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4

As Engrossed: H3/25/19

A Bill

SENATE BILL 358

5 By: Senator Rapert
6 By: Representative Gazaway
7

For An Act To Be Entitled

9 AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 6 OF
10 THE ARKANSAS CODE CONCERNING EDUCATION; AND FOR OTHER
11 PURPOSES.
12
13

Subtitle

15 TO MAKE TECHNICAL CORRECTIONS TO TITLE 6
16 OF THE ARKANSAS CODE CONCERNING
17 EDUCATION.
18
19

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

22 *SECTION 1. Arkansas Code § 6-1-403 is amended to read as follows:*

23 *6-1-403. Purpose.*

24 *The purpose of the School Leadership Coordinating Council is to:*

25 *(1) Serve as a central body to coordinate the leadership*
26 *development system efforts across the state including:*

27 *(A) Encouraging school districts to work with the*
28 *Department of Education, the Department of Higher Education, the Department*
29 *of Career Education, ~~the Arkansas Leadership Academy School Support Program,~~*
30 *and other leadership groups;*

31 *(B) Recommending a state leadership development system to*
32 *coordinate all aspects of leadership development based on educational*
33 *leadership standards adopted by the Department of Education; and*

34 *(C) Devising a system of gathering data that includes*
35 *input from practitioners, educational and community leaders, university*
36 *leadership and faculty, and other interested parties;*



1 (2) Assist the Department of Education, the Department of Higher
2 Education, the Department of Career Education, ~~the Arkansas Leadership~~
3 ~~Academy School Support Program~~, school districts, and other leadership groups
4 in enhancing school leadership and school support efforts; and

5 (3) Aid in the development of model evaluation tools for use in
6 the evaluation of school administrators.

7
8 SECTION 2. Arkansas Code § 6-12-317 is repealed because county boards
9 of education no longer exist.

10 ~~6-12-317. County boards of education abolished.~~

11 ~~All county boards of education and any personnel positions associated~~
12 ~~therewith are abolished effective July 1, 2005.~~

13
14 SECTION 3. Arkansas Code § 6-15-215(c)(2)(B), concerning the Arkansas
15 Smart Core Incentive Funding Program, is amended to read as follows to remove
16 a discontinued entity:

17 (B) Quality after-school and summer programs that may
18 include ~~the College Preparatory Enrichment Program (CPEP)~~ and literacy, math,
19 and science specialists in elementary school; and

20
21 SECTION 4. Arkansas Code § 6-16-104(b), concerning basic language of
22 instruction, is amended to read as follows to remove an obsolete reference:

23 (b) It shall be the duty of the Commissioner of Education, the
24 Director of the Department of Career Education, and ~~city~~ superintendents to
25 see that the provisions of this section are carried out.

26
27 SECTION 5. Arkansas Code § 6-16-602(a)(7), concerning postsecondary
28 preparatory programs, is amended to read as follows to remove an ambiguous
29 pronoun:

30 (7) Document evidence of ~~its performance and the success the~~
31 postsecondary preparatory program's success and the performance of its
32 participants; and

33
34 SECTION 6. Arkansas Code § 6-16-803(8), concerning advanced placement
35 programs, is amended to clarify that two programs are included in definition:

36 (8) "Program" means the Arkansas Advanced Placement program and

1 International Baccalaureate Diploma Incentive ~~Program~~ program; and

2
3 SECTION 7. Arkansas Code § 6-18-222(a)(8), concerning the penalty for
4 unexcused absences, is amended to read as follows to remove an obsolete court
5 name:

6 (8) As used in this section, "prosecuting authority" means:

7 (A) The elected district prosecuting attorney or his or
8 her appointed deputy for schools located in unincorporated areas of the
9 county or within cities not having a ~~police or~~ district court; and

10 (B) The prosecuting attorney of the city for schools
11 located within the city limits of cities having ~~either a police court or a~~
12 district court in which a city prosecutor represents the city for violations
13 of city ordinances or traffic violations.

14
15 SECTION 8. Arkansas Code § 6-18-709, concerning the Public School
16 Health Services Advisory Committee, is amended to read as follows to remove
17 the references that concern the now-expired committee and its duties:

18 6-18-709. ~~Public School Health Services Advisory Committee.~~ Annual
19 reports of school nurse statistics required.

