

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 376 of the Regular Session

1 State of Arkansas  
2 87th General Assembly  
3 Regular Session, 2009  
4

As Engrossed: S2/19/09

A Bill

SENATE BILL 68

5 By: Senator Madison  
6  
7

8 **For An Act To Be Entitled**

9 AN ACT TO MAKE VARIOUS CORRECTIONS TO TITLE 6 OF  
10 THE ARKANSAS CODE OF 1987 ANNOTATED; AND FOR  
11 OTHER PURPOSES.  
12

13 **Subtitle**

14 AN ACT TO MAKE VARIOUS CORRECTIONS TO  
15 TITLE 6 OF THE ARKANSAS CODE OF 1987  
16 ANNOTATED.  
17  
18

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

21 SECTION 1. Arkansas Code § 6-5-202(a) is amended to read as follows to  
22 make stylistic changes:

23 (a) ~~No~~ A student of any school, college, university, or other  
24 educational institution in Arkansas shall not engage in ~~what is commonly~~  
25 ~~known and recognized as~~ hazing or encourage, aid, or assist any other student  
26 in ~~the commission of this offense~~ hazing.  
27

28 SECTION 2. Arkansas Code § 6-5-404(a) is amended to read as follows to  
29 correct a reference and to make stylistic changes:

30 (a) The State Board of Education, the Department of Education, and the  
31 public schools of Arkansas shall:

32 (1) cooperate Cooperate with the Arkansas Higher Education  
33 Coordinating Board, the Department of Higher Education, and the institutions  
34 of higher education in providing the information; and

35 (2) shall assist Assist as requested by the ~~department~~ Arkansas



1 Higher Education Coordinating Board.

2  
3 SECTION 3. Arkansas Code § 6-11-101(e) is amended to read as follows  
4 to correct a reference:

5 (e) The members of the state board shall be appointed by the Governor,  
6 subject to the confirmation of the Senate, and shall take the oath of office  
7 for officers prescribed by the Arkansas Constitution.

8  
9 SECTION 4. Arkansas Code § 6-11-111 is amended to read as follows to  
10 clarify the section and to make stylistic changes:

11 (a) The State Board of Education shall keep in the office of the  
12 Commissioner of Education a complete record of the minutes of its meetings  
13 and other proceedings and annually shall make a report to the Governor ~~which~~  
14 that shall embody the report of the commissioner to the state board.

15 (b) At the opening of each regular session of the General Assembly,  
16 ~~The annual report of the state board to the Governor shall be transmitted by~~  
17 ~~him or her~~ transmit to the General Assembly ~~at the opening of the legislative~~  
18 ~~session~~ each annual report of the state board for each year of the biennium  
19 preceding the regular session of the General Assembly.

20 (c)(1) Each annual report of the state board shall be printed by the  
21 state board and distributed among the various school officers of the state or  
22 made available to public school districts by including a link to the annual  
23 report on the Department of Education website.

24 (2) The annual report shall include without limitation the  
25 information required by § 6-20-2304(b).

26  
27 SECTION 5. Arkansas Code § 6-11-124(c) is amended to read as follows  
28 to correct a reference and to make a stylistic change:

29 (c) The ~~director~~ Commissioner of Education ~~is hereby authorized to~~ may  
30 request from the Chief Fiscal Officer of the State a transfer of  
31 appropriation authorized for school district management and statewide data  
32 collection by the General Assembly to any other line item appropriation  
33 authorized for the department for the same purpose.

34  
35 SECTION 6. Arkansas Code § 6-12-112(c) is amended to read as follows  
36 to correct a reference and to make a stylistic change:

1 (c) In cases of undue demands upon the division for these audits, the  
2 ~~office~~ division will be considered justified in charging a fee for the  
3 service rendered, the fee not to be ~~in excess of~~ more than payments made for  
4 help employed in the audit in addition to the legally provided personnel of  
5 the ~~office~~ division.

6  
7 SECTION 7. Arkansas Code § 6-13-701(f)(1) is amended to read as  
8 follows to correct a reference and to make stylistic changes:

9 (f)(1)(A) All local taxes of the school district shall be remitted to  
10 the county treasurer by the county collector.

11 (B) The county treasurer shall remit the funds in a timely  
12 manner to the school district treasurer in those school districts maintaining  
13 a school district treasurer.

14  
15 SECTION 8. Arkansas Code § 6-13-1005(b) is amended to read as follows  
16 to repeal obsolete language and to make stylistic changes:

17 (b) Consistent with ~~provisions of~~ § 6-13-1003, ~~no member of an~~  
18 ~~existing pilot cooperative established under Acts 1983 (1st Ex. Sess.), No.~~  
19 ~~103 [repealed] nor any~~ a member of an education service cooperative formed  
20 after January 1, 1984, under The Public School Educational Cooperative Act of  
21 1981, § 6-13-901 et seq., may not be moved to another education service  
22 cooperative without that member's consent.

23  
24 SECTION 9. Arkansas Code § 6-13-1010(b)(2) is amended to read as  
25 follows to clarify a reference:

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

28  
29 SECTION 10. Arkansas Code § 6-13-1021(c)(2) is amended to read as  
30 follows to clarify references and to make a stylistic change:

31 (2) The state board shall acknowledge receipt of the report and  
32 comment on any deficiencies identified in the report ~~which~~ that should be  
33 corrected for the education service cooperative to remain eligible for base  
34 funding.

35  
36 SECTION 11. Arkansas Code § 6-13-1306 is amended to read as follows to

1 make stylistic changes and to clarify language:

2 6-13-1306. School council powers and duties.

