

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

Act 1469 of the Regular Session

As Engrossed: S3/30/09 S3/31/09 S4/2/09

A Bill

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009

SENATE BILL 814

4
5 By: Senators Broadway, Bryles
6 By: Representatives Cook, Betts, *Abernathy*

7
8
9 **For An Act To Be Entitled**

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

13
14 **Subtitle**

15 TO AMEND VARIOUS PROVISIONS OF THE
16 ARKANSAS CODE CONCERNING PUBLIC SCHOOL
17 EDUCATION.

18
19
20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

21
22 SECTION 1. Arkansas Code § 6-10-106(d), concerning uniform dates for
23 the beginning and end of a school year, is amended to read as follows:

24 (d) A school district shall adopt an academic calendar that includes
25 five (5) make-up days, in addition to the number of student-teacher
26 interaction days required by the Standards for Accreditation of Arkansas
27 Public Schools and School Districts established by the State Board of
28 Education, for days unavoidably lost due to exceptional or emergency
29 circumstances resulting from a contagious disease outbreak, inclement
30 weather, or other acts of God.

31 (e) No other waiver from the requirements of this section shall be
32 granted.

33
34 SECTION 2. Arkansas Code § 6-14-102(c)(1), concerning annual and
35 special school elections, is amended to read as follows:



1 (c)(1) In any election year, if no more than one (1) candidate for any
 2 school district director position presents a petition or notice in writing to
 3 the county board of election commissioners as required by § 6-14-111 and if
 4 there are no other ballot issues to be submitted to school district electors
 5 for consideration, with the exception of the local tax rate if that rate is
 6 not being changed or restructured, the board of directors of any school
 7 district, by resolution, may request the county board of election
 8 commissioners to reduce the number of polling places or to open no polling
 9 places on election day so that the election can be conducted by absentee
 10 ballot and early voting only.

11
 12 SECTION 3. Arkansas Code § 6-15-203(a), concerning appeals of
 13 notifications of failure to meet standards for accreditation, is amended to
 14 read as follows:

15 (a)(1) The Department of Education ~~shall annually~~ annually shall
 16 notify all schools or school districts failing to meet standards for
 17 accreditation for elementary and secondary schools not later than May 15 of
 18 *each year of this determination.*

19 *(2)(A) However, at any time, the department may immediately*
 20 *notify a public school or school district failing to meet standards for*
 21 *accreditation for elementary and secondary schools when the failure is*
 22 *discovered by the department under § 6-15-202(i).*

23 *(B) A public school or school district notified by the*
 24 *department of the public school's or school district's failure to meet the*
 25 *standards for accreditation due to actions taken under § 6-15-202(i) shall*
 26 *have the same period of time to appeal to the state board as provided under §*
 27 *6-15-203(b)(3).*

28
 29 SECTION 4. Arkansas Code § 6-15-1012 is repealed.

30 ~~6-15-1012. Model learning standards in the basic core of knowledge and~~
 31 ~~skills.~~

32 ~~(a) The Department of Education shall identify the learning standards~~
 33 ~~needed in the basic core of knowledge and skills as required of students in~~
 34 ~~the public schools by § 6-15-1003.~~

35 ~~(b)(1) Beginning with the 2000-2001 school year, the department shall~~
 36 ~~develop the learning standards into a model format and issue the model~~

1 ~~standards in pamphlet form describing the standards for the basic core of~~
2 ~~knowledge and skills in kindergarten through grade eight (K-8). The model~~
3 ~~shall be prepared for each grade level.~~

4 ~~(2) The department shall develop model learning standards for~~
5 ~~the common core required for graduation in grades nine through twelve (9-12)~~
6 ~~and shall prepare them in pamphlet format for the high school level.~~

7 ~~(c) The department shall make the model standards available to every~~
8 ~~school district in Arkansas.~~

9 ~~(d) Local school districts shall prepare a report in pamphlet form~~
10 ~~describing the basic core of knowledge and skills prescribed for the schools~~
11 ~~in their school districts and publish it in enough quantity for all students.~~

12 ~~(1) A report shall be prepared for each grade kindergarten~~
13 ~~through eight (K-8); and~~

14 ~~(2) A report for the common core required for graduation from~~
15 ~~high school shall also be prepared by the local school district for parents~~
16 ~~of high school students.~~

