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4

As Engrossed: S3/9/11 S3/17/11

A Bill

SENATE BILL 383

5 By: Senator J. Jeffress
6 By: Representative Cheatham
7

For An Act To Be Entitled

9 AN ACT TO AMEND VARIOUS PROVISIONS OF ARKANSAS CODE
10 TITLE 6 CONCERNING PUBLIC EDUCATION; TO MAKE
11 TECHNICAL CORRECTIONS TO TITLE 6; AND FOR OTHER
12 PURPOSES.
13
14

Subtitle

15 TO AMEND VARIOUS PROVISIONS OF ARKANSAS
16 CODE TITLE 6 CONCERNING PUBLIC EDUCATION.
17
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19

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

22 SECTION 1. Arkansas Code § 6-11-105(a), concerning the powers and
23 duties of the State Board of Education, is amended to add an additional
24 subdivision to read as follows:

25 (12)(A) If the state board orders the takeover of a school
26 district under authority granted under this title and also orders the removal
27 of the school district board of directors, the state board may assume all
28 authority of the school district board of directors as may be necessary for
29 the day-to-day governance of the school district.

30 (B) The state board may designate the authority granted
31 under this subdivision (a)(12) to the Commissioner of Education.
32

33 SECTION 2. Arkansas Code § 6-11-129(a)(1)(B), concerning data to be
34 accessible on a school district's website, is amended to read as follows:

35 (B) Each school district's personnel policies required
36 under § 6-17-201 et seq. and § 6-17-2301 et seq.



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SECTION 3. Arkansas Code § 6-13-104 is amended to add an additional subsection to read as follows:

6-13-104. Uncertain boundaries.

~~(a) In case there is any~~ When there is a doubt as to the boundaries of a school district because of lost records or other uncertainty, the State Board of Education shall:

(1) issue Issue an order fixing the boundaries; and

(2) shall file File the order with the ~~county clerk, who shall make a permanent record of the order, and thereafter the:~~

(A) County clerk of each county where the school district lies;

(B) Secretary of State; and

(C) Arkansas Geographic Information Office.

(b) The county clerk shall make a permanent record of the order.

(c) The school district boundaries ~~so~~ fixed under this section shall be the boundaries of the school district until changes are made according to the provisions of law, ~~and the school district shall be a school district according to the provisions of this act.~~

SECTION 4. Arkansas Code § 6-13-701(e)(1), concerning the powers and duties of school district treasurers, is amended to read as follows:

(e) The duties of the school district treasurer shall be as follows:

~~(1)~~(A) To receive and disburse funds of the school district.

Disbursements of such funds shall be made only upon:

(i) Checks or warrants signed by the ~~president and secretary of the school district board of directors and countersigned~~ disbursing officer of the school district board of directors and by the superintendent ~~of schools~~ of the school district; or

(ii) The electronic transfer of funds if the electronic transfer is:

(a) Initiated by the school district; and

(b) Authorized in writing by both the disbursing officer of the board of directors and the superintendent of the school district.

(B) As an evidence of authority for disbursement of any

1 funds, ~~he or she~~ the school district treasurer shall have on hand approved:

2 ~~(i) invoices and~~ Invoices;

3 ~~(ii) payrolls, such payrolls to be in conformance~~

4 Payrolls that conform with written contracts on file in his or her office;

5 and

6 ~~(iii) Other appropriate documentation that indicates~~

7 an authority for disbursement;

8
9 SECTION 5. Arkansas Code § 6-13-1401 is amended to read as follows:

10 6-13-1401. Definitions.

11 As used in this subchapter:

12 (1) "Affected district" means a school district that:

13 ~~(A) loses~~ Loses territory or students as a result of
14 annexation; or

15 ~~(B) Is involved in a consolidation;~~

16 (2) "Aggrieved district" means the lawfully constituted and
17 existing board of directors of a school district that gains or loses
18 territory or students as a result of an annexation or consolidation;

19 ~~(3) "Annexation" means the joining of an affected school~~
20 ~~district or part thereof with a receiving district;~~

21 ~~(4) "Consolidation" means the joining of two (2) or more~~
22 ~~school districts or parts thereof to create a new single school district;~~

23 ~~(5) "Receiving district" means a school district or districts~~
24 ~~that receive territory or students, or both, from an affected district as a~~
25 ~~result of annexation; and~~