3 The school council established under this subchapter may implement  
4 policies in the following areas:

5 (1) Planning and resolution of issues regarding instructional  
6 practices;

7 (2) Selection and implementation of discipline and classroom  
8 management techniques, including responsibilities of the student, parent,  
9 teacher, counselor, and principal;

10 (3) Curriculum, including:

11 (A) Needs assessment;

12 (B) Curriculum development;

13 (C) Alignment with state standards;

14 (D) Technology utilization; and

15 (E) Program appraisal;

16 ~~(4)(A)~~ Assignment of all instructional and noninstructional  
17 staff time; ~~and~~

18 ~~(5)(B)~~ Provision for planning time for instructional staff;

19 ~~(6)(5)~~ Assignment of students to classes and programs within the  
20 school;

21 ~~(7)(6)~~ Determination of the schedule of the school day and week,  
22 subject to the beginning and ending times of the school day and school  
23 calendar year as specified in the personnel policies or negotiated  
24 agreements;

25 ~~(8)(7)~~ Determination of use of school space during the school  
26 day and week; and

27 ~~(9)(8)~~ Selection of extracurricular programs and determination  
28 of policies relating to student participation based on academic  
29 qualifications and attendance requirements, program evaluation, and  
30 supervision.

31

32 SECTION 12. Arkansas Code § 6-13-1606(a) is amended to read as follows  
33 to make terminology consistent with defined terms and to make stylistic  
34 changes:

35 (a) Following the administrative consolidation or administrative  
36 annexation under §§ 6-13-1601 – 6-13-1603, 6-13-1604 [repealed], and 6-13-

1 1605 [repealed] effective ~~prior to~~ before December 1, 2004, and ~~prior to~~  
 2 before any consolidation, annexation, detachment, approval of a conversion  
 3 charter, or any other type of reclassification or reorganization of a school  
 4 district after December 1, 2004, each receiving district or resulting ~~school~~  
 5 district and the Department of Education shall develop a plan to track the  
 6 educational progress of all students from the affected district and the  
 7 following subgroups of those students:

8 (1) Students who have been placed at risk of academic failure as  
 9 required under § 6-15-1602;

10 (2) Economically disadvantaged students;

11 (3) Students from major racial and ethnic groups; and

12 (4) Specific population groups as identified by the State Board  
 13 of Education, the department, ~~or~~ the affected district, or the receiving  
 14 district as target groups for closing the achievement gaps.

15  
 16 SECTION 13. Arkansas Code § 6-13-1609 is amended to read as follows to  
 17 make terminology consistent with defined terms and to make stylistic changes:

18 6-13-1609. Preservation of historical school artifacts.

19 Following the administrative consolidations or administrative  
 20 annexations under §§ 6-13-1601 – 6-13-1603, 6-13-1604 [repealed], and 6-13-  
 21 1605 [repealed] effective ~~prior to~~ before December 1, 2004, and ~~prior to~~  
 22 before any consolidation, annexation, detachment, approval of a conversion  
 23 charter, or any other type of reclassification or reorganization of a school  
 24 district after December 31, 2004, a receiving district or resulting ~~school~~  
 25 district shall obtain, retain, preserve, and, as appropriate, display  
 26 historical artifacts of the ~~former school~~ affected district in the same  
 27 manner as if the historical artifacts were those of the receiving district or  
 28 resulting ~~school~~ district.

29  
 30 SECTION 14. Arkansas Code § 6-13-1611(a) is amended to read as follows  
 31 to make terminology consistent with defined terms and to make stylistic  
 32 changes:

33 (a) By ~~October 1, 2005, and by~~ October 1 of each year ~~thereafter~~, the  
 34 resulting district or receiving ~~districts~~ district of any school district  
 35 that was administratively consolidated or administratively annexed under §§  
 36 6-13-1601 – 6-13-1603, 6-13-1604 [repealed], and 6-13-1605 [repealed] shall

1 file a written report with the House Interim Committee on Education, the  
 2 Senate Interim Committee on Education, and the Department of Education  
 3 indicating:

4 (1) What efforts were made and the results of those efforts for  
 5 inclusion of parents from the affected district in the receiving district's  
 6 or the resulting district's activities, including, ~~but not limited to,~~  
 7 without limitation:

8 (A) ~~parent-teacher~~ Parent-teacher associations;

9 (B) ~~booster~~ Booster clubs; and

10 (C) ~~parent~~ Parent involvement committees;

11 (2) The number and percentage of students from the affected  
 12 districts participating in an extracurricular activity, itemized by each  
 13 extracurricular activity offered by the school district and, for each  
 14 activity, which school district the student attended ~~prior to~~ before  
 15 reorganization; and

16 (3) The employment status of each administrator by name, gender,  
 17 and race before the administrative annexation or administrative  
 18 consolidation, which school employed the administrator ~~prior to~~ before  
 19 administrative consolidation, and his or her employment status in the  
 20 receiving district or the resulting district.

21  
 22 SECTION 15. Arkansas Code § 6-15-102(h)(2)(E)-(G) is amended to read  
 23 as follows to make stylistic changes:

24 (E) One (1) member ~~appointed~~ selected by the President Pro  
 25 Tempore of the Senate, who shall be a representative of Arkansas businesses;

26 (F) One (1) member ~~appointed~~ selected by the Chair of the  
 27 Senate Committee on Education, who is currently employed as a teacher in  
 28 grades kindergarten through twelve (K-12) in a public school system in the  
 29 State of Arkansas; and

30 (G) One (1) member ~~appointed~~ selected by the Chair of the  
 31 House Committee on Education, who shall be a representative of the  
 32 administration of a public school in the State of Arkansas.