17 ~~(e) Local school districts shall distribute the pamphlets to every~~
18 ~~parent and guardian of a child in grades kindergarten through twelve (K-12)~~
19 ~~in the public schools of Arkansas.~~

20
21 SECTION 5. Arkansas Code § 6-15-1702(b), concerning parental
22 involvement plans, is amended to read as follows:

23 (B) To encourage communication with parents, the school shall:

24 (i) ~~prepare~~ Prepare an informational packet to be
25 distributed annually to the parent of each child in the school, appropriate
26 for the age and grade of the child, describing:

27 ~~(i)(a)~~ (a) The school's parental involvement
28 program;

29 ~~(ii)(b)~~ (b) The recommended role of the parent,
30 student, teacher, and school;

31 ~~(iii)(c)~~ (c) Ways for the parent to become
32 involved in the school and his or her child's education;

33 ~~(iv)(d)~~ (d) A survey for the parent regarding his
34 or her interests concerning volunteering at the school;

35 ~~(v)(e)~~ (e) Activities planned throughout the
36 school year to encourage parental involvement; and

1 ~~(vi)~~(f) A system to allow the parents and
2 teachers to communicate in a regular, two-way, and meaningful manner with the
3 child's teacher and the school principal; and

4 (ii) Schedule no fewer than two (2) parent-teacher
5 conferences per school year.

6 (D) The school may plan and engage in other activities
7 determined by the school to be beneficial to encourage communication with
8 parents;

9
10 SECTION 6. Arkansas Code § 6-16-604(b)(1), concerning optional summer
11 programs, is amended to read as follows:

12 (b)(1) The length of the summer school term ~~is to~~ shall be five (5)
13 weeks, during which time a school shall provide not less than:

14 (A) Twenty (20) days of instruction; and

15 (B) Seventy-five (75) hours of instruction.

16
17 SECTION 7. Arkansas Code § 6-17-301 is amended to read as follows:

18 6-17-301. Employment of certified personnel.

19 ~~(a) Except as prohibited under subsections (c) and (d) of this~~
20 ~~section, school boards~~ A school board of directors may employ
21 superintendents, deputy superintendents, assistant superintendents, and high
22 school principals, as well as department heads, coaches, teachers, and other
23 certified personnel, by written contract for a period of time not more than
24 three (3) years.

25 (b) The contracts may be renewed annually.

26 ~~(c) Beginning on July 16, 2003, through July 1, 2004, notwithstanding~~
27 ~~any other provision of law except for currently binding contractual~~
28 ~~obligations or enforceable court ordered mandates, no public school board of~~
29 ~~directors or the governing board of an education service cooperative or~~
30 ~~charter school may employ or extend the employment contract of any~~
31 ~~superintendent, assistant superintendent, school principal, department head,~~
32 ~~coach, teacher, or other certified or noncertified personnel for a period of~~
33 ~~time more than one (1) fiscal year without the prior written approval of the~~
34 ~~State Board of Education or the Commissioner of Education as allowed in~~
35 ~~emergency situations.~~

36 ~~(d) No employment contract or extension to an employment contract~~

1 entered on or after July 16, 2003, through July 1, 2004, may have a combined
 2 total increase in salaries, income, and benefits of greater than seven and
 3 one-half percent (7.5%) of the immediate previous existing contract for the
 4 same or substantially similar personnel position without the prior written
 5 approval of the state board, except for salary or benefit increases
 6 legislatively approved and mandated by the General Assembly, specifically
 7 including, but not limited to, pay increases under The Educator Compensation
 8 Act of 2001, §§ 6-17-2101 et seq. [Repealed], 6-5-307(a), and 6-20-412 or any
 9 salary increase based on an increment for experience or training published in
 10 a currently approved school district salary schedule.

11
 12 SECTION 8. Arkansas Code § 6-18-1602(2), concerning the definition of
 13 "Smart Core", is amended to read as follows:

14 (2) "Smart Core" means the required curriculum that is part of
 15 ~~Next Step Smart Future~~ Smart Future, a state initiative focused on improving Arkansas
 16 public schools for all students so they are prepared for life beyond
 17 graduation.

