~
16 ~~information available:~~

17 ~~(A) By grade level, economic status, and ethnicity, the~~
18 ~~number and percentage of all students in kindergarten through grade twelve~~
19 ~~(K-12) performing at each category level on the statewide student assessment,~~
20 ~~the percentile rankings by school and grade level on any other assessments as~~
21 ~~required by the State Board of Education, the number of students taking~~
22 ~~advanced placement courses or courses offered under the International~~
23 ~~Baccalaureate Diploma Programme, the number taking the advanced placement~~
24 ~~exams, and the percent of students making a 3, 4, or 5 on advanced placement~~
25 ~~exams;~~

26 ~~(B) By grade level, the number and percentage of all~~
27 ~~students retained in grades one through eight (1-8);~~

28 ~~(C) The graduation rate, grade inflation rate, drop-out~~
29 ~~rate for grades nine through twelve (9-12), and college remediation rate;~~

30 ~~(D) The number of students transferring pursuant to the~~
31 ~~unsafe school provision of § 6-18-320; and~~

32 ~~(E) The number of students transferring pursuant to the~~
33 ~~Arkansas Opportunity Public School Choice Act of 2004, § 6-18-227.~~

34

35 SECTION 17. Arkansas Code § 6-15-2202(b)(2), concerning access to
36 public school information on school improvement plans for school districts

1 classified as in need of Level 5 – Intensive support, is amended to read as
2 follows:

- 3 (2) A parent-friendly explanation of+
 - 4 ~~(A) The level of support being provided to the public~~
 - 5 ~~school district;~~
 - 6 ~~(B) The status of each public school in the public school~~
 - 7 ~~district; and~~
 - 8 ~~(C) Why why~~ the public school district is receiving Level
 - 9 5 – Intensive support, a school is identified as in need of targeted or
 - 10 comprehensive support, or the public school district is in fiscal distress
 - 11 and what the public school district is doing to be removed from Level 5 –
 - 12 Intensive support, to remove the school or schools within the public school
 - 13 district from being identified as in need of targeted or comprehensive
 - 14 support, or to be removed from fiscal distress;

15
16 SECTION 18. Arkansas Code § 6-15-2202(c)(1), concerning access to
17 public school information on school improvement plans and a school’s
18 compliance with the standards for accreditation, is amended to read as
19 follows:

- 20 (1) Directly monitors a school for compliance with standards ~~and~~
- 21 for accreditation; or

22
23 SECTION 19. Arkansas Code § 6-15-2401(b), concerning review of
24 Arkansas Placement Status Reports and reports of students needing
25 remediation, is repealed.

26 ~~(b) As a part of the school improvement plan pursuant to § 6-15-2201~~
27 ~~{repealed}, the State Board of Education shall ensure that each school~~
28 ~~district and high school develops strategies to improve student readiness for~~
29 ~~the public postsecondary level based on annual analysis of the feedback~~
30 ~~report data.~~

31
32 SECTION 20. Arkansas Code § 6-15-2502(a), concerning the establishment
33 of educational renewal zones, is amended to read as follows:

- 34 (a) ~~Effective July 1, 2004, any~~ A public school, an education service
- 35 cooperative, or an institution of higher education is authorized to enter
- 36 into one (1) or more interlocal agreements through which they collaborate to

1 improve public school performance and academic achievement.

2

3 SECTION 21. Arkansas Code § 6-15-2502(c)(1), concerning the
4 establishment of educational renewal zones to improve school performance and
5 achievement, is amended to read as follows:

6 (1) Identify and implement education and management strategies
7 designed specifically to improve public school performance and student
8 academic achievement throughout the State of Arkansas, with special focus on
9 the ~~state's most academically distressed~~ public schools in need of support;

10

11 SECTION 22. Arkansas Code § 6-15-2502(d)(3)(B)(ii), concerning the
12 establishment of educational renewal zones, is amended to read as follows:

13 (ii) A public school district designated classified
14 by the Department of Education ~~as a school in school improvement or a school~~
15 ~~in a school district designated by the department~~ as being in academic
16 distress need of Level 5-intensive support shall participate in an education
17 renewal zone if requested to do so by the department, and the division
18 working with the department shall establish priorities of establishing
19 education renewal zones for those schools, which shall be contingent on the
20 appropriation availability of funding for the renewal zones.

21

22 SECTION 23. Arkansas Code § 6-15-2502(d)(3)(C)(i) and (ii), concerning
23 the establishment of educational renewal zones for schools identified as at
24 risk or classified as in need of Level 5 – Intensive support, are amended to
25 read as follows:

26 (i) The school is ~~classified~~ identified as a school
27 ~~in school improvement or alert status for school improvement at risk for~~
28 meeting school performance indicators for all students or for any one (1)
29 identified subpopulation under the Arkansas state ~~compliance~~ plan under the
30 ~~No Child Left Behind Act of 2001~~ Every Student Succeeds Act, 20 U.S.C. § 6301
31 ~~et seq.~~ Pub. L. No. 114-95;

32 (ii) The school lies within a school district
33 ~~designated by the department~~ classified by the State Board of Education as in
34 ~~academic distress or financial distress~~ need of Level 5 – Intensive support
35 under the ~~Arkansas Comprehensive Testing, Assessment, and Accountability~~
36 Program Arkansas Educational Support and Accountability Act, § 6-15-2901 et

1 seq.;

2

3 SECTION 24. Arkansas Code § 6-15-2503(a), concerning inclusion of
4 schools within designated educational renewal zones, is amended to read as
5 follows:

6 (a)(1) The Division of Education Renewal Zones, the State Board of
7 Education, and the local school districts shall exercise due diligence to
8 assure, to the extent that funds are available, that each school ~~classified~~
9 identified as a school in ~~school-improvement~~ need of support under the ~~No~~
10 ~~Child Left Behind Act of 2001~~ Every Student Succeeds Act, 20 U.S.C. § 6301 et
11 ~~seq., as in existence on December 1, 2003~~ Pub. L. No. 114-95, is included in
12 a designated education renewal zone.

