

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.

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

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

A Bill

SENATE BILL 814

5 By: Senators Broadway, Bryles
6 By: Representatives Cook, Betts, *Abernathy*
7

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

Subtitle

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

36 (c)(1) In any election year, if no more than one (1) candidate for any



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

10
11 SECTION 3. Arkansas Code § 6-15-203(a), concerning appeals of
12 notifications of failure to meet standards for accreditation, is amended to
13 read as follows:

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

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

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

27
28 SECTION 4. Arkansas Code § 6-15-1012 is repealed.

29 ~~6-15-1012. Model learning standards in the basic core of knowledge and~~
30 ~~skills.~~

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

34 ~~(b)(1) Beginning with the 2000-2001 school year, the department shall~~
35 ~~develop the learning standards into a model format and issue the model~~
36 ~~standards in pamphlet form describing the standards for the basic core of~~

1 ~~knowledge and skills in kindergarten through grade eight (K-8). The model~~
 2 ~~shall be prepared for each grade level.~~

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

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

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

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

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

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

19
 20 SECTION 5. Arkansas Code § 6-15-1702(b), concerning parental
 21 involvement plans, is amended to read as follows:

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

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

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

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

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

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

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

36 ~~(vi)(f)~~ (f) A system to allow the parents and

1 teachers to communicate in a regular, two-way, and meaningful manner with the
2 child's teacher and the school principal; and

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

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

8
9 SECTION 6. Arkansas Code § 6-16-604(b)(1), concerning optional summer
10 programs, is amended to read as follows:

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

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

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

15
16 SECTION 7. Arkansas Code § 6-17-301 is amended to read as follows:

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

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

24 (b) The contracts may be renewed annually.

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

35 ~~(d) No employment contract or extension to an employment contract~~
36 ~~entered on or after July 16, 2003, through July 1, 2004, may have a combined~~

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

10
 11 SECTION 8. Arkansas Code § 6-18-1602(2), concerning the definition of
 12 “Smart Core”, is amended to read as follows:

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

17
 18 SECTION 9. Arkansas Code § 6-20-402(f), concerning the limitation on
 19 current indebtedness of a school district, is amended to read as follows:

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

24
 25 SECTION 10. Arkansas Code § 6-20-1201 is amended to read as follows:

26 6-20-1201. Authority to borrow money and issue negotiable bonds.

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

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

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

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

36 (4) for purchasing Purchasing new or used school buses;

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

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

13
 14 SECTION 11. Arkansas Code § 6-20-1905(a), concerning notification to
 15 and appeal by a school district of identification of the school district's
 16 fiscal distress, is amended to read as follows:

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

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

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

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

31
 32 SECTION 12. Arkansas Code § 6-20-2202(a)(1), concerning public school
 33 budget and expenditure reports, is amended to read as follows:

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

1 shall be filed with the Department of Education by ~~September 15~~ September 30
 2 of each year ~~pursuant to~~ under this subchapter.

3
 4 SECTION 13. Arkansas Code § 6-20-2202(d)(1)(B)(i), concerning public
 5 school budget and expenditure reports, is amended to read as follows:

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

10
 11 SECTION 14. Arkansas Code § 6-20-2303(3)(C), concerning the definition
 12 of "average daily membership", is amended to read as follows:

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

15 (i) *Students who:*

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

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

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

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

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

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

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

34 ~~(iii)~~ (iv) *Students who are eligible to attend and*
 35 *who reside within the boundaries of a school district and are enrolled in the*
 36 *Arkansas National Guard Youth Challenge Program, so long as the students are*

1 *participants in the program.*

2
3 SECTION 15. Arkansas Code § 6-20-2303(11), as amended by Section 1 of
4 Act 154 of 2009, concerning the definition of miscellaneous funds used in
5 calculating foundation funding for public school districts, is amended to
6 read as follows:

7 ~~11(A)(11)(A)~~ "Miscellaneous funds" means the average of those
8 funds collected in the ~~previous~~ five (5) school years ~~and reported to the~~
9 ~~Department of Education by April 15 of each school year~~ immediately preceding
10 the previous school year:

11 (i) Consisting of:

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

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

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

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

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

32
33 SECTION 16. Arkansas Code § 6-20-2305(b)(4)(A) – (B)(iii), concerning
34 national school lunch state categorical funding, is amended to read as
35 follows:

36 (4)(A) Beginning with the ~~2007-2008~~ 2009-2010 school year,

1 national school lunch ~~student~~ state categorical funding for each identified
 2 national school lunch student shall be as follows:

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

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

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

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

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

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

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

36 ~~(b) Meets, exceeds, or falls below seventy~~

1 percent (70%) but is less than ninety percent (90%).

2 (ii)(a) Beginning with the 2009-2010 school year, if
3 a school district will receive in the current school year national school
4 lunch state categorical funding under subdivision (b)(4)(A) of this section
5 that is based on a different per-student amount of national school lunch
6 state categorical funding than the school district received in the
7 immediately preceding school year, due to a percentage change in national
8 school lunch students, the department shall adjust the funding to the school
9 district in a transitional three-year period.

