

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

A Bill

SENATE BILL 246

5 By: Senators Madison, D. Johnson
6 By: Representatives Williams, J. Edwards
7

For An Act To Be Entitled

9 AN ACT TO MAKE VARIOUS CORRECTIONS TO TITLE 6 OF THE
10 ARKANSAS CODE OF 1987 CONCERNING EDUCATION; AND FOR
11 OTHER PURPOSES.
12
13

Subtitle

14 TO MAKE VARIOUS CORRECTIONS TO TITLE 6 OF
15 THE ARKANSAS CODE OF 1987 CONCERNING
16 EDUCATION.
17
18
19

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

22 SECTION 1. Arkansas Code Title 6, Chapter 11, Subchapter 2 is amended
23 as follows to correct references and to make stylistic changes:

24 Subchapter 2 – ~~State Board of Workforce Education and Career~~
25 ~~Opportunities~~ State Board of Career Education
26

27 6-11-201. Director of the Department of ~~Workforce~~ Career Education.

28 (a)(1) The Director of the Department of ~~Workforce~~ Career Education,
29 or a disbursing agent designated by him or her and approved by the State
30 Board of ~~Workforce~~ Career Education ~~and Career Opportunities~~, shall give bond
31 to the State of Arkansas as provided by law for other disbursing agents
32 conditioned for the faithful performance of his or her duties and the
33 faithful accounting for all the school money of the state, of any county, or
34 of any school district that may come into his or her hands.

35 (2) The bond shall be in a solvent surety company having a right
36 to do business in the State of Arkansas and shall be approved by the board.



1 (3) The premium on the bond shall be paid by the board as one of
2 the expenses of the board.

3 (b) The state shall furnish the director with suitable offices.
4

5 6-11-202. Records of proceedings.

6 The State Board of ~~Workforce~~ Career Education ~~and Career Opportunities~~
7 shall keep in the office of the Director of the Department of ~~Workforce~~
8 Career Education a complete record of the minutes of its meetings and other
9 proceedings.
10

11 6-11-203. Vocational education.

12 The State Board of ~~Workforce~~ Career Education ~~and Career Opportunities~~
13 shall have general supervision of vocational education in the state and shall
14 administer and apportion any funds that ~~may~~ come to the state for that
15 purpose.
16

17 6-11-204. Official seal – Copies of documents as evidence.

18 (a) The State Board of ~~Workforce~~ Career Education ~~and Career~~
19 ~~Opportunities~~ shall adopt a seal, and the seal shall be used by the Director
20 of the Department of ~~Workforce~~ Career Education to authenticate documents or
21 copies of documents as the board or director ~~may deem~~ considers advisable.
22

23 (b) Copies of any papers or documents on file in the offices of the
24 director authenticated by him or her with the seal of the board shall be
25 admissible in evidence with the same effect as the original.

26 6-11-205. Federal aid – Acceptance and distribution generally.

27 (a)(1) The General Assembly accepts all federal aid to education that
28 may be provided by Congress.

29 (2) The State Board of ~~Workforce~~ Career Education ~~and Career~~
30 ~~Opportunities~~ is designated as the state educational authority ~~for the~~
31 ~~purpose of representing~~ to represent the state in the administration of funds
32 provided by Congress.

33 (3) The board ~~is empowered to~~ may promulgate regulations as are
34 necessary on the part of the state to meet any ~~and all requirements~~
35 requirement of the federal government in the distribution of federal aid.

36 (4) The board shall provide for the proper auditing and

1 accounting of all federal funds and for making all necessary reports
2 regarding the expenditures of the federal funds.

3 (5) The board shall perform other functions as may be prescribed
4 by the act providing aid.

5 (b) The Treasurer of State is designated to serve as trustee for such
6 funds as may be apportioned to the State of Arkansas in this connection.

7 (c) The funds shall be disbursed according to ~~the provisions of the~~
8 federal act allocating them.

9
10 6-11-206. Federal aid – Receipt and administration for school
11 facilities.

12 The State Board of ~~Workforce~~ Career Education and Career Opportunities
13 is designated to receive and administer any ~~and all~~ federal funds made
14 available to this state ~~for the purpose of assisting~~ to assist local school
15 districts in providing elementary and secondary school facilities for
16 vocational and adult education programs.