20 ~~(a)(1) There is created a Public School Health Services Advisory~~
21 ~~Committee, to consist of twenty four (24) members, including one (1) member~~
22 ~~of the Senate appointed by the Chair of the Senate Committee on Education and~~
23 ~~one (1) member of the House of Representatives appointed by the Chair of the~~
24 ~~House Committee on Education.~~

25 ~~(2) The Director of the Department of Health shall appoint:~~

26 ~~(A) One (1) member to represent the Department of Health;~~

27 ~~(B) One (1) member to represent the Arkansas State Board~~
28 ~~of Nursing;~~

29 ~~(C) One (1) member to represent the Arkansas Center for~~
30 ~~Health Improvement;~~

31 ~~(D) One (1) member to represent the Child and Adolescent~~
32 ~~Health Section of the Department of Health; and~~

33 ~~(E) One (1) member to represent the Office of Minority~~
34 ~~Health and Health Disparities of the Department of Health.~~

35 ~~(3) The Commissioner of Education shall appoint:~~

36 ~~(A) Six (6) members to represent the Department of~~

1 ~~Education as follows:~~

2 ~~(i) One (1) member from the Office of Legal~~

3 ~~Services;~~

4 ~~(ii) One (1) member from the Division of Fiscal and~~

5 ~~Administrative Services;~~

6 ~~(iii) One (1) member from the Division of Learning~~

7 ~~Services, Special Education Section;~~

8 ~~(iv) One (1) member from the Division of Learning~~

9 ~~Services School Health Services;~~

10 ~~(v) One (1) member from the Division of Learning~~

11 ~~Services School Health Services, School Based Mental Health; and~~

12 ~~(vi) One (1) member from the Division of Public~~

13 ~~School Academic Facilities and Transportation;~~

14 ~~(B) One (1) member to represent the Arkansas School Nurses~~

15 ~~Association;~~

16 ~~(C) One (1) member to represent the Arkansas Association~~

17 ~~of Educational Administrators;~~

18 ~~(D) One (1) member to represent the Arkansas School Boards~~

19 ~~Association;~~

20 ~~(E) One (1) member to represent the Arkansas Education~~

21 ~~Association;~~

22 ~~(F) One (1) member who is a public school principal;~~

23 ~~(G)(i) Two (2) members, each of whom is the parent of a~~

24 ~~child with special healthcare needs.~~

25 ~~(ii) A parent appointed under this subdivision~~

26 ~~(a)(3)(G) shall not be an employee of:~~

27 ~~(a) The Department of Health;~~

28 ~~(b) The Department of Education; or~~

29 ~~(c) A school district;~~

30 ~~(H) One (1) member to represent the Arkansas Rural~~

31 ~~Education Association;~~

32 ~~(I) One (1) member to represent the Arkansas Advocates for~~

33 ~~Children and Families;~~

34 ~~(J) One (1) member to represent the Office of Health~~

35 ~~Information Technology; and~~

36 ~~(K) One (1) member to represent the Arkansas State~~

1 ~~Teachers Association.~~

2 ~~(4) The term of the Public School Health Services Advisory~~
3 ~~Committee shall expire on December 31, 2017.~~

4 ~~(5) If a vacancy occurs, the officer who made the original~~
5 ~~appointment shall appoint a person who represents the same constituency as~~
6 ~~the member being replaced.~~

7 ~~(6)(A) The commissioner shall designate one (1) of the members~~
8 ~~as the chair of the first meeting.~~

9 ~~(B) The chair shall call the first meeting of the Public~~
10 ~~School Health Services Advisory Committee.~~

11 ~~(C) At the first meeting, the Public School Health~~
12 ~~Services Advisory Committee shall elect one (1) of its members to act as~~
13 ~~chair for a term of one (1) year.~~

14 ~~(7)(A) A majority of the members shall constitute a quorum for~~
15 ~~the transaction of business.~~

16 ~~(B) All members are voting members except the chair, who~~
17 ~~shall vote only to break a tie vote.~~

18 ~~(8)(A) The Public School Health Services Advisory Committee~~
19 ~~shall meet at least one (1) time every quarter.~~

20 ~~(B) Meetings may be conducted in whole or in part through~~
21 ~~the use of live conferencing technology, including without limitation video,~~
22 ~~telephone, or internet conferencing technology.~~

23 ~~(9) The Department of Education shall provide office space and~~
24 ~~staff for the Public School Health Services Advisory Committee.~~

25 ~~(10) Members of the Public School Health Services Advisory~~
26 ~~Committee shall serve without pay but may receive expense reimbursement in~~
27 ~~accordance with § 25-16-902 if funds are available.~~

28 ~~(b) The Public School Health Services Advisory Committee shall conduct~~
29 ~~a study and annual review to consider without limitation the following:~~

30 ~~(1) The on-campus healthcare needs of public school students;~~

31 ~~(2) Who is providing those on-campus healthcare services,~~
32 ~~including without limitation the extent to which those services are provided~~
33 ~~by:~~

34 ~~(A) Registered nurses;~~

35 ~~(B) Other healthcare providers; and~~

36 ~~(C) Other school personnel;~~

1 ~~(3) The extent to which public school students do not receive~~
2 ~~the needed on-campus healthcare services identified by the Public School~~
3 ~~Health Services Advisory Committee;~~

4 ~~(4) The availability and condition of existing facilities and~~
5 ~~equipment at public schools for providing these services, including without~~
6 ~~limitation;~~

7 ~~(A) School nurse office space with privacy, file storage,~~
8 ~~telephone connection, heat, and air conditioning;~~

9 ~~(B) Medication storage, including without limitation~~
10 ~~refrigeration and locked cabinets;~~