10 (b) The amount of national school lunch state
11 categorical funding under this subdivision (b)(4)(B)(ii) shall be increased
12 or decreased in each year of a three-year transition period by one-third
13 (1/3) of the difference between the amount of national school lunch state
14 categorical funding per student for the current year and the amount of
15 national school lunch state categorical funding per student for the
16 immediately preceding year, adjusted for changes to the funding rates in § 6-
17 20-2305(b)(4)(A).

18 (iii)(a) The Department of Education shall establish
19 rules to implement the transitional national school lunch state categorical
20 funding provided in subdivision (b)(4)(B)(ii) of this section.

21 (b) The rules shall include a method of
22 transitional funding the methods of transition for a school district that
23 both falls below and exceeds a funding level identified in subdivision
24 (b)(4)(A) of this section within a three-year period.:

25 (1) Experiences a decrease in the amount
26 of national school lunch state categorical funding per student under
27 subdivision (b)(4)(A) of this section;

28 (2) Experiences an increase in the
29 amount of national school lunch state categorical funding per student under
30 subdivision (b)(4)(A) of this section; or

31 (3) Within a three-year transition
32 period, experiences both a decrease and an increase in the amount of national
33 school lunch state categorical funding per student under subdivision
34 (b)(4)(A) of this section;

35
36 SECTION 17. Arkansas Code § 6-20-2305(b)(4)(C)(viii)(a), concerning

1 school district reporting of categorical funding expenditures, is amended to
2 read as follows:

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

10

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

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

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

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

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

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

27

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

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

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

35

36 *SECTION 20. Arkansas Code § 6-23-302(c)(1)(C), concerning an*

1 application for an open-enrollment public charter school, is amended to read
2 as follows:

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

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

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

19

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

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

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

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

35 ~~(B)~~(iii) The open-enrollment public charter may
36 provide for the exclusion of a student who has been expelled from another

1 public school district in accordance with this title;

2
3 SECTION 22. Arkansas Code § 6-23-501(a), concerning funding for open-
4 enrollment public charter schools, is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32 ~~(7)~~ (7) Funding for an open-enrollment public charter school
33 shall be paid in twelve (12) equal installments each fiscal year.

34
35 SECTION 23. Arkansas Code § 6-23-105(d)(1), concerning notice
36 procedures for placing a charter school on probation, or for modifying,

1 revoking, denying renewal of a charter, is amended to read as follows:

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

5
6 SECTION 24. Arkansas Code § 6-24-120 is repealed.

7 ~~6-24-120. Penalties.~~

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

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

19
20 SECTION 25. Arkansas Code § 6-47-201(c), concerning distance learning,
21 is amended to read as follows:

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

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

28
29 SECTION 26. Arkansas Code § 6-47-302(b), concerning the implementation
30 of distance learning in elementary and secondary schools, is amended to read
31 as follows:

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

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

4
5 SECTION 27. Arkansas Code § 6-47-406 is amended to read as follows:
6 6-47-406. Public school district and charter school distance learning
7 program.

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

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

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

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

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

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

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

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

36 (2) However, under no circumstances shall a public school

1 district or open-enrollment public charter school be entitled to more than
2 the equivalent of state foundation funding for one (1) average daily
3 membership per student regardless of the number of distance learning courses
4 received by a particular home-schooled or private school student.

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

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

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

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

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

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

32
33 SECTION 28. Arkansas Code § 19-5-921 is amended to read as follows:

34 19-5-921. Educational ~~Building Revenue Bond~~ Buildings Maintenance Fund.

35 (a) There is established on the books of the Treasurer of State, the
36 Auditor of State, and the Chief Fiscal Officer of the State a trust fund to

1 be known as the “Educational Building Revenue Bond Buildings Maintenance
2 Fund”.

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

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

8
9 SECTION 29. TEMPORARY. DO NOT CODIFY.

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

13
14 SECTION 30. Arkansas Code § 25-6-101 is amended to read as follows:

15 25-6-101. Purpose.

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

20
21 SECTION 31. Arkansas Code § 25-6-102, concerning the organization of
22 the Department of Education, is amended to read as follows:

23 25-6-102. Organization – ~~Director~~ Commissioner.

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

25 (1) The State Board of Education;
26 (2) The Department of Education under the direction and
27 supervision of the ~~Director of the Department~~ Commissioner of Education; and

28 (3) Any divisions or subdivisions as presently exist within the
29 Department of Education or as may be created by the State Board of Education
30 or as created by law and placed under the Department of Education.

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

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

35 (2) The ~~Director of the Department~~ Commissioner of Education
36 shall perform all duties and exercise all powers relating to general

1 education as may be granted by law.

2
3 SECTION 32. EMERGENCY CLAUSE. It is found and determined by the
4 General Assembly of the State of Arkansas that it is the state's
5 constitutional obligation to provide a general, suitable, and efficient free
6 system of public schools in the state; that the public school funding
7 distribution changes in this act are needed to ensure that proper funding is
8 provided to the affected public schools and school districts; and that this
9 act is immediately necessary so that the affected public schools and school
10 districts will receive the amount of funding for the current school year.
11 Therefore, an emergency is declared to exist and this act being immediately
12 necessary for the preservation of the public peace, health, and safety shall
13 become effective on:

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

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

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

20
21 /s/ Broadway
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