17
18 6-11-207. Power to make plans coordinating state and federal laws.

19 The State Board of ~~Workforce~~ Career Education and Career Opportunities
20 ~~is empowered to~~ may make plans, rules, and regulations as are necessary in
21 order for this state to meet the requirements of any law enacted by Congress
22 for vocational-technical education or any supplementary federal regulations
23 pertaining to that legislation.

24
25 SECTION 2. Arkansas Code § 6-13-631(a), concerning the election of
26 school board members, is amended as follows to remove obsolete language:

27 (a) ~~Beginning with the 1994 annual school election, the~~ The qualified
28 electors of a school district having a ten percent (10%) or greater minority
29 population out of the total population, as reported by the most recent
30 federal decennial census information, shall elect the members of the board of
31 directors as authorized in this section, utilizing selection procedures in
32 compliance with the federal Voting Rights Act of 1965, as amended.

33
34 SECTION 3. Arkansas Code § 6-13-1003(b), concerning the establishment
35 of education service cooperatives, is amended as follows to make a stylistic
36 change and to correct a spelling error:

1 (b) These education service cooperatives ~~will~~ shall be established so
 2 that:

3 (1) They include at least three (3) but no more than nine (9)
 4 counties;

5 (2) They include at least ten (10) but no more than thirty-five
 6 (35) school districts;

7 (3) They include at least twenty thousand (20,000) pupils in
 8 ~~kindergarden~~ kindergarten through grade twelve (K-12) average daily
 9 membership;

10 (4) They include at least one (1) postsecondary education
 11 institution; and

12 (5) There is no more than fifty (50) miles distance or
 13 approximately one (1) hour driving time to the area's main offices for ninety
 14 percent (90%) of the school districts.

15
 16 SECTION 4. Arkansas Code § 6-17-204(e), concerning payment of salary
 17 increases, is amended as follows to correct a clerical error:

18 (e) Under §§ 6-5-307(a) and 6-20-412 a school district is not
 19 prohibited from paying a licensed employee additional salary increases as a
 20 supplement to the salary schedule even though the licensed employee is not
 21 employed an additional time period longer than the period covered by the
 22 salary schedule or required to perform duties in addition to the licensed
 23 employee's regular teaching assignments.

24
 25 SECTION 5. Arkansas Code § 6-17-422(b)(2)(B), concerning the
 26 Professional Licensure Standards Board chair, is amended as follows to make a
 27 stylistic change:

28 (B)(i) The chair shall serve as a nonvoting member during
 29 his or her term as chair~~7.~~

30 (ii) ~~however~~ However, the chair may vote in the case
 31 of a tie.

32
 33 SECTION 6. Arkansas Code § 6-17-422(c)(1), concerning members of the
 34 Professional Licensure Standards Board, is amended as follows to remove
 35 obsolete language:

36 (c)(1) The State Board of Education shall consider all recommendations

1 under subdivision (b)(1) of this section submitted to the secretary of the
 2 State Board of Education ~~by June 30, 2007, for the initial board and~~ by June
 3 30 of each year in which the term of a Professional Licensure Standards Board
 4 member expires.

5
 6 SECTION 7. Arkansas Code § 6-18-203(b)(1) and (2), concerning children
 7 of school district employees, are amended as follows to clarify the language
 8 and to make stylistic changes:

9 (b)(1) A child or ward of a person who before April 1, 2009, is at
 10 least a half-time employee of a public school district in this state or is a
 11 full-time employee of an education service cooperative and is a resident of
 12 another school district in this state ~~shall be entitled to~~ may enroll in and
 13 attend school in:

14 (A) The school district in which the parent or guardian resides;

15 (B) The school district in which the parent or guardian is at
 16 least a half-time employee of ~~a~~ that public school district; or

17 (C) Any school district located in the county where the main
 18 office of the education service cooperative is located.

19 (2) A child or ward of a person who on or after April 1, 2009, is ~~at~~
 20 ~~least~~ a full-time employee of a public school district ~~in one (1) school~~
 21 ~~district~~ or an educational service cooperative and is a resident of another
 22 school district in this state ~~shall be entitled to~~ may enroll in and attend
 23 school in:

24 (A) The school district in which the parent or guardian resides;

25 (B) The school district in which the parent or guardian is a
 26 full-time employee of ~~the~~ that public school district; or

27 (C) Any school district located in the county where the main
 28 office of the educational service cooperative is located.