26 ~~(6) "Resulting district" means the new school district~~
27 ~~created from an affected district or districts as a result of consolidation;~~
28 ~~and~~

29 ~~(7) "State board" means the State Board of Education.~~

30
31 SECTION 6. Arkansas Code § 6-13-1403(e), concerning the duties of the
32 State Board of Education regarding the annexation of school districts, is
33 amended to read as follows:

34 (e)(1) The state board shall:

35 ~~(A) issue~~ Issue an order establishing the changed
36 boundaries; and

- 1 (B) ~~shall file~~ File the order with the:
- 2 (i) ~~county clerk or clerks of the county or counties~~
- 3 County clerk of each county where ~~the a~~ receiving district ~~or districts are~~
- 4 is located;
- 5 (ii) Secretary of State; and
- 6 (iii) Arkansas Geographic Information Office.
- 7 (2) The county clerk shall make a permanent record of the order
- 8 ~~and, thereafter, the.~~
- 9 (3) The boundaries ~~se~~ established under this subsection (e)
- 10 shall be the boundaries of the receiving district until changes are made
- 11 according to the provisions of law.

12

13 SECTION 7. Arkansas Code § 6-13-1404(e), concerning the duties of the

14 State Board of Education regarding the consolidation of school districts, is

15 amended to read as follows:

16 (e)(1) The state board shall:

17 (A) ~~issue~~ Issue an order establishing the changed

18 boundaries; and

19 (B) ~~shall file~~ File the order with the:

20 (i) ~~county clerk or clerks~~ County clerk of each

21 county where ~~the a~~ resulting district ~~or districts are~~ is located;

22 (ii) Secretary of State; and

23 (iii) Arkansas Geographic Information Office.

24 (2) The county clerk shall make a permanent record of the order

25 ~~and, thereafter, the.~~

26 (3) The boundaries ~~se~~ established under this subsection (e)

27 shall be the boundaries of the resulting district until changes are made

28 according to the provisions of law.

29

30 SECTION 8. Arkansas Code § 6-13-1410 is amended to read as follows:

31 6-13-1410. Appeal and election.

32 Notwithstanding any other provision of law, The the decision of the

33 State Board of Education regarding a consolidation or annexation shall be

34 final with no further right of appeal except that only an aggrieved ~~school~~

35 district may appeal to Pulaski County Circuit Court pursuant to the Arkansas

36 Administrative Procedure Act, § 25-15-201 et seq.

1
2 SECTION 9. Arkansas Code § 6-13-1414(e), concerning school district
3 boundary changes, is amended to read as follows:

4 (e)(1) The state board shall:

5 (A) ~~issue~~ Issue an order establishing the changed
6 boundaries ~~and shall file;~~ and

7 (B) File the order with the:

8 (i) ~~county~~ County clerk in each county in which
9 every affected school district lies;

10 (ii) Secretary of State; and

11 (iii) Arkansas Geographic Information Office.

12 (2) The county clerk shall make a permanent record of the order,
13 ~~and thereafter the.~~

14 (3) The boundaries ~~so~~ established under this subsection (e)
15 shall be the boundaries of the affected school districts until changes are
16 made according to the provisions of law.

17
18 SECTION 10. Arkansas Code § 6-13-1602, concerning the administrative
19 consolidation list, is amended to read as follows:

20 6-13-1602. Administrative consolidation list.

21 By ~~February 1, 2004, and each~~ January 1 of each year thereafter, the
22 Department of Education shall publish a:

23 (1) List of all school districts with fewer than three hundred
24 fifty (350) students according to the school district average daily
25 membership in the school year immediately preceding the current school year;
26 and

27 (2) ~~consolidation~~ Consolidation list that includes all school
28 districts with fewer than three hundred fifty (350) students according to the
29 school district average daily membership in each of the two (2) school years
30 immediately preceding the current school year.

31
32 SECTION 11. Arkansas Code § 6-13-1608, concerning financial audits of
33 school districts involved in administrative annexation or consolidations, is
34 amended to add an additional subsection to read as follows:

35 (f) A school district may not incur debt without the prior written
36 approval of the department if the school district is identified by the

1 department under § 6-13-1602(1) as having fewer than three hundred fifty
2 (350) students according to the school district average daily membership in
3 the school year immediately preceding the current school year.