18
 19 SECTION 9. Arkansas Code § 6-20-402(f), concerning the limitation on
 20 current indebtedness of a school district, is amended to read as follows:

21 (f) If the state board withholds state aid from a school district
 22 ~~pursuant to~~ under subsection (e) of this section, the school district shall
 23 be classified as a ~~Phase III school district in distress as described in § 6-~~
 24 ~~20-1609 [repealed]~~ school district in fiscal distress under § 6-20-1906.

25
 26 SECTION 10. Arkansas Code § 6-20-1201 is amended to read as follows:
 27 6-20-1201. Authority to borrow money and issue negotiable bonds.

28 ~~(a) Except as prohibited by subsection (b) of this section, all school~~
 29 ~~districts are authorized to~~ A school district may borrow money and ~~to~~ issue
 30 negotiable bonds ~~for the repayment thereof~~ to repay borrowed moneys from
 31 school funds for:

32 (1) ~~the building~~ Building and equipping of school buildings;

33 (2) ~~for making~~ Making additions and repairs ~~thereto~~ to school
 34 buildings;

35 (3) ~~for purchasing sites therefor,~~ Purchasing sites for school
 36 buildings;

1 ~~(4) for purchasing~~ Purchasing new or used school buses;
 2 ~~(5) for refurbishing~~ Refurbishing school buses;
 3 ~~(6) for the professional~~ Providing professional development and
 4 training of teachers or other programs authorized under the federally
 5 recognized Qualified Zone Academy Bond program, 26 U.S.C. § 1397E~~r~~; and
 6 ~~(7) for paying~~ Paying off outstanding postdated warrants,
 7 installment contracts, revolving loans, and lease-purchase agreements, as
 8 provided ~~in this act~~ by law.

9 ~~(b) No school district shall have the authority to act in accordance~~
 10 ~~with the provisions of subsection (a) of this section from July 16, 2003,~~
 11 ~~through July 1, 2004, without the prior written approval of the State Board~~
 12 ~~of Education or the Commissioner of Education as allowed in emergency~~
 13 ~~situations.~~

14
 15 SECTION 11. Arkansas Code § 6-20-1905(a), concerning notification to
 16 and appeal by a school district of identification of the school district's
 17 fiscal distress, is amended to read as follows:

18 (a)(1)~~(A)~~(i) The Department of Education shall provide written notice,
 19 via certified mail, return receipt requested, to the president of the school
 20 board of directors and the superintendent of each school district identified
 21 as being in fiscal distress.

22 ~~(2)(ii) Beginning in 2008, the~~ The department shall
 23 provide the notice required under this subdivision ~~(a)(1) (a)(1)(A) of this~~
 24 ~~section~~ on or before March 30 of each year.

25 (B)(i) At any time after March 30, the department may
 26 identify a school district as being in fiscal distress if the department
 27 discovers that a fiscal condition of a school district negatively impacts the
 28 continuation of educational services by the school district.

29 (ii) The department immediately shall provide the
 30 same notice required under subdivision (a)(1)(A)(i) to the school district
 31 identified under this subdivision (a)(1)(B).

32
 33 SECTION 12. Arkansas Code § 6-20-2202(a)(1), concerning public school
 34 budget and expenditure reports, is amended to read as follows:

35 (a)(1) The board of directors of each school district, open-enrollment
 36 public charter school, and education service cooperative ~~shall annually~~

1 ~~prepare~~ annually shall prepare a budget of expenditures and receipts that
 2 shall be filed with the Department of Education by ~~September 15~~ September 30
 3 of each year ~~pursuant to~~ under this subchapter.

4
 5 SECTION 13. Arkansas Code § 6-20-2202(d)(1)(B)(i), concerning public
 6 school budget and expenditure reports, is amended to read as follows:

7 (B)(i) An annual report summarizing the information
 8 required in subdivision (d)(1)(A) of this section in a format required by the
 9 Department of Education shall be filed by ~~September 15~~ August 31 of each year
 10 with the Department of Education.