33  
 34 SECTION 16. Arkansas Code § 6-15-426(i)(3) is amended to read as  
 35 follows to make stylistic changes:

36 (3) The department shall use the information obtained through

1 monitoring comprehensive school improvement plans under this section to:

2 (A) Determine the compliance of the public school or  
3 school district with ~~the provisions of~~ this subchapter; ~~and~~

4 (B) Evaluate whether the assessment conducted by the  
5 public school or school district under subsection (h) of this section was  
6 conducted properly; ~~;~~ and

7 (C) ~~assess~~ Assess the areas in which the public school or  
8 school district needs to revise its plan.

9  
10 SECTION 17. Arkansas Code § 6-15-437 is amended to read as follows to  
11 make stylistic changes:

12 The State Board of Education shall adopt any rules necessary to  
13 implement ~~the Arkansas Comprehensive Testing, Assessment, and Accountability~~  
14 ~~Program, § 6-15-401 et seq.,~~ this subchapter pursuant to under the Arkansas  
15 Administrative Procedure Act, § 25-15-201 et seq.

16  
17 SECTION 18. Arkansas Code § 6-15-2605(a)(2)(B) is amended to read as  
18 follows to correct a reference:

19 (B) In selecting participants, the ~~Department of Education~~  
20 State Board of Education shall consider qualified applicants from various  
21 locations and of various sizes and demographics.

22  
23 SECTION 19. Arkansas Code § 6-15-2605(f)(2)(A) is amended to read as  
24 follows to use the defined term:

25 (2)(A) A teacher in the ~~participating~~ participant school or  
26 school district may elect not to participate in the Rewarding Excellence in  
27 Achievement plan.

28  
29 SECTION 20. Arkansas Code § 6-15-2606(a) is amended to read as follows  
30 to make stylistic changes:

31 (a) A Rewarding Excellence in Achievement plan approved for  
32 participation in the Rewarding Excellence in Achievement Program shall  
33 describe how:

34 (1) ~~Describe how teachers~~ Teachers can achieve career  
35 advancement and additional compensation;

36 (2) ~~Describe how the~~ The public school district or public

1 charter school will provide teachers with career advancement options that  
 2 allow teachers to retain primary roles in student instruction and ~~facilitates~~  
 3 facilitate site-focused professional development that helps other teachers  
 4 improve their skills;

5 (3) ~~Describe how the~~ The public school district or public  
 6 charter school will prevent any teacher's compensation paid before  
 7 implementing the pay system from being reduced as a result of initial  
 8 implementation of the Rewarding Excellence in Achievement plan;

9 (4) ~~Describe how the~~ The forty percent (40%) to sixty percent  
 10 (60%) performance portion of compensation will be determined;

11 (5) ~~Describe how the~~ The forty percent (40%) to sixty percent  
 12 (60%) knowledge and skill base portion of compensation will be determined;

13 (6) ~~Describe how the~~ The plan will reform the steps and lanes  
 14 salary schedule;

15 (7) ~~Describe how the~~ The public school district or public  
 16 charter school will encourage a collaborative relationship among teachers;  
 17 and

18 (8) ~~Describe how, after~~ After full plan implementation, the  
 19 alternative compensation system will be:

20 (A) Sustained; or

21 (B) Phased out if the Rewarding Excellence in Achievement  
 22 plan evaluation reveals that the plan does not work for the school.

23  
 24 SECTION 21. Arkansas Code § 6-16-305(a) and (b) are amended to read as  
 25 follows to correct a reference and to make stylistic changes:

26 (a) Irrespective of any language in this subchapter, nothing ~~shall be~~  
 27 ~~construed as prohibiting~~ prohibits the General Assembly from providing funds  
 28 ~~for the purpose of establishing~~ to establish centers for research or  
 29 demonstration purposes in order to provide state-level leadership in ~~the area~~  
 30 ~~of~~ early childhood education.

31 (b) In such instances, however, ~~all such~~ the funds shall be  
 32 appropriated for the use of the ~~board~~ State Board of Education and shall be  
 33 subject to cooperative agreements in writing between the Department of  
 34 Education and the sponsoring teacher training institutions or school  
 35 districts.

36



1 SECTION 22. Arkansas Code § 6-16-306(c) is amended to read as follows  
2 to make stylistic changes:

3 (c) Enrollments in such institutions may include students ~~under~~  
4 twenty-one (21) years of age or younger and students ~~over~~ twenty-one (21)  
5 years of age or older.

6  
7 SECTION 23. Arkansas Code § 6-16-409 is repealed because Acts 2007,  
8 No. 153, § 3 abolished the committee.

9 ~~6-16-409. Advisory Committee on Educational Access to Technology.~~

10 ~~(a) There is created a committee to be known as the "Advisory~~  
11 ~~Committee on Educational Access to Technology".~~

12 ~~(b) (1) The Advisory Committee on Educational Access to Technology~~  
13 ~~shall consist of five (5) members as follows:~~

14 ~~(A) Two (2) members appointed by a majority vote of the Senate~~  
15 ~~Technology and Legislative Affairs Committee;~~

16 ~~(B) Two (2) members appointed by a majority vote of the House~~  
17 ~~Committee on Advanced Communication and Information Technology; and~~

18 ~~(C) One (1) member appointed by a majority vote of the Joint~~  
19 ~~Committee on Advanced Communication and Information Technology.~~

20 ~~(2) The appointees shall be members of Arkansas's business community~~  
21 ~~engaged in business involving the delivery of technology.~~

22 ~~(c) The Senate Technology and Legislative Affairs Committee and the~~  
23 ~~House Committee on Advanced Communication and Information Technology shall~~  
24 ~~each name one (1) of the committees' appointees to serve as cochairs of the~~  
25 ~~Advisory Committee on Educational Access to Technology.~~

26 ~~(d) If a vacancy occurs in an appointed position for any reason, the~~  
27 ~~vacancy shall be filled in the same manner as the original appointment.~~

28 ~~(e) (1) The Advisory Committee on Educational Access to Technology~~  
29 ~~shall meet upon call of either or both of the cochairs of the Advisory~~  
30 ~~Committee on Educational Access to Technology.~~

31 ~~(2) Three (3) members of the Advisory Committee on Educational~~  
32 ~~Access to Technology shall constitute a quorum for the purpose of transacting~~  
33 ~~business.~~

34 ~~(3) A quorum is required for any action of the Advisory~~  
35 ~~Committee on Educational Access to Technology.~~

36 ~~(f) (1) The Advisory Committee on Educational Access to Technology~~

1 shall review the technology needs of the Arkansas public schools serving the  
2 needs of students in grades kindergarten through twelve (K-12) and recommend  
3 a method to ensure that all school districts and students have substantially  
4 equal access to technology.