4
5 SECTION 12. Arkansas Code § 6-15-203(a)(1), concerning the
6 notification of violations of the standards for accreditation, is amended to
7 read as follows:

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

12
13 SECTION 13. Arkansas Code § 6-15-203(b)(3), concerning the appeal of a
14 determination of a violation of the Standards for Accreditation of Arkansas
15 Public Schools and School Districts, is amended to read as follows:

16 (3) Appeals must be filed not later than ~~May 30~~ May 15 following
17 the ~~May 15~~ May 1 determination of accreditation status, and the state board
18 hearing must be held prior to ~~August 15~~ June 30 of the same calendar year.

19
20 SECTION 14. Arkansas Code § 6-15-403, concerning the authority of the
21 State Board of Education pertaining to the Arkansas Comprehensive Testing,
22 Assessment, and Accountability Program, is amended to add an additional
23 subsection to read as follows:

24 (b) To transition to and implement the Common Core State
25 Standards, the State Board of Education may:

26 (1) Modify curriculum and assessment requirements;

27 (2) Adopt new curriculum and assessment requirements; and

28 (3) Direct the Department of Education to:

29 (A) Propose to the state board rules and procedures; and

30 (B) Develop the professional development needed to train
31 educators on the transition and implementation.

32
33 SECTION 15. Arkansas Code § 6-15-404(j)(2), concerning implementation
34 of the Arkansas Comprehensive Testing, Assessment, and Accountability
35 Program, is amended to read as follows:

36 (2) The results of ~~the~~ the general and high-stakes end-of-course

1 testing shall become a part of each student's transcript or permanent record
2 and shall be recorded on these documents in a manner prescribed by the state
3 board.

4
5 SECTION 16. Arkansas Code § 6-15-419(10), concerning definitions under
6 the Arkansas Comprehensive Testing, Assessment, and Accountability Program,
7 is amended to read as follows:

8 (10) "Arkansas Comprehensive Testing, Assessment, and
9 Accountability Program" means a ~~comprehensive system that focuses on high~~
10 ~~academic standards, professional development, student assessment, and~~
11 ~~accountability for schools~~ system of measurement and reporting designed to
12 ensure that all students in the public schools of this state demonstrate
13 academic achievement through the application of knowledge and skills in core
14 academic subjects consistent with state curriculum frameworks and performance
15 standards;

16
17 SECTION 17. Arkansas Code § 6-15-1402(i), concerning the annual school
18 performance report, is amended to read as follows:

19 (i) The department shall issue the annual school performance report no
20 later than ~~March 15~~ April 15 of each school year.

21
22 SECTION 18. Arkansas Code § 6-15-2009(d)(1)(A)-(C), concerning the
23 high-stakes end-of-course assessments for English II , are amended to read as
24 follows:

25 (d)(1)(A)(i) Beginning with the 2009-2010 school year, all
26 initial high-stakes end-of-course assessments for Algebra I shall be
27 administered by grade ten (10).

28 (ii) Beginning with the ~~2013-2014~~ 2014-2015 school
29 year, all initial high-stakes end-of-course assessments for English II shall
30 be administered by grade ten (10).

31 (iii) A student from an Arkansas public school who
32 completed and received academic credit on an end-of-course assessment for
33 Algebra I before the 2009-2010 school year or for English II before the ~~2013-~~
34 ~~2014~~ 2014-2015 school year is not required to participate in and receive
35 academic credit from a high-stakes end-of-course assessment on or after the
36 2009-2010 school year for Algebra I or on or after the ~~2013-2014~~ 2014-2015

1 school year for English II.

2 (iv) A student transferring into an Arkansas public
3 school on or after 2009-2010 for Algebra I or ~~2013-2014~~ 2014-2015 for English
4 II who can demonstrate by official transcript from an out-of-state public,
5 private, or home school or an Arkansas private or home school that he or she
6 has previously obtained academic credit for Algebra I or English II is not
7 required to participate in and receive academic credit from an initial high-
8 stakes end-of-course assessment unless the public school district assesses
9 the student's educational status and determines the student does not possess
10 the requisite passing knowledge of Algebra I or English II.