11
 12 SECTION 14. Arkansas Code § 6-20-2303(3)(C), concerning the definition
 13 of "average daily membership", is amended to read as follows:

14 (C) As applied to this subchapter, students who may be
 15 counted for average daily membership are:

16 (i) *Students who:*

17 (a) ~~reside~~ Reside within the boundaries of the
 18 school district ~~and~~;

19 (b) ~~who are~~ Are enrolled in a public school
 20 operated by the school district; ~~and~~

21 (c) Are enrolled in a curriculum that fulfills
 22 the requirements established by the state board under the Standards for
 23 Accreditation of Arkansas Public Schools and School Districts;

24 (ii) *Legally transferred students living outside the*
 25 *school district but are:*

26 (a) ~~attending~~ Attending a public school in the
 27 school district under a provision of the Arkansas Code; ~~and~~

28 (b) Are enrolled in a curriculum that fulfills
 29 the requirements established by the state board under the Standards for
 30 Accreditation of Arkansas Public Schools and School Districts;

31 (iii) Open-enrollment public charter school students
 32 who are enrolled in a curriculum that fulfills the requirements established
 33 by the state board under the Standards for Accreditation of Arkansas Public
 34 Schools and School Districts; or

35 ~~(iii)~~ (iv) *Students who are eligible to attend and*
 36 *who reside within the boundaries of a school district and are enrolled in the*

1 *Arkansas National Guard Youth Challenge Program, so long as the students are*
 2 *participants in the program.*

3
 4 SECTION 15. Arkansas Code § 6-20-2303(11), as amended by Section 1 of
 5 Act 154 of 2009, concerning the definition of miscellaneous funds used in
 6 calculating foundation funding for public school districts, is amended to
 7 read as follows:

8 ~~11(A)~~(11)(A) "Miscellaneous funds" means the average of those
 9 funds collected in the ~~previous~~ five (5) school years ~~and reported to the~~
 10 ~~Department of Education by April 15 of each school year~~ immediately preceding
 11 the previous school year:

12 (i) Consisting of:

13 (a) Funds received by a school district from
 14 federal forest reserves, federal grazing rights, federal mineral rights,
 15 federal impact aid, federal flood control, wildlife refuge funds, and
 16 severance taxes; and

17 (b) Funds received by the school district in
 18 lieu of taxes, and local sales and use taxes dedicated to education under §
 19 26-74-201 et seq., § 26-74-301 et seq., § 26-75-301 et seq., and the Local
 20 Government Bond Act of 1985, § 14-164-301 et seq.; and

21 *(ii) Multiplied by the ratio of the uniform rate of*
 22 *tax to the school district's total millage rate in effect as of January 1 of*
 23 *the fiscal year prior to the current funding year.*

24 (B) If the school district ~~no longer receives~~ did not
 25 receive funds from a source of funds listed in subdivision (11)(A) of this
 26 section during the most recent school year used to calculate the five-year
 27 average, then previous collections from that source of funds shall not be
 28 included in the five-year average.

29 (C) For the purpose of calculating the amount of
 30 miscellaneous funds of a school district under this subdivision (11), a
 31 school year is the period beginning on July 1 of a calendar year and ending
 32 on June 30 of the next calendar year.

33
 34 SECTION 16. Arkansas Code § 6-20-2305(b)(4)(A) – (B)(iii), concerning
 35 national school lunch state categorical funding, is amended to read as
 36 follows:

1 (4)(A) Beginning with the ~~2007-2008~~ 2009-2010 school year,
 2 national school lunch ~~student~~ state categorical funding for each identified
 3 national school lunch student shall be as follows:

4 (i) For a school district in which ninety percent
 5 (90%) or greater of the previous school year's enrolled students are national
 6 school lunch students, the amount of per-student national school lunch state
 7 categorical funding shall be one thousand four hundred eighty-eight dollars
 8 (\$1,488);

9 (ii) For school districts in which at least seventy
 10 percent (70%) but less than ninety percent (90%) of the previous school
 11 year's enrolled students are national school lunch students, the amount of
 12 per-student national school lunch state categorical funding shall be nine
 13 hundred ninety-two dollars (\$992); and

14 (iii) For school districts in which less than
 15 seventy percent (70%) of the previous school year's enrolled students are
 16 national school lunch students, the amount of per student national school
 17 lunch state categorical funding shall be four hundred ninety-six dollars
 18 (\$496).

19 (B)(i) ~~Funding~~ National school lunch state categorical
 20 funding under this subdivision (b)(4) for national school lunch students
 21 shall be based on the percentage determined in § 6-20-2303(12) multiplied by
 22 the number of the previous school year's enrolled students number of national
 23 school lunch students for the immediately preceding school year determined
 24 under § 6-20-2303(12)(A).