11 ~~(C) Plumbing facilities for use by school nurses,~~
12 ~~including sinks, hot and cold running water, and toilets; and~~

13 ~~(D) Computer and internet access for:~~

14 ~~(i) Medical records; and~~

15 ~~(ii) Reporting on the Arkansas Public School~~
16 ~~Computer Network;~~

17 ~~(5) The cost of providing needed on-campus healthcare services~~
18 ~~and the funds available to a school district for that purpose;~~

19 ~~(6) School nurse healthcare-related duties and nonhealthcare-~~
20 ~~related duties;~~

21 ~~(7) The extent to which the mental health needs of students are~~
22 ~~addressed; and~~

23 ~~(8) How student health services are provided for during field~~
24 ~~trips, extracurricular activities, and during transit to and from school.~~

25 ~~(c) Upon completion of the study, the Public School Health Services~~
26 ~~Advisory Committee shall develop guidelines for the:~~

27 ~~(1) Number of full-time nurses needed, including without~~
28 ~~limitation whether or not each school campus should have a minimum of one (1)~~
29 ~~full-time registered nurse;~~

30 ~~(2) Educational level and licensure level of a school nurse;~~

31 ~~(3) Job requirements of a school nurse, including without~~
32 ~~limitation guidelines concerning job duties that are nonhealthcare-related;~~

33 ~~(4) Salary level for school nurses;~~

34 ~~(5) Types of on-campus healthcare services, if any, that may be~~
35 ~~performed by personnel other than the school nurse;~~

36 ~~(6) Management of medical records, including documentation and~~

1 ~~communications through health information technology;~~

2 ~~(7) Management and storage of medications;~~

3 ~~(8) Facilities and equipment used in delivering needed~~
4 ~~healthcare services;~~

5 ~~(9) Timeline for implementing the guidelines, including without~~
6 ~~limitation whether or not the Public School Health Services Advisory~~
7 ~~Committee recommends that the implementation of the guidelines be phased in;~~
8 ~~and~~

9 ~~(10) Incentives that may be offered to schools and school~~
10 ~~districts for:~~

11 ~~(A) Exemplary school health care; and~~

12 ~~(B) Implementing voluntary best practices identified in~~
13 ~~the guidelines.~~

14 ~~(d) Annually, beginning September 1, 2015, the Public School Health~~
15 ~~Services Advisory Committee shall submit a report on its findings,~~
16 ~~recommendations, and guidelines to the House Committee on Education and the~~
17 ~~Senate Committee on Education.~~

18 ~~(e)(1) The Public School Health Services Advisory Committee shall~~
19 ~~continue to meet until its term expires and make any further recommendations~~
20 ~~to the House Committee on Education and the Senate Committee on Education~~
21 ~~that the Public Health Services Advisory Committee deems necessary.~~

22 ~~(2) During its term, the Public School Health Services Advisory~~
23 ~~Committee shall conduct further study or provide additional information or~~
24 ~~reports at the request of the House Committee on Education and the Senate~~
25 ~~Committee on Education.~~

26 ~~(f)(1) The Public School Health Services Advisory Committee shall~~
27 ~~identify the information it needs from public school districts and from~~
28 ~~nurses employed by public school districts to conduct the study and~~
29 ~~communicate those requests for information to the Department of Education in~~
30 ~~collaboration with the Department of Health.~~

31 ~~(2)(A) Each public school nurse or individual designated by the~~
32 ~~public school shall report the information requested to the Department of~~
33 ~~Education and to the school board of directors not less than yearly.~~

34 ~~(B) A school shall continue to report the information~~
35 ~~until the Public School Health Services Advisory Committee's term has~~
36 ~~expired.~~

1 ~~(3) The Department of Education shall provide the information to~~
2 ~~the Public School Health Services Advisory Committee in a manner that~~
3 ~~protects student privacy under state and federal laws.~~

4 ~~(g) Annually, beginning on July 1, 2015, a~~ On July 1 of each year,
5 each school district shall report the following to the Department of
6 Education:

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

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

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

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

15 (5) The level of licensure of each nurse working in the school
16 district;

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

19 (7) The amount of pay, including source of funding, for each
20 nurse working in the school district; and

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

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

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

29 (C) Level 3 for students with medically complex conditions
30 at a ratio of one (1) school nurse per two hundred twenty-five (225)
31 students;

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

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

1 ~~(h)(1) The Public School Health Services Advisory Committee shall work~~
2 ~~with the Department of Health to develop health services training based on~~
3 ~~the needs identified from the study.~~

4 ~~(2) At least one (1) registered nurse from each school district~~
5 ~~shall attend the health services training annually.~~

6
7 SECTION 9. Arkansas Code § 6-18-1604(8), concerning the Universal ACT
8 Assessment Program, is amended to read as follows to remove a discontinued
9 program:

10 (8) Support students participating in the Smart Core by
11 providing a baseline for their college and workforce readiness and an
12 opportunity to benefit from earlier remediation ~~such as the College~~
13 ~~Preparatory Enrichment Program~~ or course selection review; and

14
15 SECTION 10. Arkansas Code § 6-20-2518 is repealed because the pilot
16 program has expired.