11 (B)(i) Beginning with the 2009-2010 school year, an
12 Arkansas public school student who is not in grade ten (10), grade eleven
13 (11), or grade twelve (12) in an Arkansas public school and has not
14 previously received proper academic credit on his or her transcript for
15 Algebra I but has successfully completed an Algebra I course is required to
16 complete and successfully meet the requisite scale score on a high-stakes
17 end-of-course assessment before the student is entitled to receive academic
18 credit on his or her transcript for Algebra I.

19 (ii) Only a student who is in grade ten (10), grade
20 eleven (11), or grade twelve (12) in an Arkansas public school in the 2009-
21 2010 school year is exempt from the requirement of taking a high-stakes
22 Algebra I end-of-course assessment, but the student shall meet any general
23 end-of-course assessment requirements for Algebra I.

24 (iii) Any other student, regardless of the school
25 year or the grade level in which he or she completes an Algebra I course or,
26 beginning with the ~~2013-2014~~ 2014-2015 school year, the English II course,
27 shall successfully complete an Algebra I and English II high-stakes end-of-
28 course assessment and meet the requisite scale score in order to be entitled
29 to receive academic credit for Algebra I or English II on the student's
30 transcript, unless exempted under an individualized education program.

31 (iv) A student transferring into an Arkansas public
32 school district without having obtained academic credit on his or her
33 transcript in or after the 2009-2010 school year for Algebra I and in or
34 after the ~~2013-2014~~ 2014-2015 school year for English II is not exempt from
35 the requirements of subdivision (d)(1)(B)(iii) of this section.

36 (C) Beginning with the ~~2013-2014~~ 2014-2015 school year, an

1 Arkansas public school student who is in grade ten (10) and who has not
2 previously received academic credit under (d)(1)(A) for English II shall
3 successfully complete the course and meet the requisite scale score on the
4 English II high-stakes end-of-course assessment in order for the student to
5 be entitled to receive academic credit for English II on the student's
6 transcript.

7

8 SECTION 19. Arkansas Code § 6-15-2009(e)(1), concerning high-stakes
9 end-of-course assessments for English II, is amended to read as follows:

10 (e)(1) Beginning with the 2009-2010 school year for Algebra I and the
11 ~~2013-2014~~ 2014-2015 school year for English II, a student identified as not
12 passing an initial high-stakes end-of-course assessment shall not receive
13 academic credit on his or her transcript for the course related to the end-
14 of-course assessment and is not entitled to graduate from an Arkansas public
15 high school until:

16 (A) The student is identified as meeting the requisite
17 scale score on a subsequent high-stakes end-of-course assessment; or

18 (B)(i) The student is identified as meeting the requisite
19 score established by state board rule on an alternative assessment.

20 (ii) An alternative assessment shall be an ACT
21 assessment, SAT assessment, advanced placement test, or International
22 Baccalaureate test.

23

24 SECTION 20. Arkansas Code § 6-15-2009(f)(1)(A), concerning high-stakes
25 end-of-course assessments for English II, is amended to read as follows:

26 (f)(1)(A) The state board shall establish the high-stakes end-of-
27 course assessment program required in subsection (d) of this section for
28 Algebra I beginning in the 2009-2010 school year and for English II beginning
29 in the ~~2013-2014~~ 2014-2015 school year.

30

31 SECTION 21. Arkansas Code § 6-15-2107(c), concerning the Arkansas
32 School Recognition Program, is amended to read as follows:

33 (c)(1) If funds are available, ~~Each a~~ school meeting the requirements
34 set out in subdivision (b)(1) or (2) of this section shall receive
35 performance-based funding in the amount of one hundred dollars (\$100) per
36 student who participated in the school's assessment program.

1 (2) The Department of Education may disburse available
2 performance-based funding appropriated by the General Assembly on a pro-rata
3 basis.

4 (3) All schools meeting both criteria shall receive rewards for
5 both categories.

6 ~~(3)~~(4) Each school that receives performance-based funding shall
7 submit a proposal for its spending of the performance-based funding to the
8 ~~Department of Education~~ department.

9 ~~(4)~~(5) The department shall:

10 (A) Review and approve each proposal; and

11 (B) Approve spending of performance-based funding for
12 academic expenses only as set forth in subsection (f) of this section.

13
14 SECTION 22. Arkansas Code § 6-16-102, concerning the length of a
15 school day, is amended to add an additional subsection to read as follows:

16 (c) A school district is deemed to have fulfilled the requirements of
17 subsection (a) of this section if the planned instructional time in each
18 school day does not average less than six (6) hours each day or thirty (30)
19 hours each week.

