

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

As Engrossed: S3/18/99 S3/22/99 S3/30/99

A Bill

Act 1318 of 1999
SENATE BILL 782

5 By: Senator Bisbee
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For An Act To Be Entitled

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10 "AN ACT TO AMEND VARIOUS SECTIONS OF THE ARKANSAS CODE TO
11 REMOVE OR REVISE OBSOLETE, ANTIQUATED OR CONFUSING
12 LANGUAGE REGARDING EDUCATION; AND FOR OTHER PURPOSES. "

Subtitle

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14
15 "AN ACT TO AMEND VARIOUS SECTIONS OF
16 ARKANSAS CODE TO REMOVE OR REVISE
17 OBSOLETE, ANTIQUATED OR CONFUSING
18 LANGUAGE REGARDING EDUCATION. "
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. Arkansas Code 6-17-1001(q) is repealed:

24 ~~(q) Salaries distributed to meet the requirements of this section~~
25 ~~shall not be subject to the equal distribution requirements of § 6-20-~~
26 ~~319 (4)(A) [repealed].~~
27

28 SECTION 2. Arkansas Code 6-20-104 is amended to read as follows:

29 "6-20-104. Reimbursement for educational services provided in
30 juvenile detention facilities.

31 (a) As used in this section, unless the context otherwise
32 requires:

33 'Juvenile detention facility' means any facility operated by a
34 political subdivision of the state for the temporary care of juveniles
35 alleged to be delinquent, or adjudicated delinquent, who require secure

1 custody in a physically restricting facility. Under § 9-27-330(a)(11),
2 such facility must provide educational and other rehabilitative
3 services to adjudicated delinquents who may be ordered by the court to
4 remain in the juvenile detention facility for an indeterminate period
5 not to exceed ninety (90) days.

6 ~~(b) The Department of Education and all local school district~~
7 ~~administrators are hereby authorized and directed to cooperate with~~
8 ~~officials responsible for the operation of juvenile detention~~
9 ~~facilities to ensure that state funds for special education set aside~~
10 ~~under § 6-20-313 [repealed] shall follow the students who are being~~
11 ~~held in these facilities so the students can be afforded educational~~
12 ~~opportunities necessary for rehabilitation.~~

13 ~~(c)(b)(1)~~ Upon disposition by the juvenile court that an
14 adjudicated juvenile shall stay in a juvenile detention facility for
15 any period of time, the facility shall notify the juvenile's resident
16 school district of his whereabouts and, within five (5) days after the
17 juvenile is released, shall certify the detention dates to the
18 district.

19 ~~(2) The resident school district where the facility is~~
20 ~~located and within thirty (30) days after receiving certification,~~
21 ~~shall remit state funds to the juvenile detention facility for the days~~
22 ~~that the juvenile should have attended classes in the district shall~~
23 ~~jointly complete an application for funding to be based on the approved~~
24 ~~student capacity of the facility and shall submit the application to~~
25 ~~the Department of Education.~~

26 (3) If the amount of state funds due cannot be agreed upon
27 by the juvenile detention facility and the ~~resident~~ school district
28 where the facility is located, an appeal shall be made to the
29 Department of Education. All decisions rendered shall be final.

30 ~~(d)(c)~~ The Department of Education shall issue regulations for
31 the effective implementation of this section, including:

32 (1) ~~The classification of juvenile detention centers as~~
33 ~~approved residential treatment facilities under § 6-20-313; and~~

34 (2) ~~The designation of the resident district of a student~~
35 ~~who is no longer attending school in the district but is being held in~~
36 ~~a juvenile detention center juvenile detention facility and the~~

1 district where the juvenile detention facility is located as
2 responsible for educating the student consistent with federal and state
3 laws for any period of time the student is being held in the facility;
4 and

5 (3) The designation of the resident district of a student who is
6 being held in a juvenile detention facility as responsible for the
7 timely transfer of a student's educational records to the district
8 where the juvenile detention facility is located upon notification by
9 the court of the student's placement in a juvenile detention facility."

10
11 SECTION 3. Arkansas Code 6-20-1609(b)(6), (7) and (8) are
12 amended to read as follows:

13 "(b)(6) To turn the administration of the district over to the
14 former board or a newly elected school board; and

15 (7) To waive the application of Arkansas law, with the
16 exception of §§ 6-17-1501 et seq. and 6-17-1701 et seq., or Department
17 of Education rules and regulations; and

18 ~~(8) To compensate non-Department of Education employees for~~
19 ~~assisting Phase III districts from set-aside funds authorized under §~~
20 ~~6-20-313 [repealed]."~~

21
22 SECTION 4. Arkansas Code 6-51-305(a) is amended to read as
23 follows:

24 "(a)(1) Vocational centers shall be financed with a combination
25 of training fees from schools sending students and vocational center
26 aid from the Public School Fund according to rules and regulations
27 promulgated by the State Board of Workforce Education and Career
28 Opportunities.