5           (2) ~~The Advisory Committee on Educational Access to Technology~~  
6 ~~shall work with members of the education community, the business community,~~  
7 ~~and the Department of Education to determine methods for effectively teaching~~  
8 ~~students to use technology and the most effective manner in which to~~  
9 ~~incorporate technology into instruction for students.~~

10           (g) ~~The Advisory Committee on Educational Access to Technology shall~~  
11 ~~report its findings and recommendations to the chairs of the Joint Committee~~  
12 ~~on Advanced Communication and Information Technology, the House Committee on~~  
13 ~~Education, and the Senate Committee on Education no later than September 1,~~  
14 ~~2003, and every six (6) months thereafter.~~

15           (h) ~~The Bureau of Legislative Research employees providing staff~~  
16 ~~assistance to the Joint Committee on Advanced Communication and Information~~  
17 ~~Technology shall also furnish reasonable staff assistance to the Advisory~~  
18 ~~Committee on Educational Access to Technology.~~

19           (i)(1) ~~The members of the Advisory Committee on Educational Access to~~  
20 ~~Technology shall serve without pay.~~

21           (2) ~~The members of the Advisory Committee on Educational Access~~  
22 ~~to Technology may receive expense reimbursement in accordance with § 25-16-~~  
23 ~~902, to be paid by the bureau.~~

24  
25           SECTION 24. Arkansas Code § 6-17-410(c)(32), concerning criminal  
26 offenses that disqualify a teacher from licensure, is amended to read as  
27 follows to update the list of criminal offenses:

28           (32) Burglary as prohibited by § 5-39-201 and aggravated  
29 residential burglary as prohibited by § 5-39-204;

30  
31           SECTION 25. Arkansas Code § 6-17-414(b)(32), concerning criminal  
32 offenses that disqualify a person from school district employment, is amended  
33 to read as follows to update the list of criminal offenses:

34           (32) Burglary as prohibited by § 5-39-201 and aggravated  
35 residential burglary as prohibited by § 5-39-204;

36

1 SECTION 26. Arkansas Code § 6-17-422(b)(3) is amended to read as  
2 follows to clarify language and to make stylistic changes:

3 (3)(A) Four (4) persons with valid Arkansas teaching and  
4 administrator's licenses who represent the four (4) congressional districts  
5 in Arkansas and are +

6 ~~(A) Recommended~~ recommended by the Arkansas Association of  
7 Educational Administrators.

8 (B)(i) One (1) ~~of whom~~ person shall hold a P-8 building  
9 level leader license and serve as a middle-level building leader; .

10 ~~(C)(ii)~~ Two (2) ~~of whom~~ persons shall be public  
11 school superintendents with valid Arkansas teaching and administrator's  
12 licenses recommended by the Arkansas Association of School Administrators;  
13 ~~and .~~

14 ~~(D)(iii)~~ One (1) person shall be a public school  
15 administrator with a valid Arkansas teaching and administrator's license  
16 recommended by the Arkansas Association of School Personnel Administrators;  
17

18 SECTION 27. Arkansas Code § 6-17-422(b)(5)(B)(iii) is amended to read  
19 as follows to make stylistic changes:

20 (B)(iii) One (1) ~~of whom~~ dean shall have knowledge of  
21 licensure issues;  
22

23 SECTION 28. Arkansas Code § 6-17-808 is repealed because Acts 2007,  
24 No. 153, § 3 abolished the commission.

25 ~~6-17-808. Arkansas Classified Personnel Salaries Study Commission.~~

26 ~~(a) There is hereby created the Arkansas Classified Personnel Salaries~~  
27 ~~Study Commission, to be composed of the following:~~

28 ~~(1) An appointee of the Chair of the House Interim Committee on~~  
29 ~~Education;~~

30 ~~(2) An appointee of the Chair of the Senate Interim Committee on~~  
31 ~~Education;~~

32 ~~(3) The Commissioner of Education;~~

33 ~~(4) The Director of the Department of Workforce Education;~~

34 ~~(5) One (1) representative of the Arkansas Association of~~  
35 ~~Educational Administrators;~~

36 ~~(6) One (1) representative of the Arkansas Education~~

1 Association;

2           ~~(7) One (1) representative of the Arkansas School Boards~~  
3 Association; and

4           ~~(8) The following persons to be appointed by the Governor:~~

5                 ~~(A) Five (5) public school classified personnel~~  
6 representatives, who shall include one (1) active employee from each of the  
7 following job categories:

8                             ~~(i) School secretary or clerk;~~

9                             ~~(ii) School maintenance;~~

10                            ~~(iii) Bus driver;~~

11                            ~~(iv) Food service; and~~

12                            ~~(v) Aide or paraprofessional;~~

13                            ~~(B) One (1) public school superintendent; and~~

14                            ~~(C) Two (2) lay persons appointed from the state at large~~  
15 who shall not be former school administrators.