20
21 SECTION 23. Arkansas Code § 6-16-604(a), concerning optional summer
22 programs, is amended to read as follows:

23 (a)(1) ~~Students~~ A student who ~~plan~~ plans to enroll in a postsecondary
24 ~~programs~~ program in Arkansas may enroll in a state-approved intensive
25 noncredit preparatory program during the summer following the junior year of
26 high school.

27 (2) The Department of Education ~~is also authorized to~~ may permit ~~the~~
28 ~~enrollment in these programs of~~ an Arkansas high school ~~graduates~~ graduate to
29 enroll in a program.

30 (3) If a school district has available capacity after all
31 students who have completed the eleventh grade and all high school graduates
32 have been given the opportunity to participate in the program, the department
33 may permit a student who has completed the tenth grade to enroll in the
34 program.

35
36 SECTION 24. Arkansas Code § 6-17-111(a)(1), concerning the duty-free

1 lunch period, is amended to read as follows:

2 (a)(1) Each school district in this state shall provide at least a
3 thirty-minute uninterrupted duty-free lunch period during each student
4 instructional day for each ~~certified~~ licensed school employee in its
5 employment.

6
7 SECTION 25. Arkansas Code § 6-17-112(b), concerning immunity from
8 liability for corporal punishment, is amended to read as follows:

9 (b) As used in subsection (a) of this section, “teachers and
10 administrators” means those persons employed by a school district and
11 required to have a state-issued ~~certificate~~ license as a condition of their
12 employment.

13
14 SECTION 26. Arkansas Code § 6-17-201(d), concerning school district
15 personnel policies and teacher salary schedules for licensed personnel, is
16 amended to read as follows:

17 (d)(1)(A) ~~No~~ A school district shall not receive in any year any
18 additional ~~state foundation~~ funding from the Public School Fund ~~until~~ unless
19 the school district ~~has filed electronically by the established deadline its~~
20 ~~current personnel policies in a format specified by the Department of~~
21 Education posts by September 15 its current personnel policies on the school
22 district’s website, including the salary schedule as required by this
23 subchapter.

24 (B) A written copy of the policies signed by the president
25 of the local school board of directors shall be retained by the school
26 district in a central records location.

27 (2) ~~The policy and schedule shall be filed electronically with~~
28 ~~the department no later than September 15 of each year~~ By September 15 of
29 each year, a school district shall provide the Department of Education with
30 the website address at which its current personnel policies, including the
31 salary schedule, may be found.

32
33 SECTION 27. Arkansas Code § 6-17-204(a) – (c), concerning the
34 incorporation of school district personnel policies into teachers’ contracts,
35 are amended to read as follows:

36 (a) The personnel policies of all school districts shall be considered

1 to be incorporated as terms of the ~~certified~~ licensed personnel contracts and
2 shall be binding ~~upon~~ on the ~~certified~~ licensed personnel and the school
3 district.

4 (b)(1) Any changes or additions to the personnel policies shall not be
5 considered a part of ~~certified~~ licensed personnel contracts until the next
6 fiscal year.

7 (2)(A) Any changes or additions to the personnel policies may
8 take effect before the next fiscal year only if the changes or additions are
9 approved by a majority of the ~~certified~~ licensed personnel employed by the
10 school district voting by secret ballot.

11 (B) The voting and counting shall be conducted by the
12 personnel policy committee.

13 (3) All changes or additions to the personnel policies or new
14 personnel policies shall be made in accordance with this subchapter.

15 (c)(1) Notwithstanding the provisions listed in subsection (b) of this
16 section, any change or addition to the personnel policies adopted by the
17 school board of directors on or before June 30 each year to ensure compliance
18 with state or federal law or regulation shall be considered a part of
19 ~~certified~~ licensed personnel contracts on July 1 of the same calendar year.

20 (2) Any changes or additions to the personnel policies adopted
21 by the school board of directors between May 1 and June 30 each year that are
22 not required to ensure compliance with state or federal law or regulation
23 shall be considered a part of ~~certified~~ licensed personnel contracts on July
24 1 of the same calendar year if:

25 (A) A notice of the change is sent no later than five (5)
26 working days after final board action by first class letter to the address on
27 record in the personnel file of each affected employee; and

28 (B) The notice of change includes:

29 (i)(a) The new or modified policy.