13 (2) The state board may promulgate rules establishing criteria
14 for the placement of schools in ~~school-improvement~~ need of support in a
15 designated education renewal zone if insufficient funds exist to place all
16 schools in ~~school-improvement~~ need of support in a designated education
17 renewal zone.

18

19 SECTION 25. Arkansas Code § 6-15-2504(a) and (b), concerning school
20 improvement plans, are amended to read as follows:

21 (a) Each school participating in an education renewal zone shall
22 develop and implement a ~~school~~ school-level improvement plan.

23 (b) Each ~~school~~ school-level improvement plan shall at a minimum
24 include the following:

25 (1) Goals for improving student achievement;

26 (2) Measurable benchmarks for achieving student improvement
27 goals;

28 (3) A timeline for reaching goals in improving student
29 achievement; and

30 (4) Requirements for services to be provided by the education
31 renewal zone partners.

32

33 SECTION 26. Arkansas Code § 6-15-2605(e)(1) and (2), concerning the
34 application forms and procedures for the Rewarding Excellence in Achievement
35 Program, are amended to read as follows:

36 (e)(1) In order to participate in the Rewarding Excellence in

1 Achievement Program, a public school district or public charter school ~~must~~
2 ~~shall~~ have an ~~approved comprehensive school improvement plan, as defined in §~~
3 ~~6-15-419(9) [repealed]~~ a district support plan that outlines the role of the
4 district in supporting the Rewarding Excellence in Achievement Program.

5 (2) Before full implementation of a Rewarding Excellence in
6 Achievement plan, the ~~comprehensive school improvement plan~~ school-level
7 improvement plan of the public school, ~~public school district,~~ or public
8 charter school shall include:

9 (A) Assessment and evaluation tools to measure student
10 performance and progress based on an achievement gains model;

11 (B) Performance goals and benchmarks for improvement;

12 (C) Measures of student attendance and completion rates;

13 (D) A rigorous professional development system ~~consistent~~
14 ~~with the comprehensive school improvement plan defined in § 6-15-419(9) and~~
15 ~~student academic improvement plans as defined in § 6-15-419(3);~~

16 (E) Measures of student, family, and community involvement
17 and satisfaction;

18 (F) A data reporting system about students and their
19 academic progress that provides parents and the public with understandable
20 information;

21 (G) A teacher induction and mentoring program for
22 probationary teachers that provides continuous learning and sustained teacher
23 support; and

24 (H) Substantial participation by teachers in developing
25 the Rewarding Excellence in Achievement plan.

26
27 SECTION 27. Arkansas Code § 6-15-2606(c)(1)(A), concerning the
28 contents of a Rewarding Excellence in Achievement plan regarding achievement
29 gains of students in a teacher's class, is amended to read as follows:

30 (1)(A) Achievement gains of students in each teacher's class on
31 student scores under the statewide student assessment ~~program~~ system
32 described in § ~~6-15-433~~ 6-15-2907.

33
34 SECTION 28. Arkansas Code § 6-15-2606(c)(2)(A), concerning the
35 contents of a Rewarding Excellence in Achievement plan regarding achievement
36 gains of students on a school-wide basis, is amended to read as follows:

1 (2)(A) Achievement gains of students on a school-wide basis
2 under the statewide student assessment ~~program~~ system described in § ~~6-15-433~~
3 ~~[repealed]~~ 6-15-2907.

4
5 SECTION 29. Arkansas Code § 6-15-2606(c)(3)(A), concerning the
6 Rewarding Excellence in Achievement Program regarding a teacher evaluation,
7 is amended to read as follows:

8 (A) An individual objective teacher evaluation conducted
9 by the school principal that is aligned with the ~~comprehensive school~~
10 ~~improvement plan~~ and professional development plan described in § 6-15-2607;
11 and

12
13 SECTION 30. Arkansas Code § 6-15-2701(c)(2), concerning the use of
14 national school lunch state categorical funding for chronically
15 underperforming schools, is amended to read as follows:

16 (2) In a chronically underperforming school's comprehensive
17 ~~school~~ school-level improvement plan, direct the use of national school lunch
18 state categorical funding for strategies to close gaps in academic
19 achievement, including without limitation:

20 (A) Using an Arkansas Scholastic Audit;

21 (B) Using disaggregated school data to set academic
22 improvement targets in reading, writing, mathematics, and science;

23 (C) Using improvement targets to define professional
24 development needs related to content, instruction, differentiation, and best
25 practices in educating special education students, gifted and talented
26 students, English language learners, and other student subgroups as needed;

27 (D) Developing interim building-level assessments to
28 monitor student progress toward proficiency on the state benchmark
29 assessments;

30 (E) Developing a plan to immediately address gaps in
31 learning;

32 (F) Examining and realigning, as needed, school
33 scheduling, academic support systems, and assignments of personnel; and

34 (G) Designing a plan for increasing parental knowledge and
35 skill to support academic objectives; and

36

1 SECTION 31. Arkansas Code § 6-15-2701(d)(1), concerning school
2 improvement plans for chronically underperforming schools, is amended to read
3 as follows:

4 (1) Monitoring ~~school~~ school-level improvement plans; and

5
6 SECTION 32. Arkansas Code § 6-17-119(b)(7), concerning alternative pay
7 programs included in a school district’s comprehensive school improvement
8 plan, is amended to read as follows:

9 (7) The program is ~~aligned and linked to each school’s~~
10 ~~comprehensive school improvement~~ included in the district’s support plan;

11
12 SECTION 33. Arkansas Code § 6-17-209(g), concerning interim personnel
13 policy committees, is amended to read as follows:

14 (g) ~~The provisions of this~~ This section ~~shall~~ does not apply to
15 instances in which the State Board of Education votes to annex or consolidate
16 one (1) school district to or with two (2) or more receiving or resulting
17 school districts due to enforcement by the state board of the provisions of
18 this title relating to ~~academic distress~~ Level 5 – Intensive support,
19 academic facilities distress, fiscal distress, or violations of the Standards
20 for Accreditation of Arkansas Public Schools and School Districts.

21
22 SECTION 34. Arkansas Code § 6-17-402(j)(1), concerning core licensure
23 areas under the State Board of Education rules, is amended to read as
24 follows:

25 (1) ~~Early Childhood~~ Elementary Education (K-6);

26
27 SECTION 35. Arkansas Code § 6-18-701 is amended to read as follows:
28 6-18-701. Physical examinations – Individualized healthcare plans.

29 (a) ~~It shall be lawful for the~~ The board of directors of any a school
30 district ~~in this state to~~ may appoint and provide for the payment of at least
31 one (1) ~~or more physicians or nurses~~ physician or nurse and ~~to~~ assign any
32 ~~person so employed~~ the physician or nurse to the public schools of the
33 district for the purpose of making ~~such~~ physical examinations of the ~~pupils~~
34 ~~of the schools~~ public school students as may be prescribed in the rules and
35 regulations of the State Board of Education.

36 (b) The nature of the examination shall be only ~~such as~~ to detect

1 contagious or infectious diseases or any defect of sight, hearing, or
2 function or condition of health ~~tending to prevent any~~ that may prevent a
3 pupil from receiving the full benefit of school work.

4 ~~(c) It shall be the duty of any physician or nurse so employed to~~ The
5 physician or nurse appointed under subsection (a) of this section shall make
6 ~~such~~ examinations for contagious or infectious disease, including without
7 limitation the teeth and mouth, whenever the examination may be deemed
8 necessary, ~~and to make examination for other defects at least one (1) time in~~
9 each school year, preferably at or near the beginning of the year.

10 (d) In ~~any a~~ a city, town, or ~~any~~ county where the health authorities
11 ~~are providing~~ provide for the physical examination of public school ~~children~~
12 ~~substantially as contemplated~~ students provided in this section, the
13 examination ~~provided for in this section need not~~ may not be made by any
14 school physician or school nurse.

15 ~~(e) Nothing in this section shall be construed as preventing boards of~~
16 ~~directors from requiring teachers to make such tests of sight and hearing as~~
17 ~~may be prescribed by the board of directors.~~

18 ~~(f)(e)(1) Any pupil~~ A public school student may be excused from the
19 examination ~~herein provided for~~ under this section on presentation of a
20 certificate from a reputable physician that the physician has recently
21 examined the ~~pupil~~ public school student or on presentation of a written
22 statement of the ~~pupil's~~ public school student's parent or guardian that the
23 parent or guardian objects to the examination of his or her child or ward,
24 ~~but this provision shall not be applicable~~

25 (2) However, subdivision (e)(1) does not apply in the case of a
26 pupil public school student suspected of having a contagious or infectious
27 disease.

28 (f)(1) A public school student with special healthcare needs,
29 including without limitation a student who has a chronic illness, is
30 considered medically fragile, or who is dependent on technology, shall have
31 an individualized healthcare plan that is developed in collaboration with the
32 school nurse.

33 (2) An invasive medical procedure required by the public school
34 student and provided at the public school shall be performed by trained and
35 licensed, licensed healthcare provider who is licensed to perform the task
36 under § 17-87-102(10)(D) or other professional licensure statutes, unless

1 otherwise permissible under § 17-87-103(10) and (11).

2 (3) A regular classroom teacher shall not perform tasks under
3 subdivision (f)(2) of this section, except as otherwise permissible under §
4 6-18-711(c).

5 (4) Custodial healthcare services required by a public school
6 student under an individualized healthcare plan shall be provided by trained
7 school employees other than the regular classroom teacher.

8
9 SECTION 36. Arkansas Code § 6-18-709(g), concerning the report to the
10 Department of Education of certain information regarding school nurses, is
11 amended to read as follows:

12 (g) Annually, ~~beginning on July 1, 2015~~ by August 31, a school
13 district shall report the following to the Department of Education:

14 (1) The number of full-time nurses employed by the school
15 district;

16 (2) The number of part-time nurses employed by the school
17 district;

18 (3) The number of full-time nurses with whom the school district
19 contracts for service;

20 (4) The number of part-time nurses with whom the school district
21 contracts for service;

22 (5) The level of licensure of each nurse working in the school
23 district;

24 (6) The highest degree obtained for each nurse working in the
25 school district;

26 (7) The amount of pay, including without limitation the source
27 of funding, for each nurse working in the school district; and

28 (8) The number of students in the school district that are in
29 each nursing acuity level as follows:

30 (A) Level 1 for students with occasional health concerns
31 and routine health screenings at a ratio of one (1) school nurse per seven
32 hundred fifty (750) students;

33 (B) Level 2 for students with healthcare concerns and
34 those that require an individualized healthcare plan at a ratio of one (1)
35 school nurse per four hundred (400) students;

36 (C) Level 3 for students with medically complex conditions

1 at a ratio of one (1) school nurse per two hundred twenty-five (225)
2 students;

3 (D) Level 4 for students with medically fragile conditions
4 at a ratio of one (1) school nurse per one hundred twenty-five (125)
5 students; and

6 (E) Level 5 for students that are nursing dependent at a
7 ratio of one (1) school nurse per one (1) student.