16           ~~(b)(1) The commission shall collect from Arkansas public schools the~~  
17 salary schedules by job category for classified personnel and conduct a study  
18 of the disparity and inadequacies in classified personnel salaries among the  
19 state's school districts.

20           ~~(2) The commission shall recommend solutions to the 2001 General~~  
21 Assembly, including minimum salary guarantees for classified personnel  
22 salaries by specific job and classification.

23           ~~(c) Technical support to the commission shall be provided by the~~  
24 Department of Education.

25           ~~(d)(1) The school districts of this state shall adopt written salary~~  
26 schedules for classified personnel annually and shall file the schedules with  
27 the department no later than September 15 for the school year in which they  
28 are in effect.

29           ~~(2) The schedules shall reflect the actual pay practices of the~~  
30 school district for classified personnel.

31           ~~(e) As used herein, "classified personnel" means all public school~~  
32 personnel who are not required to hold a valid teaching certificate issued by  
33 the department as a condition of employment and includes, but need not be  
34 limited to, secretaries, maintenance employees, bus drivers, food service  
35 employees, instructional aides, and paraprofessionals.

36

1 SECTION 29. Arkansas Code § 6-17-908(a) is amended to read as follows  
2 to clarify the language and to make stylistic changes:

3 (a) Only warrants or checks in payment of the following shall be paid  
4 from the teachers' salary fund:

5 (1) salaries ~~Salaries~~ of teachers, ~~as defined in § 6-17-902,;~~

6 (2) in payment of dues ~~Dues~~ of teachers to professional  
7 organizations,;

8 (3) in payment of teachers' ~~Teachers'~~ contributions to the  
9 Arkansas Teacher Retirement System, ; and

10 (4)(A) in payment of insurance ~~Insurance~~ or other fringe  
11 benefits for teachers ~~shall be paid from the teachers' salary fund.~~

12 (B) However, insurance or other fringe benefits must be  
13 approved by a majority of the teachers in the school district voting in a  
14 secret election.

15  
16 SECTION 30. Arkansas Code § 6-17-1109 is amended to read as follows to  
17 correct references and to make stylistic changes:

18 (a) Before selecting ~~any~~ a policy or entering into ~~any~~ an agreement  
19 with an insurance company for the providing of life or disability insurance  
20 for public school employees as authorized in this subchapter, the ~~committee~~  
21 State and Public School Life and Health Insurance Board shall publicize, by  
22 inserting in one (1) or more newspapers having a general circulation in the  
23 State of Arkansas, notice that bid proposals for the providing of life or  
24 disability insurance for public school employees will be received by the  
25 ~~committee~~ board on the date and at the place stated in the notice.

26 (b) ~~Such~~ The notice shall be published by two (2) insertions, with the  
27 first insertion to be at least thirty (30) days ~~prior to~~ before the date for  
28 receiving bids, and with the second insertion to be not later than two (2)  
29 weeks ~~prior to~~ before the date for receiving bids.

30 (c) ~~(1) At the time and place established in the notice for receiving~~  
31 ~~bid proposals, the committee~~ The board shall, open all bids in a public  
32 meeting, ~~open all bids,~~ at the time and place established in the notice for  
33 receiving bid proposals. ~~and~~

34 (2) all ~~All~~ bids so opened shall be made available for public  
35 inspection.

36 (d) (1) The board ~~Each bid proposal shall be evaluated~~ evaluate each

1 ~~bid proposal in accordance with~~ according to the uniform criteria established  
 2 by the Insurance Commissioner for evaluating benefits in relation to premiums  
 3 to be charged ~~therefor for the benefits., and~~

4 ~~(2) the committee~~ The board shall also ~~make a determination~~  
 5 determine that each insurance company submitting a bid meets the minimum  
 6 standards for financial solvency and ability to provide services as  
 7 promulgated by the commissioner.

8 (e) After reviewing all bids, the ~~committee~~ board may approve the  
 9 policy proposal with the insurance company ~~which~~ that the ~~committee~~ board  
 10 determines has submitted the bid with the best benefit coverage in relation  
 11 to the premiums to be paid, as the ~~committee~~ board determines to be in the  
 12 best interest of the public school employees' life or disability program.

13 (f) A bid contract shall be for a minimum of five (5) years.

14 (g) However, the ~~committee~~ board may reject any ~~and all bids~~ bid and  
 15 readvertise for bids ~~in the manner herein~~ as set forth in this section.

16  
 17 SECTION 31. Arkansas Code § 6-17-1111(2)(C) is amended to read as  
 18 follows to correct a reference and to make stylistic changes:

19 (C) The ~~committee~~ State and Public School Life and Health  
 20 Insurance Board ~~is authorized to~~ may establish the manner in which this  
 21 payment is to be made, ~~provided such~~ if the manner of payment ~~shall not be~~ is  
 22 not in violation of any other law, rule, or regulation governing the school  
 23 district.

24  
 25 SECTION 32. Arkansas Code § 6-17-1114 is amended to read as follows to  
 26 correct a reference and to make stylistic changes:

27 It ~~shall be~~ is the duty of the ~~committee~~ State and Public School Life  
 28 and Health Insurance Board, the Supervisor of the Public School Employees  
 29 Insurance Section and the insurance section employees, the Department of  
 30 Education, and ~~of~~ each public school district and ~~the~~ their officers and  
 31 employees ~~respectively thereof~~:

32 (1) To cooperate with ~~each other~~ one another, whenever called  
 33 upon to do so, in all such reasonable ways as will assist or further the  
 34 objectives of the ~~committee~~ board by making available records and statistical  
 35 or other data or information to provide legal and actuarial advice; and

36 (2) If required, to occasionally make available the services of

1 their officers and employees.