25 (b) If the school district is participating
 26 under 42 U.S.C. § 1759a, funding under this subdivision (b)(4) is based on
 27 the percentage determined in § 6-20-2303(12)(B) multiplied by the number of
 28 enrolled students for the immediately preceding school year.

29 ~~(ii) Beginning with the 2007-2008 school year, for~~
 30 ~~school districts that are to receive funding under this subdivision (b)(4)~~
 31 ~~based on a different percentage than the preceding school year as determined~~
 32 ~~in § 6-20-2303(12), the funding shall be paid or reduced in three (3) equal~~
 33 ~~amounts over a three year period following the year in which a school~~
 34 ~~district's number of national school lunch students.~~

35 (a) ~~Meets, exceeds, or falls below ninety~~
 36 ~~percent (90%); or~~

1 SECTION 17. Arkansas Code § 6-20-2305(b)(4)(C)(viii)(a), concerning
2 school district reporting of categorical funding expenditures, is amended to
3 read as follows:

4 (viii)(a) ~~By the end of each school year, each~~ By
5 September 15 of each school year, a school district shall submit to the
6 Department of Education a report for the immediately preceding school year
7 listing each program upon which funds allocated under this subdivision (b)(4)
8 were expended, the amount expended, and any other information required by the
9 Department of Education on the use of funds allocated under this subdivision
10 (b)(4).

11
12 SECTION 18. Arkansas Code § 6-23-103(8), concerning the definition of
13 an "open-enrollment public charter school" is amended to read as follows:

14 (8)(A) "Open-enrollment public charter school" means a public
15 school that:

16 ~~(A)(i) That is~~ Is operating under the terms of a
17 charter granted by the state board on the application of an eligible entity;
18 ~~and~~

19 ~~(B)(ii) That may~~ May draw its students from any
20 public school district in this state; and

21 (iii) Is a local educational agency under the
22 Elementary and Secondary Education Act of 1965, 20 U.S.C. § 7801, as it
23 existed on the effective date of this subdivision (8)(A)(iii).

24 (B) "Open-enrollment public charter school" also possesses
25 the same meaning as given the term "charter school" in the Elementary and
26 Secondary Education Act of 1965, 20 U.S.C. § 7221i, as it existed on the
27 effective date of this subdivision (8)(B);

28
29 SECTION 19. Arkansas Code § 6-23-104(a)(1), concerning requirements
30 for the form of the charter for public charter schools, is amended to read as
31 follows:

32 (a) A charter for a public charter school shall:

33 (1) Be in the form of a written contract signed by the
34 ~~Commissioner of Education~~ Chair of the State Board of Education and the chief
35 operating officer of the public charter school;

36

1 SECTION 20. Arkansas Code § 6-23-302(c)(1)(C), concerning an
2 application for an open-enrollment public charter school, is amended to read
3 as follows:

4 (C)(i) Within seven (7) calendar days following the first
5 publication of notice required under subdivision (c)(1)(B) of this section,
6 letters announcing the public hearing shall be sent to the superintendent ~~and~~
7 ~~school board members~~ of each of the public school districts from which the
8 open-enrollment public charter school is likely to draw students for the
9 purpose of enrollment and the superintendent ~~and school board members~~ of any
10 public school district that is contiguous to the public school district in
11 which the open-enrollment public charter school will be located.

12 ~~(ii) The letters to the school board members required in~~
13 ~~subdivision (c)(1)(C)(i) of this section shall only be required for each~~
14 ~~school board member whose name and mailing address is provided by the~~
15 ~~superintendent of an affected school district or by the Department of~~
16 ~~Education upon the request of the applicant.~~

17 ~~(iii)~~(ii) An affected school district may submit written
18 comments concerning the application to the state board to be considered at
19 the time of the state board's review of the application;

20
21 SECTION 21. Arkansas Code § 6-23-306(6), concerning the contents of
22 the charter of an open-enrollment public charter school, is amended to read
23 as follows:

24 (6)(A) Prohibit discrimination in admissions policy on the basis
25 of gender, national origin, race, ethnicity, religion, disability, or
26 academic or athletic eligibility, except as follows:

27 (i) The open-enrollment public charter school may
28 adopt admissions policies that are consistent with federal law, regulations,
29 or guidelines applicable to charter schools;