8
9 SECTION 37. Arkansas Code § 6-18-711, concerning the administration of
10 medication to a public school student with diabetes, is amended to add an
11 additional subsection to read as follows:

12 (c) A public school employee may volunteer to be trained to administer
13 and may administer glucagon to a student with Type 1 diabetes in an emergency
14 situation as permitted under § 17-87-103(11).

15
16 SECTION 38. Arkansas Code § 6-18-1803(b), concerning the Arkansas
17 Commission on Eye and Vision Care of School-Age Children, is amended to read
18 as follows:

19 (b) The commission and the Department of Education shall report their
20 findings and updates to the Governor, the Legislative Council, and the House
21 Committee on Public Health, Welfare, and Labor and Senate Committee on Public
22 Health, Welfare, and Labor ~~two (2) times per year~~ annually.

23
24 SECTION 39. Arkansas Code § 6-18-1803(c)(1) and (2), concerning the
25 Arkansas Commission on Eye and Vision Care of School-Age Children, are
26 amended to read as follows:

27 (c)(1)~~(A)~~ The commission may accept any and all donations, grants of
28 money, gifts, appropriations, instruments, equipment, supplies, materials,
29 and services, conditional or otherwise, from private sources, from municipal
30 and county governments, from the state, and from the United States
31 government.

32 ~~(B)~~ (2) The commission may use any of its resources to
33 further the commission's purposes and functions.

34 ~~(2)(A) There is created on the books of the Treasurer of State,~~
35 ~~Auditor of State, and Chief Fiscal Officer of the State a special revenue~~
36 ~~fund to be known as the "School Age Children Eye and Vision Care Fund".~~

1 ~~(B)(i)(3)~~ All moneys collected under this section shall be
2 deposited into ~~the State Treasury to the credit of the fund as special~~
3 ~~revenues~~ a cash fund within the State Treasury to be maintained by the
4 department.

5 ~~(ii)~~ The fund shall also consist of any other
6 ~~revenues authorized by law.~~

7 ~~(iii)~~ Within thirty ~~(30)~~ days after the effective
8 date of this subchapter, the commission shall transfer all funds currently
9 held to the fund.

10 ~~(C)~~ The fund shall be used by the commission for the
11 purpose of carrying out its responsibilities under this section.

12 ~~(D)~~ Any money not used by the commission within a fiscal
13 year to carry out its responsibilities under this section shall be carried
14 forward into the next fiscal year.

15

16 SECTION 40. Arkansas Code § 6-18-1804 is repealed.

17 ~~6-18-1804. Funding.~~

18 ~~(a)(1)~~ The Arkansas Commission on Eye and Vision Care of School Age
19 Children's funding shall be from grants, donations, and any other funds that
20 may be made available through appropriations by the General Assembly.

21 ~~(2)~~ Moneys received by the commission shall be used solely for
22 the support of the functions of the commission.

23 ~~(b)(1)~~ Grants and donations received by the commission shall be cash
24 funds and shall be administered by the Arkansas Department of Health but
25 shall be subject to appropriation by the General Assembly.

26 ~~(2)~~ Any moneys received from grantors and donors that are not
27 expended by the commission shall be returned to the grantors and donors in
28 proportion that each bears to the total of all grants and donations received
29 by the commission.

30

31 SECTION 41. Arkansas Code § 6-19-106 is amended to read as follows:

32 ~~6-19-106. Bus drivers - Qualifications.~~

33 ~~(a)~~ No person physically defective or of unsound mind, known to be a
34 habitual drunkard or of immoral habits, or A person who has been convicted
35 within the past three (3) years of operating a motor vehicle in a reckless
36 manner ~~or while under the influence of intoxicating liquor or narcotic drugs,~~

1 who has a general reputation of being a fast and reckless operator of motor
2 vehicles without regard to the rights of others, or who is less than nineteen
3 (19) years of age on June 30 following his or her last birthday shall not be
4 permitted or employed to ~~act as chauffeur or operator of~~ operate any school
5 bus, either privately or publicly owned, operated by public school districts
6 and used to transport pupils to and from the public schools in the State of
7 Arkansas.

8 ~~(b)(1) All school bus drivers employed as provided herein are exempt~~
9 ~~from the regular chauffeur's license as heretofore required by law.~~

10 ~~(2) This subsection does not, however, apply to drivers of buses~~
11 ~~operated for other purpose or purposes than to transport school children.~~

12
13 *SECTION 42.* Arkansas Code § 6-20-106 is repealed.

14 ~~6-20-106. Amendment 74 rules and regulations.~~

15 ~~Due to pending public school finance litigation, before any rules and~~
16 ~~regulations pursuant to the implementation of Arkansas Constitution,~~
17 ~~Amendment 74, are reviewed by the Administrative Rules and Regulations~~
18 ~~Subcommittee of the Legislative Council and adopted by the Department of~~
19 ~~Education, such proposed rules and regulations shall be reviewed by the~~
20 ~~Litigation Reports Oversight Subcommittee of the Legislative Council.~~

21
22 *SECTION 43.* Arkansas Code § 6-20-210 is repealed.