17 ~~6-20-2518. Public School Nurse Facility and Equipment Grant Pilot~~
18 ~~Program.~~

19 ~~(a) The Commission for Arkansas Public School Academic Facilities and~~
20 ~~Transportation shall develop by rule, and the Division of Arkansas Public~~
21 ~~School Academic Facilities and Transportation shall administer, the Public~~
22 ~~School Nurse Facility and Equipment Grant Pilot Program to provide state~~
23 ~~financial assistance to eligible school districts for the purpose of~~
24 ~~providing appropriate nursing facilities and equipment.~~

25 ~~(b) The eligibility criteria developed by the commission shall include~~
26 ~~without limitation:~~

27 ~~(1) School district size, including declining enrollment or~~
28 ~~enrollment growth;~~

29 ~~(2) Current school district nursing facilities and equipment;~~
30 and

31 ~~(3) School district resources.~~

32 ~~(c) A school district applying to the division for a grant shall~~
33 ~~provide the division with:~~

34 ~~(1) The estimated cost of the project;~~

35 ~~(2) The amount of school district resources available for the~~
36 ~~project, if any;~~

1 ~~(3) The school district fund balances;~~

2 ~~(4) Efforts made by the school district to develop and provide~~
3 ~~local resources; and~~

4 ~~(5) How state financial participation, if granted, will support~~
5 ~~the prudent and resourceful expenditure of state funds and will improve the~~
6 ~~school district's ability to provide appropriate nursing facilities and~~
7 ~~equipment.~~

8 ~~(d) The pilot program shall expire on July 1, 2017.~~

9
10 SECTION 11. Arkansas Code Title 6, Chapter 46, concerning the Arkansas
11 High Technology Training Center, is repealed because the center no longer
12 exists.

13 ~~6-46-101. Creation.~~

14 ~~(a) There is hereby established the Arkansas High Technology Training~~
15 ~~Center, hereinafter "center", which shall be a center offering courses in~~
16 ~~aerospace technology and other high technologies to secondary education~~
17 ~~students from throughout the State of Arkansas.~~

18 ~~(b) The center shall also offer high technology training to specific~~
19 ~~work forces in coordination with the Arkansas Economic Development Council in~~
20 ~~order to assist the council in fulfilling its obligations and commitments in~~
21 ~~attracting high technology industry to the state.~~

22 ~~(c) The center shall also offer courses to adults to enhance their~~
23 ~~competencies and capabilities in high technology careers in coordination with~~
24 ~~the Adult Education Section of the Department of Career Education.~~

25
26 ~~6-46-102. Purpose.~~

27 ~~(a) The purpose of the Arkansas High Technology Training Center shall~~
28 ~~be to educate a broad cross section of students and adults in high technology~~
29 ~~skills, theory, and careers and to develop a curriculum and materials to~~
30 ~~improve instruction in high technology for all students and adults in the~~
31 ~~state.~~

32 ~~(b) The center's curriculum, faculty, and admissions policy shall~~
33 ~~reflect such purposes.~~

34
35 ~~6-46-201. Location.~~

36 ~~The Arkansas High Technology Training Center shall be located at the~~

1 ~~Bill and Hillary Clinton National Airport in conjunction with the Aerospace~~
2 ~~Education Center and the Arkansas Museum of Aviation History.~~

3
4 ~~6-46-202. Funding.~~

5 ~~The Arkansas High Technology Training Center shall be funded by moneys~~
6 ~~appropriated by the General Assembly for the operation of the center and by~~
7 ~~such grants, contributions, or donations that may be received by the~~
8 ~~Department of Career Education for the support of the center.~~

9
10 ~~6-46-203. Tuition and fees.~~

11 ~~Attendees to the Arkansas High Technology Training Center may be~~
12 ~~required to pay tuition, fees, or room and board.~~

13
14 ~~6-46-302. Rules and regulations—Administration generally.~~

15 ~~(a) The Department of Career Education shall supervise the Arkansas~~
16 ~~High Technology Training Center and is hereby authorized and empowered to~~
17 ~~promulgate rules and regulations that may be necessary to carry out the~~
18 ~~provisions of this chapter.~~

19 ~~(b) The department shall develop a plan for the structure, operation,~~
20 ~~and funding of the center.~~

21
22 ~~6-46-303. Budget.~~

23 ~~(a) The Department of Career Education shall prepare the biennial~~
24 ~~budget request for the Arkansas High Technology Training Center's operation,~~
25 ~~which shall be submitted to the State Board of Career Education and Workforce~~
26 ~~Development for inclusion in the biennial budget request of the department~~
27 ~~for funding programs from the Department of Career Education Fund Account.~~