2

3 SECTION 33. Arkansas Code § 6-17-1504 is amended to read as follows to  
4 repeal an obsolete subsection and to make stylistic changes:

5 6-17-1504. Evaluation - Effect.

6 (a) Each teacher employed by the board of directors of a school  
7 district ~~must~~ shall be evaluated in writing annually.

8 (b) ~~Evaluation criteria and procedures shall be established in the~~  
9 ~~manner prescribed in Acts 1975, No. 400 [repealed].~~

10 ~~(c) Whenever~~ When a superintendent or other school administrator  
11 charged with the supervision of a teacher believes or has reason to believe  
12 that a teacher is having difficulties or problems meeting the expectations of  
13 the school district or its administration and the administrator believes or  
14 has reason to believe that the problems could lead to termination or  
15 nonrenewal of contract, the administrator shall:

16 (1) ~~bring~~ Bring in writing the problems and difficulties to the  
17 attention of the teacher involved ~~in writing~~; and

18 (2) ~~shall document~~ Document the efforts ~~which~~ that have been  
19 undertaken to assist the teacher to correct whatever appears to be the cause  
20 for potential termination or nonrenewal.

21

22 SECTION 34. Arkansas Code § 6-18-101(d) and (e) are amended to read as  
23 follows to remove obsolete language, to make language consistent, and to make  
24 stylistic changes:

25 (d) ~~A student who is a member of any academic honor society on August~~  
26 ~~13, 1993, shall be exempt from the provisions of subsection (c) of this~~  
27 ~~section.~~

28 ~~(e)~~(1) A school district may establish an honor roll system to  
29 recognize or reward students for academic achievement.

30 (2) ~~No~~ A school district shall not be prohibited from  
31 identifying students who qualify for the honor roll or who are eligible to  
32 serve as valedictorian or salutatorian of the students' graduating class or  
33 who qualify for honor graduate status ~~as provided~~ under this section.

34 (3)(A) ~~Any~~ A parent or student who does not want to have the  
35 student identified as an honor student or listed on the honor roll shall  
36 submit a written request to the principal of the school requesting that the

1 student not be identified.

2 (B) The school and school district shall not identify any  
3 student who has submitted or whose parent has submitted a written request  
4 under subdivision ~~(e)(3)(A)~~ (d)(3)(A) of this section.

5

6 SECTION 35. Arkansas Code § 6-18-104 is amended to read as follows to  
7 remove obsolete language and to make stylistic changes:

8 ~~(a)~~ All students in grades kindergarten through twelve (K-12) of the  
9 public schools of this state shall be placed in an educational program that  
10 includes the minimum core curriculum established ~~pursuant to~~ under § 6-61-217  
11 unless a medical doctor and the parent or custodian of the student ~~certifies~~  
12 certify that a medical condition exists that impairs the student's cognitive  
13 functioning and that the student should not pursue the minimum core  
14 curriculum.

15 ~~(b) For the purposes of this section, students in the class of 2002~~  
16 ~~shall meet all of these requirements and be better prepared to make career~~  
17 ~~choices.~~

18

19 SECTION 36. Arkansas Code § 6-18-201(a)(3)-(5) is amended to read as  
20 follows to remove obsolete language and to make stylistic changes:

21 (3) Any child ~~age sixteen (16) years of age or above~~ older who  
22 is enrolled in a postsecondary vocational-technical institution, a community  
23 college, or a two-year or four-year institution of higher education is not  
24 subject to the attendance requirement; and

25 (4)(A) Any child ~~age sixteen (16) years of age or above~~ older  
26 who is enrolled in an adult education program ~~as provided for in~~ under  
27 subsection (b) of this section or in the Arkansas National Guard Youth  
28 Challenge Program is not subject to the attendance requirement.

29 (B) The requirements in subsection (b) of this section  
30 ~~shall not~~ do not apply to the Arkansas National Guard Youth Challenge  
31 Program; ~~and~~ .

32 ~~(5) Any child age sixteen (16) or above enrolled in an adult~~  
33 ~~education program prior to June 13, 1994, under a waiver granted by the local~~  
34 ~~school district who is currently attending the program is not subject to the~~  
35 ~~attendance requirement.~~

36



1 SECTION 37. Arkansas Code § 6-18-1406(d)(1) is amended to read as  
2 follows to make stylistic changes:

3 (d) The implementation plan may include the following components for  
4 each site:

5 (1)(A) Information and referral activities:

6 (i) ~~for~~ For off-site services to assist participants  
7 in having their basic needs met; and

8 ~~(B)(ii) Information and referral activities that~~ That  
9 provide participants with a point of entry to available support networks.

10 ~~(C)(B) Examples of off-site service referrals include, but~~  
11 ~~are not limited to,~~ without limitation the following:

12 (i) Child care centers;

13 (ii) Health care providers;

14 (iii) Counseling services;

15 (iv) Legal aid;

16 (v) Food banks;

17 (vi) Housing and domestic violence shelters; and

18 (vii) Federal agencies, state agencies, or other

19 entities that provide benefits or services that the participants may need;

20  
21 SECTION 38. Arkansas Code § 6-20-412(e) is amended to read as follows  
22 to make stylistic changes:

23 (e) ~~Payments~~ A payment to a targeted ~~educators~~ educator made in the  
24 form of a ~~supplements~~ supplement as ~~addendums~~ an addendum to a contract in  
25 fulfilling ~~the provisions of~~ this section, § 6-5-307(a), and § 6-17-2101 et  
26 seq. [repealed] shall not be considered a nonrecurring salary payment under  
27 this section.

28  
29 SECTION 39. Arkansas Code § 6-20-502(7) is amended to read as follows  
30 to update the references to the proper code sections:

31 (7) "State funds" means any state funds received by the school  
32 district under ~~§ 6-20-301 et seq. [repealed]~~ the Public School Funding Act of  
33 2003, § 6-20-2301 et seq., the Arkansas Public School Academic Facilities  
34 Funding Act, § 6-20-2501 et seq., or other state special education funds.