23 ~~6-20-210. Pulaski County desegregation.~~

24 ~~(a) For the fiscal year ending June 30, 2004, and for each fiscal year~~
25 ~~thereafter, the Department of Education shall, from time to time as needed,~~
26 ~~certify to the Treasurer of State and the Chief Fiscal Officer of the State~~
27 ~~the amount of funds disbursed or approved to be disbursed by the department~~
28 ~~for desegregation expenses under the Pulaski County School Desegregation~~
29 ~~Settlement Agreement.~~

30 ~~(b) Upon the receipt of the certification and after making those~~
31 ~~deductions as set out in § 19-5-202(b)(2)(B), the Treasurer of State shall~~
32 ~~also deduct from the net general revenues the amount certified and transfer~~
33 ~~this amount to the Department of Education Public School Fund Account, there~~
34 ~~to be used exclusively for payment of or reimbursement for expenses incurred~~
35 ~~from the Department of Education Public School Fund Account under the~~
36 ~~agreement.~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

SECTION 44. Arkansas Code § 6-20-212 is repealed.

~~6-20-212. Desegregation expenses.~~

~~(a) For the fiscal year ending June 30, 2005, and for each fiscal year thereafter, the Department of Education shall from time to time, as needed, certify to the Treasurer of State and the Chief Fiscal Officer of the State, the amount of funds disbursed or approved to be disbursed by the department for desegregation expenses under any desegregation settlement agreement.~~

~~(b) Upon the receipt of the certification, the Treasurer of State, after making those deductions as set out in § 19-5-202(b)(2)(B), shall also deduct from the net general revenues the amount certified and transfer this amount to the Department of Education Public School Fund Account, there to be used exclusively for payment of or reimbursement for expenses incurred from the account under any desegregation settlement agreement.~~

SECTION 45. Arkansas Code § 6-20-2203(c)(3)-(8), concerning uniform budget and accounting system regarding specific categories of public school and public school district expenditures, are amended to read as follows:

(3)(A) Categories and descriptions of public school and school district expenditures that allow for the gathering of data on separate functions and programs provided by law, including without limitation the following expenditures:

- ~~(i)~~(A) Athletic expenditures;
- ~~(ii)~~(B) Student transportation expenditures;
- ~~(iii)~~(C) School district level administrative costs;
- ~~(iv)~~(D) School level administrative costs;
- ~~(v)~~(E) Instructional facilitators;
- ~~(vi)~~(F) Supervisory aides;
- ~~(vii)~~(G) Substitutes;
- ~~(viii)~~(H) Property insurance; and
- ~~(ix)~~(I) Expenditures of court-ordered desegregation

funding.

~~(B) The department shall implement the expenditure categories in this subdivision (c)(3) beginning with the 2007-2008 school year;~~

(4)(A) Categories and descriptions of public school and school

1 district expenditures that allow for the tracking of expenditures from the
2 following sources of revenue:

- 3 ~~(i)~~(A) Student growth;
- 4 ~~(ii)~~(B) Declining enrollment;
- 5 ~~(iii)~~(C) Special education ~~eatastrophie~~ high-cost
- 6 occurrences;
- 7 ~~(iv)~~(D) Special education services;
- 8 ~~(v)~~(E) Technology grants;
- 9 ~~(vi)~~(F) Debt service funding supplement;
- 10 ~~(vii)~~(G) General facilities funding;
- 11 ~~(viii)~~(H) Distance learning;
- 12 ~~(ix)~~(I) Gifted and talented; and
- 13 ~~(x)~~(J) Court-ordered desegregation funding.

14 ~~(B) The department shall complete a trial implementation~~
15 ~~of the revenue categories in subdivisions (c)(4)(A)(i) and (ii) of this~~
16 ~~section by the end of the 2007-2008 school year and fully implement all~~
17 ~~revenue categories in this subdivision (c)(4) beginning with the 2008-2009~~
18 ~~school year;~~

19 (5)(A) Categories and descriptions of student management coding,
20 including without limitation:

- 21 ~~(i)~~(A) Number of students transported; and
- 22 ~~(ii)~~(B) Daily route mileage.

23 ~~(B) The department shall implement this subdivision (c)(5)~~
24 ~~beginning with the 2007-2008 school year;~~

25 (6)(A) Categories and descriptions of restricted fund balances
26 that provide documentation of the purpose for the restriction.

27 ~~(B) The department shall implement this subdivision (c)(6)~~
28 ~~beginning with the 2007-2008 school year;~~

29 (7) Categories and descriptions of expenditures that each
30 education service cooperative shall report on its annual report authorized by
31 law; and

32 (8)(A) Rules relating to computing error rates in coding and
33 reporting financial information under the system and penalties to focus on
34 areas needing improvement.

35 ~~(B) The department shall implement this subdivision (c)(8)~~
36 ~~beginning with the 2007-2008 school year.~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

SECTION 46. Arkansas Code § 6-20-2206(c)(5)(A), concerning miscellaneous provisions under the Arkansas Educational Financial Accounting and Reporting Act of 2004, is amended to read as follows:

(5)(A) All pupil attendance records shall be kept in their original form and shall be public records.