28 ~~(b) The department is authorized and empowered to receive~~
29 ~~contributions, donations, gifts, bequests of money, other forms of financial~~
30 ~~assistance, and property, equipment, materials, or personnel, from persons,~~
31 ~~foundations, trust funds, corporations, organizations, and other sources,~~
32 ~~private or public, to be expended and utilized for the operation of the~~
33 ~~center.~~

34
35 ~~6-46-304. Training contracts.~~

36 ~~The Department of Career Education may contract with private or public~~

1 ~~business enterprises or other government agencies to perform customized high~~
2 ~~technology training for the benefit of those contracting parties.~~

3
4 ~~6-46-401. Chief administrative officer.~~

5 ~~(a) The Director of the Department of Career Education shall employ an~~
6 ~~administrator for the Arkansas High Technology Training Center, who shall~~
7 ~~serve at the pleasure of the director.~~

8 ~~(b) The administrator shall be the chief administrative officer of the~~
9 ~~center and shall administer the center in accordance with the policies~~
10 ~~established by the Department of Career Education.~~

11
12 ~~6-46-402. Other employees.~~

13 ~~(a) The administrator and other personnel employed for the operation~~
14 ~~of the Arkansas High Technology Training Center shall be employees of the~~
15 ~~State of Arkansas.~~

16 ~~(b) Faculty members and other personnel required for operation of the~~
17 ~~center shall be recommended for employment by the administrator and shall be~~
18 ~~employed by annual contract by the Department of Career Education.~~

19 ~~(c) Teachers and administrators so employed shall be eligible for~~
20 ~~membership in the Arkansas Teacher Retirement System and earn credited~~
21 ~~service for such employment.~~

22 ~~(d) Noneducational personnel employed by the department shall be~~
23 ~~eligible for membership in the Arkansas Public Employees' Retirement System~~
24 ~~and earn credited service for such employment.~~

25
26 ~~6-46-501. Technical assistance.~~

27 ~~The Department of Career Education, the Department of Higher Education,~~
28 ~~the Arkansas Economic Development Council, and the Arkansas Economic~~
29 ~~Development Commission shall provide technical assistance to the Arkansas~~
30 ~~High Technology Training Center.~~

31
32 ~~6-46-502. Operation contracts.~~

33 ~~The Department of Career Education shall also be authorized to contract~~
34 ~~with other agencies and private research centers as it may deem necessary to~~
35 ~~carry out its responsibilities for the operation of the Arkansas High~~
36 ~~Technology Training Center.~~

1
2 SECTION 12. Arkansas Code § 6-82-501(3), concerning the definition of
3 "emergency medical services personnel", is amended to read as follows to
4 correct the definition as a result of a later amendment to the referred Code
5 section:

6 (3)(A) "Emergency medical services personnel" means ~~emergency~~
7 ~~medical technician as defined in § 20-13-202~~ an individual licensed by the
8 Department of Health at any level established by the rules adopted by the
9 State Board of Health under § 20-13-201 et seq. and authorized to perform
10 those services set forth in the rules.

11 (B) This shall include without limitation emergency
12 medical technician, advanced emergency medical technician, paramedic,
13 emergency medical services instructor, or emergency medical services
14 instructor trainer;

15
16 SECTION 13. Arkansas Code § 6-85-204(19), concerning the definition of
17 a "recipient", is amended to read as follows to clarify the program indicated
18 in the definition:

19 (19) "Recipient" means an applicant awarded a scholarship funded
20 through the ~~program~~ Arkansas Academic Challenge Scholarship Program - Part 2;
21

22 SECTION 14. Arkansas Code § 6-85-206(7), concerning eligibility
23 requirements for the Arkansas Academic Challenge Scholarship - Part 2, is
24 amended to read as follows to remove an obsolete program:

25 (7) The applicant has not borrowed, as determined by the
26 approved institution of higher education to be attended, in excess of the
27 annual loan limits of the ~~Federal Family Educational Loan Program Systems,~~
28 ~~William D. Ford Federal Direct Loan Program, Income Contingent Loan~~
29 ~~Demonstration Program, Stafford Loan Program, Parent Loan for Undergraduate~~
30 ~~Students Program, or Supplemental Loan for Students Program~~ in the same
31 academic year for which the student has applied for assistance under this
32 subchapter;

33
34 SECTION 15. Arkansas Code § 6-85-306, concerning agreements between
35 institutions, is amended to read as follows to correct a reference:

36 6-85-306. Agreements between institutions.

1 An approved institution of higher education may enter into agreements
2 with other institutions of higher education, including without limitation
3 technical institutes, to allow students enrolled in the approved institution
4 of higher education under this ~~section~~ subchapter to take courses at the
5 other institutions of higher education.

6
7 SECTION 16. Arkansas Code § 6-17-402, to confirm the codification
8 decision of the Arkansas Code Revision Commission, is amended as follows:

9 6-17-402. Rules.