30 (b) A modified policy shall be provided in a
31 form that clearly shows additions underlined and deletions stricken; and

32 (ii)(a) A provision that states that due to the
33 policy change, each continuing employee under contract shall have the power
34 to unilaterally exercise the power of rescission within a period of thirty
35 (30) days after the school board of directors takes final action by providing
36 to the school board of directors a notice of rescission in the form of a

1 letter of resignation during the period of thirty (30) days.

2 (b) For continuing contract employees covered
3 under the Teacher Fair Dismissal Act of 1983, the power of rescission in this
4 section shall be in addition to the power of rescission provided under § 6-
5 17-1506.

6
7 SECTION 28. Arkansas Code § 6-17-209(a)(2), concerning the definition
8 of interim school board for purposes of interim personnel policy committees,
9 is amended to read as follows:

10 (2) “Interim ~~school~~ policy review board” means a board
11 consisting of the presidents of the school district boards of directors of
12 the school districts to be consolidated that shall be formed for the purpose
13 of reviewing and adopting a uniform set of policies under this section; and
14

15 SECTION 29. Arkansas Code § 6-17-209(c), concerning interim personnel
16 policy committees, is amended to read as follows:

17 (c)(1) After drafting a proposed set of policies for the new school
18 district, the interim personnel policy committee shall meet with the interim
19 ~~school~~ policy review board of the new school district to present and explain
20 to the interim ~~school~~ policy review board the proposed set of policies for
21 the new school district.

22 (2) Upon request of the interim personnel policy committee, the
23 interim ~~school~~ policy review board shall be entitled to and shall organize
24 itself and meet with the interim personnel policy committee at least twice
25 before June 1 of the school year prior to consolidation for the purpose of
26 reviewing, receiving, and discussing with the interim personnel policy
27 committee the proposed policies for the new school district.

28
29 SECTION 30. Arkansas Code § 6-17-209(e)(1)–(3), concerning interim
30 personnel policy committees, are amended to read as follows:

31 (e)(1) The interim ~~school~~ policy review board shall adopt a uniform
32 set of policies before the effective date of the consolidation that shall be
33 the personnel policies for the new school district.

34 (2) In the event the interim ~~school~~ policy review board decides
35 to adopt any policy or policies different from those proposed by the interim
36 personnel policy committee, the interim ~~school~~ policy review board shall

1 submit the proposals to the interim personnel policy committee at least seven
2 (7) calendar days before being considered for adoption by the interim ~~school~~
3 policy review board.

4 (3) The chair of the interim personnel policy committee or a
5 committee member designated by the chair will have the opportunity to comment
6 orally on any of the interim ~~school~~ policy review board's proposals before
7 their adoption.

8
9 SECTION 31. Arkansas Code § 6-17-209, concerning interim personnel
10 policy committees, is amended to add an additional subsection to read as
11 follows:

12 (g) The provisions of this section shall not apply to instances in
13 which the State Board of Education votes to annex or consolidate one (1)
14 school district to or with two (2) or more receiving or resulting school
15 districts due to enforcement by the state board of the provisions of this
16 title relating to academic distress, academic facilities distress, fiscal
17 distress, or violations of the Standards for Accreditation of Arkansas Public
18 Schools and School Districts.

19
20 SECTION 32. Arkansas Code § 6-17-301(a)(1), concerning the employment
21 of certified personnel, is amended to read as follows:

22 (a)(1) A school board of directors may employ superintendents, deputy
23 superintendents, assistant superintendents, and high school principals, as
24 well as department heads, coaches, teachers, and other ~~certified~~ licensed
25 personnel, by written contract for a period of time not more than three (3)
26 years.

27
28 SECTION 33. Arkansas Code § 6-17-302(a), concerning the qualifications
29 and responsibilities of school principals, is amended to read as follows:

30 (a) The school district board of directors shall employ through
31 written contract public school principals who shall hold valid supervisory or
32 administrative ~~certificates~~ licenses and who shall supervise the operation
33 and management of the school and property as the board of directors shall
34 determine necessary.

35
36 SECTION 34. Arkansas Code § 6-17-306 is amended to read as follows:

1 6-17-306. Leaves of absence.