SECTION 47. Arkansas Code § 6-20-2207(a)(3), concerning rulemaking authority under the Arkansas Educational Financial Accounting and Reporting Act of 2004, is amended to read as follows:

(3) As necessary to comply with federal law, the Arkansas Handbook initially shall comply with the Financial Accounting for Local and State School Systems, 2003 Edition (NCES 2004-318). The Arkansas Handbook shall be exempt from the rule-making process and procedures required pursuant to the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

SECTION 48. Arkansas Code § 6-20-2303(21), concerning public school funding definitions, is amended to read as follows:

(21) "~~Special education catastrophic~~ high-cost occurrences" means individual cases in which special education and related services required by the individualized education program of a particular student with disabilities are unduly expensive, extraordinary, or beyond the routine and normal costs associated with special education and related services provided by a school district and funding is pursuant to rules promulgated by the state board;

SECTION 49. Arkansas Code § 6-20-2305(b)(4)(C)(iii), concerning use of a school district's national school lunch state categorical funds, is amended to read as follows:

(iii) The school district shall include with its comprehensive ~~school~~ school-level improvement plan a written detailed statement concerning how the school district will use its excess national school lunch categorical funds each school year and explaining in detail the amount of funds and percent of total funds to be used to supplement all classroom teacher salaries as allowed in subdivision (b)(4)(C)(ii) of this section.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

SECTION 50. Arkansas Code § 6-20-2305(c), concerning public school funding, is amended to read as follows:

(c) Isolated funding under § 6-20-601, student growth funding, and special ~~education-catastrophic~~ education high-cost occurrences funding shall be funded as follows:

(1) Isolated funding and special ~~education-catastrophic~~ education high-cost occurrences funding shall be allocated and funded to school districts in a line item appropriation within the Public School Fund pursuant to law or rules promulgate by the State Board of Education; and

(2) Student growth funding is calculated as the sum of the following amounts:

(A) One quarter (1/4) of the per student foundation funding for the school district under subdivision (a)(2) of this section multiplied by the increase, if any, of each of the following:

(i) The school district's quarterly average daily membership for the fourth quarter of the previous school year over the average daily membership of the previous school year;

(ii) The school district's quarterly average daily membership for the first quarter of the current school year over the average daily membership of the previous school year;

(iii) The school district's quarterly average daily membership for the second quarter of the current year over the average daily membership of the previous school year; and

(iv) The school district's quarterly average daily membership for the third quarter of the current school year over the average daily membership of the previous school year;

(B) Excluding any increase resulting solely from consolidation or annexation with another school district; and

(C) If net revenues minus any recoupment under subdivision (a)(4)(B) of this section plus miscellaneous funds calculated under § 6-20-2308(b)(1)(A) exceed the foundation funding amount, a school district shall be eligible to receive the amount of calculated student growth funding that exceeds net revenues minus any recoupment under subdivision (a)(4)(B) of this section plus miscellaneous funds calculated under § 6-20-2308(b)(1)(A).

1 SECTION 51. Arkansas Code § 6-21-112(f)(14), concerning the records of
2 the Division of Public School Academic Facilities and Transportation, is
3 amended to read as follows:

4 (14) Keep records showing ~~a description of each school~~
5 ~~district in the state, a map showing the school districts with current and~~
6 ~~accurate boundaries,~~ the location of the academic facilities in the state by
7 school district, and the electoral zones, if any, into which each school
8 ~~district has been divided;~~

9
10 SECTION 52. Arkansas Code § 6-21-403(c), concerning requirements under
11 the Free Textbook Act of 1975, is amended to read as follows:

12 (c) ~~Any materials~~ Materials purchased with state funds shall be
13 consistent with the ~~curriculum~~ Arkansas Academic Content Standards and
14 educational goals established by the State Board of Education.

15
16 SECTION 53. Arkansas Code § 6-21-403(d)(2), concerning requirements
17 under the Free Textbook Act of 1975, is amended to read as follows:

18 (2) The state board, through the department, may promulgate
19 rules as may be necessary to carry out this subchapter ~~and shall report to~~
20 ~~the members of the House Committee on Education and Senate Committee on~~
21 ~~Education annually any school district out of compliance by November 1 of~~
22 ~~each year.~~

23
24 SECTION 54. Arkansas Code § 6-23-105(e)(1)(A), concerning the basis
25 and procedure for public charter school probation or charter modification,
26 revocation, or denial of removal, is amended to read as follows:

27 (e)(1)(A) Immediately upon the revocation of a an open-enrollment
28 charter by the authorizer, the public charter school shall:

29 (i) Transfer to the department all state funds held
30 by the public charter school, which the department shall hold in
31 receivership; and

32 (ii) Provide to the department a detailed accounting
33 of all accounts payable due from the state funds and any additional
34 information or records requested by the department concerning the
35 disbursement of the state funds.

36

1 SECTION 55. Arkansas Code § 6-23-108(c)(2)(B), concerning a School for
2 Agricultural Studies that is not currently classified in academic distress,
3 is amended to read as follows:

4 (B) Not currently be classified in ~~academic distress~~ need
5 of Level 5 – Intensive support, fiscal distress, or facilities distress;

6
7 SECTION 56. Arkansas Code § 6-23-304(b)(2) and (3), concerning
8 preference to open enrollment charter schools in certain school districts,
9 are amended to read as follows:

10 (2) When the district has been classified by the state board as
11 in ~~academic distress under § 6-15-428 [repealed]~~ need of Level 5 – Intensive
12 support under § 6-15-2915; or

13 (3) When the district has been classified by the Department of
14 Education as in ~~some phase of school improvement status under § 6-15-426~~
15 ~~[repealed]~~ or some phase of fiscal distress under the Arkansas Fiscal
16 Assessment and Accountability Program, § 6-20-1901 et seq., if the fiscal
17 distress status is a result of administrative fiscal mismanagement, as
18 determined by the state board.