30 ~~(A)~~(ii) The open-enrollment public charter school
31 may allow a weighted lottery to be used in the student selection process when
32 necessary to comply with Title VI of the federal Civil Rights Act of 1964,
33 Title IX of the federal Education Amendments of 1972, the equal protection
34 clause of the Fourteenth Amendment to the United States Constitution, a court
35 order, or a federal or state law requiring desegregation; and

36 ~~(B)~~(iii) The open-enrollment public charter may

1 provide for the exclusion of a student who has been expelled from another
2 public school district in accordance with this title;

3
4 SECTION 22. Arkansas Code § 6-23-501(a), concerning funding for open-
5 enrollment public charter schools, is amended to read as follows:

6 (a)(1) An open-enrollment public charter school shall receive funds
7 equal to the amount that a public school would receive under § 6-20-2305(a)
8 and (b) as well as any other funding that a public charter school is entitled
9 to receive under law or ~~pursuant to~~ under rules promulgated by the State
10 Board of Education.

11 ~~(2) Funding for an open-enrollment public charter school shall~~
12 ~~be based upon the current year three-quarter average daily membership of the~~
13 ~~open-enrollment public charter school as follows:~~

14 ~~(A) The initial funding estimate for each school year~~
15 ~~shall be based on enrollment as of July 30 preceding the school year in which~~
16 ~~the students are to attend;~~

17 ~~(B) In December, funding will be adjusted based on the~~
18 ~~first-quarter average daily membership; and~~

19 ~~(C) A final adjustment will be made after the current year~~
20 ~~three-quarter average daily membership is established.~~

21 (2)(A) For the first year of operation and for the first year
22 the open-enrollment public charter school adds a new grade, the foundation
23 funding and enhanced educational funding for an open-enrollment public
24 charter school is determined as follows:

25 (i) The initial funding estimate shall be based on
26 enrollment as of July 30 preceding the school year in which the students are
27 to attend classes;

28 (ii) In December, funding will be adjusted based
29 upon the first quarter average daily membership; and

30 (iii) A final adjustment will be made after the
31 current three-quarter average daily membership is established.

32 (B) For the second year and each school year thereafter,
33 the previous year's average daily membership will be used to calculate
34 foundation funding and any enhanced educational funding amounts.

35 (3) National school lunch state categorical funding under § 6-
36 20-2305(b)(4) shall be provided to an open-enrollment public charter school

1 as follows:

2 (A) For the first year of operation, free or reduced-price
3 meal eligibility data as reported by October 1 of the current school year
4 will be used to calculate the national school lunch state categorical funding
5 under the state board rules governing special needs funding; and

6 (B) For the second year and each school year of operation
7 thereafter, the previous year's October 1 national school lunch student count
8 as specified in state board rules governing special needs funding will be
9 used to calculate national school lunch state categorical funding for the
10 open-enrollment public charter school.

11 (4) Professional development funding under § 6-20-2305(b)(5)
12 shall be provided to an open-enrollment public charter school for the first
13 year of operation as follows:

14 (A)(i) In the first year of operation the open-enrollment
15 public charter school shall receive professional development funding based
16 upon the initial projected enrollment student count as of July 30 preceding
17 the school year in which the students are to attend, multiplied by the per-
18 student professional development funding amount under § 6-20-2305(b)(5) for
19 that school year.

20 (ii) For the second year and each school year thereafter,
21 professional development funding will be based upon the previous year's
22 average daily membership multiplied by the per-student professional
23 development funding amount for that school year.

24 (5) The Department of Education shall distribute other
25 categorical funding under § 6-20-2305(a) and (b) for which an open-enrollment
26 public charter school is eligible as provided by state law and rules
27 promulgated by the state board.

28 (6) An open-enrollment public charter school shall not be denied
29 foundation funding, enhanced educational funding, or categorical funding in
30 the first year or any year of operation provided that the open-enrollment
31 public charter school submits to the department the number of students
32 eligible for funding as specified in applicable rules.

33 ~~(3)(7)~~ Funding for an open-enrollment public charter school
34 shall be paid in twelve (12) equal installments each fiscal year.