10 ~~(a) The State Board of Education shall issue the license of a~~
11 ~~classroom teacher, an administrator, a guidance counselor, or a library media~~
12 ~~specialist.~~

13 ~~(b) The state board shall promulgate rules for the issuance,~~
14 ~~licensure, relicensure, and continuance of licensure of teachers in the~~
15 ~~public schools of this state that:~~

16 ~~(1) Require at a minimum that each in-state applicant for~~
17 ~~teacher licensure:~~

18 ~~(A) Completes an educator preparation program approved by~~
19 ~~the Department of Education, which shall include without limitation:~~

20 ~~(i) Educator preparation programs at institutions of~~
21 ~~higher education leading to a bachelor's degree or higher; and~~

22 ~~(ii) Alternative educator preparation programs under~~
23 ~~§ 6-17-409; and~~

24 ~~(B) Demonstrates:~~

25 ~~(i) Licensure content area knowledge; and~~

26 ~~(ii) Knowledge of teaching methods;~~

27 ~~(2) Require at a minimum that each in-state applicant for an~~
28 ~~administrator's license demonstrates knowledge of state-adopted competencies~~
29 ~~and standards for educational leaders.~~

30 ~~(c)(1) The state board may promulgate rules for a tiered system of~~
31 ~~licensure, which may include without limitation:~~

32 ~~(A) An emergency teaching permit;~~

33 ~~(B) A technical permit;~~

34 ~~(C)(i) A provisional license.~~

35 ~~(ii) The state board rules may provide that a~~
36 ~~provisional license may be issued if the applicant:~~

1 ~~(a) Meets the minimum qualifications under~~
2 ~~subdivisions (b)(1) and (2) as applicable to an applicant for a teaching or~~
3 ~~an administrator license; or~~

4 ~~(b) Partially meets full licensure~~
5 ~~requirements;~~

6 ~~(D) A novice or first-time license;~~

7 ~~(E) A standard license; and~~

8 ~~(F)(i) A license with advanced requirements.~~

9 ~~(ii) The state board may authorize a teacher leader~~
10 ~~advanced license or a teacher leader endorsement to a license.~~

11 ~~(2)(A) In addition to other requirements:~~

12 ~~(i) A person applying for first-time licensure as a~~
13 ~~secondary level teacher or as an administrator in the public schools or a~~
14 ~~licensed secondary level teacher, a licensed elementary general education~~
15 ~~teacher, or an administrator applying for a license in an additional area~~
16 ~~shall take and complete a test approved by the state board, and submit the~~
17 ~~scores to the department; and~~

18 ~~(ii)(a) A person applying for first-time licensure~~
19 ~~for an elementary education K-6 license or a special education K-12 license~~
20 ~~shall take and pass a:~~

21 ~~(1) Subject matter content assessment;~~

22 ~~(2) Pedagogy assessment; and~~

23 ~~(3) Stand-alone assessment that examines~~
24 ~~the acquisition of knowledge of essential components of beginning reading~~
25 ~~instruction based on the science of reading.~~

26 ~~(b) The requirements under subdivision~~
27 ~~(c)(2)(A)(ii)(a) of this section shall apply to a person who:~~

28 ~~(1) Enters a teacher preparation program~~
29 ~~beginning in the 2017-2018 academic year or thereafter for a first-time~~
30 ~~elementary level K-6 license or special education K-12 license or~~
31 ~~endorsement; and~~

32 ~~(2) Upon adoption of the stand-alone~~
33 ~~reading assessment under subdivision (c)(2)(A)(ii)(a)(3) of this section, is~~
34 ~~seeking to add the elementary education K-6 license level by testing out.~~

35 ~~(c) A person who enters an alternative~~
36 ~~educator preparation program beginning in the 2017-2018 academic year and~~

1 ~~receives an elementary education K-6 provisional license or a special~~
2 ~~education K-12 provisional license shall take and pass the stand-alone~~
3 ~~reading assessment under subdivision (c)(2)(A)(ii)(a)(3) of this section in~~
4 ~~order to receive a standard license.~~

5 ~~(d)(1) The recommendation for the adoption of~~
6 ~~a stand-alone reading assessment shall be made by a diverse group of~~
7 ~~stakeholders.~~

8 ~~(2) The stakeholders shall recommend a~~
9 ~~testing company for the stand-alone reading assessment that provides an~~
10 ~~extensive practice test that enables prospective teachers to practice the~~
11 ~~kinds of skills taught in their teacher preparation programs so they can~~
12 ~~learn how to teach reading skills and diagnose reading problems.~~

13 ~~(c) The stand-alone reading assessment adopted~~
14 ~~by the state board shall:~~

15 ~~(1) Include an adequate number of~~
16 ~~assessment items to ensure instructional knowledge of reading that is based~~
17 ~~on evidence-based practices related to the science of reading;~~

18 ~~(2) Ensure that at least fifty percent~~
19 ~~(50%) of the items assess instructional knowledge for beginning reading and~~
20 ~~are based on evidence-based practices related to the science of reading;~~

21 ~~(3) Include at least one (1) open-~~
22 ~~response question so that test takers can indicate how well they can~~
23 ~~demonstrate in writing their diagnostic interpretation of student reading~~
24 ~~errors; and~~