2 (a) As used in this section:

3 (1) "Classified employee" means a person employed by a public
4 school in this state who is not a licensed employee;

5 (2) "Emergency situations" shall have the same meaning as it is
6 defined in § 21-4-212;

7 (3) "Fiscal year" shall be the fiscal year now established for
8 the United States Government; and

9 (4) "Licensed employee" means a teacher or administrator
10 employed by a public school in this state who is required to be licensed by
11 the State Board of Education as a condition of the teacher's or
12 administrator's employment.

13 ~~(b)(1) All teachers, administrators, and noncertified personnel~~
14 ~~employed by any public school in this state who desire A licensed employee or~~
15 ~~a classified employee shall be entitled to take a leave of absence for a~~
16 ~~period of fifteen (15) days, in addition to necessary travel time, in any~~
17 ~~fiscal year for the purpose of participating in:~~

18 ~~(A) military Military training programs or other official~~
19 ~~duties made available by the Arkansas National Guard or of the reserve~~
20 ~~branches of the armed forces ~~and all teachers and administrators employed by~~~~
21 ~~a public school who desire to take a leave of absence for the purpose of~~
22 ~~participating in; or~~

23 ~~(B) ~~the~~ The civil defense and public health training~~
24 ~~programs made available by the United States Public Health Service ~~shall be~~~~
25 ~~entitled to such a leave of absence for a period of fifteen (15) days, plus~~
26 ~~necessary travel time, in any fiscal year.~~

27 ~~(2) To the extent that this leave is not used in a fiscal year,~~
28 ~~it will accumulate for use in the succeeding fiscal year until it totals~~
29 ~~fifteen (15) days at the beginning of a fiscal year.~~

30 ~~(b)(1)(c)(1) ~~Whenever any teacher, administrator, or noncertified~~ When~~
31 ~~a licensed employee or a classified~~ employee is granted a leave of absence
32 under ~~the provisions of~~ this section, he or she shall be entitled to his or
33 her regular salary during the time he or she is away from his or her duties
34 during such leave of absence.

35 (2) The leave of absence shall be in addition to the regular
36 vacation time allowed the employee.

1 ~~(e)(1)(d)(1)~~ Teachers, administrators, and noncertified personnel A
2 licensed employee or a classified employee who is called to duty in an
3 emergency ~~situations~~ situation by the Governor or by the President shall be
4 granted leave with pay not to exceed thirty (30) working days, after which
5 leave without pay will be granted.

6 (2) This leave shall be granted in addition to all other leave
7 to which the ~~teacher, administrator, or noncertified person~~ shall be licensed
8 employee or certified employee is entitled.

9 ~~(2) "Emergency situations" shall have the same meaning as it is~~
10 ~~defined in § 21-4-212(e).~~

11 ~~(d)(1)(e)(1)~~ During a leave of absence, ~~teachers, administrators, and~~
12 ~~noncertified personnel~~ shall be a licensed employee or a classified employee
13 is entitled to preserve all seniority rights, efficiency or performance
14 ratings, promotional status, retirement privileges, life and disability
15 insurance benefits, and any other rights, privileges, and benefits to which
16 ~~they~~ he or she have has become entitled.

17 (2) The period of military service shall, for purposes of
18 computations to determine whether ~~such persons may be~~ the licensed employee
19 or the classified employee is entitled to retirement under the laws of the
20 State of Arkansas, be deemed continuous service, and the ~~teacher,~~
21 ~~administrator, or noncertified~~ licensed employee or the classified employee
22 shall not be required to make contributions to any retirement fund.

23 (3) The school district shall continue to contribute its portion
24 of any life and disability insurance premiums during the leave of absence on
25 behalf of the ~~teacher, administrator, or noncertified~~ licensed employee or
26 the classified employee, if requested, so that continuous coverage may be
27 maintained.

28 ~~(e) For the purpose of this section, "fiscal year" shall be the fiscal~~
29 ~~year now established for the United States Government.~~

30 (f) ~~Whenever any teacher, administrator, or noncertified person~~
31 ~~employed by any public school in this state~~ When a licensed employee or a
32 classified employee is granted military leave for a period of fifteen (15)
33 days per calendar year or fiscal year under ~~the provisions of~~ this section,
34 the military leave will accumulate for use in succeeding calendar years or
35 fiscal years until it totals fifteen (15) days at the beginning of the
36 calendar year or fiscal year, for a maximum number of military leave days

1 available in any one (1) calendar year or fiscal year to be thirty (30) days.