35
36 SECTION 23. Arkansas Code § 6-23-105(d)(1), concerning notice

1 procedures for placing a charter school on probation, or for modifying,
2 revoking, denying renewal of a charter, is amended to read as follows:

3 (d)(1) The procedure adopted under this section shall provide an
4 opportunity for a hearing to the persons operating the public charter school
5 ~~and to the parents of students enrolled in the public charter school.~~

6
7 SECTION 24. Arkansas Code § 6-24-120 is repealed.

8 ~~6-24-120. Penalties.~~

9 ~~(a) Any board member, administrator, employee, or nonemployee of a~~
10 ~~public school district, education service cooperative, or public charter~~
11 ~~school who knowingly and intentionally violates the provisions of § 6-13-~~
12 ~~620(b) [repealed], § 6-13-620(e) [repealed], § 6-17-301(e), § 6-17-301(d),~~
13 ~~or § 6-20-1201(b) shall be guilty of an unclassified misdemeanor and subject~~
14 ~~to a fine in the amount of one thousand dollars (\$1,000).~~

15 ~~(b) Any board member of a public school district, education service~~
16 ~~cooperative, or public charter school who shall knowingly and intentionally~~
17 ~~violate the provisions of § 6-13-620(b) [repealed], § 6-13-620(e)~~
18 ~~[repealed], § 6-17-301(e), § 6-17-301(d), or § 6-20-1201(b) be subject to~~
19 ~~removal from office under § 6-13-612.~~

20
21 SECTION 25. Arkansas Code § 6-47-201(c), concerning distance learning,
22 is amended to read as follows:

23 (c)(1) The elementary or secondary school may import courses from
24 outside the state. ~~However, the course curriculum shall be~~ if the out-of-
25 state course provider is approved by the department ~~prior to offering~~ before
26 the school offers the courses through distance learning.

27 (2) A course offered through an approved out-of-state course
28 provider under this subsection (c) shall follow department course frameworks.

29
30 SECTION 26. Arkansas Code § 6-47-302(b), concerning the implementation
31 of distance learning in elementary and secondary schools, is amended to read
32 as follows:

33 (b)(1) The elementary or secondary school may utilize courses from
34 outside the state. ~~However, the course curriculum shall be reviewed~~ if the
35 out-of-state course provider is approved by the Department of Education or
36 the Department of Workforce Education ~~prior to offering~~ before the school

1 offers the courses through distance learning.

2 (2) A course offered through an approved out-of-state course
3 provider under this subsection (b) shall follow Department of Education
4 course frameworks.

5

6 SECTION 27. Arkansas Code § 6-47-406 is amended to read as follows:

7 6-47-406. Public school district and charter school distance learning
8 program.

9 (a) Except as provided in subsection (b) of this section, a public
10 school district or open-enrollment public charter school may offer and teach
11 distance learning courses to a student enrolled in a private school or a home
12 school if:

13 (1) The student resides in the public school district where the
14 public school or open-enrollment public charter school is located;

15 (2) *The student agrees to physically attend the public school or*
16 *open-enrollment public charter school for the purposes of taking:*

17 (A) a distance learning course taught ~~or offered~~ through
18 the public school or ~~charter school~~ open-enrollment public charter school;
19 *and*

20 (B) State tests and assessments required for the
21 particular course or courses taken by the student; and

22 (3) The public school or open-enrollment public charter school
23 teaches or offers a distance learning course that has been approved by ~~and~~ or
24 otherwise complies with Department of Education rules and standards governing
25 distance learning courses.

26 (b) The State Board of Education shall adopt rules to allow the
27 Commissioner of Education to waive the requirements under subdivisions (a)(1)
28 and (2) of this section on an individual basis for a student who is unable to
29 attend due to conditions that prevent the child from physically attending a
30 public school or an open-enrollment public charter school.

31 (c)(1) A public school district or open-enrollment public charter
32 school that teaches or offers a distance learning course to one (1) or more
33 home-schooled or private school students who meet the conditions of
34 subsection (a) or subsection (b) of this section shall be entitled to an
35 amount equal to one-sixth (1/6) of the state foundation funding amount for
36 each course taught to a private school student or home-schooled student.

1 (2) However, under no circumstances shall a public school
2 district or open-enrollment public charter school be entitled to more than
3 the equivalent of state foundation funding for one (1) average daily
4 membership per student regardless of the number of distance learning courses
5 received by a particular home-schooled or private school student.