29
 30 SECTION 8. Arkansas Code § 6-18-513(c), concerning parental
 31 notification, is amended as follows to make a stylistic change:

32 (c) Notification required by subsection (b) of this section is not
 33 required if school personnel make a report or file a complaint based on
 34 suspected child maltreatment as required under ~~Subchapter 4 of the Child~~
 35 ~~Maltreatment Act, § 12-18-101~~ § 12-18-401 et seq., or if a law enforcement
 36 officer, investigator of the Crimes Against Children Division of the

1 Department of Arkansas State Police, or Department of Human Services
 2 investigator or personnel member interviews a student during the course of an
 3 investigation of suspected child maltreatment.

4
 5 SECTION 9. Arkansas Code § 6-18-1705 is amended as follows to make
 6 stylistic changes:

7 6-18-1705. Rules.

8 The Secretary of State shall adopt ~~by rule~~ necessary ~~regulations~~ rules
 9 concerning the registration of international student exchange visitor
 10 placement organizations for the implementation of this subchapter.

11
 12 SECTION 10. Arkansas Code § 6-19-105 is repealed because the Arkansas
 13 Supreme Court has ruled in Doe v. Baum, 348 Ark. 259 (2002), that this
 14 section was repealed by implication:

15 ~~6-19-105. Bus drivers—Liability.~~

16 ~~The driver or operator of a bus used for the transportation of school~~
 17 ~~children to and from school or to and from other school activities as~~
 18 ~~declared by the school district board of directors to be school activities~~
 19 ~~shall be liable in damages for the death of or injury to any school child~~
 20 ~~resulting from a failure of the driver or operator to use reasonable care~~
 21 ~~while transporting pupils.~~

22
 23 SECTION 11. Arkansas Code § 6-19-110(c)(2)(B), concerning reporting
 24 requirements by bus drivers, is amended as follows to make stylistic changes:

25 (B) Improve the likelihood that the operator of a motor
 26 vehicle who violates § 27-51-1004 or § 27-51-1005 will be prosecuted, ~~assist~~
 27 ~~by assisting~~ bus drivers to learn methods of identifying characteristics of a
 28 motor vehicle and its operator who violate § 27-51-1004 or § 27-51-1005 to
 29 law enforcement officers ~~to provide to law enforcement officers to improve~~
 30 ~~the likelihood that the operator of a motor vehicle who violates § 27-51-1004~~
 31 ~~or § 27-51-1005 will be prosecuted.~~

32
 33 SECTION 12. Arkansas Code § 6-20-2305(a)(4)(A)(i), concerning the net
 34 revenues of a school district, is amended as follows to remove a citation to
 35 a nonexistent section of the Arkansas Code:

36 (i) The net revenues distributed to the school

1 district ~~as reported under § 26-26-2004~~ for the calendar year immediately
 2 preceding the current school year; and

3
 4 SECTION 13. Arkansas Code § 6-20-2513(a), concerning appellate
 5 procedures for a public school district, is amended as follows to make
 6 stylistic changes:

7 (a) A public school district may appeal:

8 (1) A determination of the Division of Public School Academic
 9 Facilities and Transportation under this subchapter to the Academic
 10 Facilities Review Board in accordance with procedures developed by the board
 11 under § 6-20-2516; and

12 (2)(A) A decision of the board to the Commission for Arkansas
 13 Public School Academic Facilities and Transportation in accordance with
 14 procedures developed by the commission.

15 ~~(3)(B)~~ The public school district shall provide to the
 16 board a copy of the request for appeal when it files the request with the
 17 commission.

18
 19 SECTION 14. Arkansas Code § 6-23-501(a)(4), concerning professional
 20 development funding for open-enrollment public charter schools, is amended as
 21 follows to clarify the language:

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

25 (A)~~(i)~~ In the first year of operation the open-enrollment
 26 public charter school shall receive professional development funding based
 27 upon the initial projected enrollment student count as of July 30 preceding
 28 the school year in which the students are to attend, multiplied by the per-
 29 student professional development funding amount under § 6-20-2305(b)(5) for
 30 that school year; and

31 ~~(ii)(B)~~ For the second year and each school year
 32 thereafter, professional development funding ~~will~~ shall be based upon the
 33 previous year's average daily membership multiplied by the per-student
 34 professional development funding amount for that school year.