25 ~~(4) Include a clear distinction between~~
26 ~~reading elements in and skills needed for literary and formation texts in~~
27 ~~order to address the English language arts standards as determined by the~~
28 ~~state board.~~

29 ~~(f) The state board shall determine the cut~~
30 ~~score for the stand-alone reading assessment with strong consideration based~~
31 ~~on the national mean if the national mean is not less than seventy percent~~
32 ~~(70%) correct answers on the stand-alone reading assessment.~~

33 ~~(B) An applicant for initial licensure or licensure in an~~
34 ~~additional area shall not receive a license after July 1, 2007, unless the~~
35 ~~applicant scores at or above the minimum level set by the state board that is~~
36 ~~consistent with the recommendations of the Professional Licensure Standards~~

1 Board.

2 ~~(d)(1) The state board shall approve the methods required for~~
3 ~~applicants to meet the requirements of this section.~~

4 ~~(2) The teacher preparation programs for licensure in this state~~
5 ~~shall report the results of the examinations to the department upon request.~~

6 ~~(e) The state board shall not delegate to a college or university any~~
7 ~~of the state board's powers or duties pertaining to the issuance, licensure,~~
8 ~~relicensure, and continuance of licensure of teachers in public schools in~~
9 ~~this state.~~

10 ~~(f) The state board shall promulgate rules for the licensure of~~
11 ~~individuals through reciprocity with other states under § 6-17-403.~~

12 ~~(g) The state board shall waive the examination requirements under~~
13 ~~subsection (c) of this section for an individual applying for a first-time~~
14 ~~Arkansas license who has a valid out-of-state teaching license and three (3)~~
15 ~~years' documented teaching experience as required by the rules promulgated by~~
16 ~~the state board.~~

17 ~~(h) A teacher who has fewer than three (3) years' documented teaching~~
18 ~~experience shall have up to three (3) years to pass the stand-alone reading~~
19 ~~assessment, during which the teacher may work under a provisional license.~~

20 ~~(i) The state board may establish by rule minimum qualified teacher~~
21 ~~requirements for teachers employed where licensure has been waived pursuant~~
22 ~~to law.~~

23 ~~(j) Rules of the state board shall identify the following as core~~
24 ~~licensure content areas:~~

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

26 ~~(2) English language arts;~~

27 ~~(3) Mathematics;~~

28 ~~(4) Science;~~

29 ~~(5) Social Studies;~~

30 ~~(6) Art;~~

31 ~~(7) Music; and~~

32 ~~(8) Foreign Language.~~

33 (a) The State Board of Education shall issue the license of a
34 classroom teacher, an administrator, a guidance counselor, or a library media
35 specialist.

36 (b) The state board shall promulgate rules for the issuance,

1 licensure, relicensure, and continuance of licensure of teachers in the
2 public schools of this state that:

3 (1) Require at a minimum that each in-state applicant for
4 teacher licensure:

5 (A) Completes an educator preparation program approved by
6 the Department of Education, which shall include without limitation:

7 (i) Educator preparation programs at institutions of
8 higher education leading to a bachelor's degree or higher; and

9 (ii) Alternative educator preparation programs under
10 § 6-17-409; and

11 (B) Demonstrates:

12 (i) Licensure content area knowledge; and

13 (ii) Knowledge of teaching methods;

14 (2) Require at a minimum that each in-state applicant for an
15 administrator's license demonstrates knowledge of state-adopted competencies
16 and standards for educational leaders.

17 (c)(1) The state board may promulgate rules for a tiered system of
18 licensure, which may include without limitation:

19 (A) An emergency teaching permit;

20 (B) A technical permit;

21 (C)(i) A provisional license.

22 (ii) The state board rules may provide that a
23 provisional license may be issued if the applicant:

24 (a) Meets the minimum qualifications under
25 subdivisions (b)(1) and (2) as applicable to an applicant for a teaching or
26 an administrator license; or

27 (b) Partially meets full licensure
28 requirements;

29 (D) A novice or first-time license;

30 (E) A standard license; and

31 (F)(i) A license with advanced requirements.

32 (ii) The state board may authorize a teacher leader
33 advanced license or a teacher leader endorsement to a license.

34 (2)(A) In addition to other requirements:

35 (i) A person applying for first-time licensure as a
36 secondary level teacher or as an administrator in the public schools or a

1 licensed secondary level teacher, a licensed elementary general education
2 teacher, or an administrator applying for a license in an additional area
3 shall take and complete a test approved by the state board, and submit the
4 scores to the department; and

5 (ii)(a) A person applying for first-time licensure
6 for an elementary education K-6 license or a special education K-12 license
7 shall take and pass a:

8 (1) Subject matter content assessment;

9 (2) Pedagogy assessment; and

10 (3) Stand-alone assessment that examines
11 the acquisition of knowledge of essential components of beginning reading
12 instruction based on the science of reading.