6 (d) A home-schooled student or a private school student enrolled in a
7 distance learning course shall not be entitled to any rights, privileges,
8 courses, activities, or services available to a public school student or
9 open-enrollment public charter school student other than receiving
10 appropriate credit for a completed distance learning course.

11 (e) This section shall not be construed to entitle a home school
12 student or private school student to participate in, enroll in, or attend any
13 other courses, activities, or services provided by a public school district
14 or an open-enrollment public charter school.

15 (f)(1) ~~Any~~ Before a public school district or public charter school
16 ~~seeking to offer or teach distance learning courses~~ offers or teaches to
17 public school students, home-schooled students, or private school students
18 distance learning courses that are not part of the curriculum required by the
19 Standards for Accreditation of Arkansas Public Schools and School Districts
20 established by the state board, the public school district or public charter
21 school must first have those course offerings approved first shall obtain
22 approval of the distance learning courses by the ~~Arkansas Distance Learning~~
23 ~~Development Program of the~~ Department of Education.

24 (2) A course offered under this subsection shall follow
25 Department of Education course frameworks.

26 (g) No public school district or open-enrollment public charter school
27 shall establish or provide a virtual school or distance learning course
28 *except as allowed by this section.*

29 *(h) This section shall not be construed to require a home school*
30 *student or private school student to take any test or assessment not*
31 *specifically required for completion of the course for which the student is*
32 *enrolled.*

33
34 SECTION 28. Arkansas Code § 19-5-921 is amended to read as follows:

35 19-5-921. Educational ~~Building Revenue Bond~~ Buildings Maintenance Fund.

36 (a) There is established on the books of the Treasurer of State, the

1 Auditor of State, and the Chief Fiscal Officer of the State a trust fund to
2 be known as the “Educational Building Revenue Bond Buildings Maintenance
3 Fund”.

4 (b) ~~This~~ The fund shall consist of ~~special revenues as designated by~~
5 law rents and any other revenues that are made available by law.

6 (c) ~~It~~ The fund shall be used for the purposes ~~authorized by Acts~~
7 1963, No. 443, which is special legislation, as amended of operating
8 expenses, maintenance, renovations, and repairs.

9
10 SECTION 29. TEMPORARY. DO NOT CODIFY.

11 Any appropriation or funds payable from the former Educational Building
12 Revenue Bond Fund shall be deemed payable from the Educational Buildings
13 Maintenance Fund.

14
15 SECTION 30. Arkansas Code § 25-6-101 is amended to read as follows:
16 25-6-101. Purpose.

17 It is intended that all authority and responsibility of the State Board
18 of Education be administered through the Department of Education under the
19 direction and supervision of the ~~Director of the Department~~ Commissioner of
20 Education.

21
22 SECTION 31. Arkansas Code § 25-6-102, concerning the organization of
23 the Department of Education, is amended to read as follows:

24 25-6-102. Organization – ~~Director~~ Commissioner.

25 (a) The Department of Education shall consist of:

- 26 (1) The State Board of Education;
- 27 (2) The Department of Education under the direction and
28 supervision of the ~~Director of the Department~~ Commissioner of Education; and
- 29 (3) Any divisions or subdivisions as presently exist within the
30 Department of Education or as may be created by the State Board of Education
31 or as created by law and placed under the Department of Education.

32 (b) The State Board of Education shall continue to perform its powers
33 and duties as prescribed by law.

34 (c)(1) The ~~Director of the Department~~ Commissioner of Education shall
35 be a member of the Governor’s cabinet.

36 (2) The ~~Director of the Department~~ Commissioner of Education

1 shall perform all duties and exercise all powers relating to general
2 education as may be granted by law.

3
4 SECTION 32. EMERGENCY CLAUSE. It is found and determined by the
5 General Assembly of the State of Arkansas that it is the state's
6 constitutional obligation to provide a general, suitable, and efficient free
7 system of public schools in the state; that the public school funding
8 distribution changes in this act are needed to ensure that proper funding is
9 provided to the affected public schools and school districts; and that this
10 act is immediately necessary so that the affected public schools and school
11 districts will receive the amount of funding for the current school year.
12 Therefore, an emergency is declared to exist and this act being immediately
13 necessary for the preservation of the public peace, health, and safety shall
14 become effective on:

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

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

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

21
22 /s/ Broadway

23
24 **APPROVED: 4/10/2009**