19
20 SECTION 57. Arkansas Code § 6-23-304(d)(2)(B), concerning preference
21 to open enrollment charter schools in certain school districts that are
22 classified as in academic or fiscal distress, is amended to read as follows:

23 (B) Been classified as in ~~academic~~ need of Level 5 –
24 Intensive support or fiscal distress; and

25
26 SECTION 58. Arkansas Code § 6-23-908(c)(3), concerning the Open-
27 Enrollment Public Charter School Facilities Funding Aid Program, is amended
28 to read as follows:

29 (3) The open-enrollment public charter school is not:

30 (A) Classified as in ~~academic distress under § 6-15-428~~
31 ~~[repealed]~~ need of Level 5 – Intensive support under § 6-15-2915 or in fiscal
32 distress under the Arkansas Fiscal Assessment and Accountability Program, §
33 6-20-1901 et seq., and the corresponding rules adopted by the State Board of
34 Education;

35 (B) ~~Classified as a priority school under the Arkansas~~
36 ~~Comprehensive Testing, Assessment, and Accountability Program Act, § 6-15-401~~

1 ~~et seq. [repealed], nor received~~ In receipt of a rating of "F" under § 6-15-
2 2105; or

3 (C) Placed in probationary status by the state charter
4 school authorizer under § 6-23-105.

5
6 *SECTION 59.* Arkansas Code § 6-41-210(a) and (b), concerning the
7 Special Education Section of the Arkansas Department of Education, are
8 amended to read as follows:

9 (a) There is established in the Department of Education a Special
10 Education ~~Section~~ Unit.

11 (b) The ~~section~~ unit shall be headed by ~~an associate~~ a director, who
12 shall be qualified by education, training, and experience to take
13 responsibility for, and give direction to, the programs of the department
14 relating to children with disabilities.

15
16 *SECTION 60.* Arkansas Code § 6-41-211(a)(1), concerning the Special
17 Education Section's consultation with the Advisory Council for the Education
18 of Children with Disabilities, is amended to read as follows:

19 (a)(1) There shall be an Advisory Council for the Education of
20 Children with Disabilities, which shall advise and consult with the
21 Commissioner of Education and the ~~Associate~~ Director of the Special Education
22 ~~Section~~ Unit of the Department of Education and which shall engage in such
23 other activities as are set forth in this section.

24
25 *SECTION 61.* Arkansas Code § 6-41-216(c)(3)(A), concerning the
26 establishment of standards for a change in the educational status of a child,
27 is amended to read as follows:

28 (3)(A) The Special Education ~~Section~~ Unit in the Department of
29 Education shall establish standards and qualifications for individuals to
30 serve as hearing officers.

31
32 *SECTION 62.* Arkansas Code § 6-45-104(a)(2)(A)-(B), concerning the
33 Arkansas Better Chance Program, is amended to read as follows:

34 (2) A local school is required to work with the Department of
35 Education and its local community to establish, promote, and assist in the
36 development of a program under the Arkansas Better Chance for School Success

1 Program to serve all children in the school as provided in § 6-45-108, if:

2 ~~(A) The school has had seventy-five percent (75%) or more~~
3 ~~students scoring below proficiency on the primary benchmark exams or other~~
4 ~~exams designated by the department in the preceding two (2) school years; or~~

5 ~~(B) The the school has been designated by the department~~
6 ~~as being in school improvement status under § 6-15-425 [repealed] or is~~
7 ~~located in a school district in academic distress classified as in need of~~
8 ~~Level 5 - Intensive support.~~

9
10 SECTION 63. Arkansas Code § 6-45-106(a)(2)(A)(i), concerning the
11 Arkansas Better Chance Program and a school district that has been classified
12 as being in academic distress, is amended to read as follows:

13 (i) The school is in a district that has been
14 ~~designated~~ classified by the ~~Department~~ State Board of Education as being in
15 ~~academic distress~~ need of Level 5 - Intensive support; and

16
17 SECTION 64. Arkansas Code § 6-45-106(c)(1), concerning the Arkansas
18 Better Chance Program, is amended to read as follows:

19 (c)(1) In allocating funding for the Arkansas Better Chance for School
20 Success Program, priority consideration shall be given to:

21 ~~(A) Schools that have seventy-five percent (75%) or more~~
22 ~~students scoring below proficiency on the primary benchmark exams or other~~
23 ~~exams designated by the Department of Education in the preceding two (2)~~
24 ~~school years; and~~

25 ~~(B) Schools that have been designated by the Department of~~
26 ~~Education as being in school improvement status under § 6-15-425 [repealed]~~
27 ~~or is a school located in a school district in academic distress that is~~
28 ~~classified as in need of Level 5 - Intensive support.~~

29
30 SECTION 65. Arkansas Code § 9-28-113(c)(2), concerning information
31 sent to the Special Education Section regarding foster children, is amended
32 to read as follows:

33 (2) Each school district shall forward the name of each foster
34 care liaison and the contact information to the Special Education ~~Section~~
35 Unit of the Department of Education at the beginning of each school year.

36

1 SECTION 66. Arkansas Code § 10-3-2102(f)(6), concerning duties of the
2 House Committee on Education and the Senate Committee on Education under the
3 Continuing Adequacy Evaluation Act of 2004, is repealed.

4 ~~(6) Reviewing the Arkansas Comprehensive School Improvement Plan~~
5 ~~process; and~~

6
7 SECTION 67. Arkansas Code § 19-6-815 is amended to read as follows:

8 19-6-815. School-Age Children Eye and Vision Care Fund.