35
 36 SECTION 15. Arkansas Code § 6-27-112(b)(2), concerning the

1 transporting of students, is amended as follows to clarify the language:

2 (2) The cost of transporting the student to and from school
3 shall be the responsibility of the student if the student resides outside the
4 school district in which he or she attends school.

5
6 SECTION 16. Arkansas Code § 6-61-217 is amended as follows to make a
7 stylistic change and to clarify references:

8 6-61-217. Minimum core courses for college prep.

9 (a) In order to promote a coordinated system of higher education in
10 Arkansas and to assure an orderly and effective development of each ~~of the~~
11 ~~publicly supported institutions~~ state-supported institution of higher
12 education, the Arkansas Higher Education Coordinating Board, after
13 consultation with the State Board of Education, shall identify a minimum core
14 of high school courses recommended for preparation for college.

15 (b) The ~~board~~ Arkansas Higher Education Coordinating Board shall
16 communicate this information at least annually to public school
17 superintendents, who shall make copies available each year to public school
18 students enrolled in grades seven through twelve (7-12).

19 (c) The ~~board~~ Arkansas Higher Education Coordinating Board may revise
20 the list of high school courses from time to time, as needed.

21
22 SECTION 17. Arkansas Code § 6-61-602(d)(3) and (4), concerning the
23 applicability of general election laws to certain special elections, are
24 amended as follows to remove citations to repealed code sections and to make
25 stylistic changes:

26 (3) All laws applicable to the conduct of general elections,
27 counting of ballots, and certification of the results thereof, and other
28 matters relating to the holding of general elections, so far as the laws are
29 appropriate, shall ~~be applicable~~ apply to special elections held ~~pursuant to~~
30 ~~the provisions of~~ under this section, §§ 6-61-101 – 6-61-103, 6-61-201 – 6-
31 61-209, ~~6-61-211 [repealed]~~, 6-61-212 – 6-61-216, 6-61-301 – 6-61-305, ~~6-61-~~
32 ~~306 [repealed]~~, 6-61-401, 6-61-402, 6-61-501 – 6-61-524, ~~6-61-601 – 6-61-603~~
33 6-61-601, and 6-61-603 ~~6-61-604 – 6-61-612 [repealed]~~.

34 (4) All expenses of conducting special elections held ~~pursuant~~
35 ~~to the provisions of~~ under this section, §§ 6-61-101 – 6-61-103, 6-61-201 –
36 6-61-209, ~~6-61-211 [repealed]~~, 6-61-212 – 6-61-216, 6-61-301 – 6-61-305, ~~6-~~

1 ~~61-306 [repealed]~~, 6-61-401, 6-61-402, 6-61-501 – 6-61-524, ~~6-61-601—6-61-~~
 2 ~~603 6-61-601~~, and ~~6-61-603 6-61-604—6-61-612 [repealed]~~ shall be paid from
 3 funds of the respective community college districts in which the elections
 4 are held.

5
 6 SECTION 18. Arkansas Code Title 6, Chapter 64, Subchapter 4 is amended
 7 to add an additional section to codify permanent language derived from Acts
 8 2009, No. 1334, § 18:

9 6-64-419. Center for Dental Education.

10 (a)(1) There is established a new center in Arkansas for dental
 11 education in cooperation with the University of Tennessee College of
 12 Dentistry, the University of Arkansas for Medical Sciences, and Arkansas
 13 Children’s Hospital.

14 (2) The center shall be known as the University of Arkansas for
 15 Medical Sciences Center for Dental Education.

16 (b) The center will facilitate the continued development of dental
 17 education, its specialties, and services for the citizens of Arkansas.

18
 19 SECTION 19. DO NOT CODIFY. The enactment and adoption of this act
 20 shall not repeal, expressly or impliedly, the acts passed at the regular
 21 session of the Eighty-Eighth General Assembly. All such acts shall have the
 22 full force and effect and, so far as those acts intentionally vary from or
 23 conflict with any provision contained in this act, those acts shall have the
 24 effect of subsequent acts and as amending or repealing the appropriate parts
 25 of the Arkansas Code of 1987.