29 ~~(A) Funds generated by vocational add-on weights~~
30 ~~according to § 6-20-302 of "The School Finance Act of 1984";~~

31 ~~(B) Tuition, from schools sending students, amounting~~
32 ~~to the dollar amount per half-time equivalent student (three periods)~~
33 ~~for the school year as determined by the State Board of Vocational~~
34 ~~Education after an analysis of the impact of changing tuition on~~
35 ~~vocational center enrollments; and~~

36 ~~(C) Vocational center aid from the Public School Fund~~

1 ~~in amounts which, when combined with the tuition in subdivision (1)(B)~~
2 ~~of this subsection, will equal the state equalization rate.~~

3 ~~(2) The effect of this funding mechanism is to provide centers~~
4 ~~with the identical resources per full-time vocational student which are~~
5 ~~provided to public schools for the same type of programs operated in~~
6 ~~comprehensive high schools.~~

7 ~~(3)(2) Additionally, centers shall be eligible for any new~~
8 ~~vocational program start-up funds which become available from funds set~~
9 ~~aside under the provisions of §§ 6-20-310, 6-20-311, and 6-20-313 of~~
10 ~~"The School Finance Act of 1984" for vocational start-up capital~~
11 ~~equipment moneys provided in the Public School Fund, and for federal~~
12 ~~vocational education funds."~~

13
14 SECTION 5. Arkansas Code 19-7-801(a)(2)(B)(i)(b) is amended to
15 read as follows:

16 "(b) The other fifty percent (50%) of the funds shall be divided
17 between the school districts based on the most recent average daily
18 membership (ADM) of each school district as defined in ~~the School~~
19 ~~Finance Act of 1979, Acts 1979, No. 1100, as amended [obsolete] § 6-20-~~
20 ~~302;"~~

21
22 SECTION 6. Arkansas Code 19-7-802(a)(2)(A)(ii) is amended to read
23 as follows:

24 "(ii) The other fifty percent (50%) of the funds shall be divided
25 between the school districts based on the most recent average daily
26 membership (ADM) of each school district as defined in ~~the School~~
27 ~~Finance Act of 1979, Acts 1979, No. 1100, as amended [obsolete] § 6-20-~~
28 ~~302;"~~

29
30 SECTION 7. Arkansas Code 25-6-103 is amended to read as follows:

31 "25-6-103. Powers and duties of department and State Board of
32 Education.

33 (a) In addition to any other powers, functions, and duties
34 regarding vocational, technical, and occupational education which have
35 been vested in the State Board of Education and the Department of
36 Education, the State Board of ~~Vocational~~ Workforce Education and Career

1 Opportunities and its staff shall have general supervision of all
2 programs. All of those programs and the funding of those programs shall
3 be subject to the approval of the board.

4 (b)(1) The board's responsibilities shall include, but not be
5 limited to, the following:

6 (A) Establishing policies relating to plans and
7 specifications for facilities and instructional equipment;

8 (B) Prescribing standardized standards for programs
9 and teachers;

10 (C) Approving applied courses of related academic
11 instruction; and

12 (D) Other items relative to program quality and
13 operation.

14 (2) The board shall have the authority to reorganize and
15 restructure current programs and personnel in the institutions covered
16 in this section. Any savings of appropriated funds effected thereby may
17 be used by the board for other programs as it deems appropriate.

18 ~~(3) The board shall also have the authority to administer~~
19 ~~special programs of vocational education supported with moneys set~~
20 ~~aside for vocational education from the Public School Fund through §§~~
21 ~~6-20-310 - 6-20-313. This authority shall be extended to subsequent~~
22 ~~amendments, if any, to §§ 6-20-310 - 6-20-313.~~

23 (c) The State Board of Education shall ~~continue to~~ be responsible
24 for the administration of all funds appropriated by the General
25 Assembly for ~~transportation, textbooks, school lunch programs, and~~
26 ~~minimum foundation reimbursement~~ public education based on the average
27 daily membership ~~for~~ of students enrolled in vocational education
28 programs in the public schools and these funds shall be administered
29 through the ~~General Education Division~~ Department of Education. "
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31 SECTION 8. All provisions of this act of a general and permanent
32 nature are amendatory to the Arkansas Code of 1987 Annotated and the
33 Arkansas Code Revision Commission shall incorporate the same in the
34 Code.

35
36 SECTION 9. If any provision of this act or the application

1 thereof to any person or circumstance is held invalid, such invalidity
2 shall not affect other provisions or applications of the act which can
3 be given effect without the invalid provision or application, and to
4 this end the provisions of this act are declared to be severable.

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6 SECTION 10. All laws and parts of laws in conflict with this act
7 are hereby repealed.

8 /s/ Bi sbee

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11 APPROVED: 4/12/1999
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