13 (b) The requirements under subdivision
14 (c)(2)(A)(ii)(a) of this section shall apply to a person who:

15 (1) Enters a teacher preparation program
16 beginning in the 2017-2018 academic year or thereafter for a first-time
17 elementary level K-6 license or special education K-12 license or
18 endorsement; and

19 (2) Upon adoption of the stand-alone
20 reading assessment under subdivision (c)(2)(A)(ii)(a)(3) of this section, is
21 seeking to add the elementary education K-6 license level by testing out.

22 (c) A person who enters an alternative
23 educator preparation program beginning in the 2017-2018 academic year and
24 receives an elementary education K-6 provisional license or a special
25 education K-12 provisional license shall take and pass the stand-alone
26 reading assessment under subdivision (c)(2)(A)(ii)(a)(3) of this section in
27 order to receive a standard license.

28 (d)(1) The recommendation for the adoption of
29 a stand-alone reading assessment shall be made by a diverse group of
30 stakeholders.

31 (2) The stakeholders shall recommend a
32 testing company for the stand-alone reading assessment that provides an
33 extensive practice test that enables prospective teachers to practice the
34 kinds of skills taught in their teacher preparation programs so they can
35 learn how to teach reading skills and diagnose reading problems.

36 (e) The stand-alone reading assessment adopted

1 by the state board shall:

2 (1) Include an adequate number of
3 assessment items to ensure instructional knowledge of reading that is based
4 on evidence-based practices related to the science of reading;

5 (2) Ensure that at least fifty percent
6 (50%) of the items assess instructional knowledge for beginning reading and
7 are based on evidence-based practices related to the science of reading;

8 (3) Include at least one (1) open-
9 response question so that test takers can indicate how well they can
10 demonstrate in writing their diagnostic interpretation of student reading
11 errors; and

12 (4) Include a clear distinction between
13 reading elements in and skills needed for literary and formation texts in
14 order to address the English language arts standards as determined by the
15 state board.

16 (f) The state board shall determine the cut
17 score for the stand-alone reading assessment with strong consideration based
18 on the national mean if the national mean is not less than seventy percent
19 (70%) correct answers on the stand-alone reading assessment.

20 (B) An applicant for initial licensure or licensure in an
21 additional area shall not receive a license after July 1, 2007, unless the
22 applicant scores at or above the minimum level set by the state board that is
23 consistent with the recommendations of the Professional Licensure Standards
24 Board.

25 (d)(1) The state board shall approve the methods required for
26 applicants to meet the requirements of this section.

27 (2) The teacher preparation programs for licensure in this state
28 shall report the results of the examinations to the department upon request.

29 (e) The state board shall not delegate to a college or university any
30 of the state board's powers or duties pertaining to the issuance, licensure,
31 relicensure, and continuance of licensure of teachers in public schools in
32 this state.

33 (f) The state board shall promulgate rules for the licensure of
34 individuals through reciprocity with other states under § 6-17-403.

35 (g) The state board shall waive the examination requirements under
36 subsection (c) of this section for an individual applying for a first-time

1 Arkansas license who has a valid out-of-state teaching license and three (3)
2 years' documented teaching experience as required by the rules promulgated by
3 the state board.

4 (h) A teacher who has fewer than three (3) years' documented teaching
5 experience shall have up to three (3) years to pass the stand-alone reading
6 assessment, during which the teacher may work under a provisional license.

7 (i) The state board may establish by rule minimum qualified teacher
8 requirements for teachers employed where licensure has been waived pursuant
9 to law.

10 (j) Rules of the state board shall identify the following as core
11 licensure content areas:

12 (1) Early Childhood (K-6);

13 (2) English language arts;

14 (3) Mathematics;

15 (4) Science;

16 (5) Social Studies;

17 (6) Art;

18 (7) Music; and

19 (8) Foreign Language.

20
21 SECTION 17. Arkansas Code § 6-17-409(e)(2)(C), added by Acts 2017, No.
22 416, § 2, concerning nontraditional teacher licensure, is repealed.

23 ~~(C) Successfully completed the licensure tests required~~
24 ~~under §6-17-402.~~

25
26 SECTION 18. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

27 It is the intent of the General Assembly that:

28 (1) The enactment and adoption of this act shall not expressly
29 or impliedly repeal an act passed during the regular session of the Ninety-
30 Second General Assembly;

31 (2) To the extent that a conflict exists between an act of the
32 regular session of the Ninety-Second General Assembly and this act:

33 (A) The act of the regular session of the Ninety-Second
34 General Assembly shall be treated as a subsequent act passed by the General
35 Assembly for the purposes of:

36 (i) Giving the act of the regular session of the

1 Ninety-Second General Assembly its full force and effect; and
2 (ii) Amending or repealing the appropriate parts of
3 the Arkansas Code of 1987; and
4 (B) Section 1-2-107 shall not apply; and
5 (3) This act shall make only technical, not substantive, changes
6 to the Arkansas Code of 1987.

7
8 */s/Rapert*
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