35  
36 SECTION 40. Arkansas Code § 6-20-1101 is repealed because it is

1 obsolete.

2 ~~6-20-1101. Scope.~~

3 ~~The authority granted by this subchapter is supplementary and~~  
4 ~~additional to that granted under the revolving loan fund laws, § 6-20-801 et~~  
5 ~~seq., and the existing laws shall be and remain in full force and effect.~~

6  
7 SECTION 41. Arkansas Code § 6-20-1407(d)(1) is amended to read as  
8 follows to correct a reference and to make stylistic changes:

9 (d)(1) A copy of final construction documents shall be submitted to  
10 the ~~Architectural Section~~ Design Review Section of the Arkansas Building  
11 Authority for review in regard to compliance with the Arkansas-adopted  
12 Americans with Disabilities Act Accessibility Guidelines ~~(ADAAC Americans~~  
13 ~~with Disabilities Act Accessibility Guidelines).~~

14

15 SECTION 42. Arkansas Code § 6-20-2208(c)(2)(A) is amended to read as  
16 follows to correct a reference and to make a stylistic change:

17 (2)(A) Expend the sums allocated to the school district under §  
18 ~~6-20-2005(b)~~ § 6-20-2305(b) for salaries and other instructional aid  
19 components to benefit students in the special needs categories within the  
20 school district unless other expenditures are allowed by law or rule of the  
21 State Board of Education or the Department of Education.

22

23 SECTION 43. Arkansas Code § 6-20-2306 is amended to read as follows to  
24 insert the proper connector and to make stylistic changes:

25 (a) If the Department of Education determines that an overpayment has  
26 been made to a school district under any appropriation authorized by this  
27 subchapter, the department ~~is authorized to~~ may:

28 (1) Withhold the overpayment from subsequent state funding;

29 (2) Transfer the amount withheld for the overpayment to the line  
30 item appropriation from which the overpayment was initially made; ~~and or~~

31 (3) Request a refund from the school district in the amount of  
32 the overpayment.

33 (b) The school district shall comply as directed by the department.

34

35 SECTION 44. Arkansas Code § 6-20-2507(b)(1)(C)(ii) is amended to read  
36 as follows to correct a reference and to make stylistic changes:

1 (ii) The division may waive the minimum requirement  
 2 ~~set forth in under~~ subdivision (b)(1)(C)(i) of this section ~~may be waived by~~  
 3 ~~the division~~ upon a recommendation ~~being made~~ by the Director of the Division  
 4 of Public School Academic Facilities and Transportation to the ~~Commissioners~~  
 5 ~~for the Division of~~ Commission for Arkansas Public School Academic Facilities  
 6 and Transportation for the minimum to be waived for cause and a majority of  
 7 the commission votes to support the waiver;

8  
 9 SECTION 45. Arkansas Code § 6-21-106(d)(2)(B), concerning a fire  
 10 chief's inspection report for schools, is amended to read as follows to make  
 11 stylistic changes:

12 (B) What action will be taken in response to the  
 13 inspection report ~~by the chief executive officer of the fire department~~ and  
 14 the anticipated date of completion of the action.

15  
 16 SECTION 46. Arkansas Code § 6-23-304(c) and (d) are amended to read as  
 17 follows to make stylistic changes:

18 (c)(1) The state board may grant no more than a total of twenty-four  
 19 (24) charters for open-enrollment public charter schools.

20 (2) An open-enrollment public charter applicant's school campus  
 21 shall be limited to a single open-enrollment public charter school per  
 22 charter except as allowed in subdivision ~~(e)(6)~~ (d)(3) of this section.

23 (3) An open-enrollment public charter school shall not open in  
 24 the service area of a public school district administratively reorganized  
 25 ~~pursuant to the provisions of under~~ § 6-13-1601 et seq. until after the third  
 26 year of the administrative reorganization.

27 (4) A private or parochial elementary or secondary school shall  
 28 not be eligible for open-enrollment public charter school status.

29 (d)(1) The General Assembly ~~hereby~~ recognizes by established relevant  
 30 demonstrated educational accountability measures that the Knowledge Is Power  
 31 Program (KIPP) Delta College Preparatory Open-Enrollment Charter School has:

32 (A) Improved student learning through innovative ideas and  
 33 techniques;

34 (B) Increased learning opportunities for all students; and

35 (C) Created special emphasis on expanded learning  
 36 experiences for students who were previously identified as low-achieving.

1           ~~(2)-(5)~~ As a result, the Knowledge Is Power Program is recognized  
2 as an effective method for:

3                   (A) Meeting the statutory intent of this chapter;

4                   (B) Closing the achievement gap in public schools for  
5 economically disadvantaged, racial, and ethnic subgroups, which is addressed  
6 by the Arkansas Comprehensive Testing, Assessment, and Accountability Program  
7 Act, § 6-15-401 et seq., and § 6-15-1601 et seq.; and

8                   (C) Otherwise providing an alternative education that has  
9 been proven adequate and equitable to Arkansas students.

10           ~~(3)-(6)~~ Therefore, ~~any~~ a charter applicant that receives an  
11 approved open-enrollment public charter may petition the state board for  
12 additional licenses to establish an open-enrollment public charter school in  
13 any of the various congressional districts in Arkansas ~~provided that~~ if the  
14 applicant meets the following conditions, subject to the normal application,  
15 review, and approval process of the state board:

16                   (A) The approved open-enrollment public charter applicant  
17 has demonstrated success in student achievement gains, as defined by the  
18 state board; and

19                   (B) The approved open-enrollment public charter applicant  
20 has not:

21                           (i) Been subject to any disciplinary action by the  
22 state board;

23                           (ii) Been classified as in school improvement or  
24 academic or fiscal distress; and

25                           (iii) Had its open-enrollment public charter placed  
26 on probation, or suspended, or revoked; and

27                   (C) The state board determines in writing by majority of a  
28 quorum of the state board present that the open-enrollment public charter  
29 applicant has generally established the educational program results and  
30 criteria set forth in this subdivision ~~(e)-(6)~~ (d)(3).