9 The Any funds remaining in the School-Age Children Eye and Vision Care
10 Fund ~~shall consist of those special revenues as specified in § 19-6-301(242),~~
11 ~~and any other revenues as may be authorized by law, there to be used by the~~
12 ~~Arkansas Commission on Eye and Vision Care of School Age Children for the~~
13 ~~purpose of carrying out its responsibilities as stated in uncodified Section~~
14 ~~1 of Acts 2007, No. 138 shall be transferred to the Department of Education~~
15 Public School Fund Account to be used for school-based health centers.

16
17 SECTION 68. Arkansas Code § 20-47-508(e), concerning the service plans
18 for a child with emotional disturbance, is amended to read as follows:

19 (e) If after screening and assessment or collaborative evaluations it
20 is determined that a child with emotional disturbance needs multiagency
21 services, then initial and subsequent individualized multiagency service
22 plans for the child and the child's family shall be jointly developed by the
23 appropriate local or regional representatives of the community mental health
24 centers, of the Department of Human Services county office, of the Department
25 of Health, of the Special Education ~~Section~~ Unit of the Department of
26 Education, of the local school district, and of any other service provider
27 identified to meet the needs of the child and his or her family. The
28 individualized service plan shall reflect an integrated service delivery that
29 specifies services or programs with funding to be provided by each agency.
30 The service plan shall also designate responsibility for case management.

31
32 SECTION 69. Arkansas Code § 26-52-317(a)(2)(A)(v), concerning food and
33 food ingredients with respect to the Department of Education, is repealed.

34 ~~(v) Amounts disbursed or approved to be disbursed by~~
35 ~~the Department of Education for desegregation expenses under any~~
36 ~~desegregation settlement agreement, as certified by the Treasurer of State~~

WESTLAW

West's Arkansas Code Annotated

Title 17. Professions, Occupations, and Businesses (Refs & Annos)

§ 17-87-203. Powers and duties

AR ST § 17-87-203 West's Arkansas Code Annotated Title 17. Professions, Occupations, and Businesses Effective: July 24, 2019 (Approx. 3 pages)

Subchapter 2. Arkansas State Board of Nursing (Refs & Annos)

Effective: July 24, 2019

A.C.A. § 17-87-203

§ 17-87-203. Powers and duties

Currentness

The Arkansas State Board of Nursing shall have the following powers and responsibilities:

- (1)(A) Promulgate whatever rules it deems necessary for the implementation of this chapter.
- (B) No rule promulgated hereafter by the board shall be effective until reviewed by the Legislative Council and the House Committee on Public Health, Welfare, and Labor and the Senate Committee on Public Health, Welfare, and Labor or appropriate subcommittees thereof;
- (2) Cause the prosecution of persons violating this chapter;
- (3) Keep a record of all its proceedings;
- (4) Make an annual report to the Secretary of the Department of Health;
- (5) Employ a Director of the Arkansas State Board of Nursing, in consultation with the Secretary of the Department of Health, if the board determines it necessary for carrying out its functions;
- (6) Study, review, develop, and recommend role levels of technical classes of nursing service and practice to state and federal health agencies and to public and private administrative bodies;
- (7) Fix the time for holding its regular meetings;
- (8) Prescribe minimum standards and approve curricula for educational programs preparing persons for licensure as registered nurses, advanced practice registered nurses, registered nurse practitioner nurses, licensed practical nurses, and licensed psychiatric technician nurses;
- (9) Prescribe minimum standards and approve curricula for educational programs preparing persons for certification as medication assistive persons;
- (10) Provide for surveys of such programs at such times as it deems necessary or at the request of the schools;
- (11) Approve programs that meet the requirements of this chapter;
- (12) Deny or withdraw approval from educational programs for failure to meet prescribed standards;
- (13) Examine, certify, and renew the certification of qualified applicants for medication assistive persons;

- (14) Examine, license, and renew the licenses of qualified applicants for professional nursing, practical nursing, and psychiatric technician nursing;
- (15) License and renew the licenses of qualified applicants for registered nurse practitioner nursing and advanced practice nursing;
- (16) Grant certificates of prescriptive authority to qualified advanced practice registered nurses;
- (17) Convene an advisory committee as provided for in this chapter to assist with oversight of prescriptive authority;
- (18) Convene an advisory committee as provided for in this chapter to assist with oversight of medication assistive persons;
- (19) Establish the maximum number of medication assistive persons who may be supervised by a nurse;
- (20) Conduct disciplinary proceedings as provided for in this chapter; and
- (21) Promulgate rules limiting the amount of Schedule II narcotics that may be prescribed and dispensed by licensees of the board.

Credits

Acts of 1971, Act 432, § 4; Acts of 1979, Act 404, § 3; Acts of 1995, Act 409, § 6; Acts of 1997, Act 179, § 13, eff. Feb. 17, 1997; Acts of 2005, Act 1423, § 2, eff. Aug. 12, 2005; Acts of 2013, Act 604, §§ 9, 10, eff. Aug. 16, 2013; Acts of 2017, Act 820, § 9, eff. Aug. 1, 2017; Acts of 2019, Act 910, § 4879, eff. July 1, 2019; Acts of 2019, Act 315, § 1541, eff. July 24, 2019.

Formerly A.S.A. 1947, § 72-748.

A.C.A. § 17-87-203, AR ST § 17-87-203

The constitution and statutes are current through the 2019 Regular Session, 2020 First Extraordinary Session, and Act 95, section 37, and Act 144 of the 2020 Fiscal Session of the 92nd Arkansas General Assembly and changes made by the Arkansas Code Revision Commission received through April 1, 2020.

**End of
Document**

© 2020 Thomson Reuters. No claim to original U.S. Government Works.