31           ~~(d) No private or parochial elementary or secondary school shall be~~  
32 ~~eligible for open enrollment public charter school status.~~

33  
34           SECTION 47. Arkansas Code § 6-24-106(c)(7) is amended to read as  
35 follows to make stylistic changes:

36                   (7) ~~No~~ A contract subject to this ~~provision~~ subsection (c) shall

1 is not be valid until ~~approved by~~ the commissioner:

2 (A) Approves the contract; or

3 (B) ~~the commissioner fails~~ Fails to respond to the public  
4 educational entity within the time periods specified in this section.

5  
6 SECTION 48. Arkansas Code § 6-26-304(d), concerning housing benefits  
7 for high-performing teachers, is amended to read as follows to correct  
8 terminology use:

9 (d) The foundation or its designee shall provide low-interest loans to  
10 the selected developers in the amount necessary to construct rental housing  
11 units to meet the housing needs for the expected number of ~~high-priority~~  
12 high-performing teachers attracted to the area ~~that~~ who will choose rental  
13 housing units.

14  
15 SECTION 49. Arkansas Code § 6-41-211(g)(4) is amended to read as  
16 follows to correct a reference:

17 (4) Advise the department in developing corrective action plans  
18 to address findings identified in federal monitoring reports under ~~this part~~  
19 Title 20, Chapter 33, Subchapter II of the United States Code; and

20  
21 SECTION 50. Arkansas Code § 6-41-217(b)(3)(H)(i)(b) is amended to read  
22 as follows to make a stylistic change:

23 (b) The individualized education program shall also include the  
24 transition services, including courses of study, needed to assist the child  
25 in reaching those goals.

26  
27 SECTION 51. Arkansas Code § 6-41-403(b) is amended to read as follows  
28 to correct terminology:

29 (b) The results of the assessment shall be used to develop the  
30 student's ~~individual educational plan~~ individualized education program.

31  
32 SECTION 52. Arkansas Code § 6-45-105(c) is amended to read as follows  
33 to change a shortened reference into a full reference and to make stylistic  
34 changes:

35 (c)(1) The department ~~is hereby authorized to~~ may expend a maximum of  
36 two percent (2%) of available funds to administer the ~~program~~ Arkansas Better

1 Chance Program and to monitor ~~program~~ Arkansas Better Chance Program grantees  
2 to ensure compliance with programmatic standards.

3 (2) The department may contract with the Division of Child Care  
4 and Early Childhood Education to administer the ~~program~~ Arkansas Better  
5 Chance Program.

6  
7 SECTION 53. Arkansas Code § 6-46-303(a) is amended to read as follows  
8 to correct a reference and to make stylistic changes:

9 (a) The Department of Workforce Education shall prepare the biennial  
10 budget request for the Arkansas High Technology Training Center's operation,  
11 ~~that~~ which shall be submitted to the State Board of Workforce Education and  
12 Career Opportunities for inclusion in the biennial budget request of the  
13 department for funding programs from the ~~Vocational Education Fund~~ Department  
14 of Workforce Education Fund Account.

15  
16 SECTION 54. Arkansas Code § 6-53-602(b)(2) is amended to read as  
17 follows to clarify language and to make stylistic changes:

18 (2) The local board or acting local board shall issue a  
19 proclamation and set a date for the election ~~in accordance with~~ under § 7-5-  
20 103(b), but ~~in no event~~ the date set for the election shall not be later than  
21 ninety (90) days after the publication of the proclamation.

22  
23 SECTION 55. Arkansas Code § 6-81-706(a)(5) is amended to read as  
24 follows to use the defined term and to make stylistic changes:

25 (5) The applicant desires to practice medicine in an eligible  
26 ~~qualifying~~ qualified rural community ~~as determined by the board~~; and

27  
28 SECTION 56. Arkansas Code § 6-82-1005(e)(3) is amended to read as  
29 follows to use the defined term, clarify language, and to make stylistic  
30 changes:

31 (3) ~~An enrolled college student~~ A recipient who participates in  
32 the tutorial program and fails to meet the Arkansas Academic Challenge  
33 Scholarship academic eligibility requirement for the fall or spring semester  
34 shall be given the probationary opportunity during the subsequent spring or  
35 summer term to continue his or her education and improve his or her academic  
36 performance to meet the eligibility requirement ~~prior to~~ before losing

1 scholarship funding in the subsequent semester.

2

3 SECTION 57. Arkansas Code § 6-82-1006(d)(1) is amended to read as  
4 follows to make the terminology consistent:

5 (d)(1) A recipient who agrees to volunteer as a literacy tutor under §  
6 6-82-1005(e) shall receive the prerequisite training in literacy and college  
7 readiness skills from an accredited Arkansas institution of higher education.

8

9 SECTION 58. The enactment and adoption of this act shall not repeal,  
10 expressly or impliedly, the acts passed at the regular session of the 87th  
11 General Assembly. All such acts shall have full effect and, so far as those  
12 acts intentionally vary from or conflict with any provision contained in this  
13 act, those acts shall have the effect of subsequent acts and as amending or  
14 repealing the appropriate parts of the Arkansas Code of 1987.

15

16

*/s/ Madison*

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18

**APPROVED: 3/10/2009**

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