2
3 SECTION 35. Arkansas Code § 6-17-402(a), concerning the definition of
4 certified teaching license, is amended to read as follows:

5 (a) ~~As used in this section, "certified teaching license" means the~~
6 The State Board of Education shall issue the license of a ~~licensed~~ classroom
7 teacher, an administrator, a guidance counselor, or a ~~librarian~~ library media
8 specialist ~~issued by the State Board of Education.~~

9
10 SECTION 36. Arkansas Code § 6-17-403 is amended to read as follows:

11 6-17-403. Provisional ~~certification~~ licensure for teachers trained and
12 ~~certified~~ licensed in other states.

13 (a) The State Board of Education ~~is authorized to~~ may issue a one-year
14 nonrenewable provisional ~~certificate~~ license to any teacher who seeks
15 Arkansas ~~certification~~ licensure and is trained in and ~~certified~~ licensed by
16 a state other than Arkansas.

17 (b)(1) Any person who has not successfully completed the ~~National~~
18 ~~Teacher's Examination or a similar~~ licensure examination designated by the
19 state board under § 6-17-601 et seq. and who has not previously held an
20 Arkansas ~~certificate~~ license but meets degree, course work, and experience
21 requirements for a standard ~~certificate~~ license and who otherwise qualifies
22 to teach in the public schools of this state may receive a one-year
23 nonrenewable provisional ~~certificate~~ license and be employed by any public
24 school district in this state for a period not to exceed one (1) year.

25 (2) Any school district that hires a teacher who has not
26 successfully completed the examination shall not be penalized by the state
27 board provided that the length of employment of the teacher while
28 ~~noncertified~~ nonlicensed does not exceed one (1) year.

29
30 SECTION 37. Arkansas Code § 6-17-409 is amended to read as follows:

31 6-17-409. Nontraditional licensure ~~certification~~.

32 (a) The Department of Education may offer and operate a nontraditional
33 licensure program.

34 (b) The department is hereby authorized to provide grants of financial
35 assistance to entities that train individuals seeking to obtain
36 nontraditional licensure ~~certification~~ through the nontraditional

1 ~~certification~~ licensure process administered by the department. The
2 department shall pay the grants from funds appropriated by the General
3 Assembly to the department for such purpose.

4 (c) The ~~department is hereby authorized to~~ State Board of Education
5 may promulgate rules and regulations to determine eligibility for and amount
6 of awards of the grants concerning the operation of the nontraditional
7 licensure program authorized by this section and for such other purposes as
8 may be necessary in carrying out the intent of this section.

9 (d) If the ~~department requires~~ rules require an applicant for
10 nontraditional licensure ~~certification~~ to complete one (1) or more additional
11 college-level courses and the applicant has obtained a bachelor's degree, the
12 required course or courses shall meet one (1) or more of the following
13 conditions:

14 (1)(A) Each course shall be offered at every state-supported,
15 two-year institution of higher education.

16 (B) If more than one (1) course is required, all courses
17 shall be offered in a one-semester block; or

18 (2) Each course shall be available as an online course, a
19 traditional face-to-face course, or a hybrid course that is part online
20 instruction and part face-to-face instruction, as approved by the department.
21

22 SECTION 38. Arkansas Code § 6-17-412(c), concerning National Board for
23 Professional Teaching Standards certification, is amended to read as follows:

24 (c)(1) The State Board of Education ~~is authorized to~~ may issue a
25 standard Arkansas teaching ~~certificate~~ license to any teacher, building-level
26 principal, or building-level assistant principal trained in and ~~certified~~
27 licensed by a state other than Arkansas who seeks Arkansas ~~certification~~
28 licensure and who has received national board certification from the national
29 board while teaching in a state other than Arkansas.

30 (2) Any applicant ~~meeting this description seeking initial~~
31 ~~certification in Arkansas~~ under subdivision (c)(1) of this section who seeks
32 employment as an Arkansas teacher, building-level principal, or building-
33 level assistant principal shall not have to comply with § 6-17-402 or § 6-17-
34 403 but shall comply with § 6-17-410.
35

36 SECTION 39. Arkansas Code § 6-17-415 is amended to read as follows:

1 6-17-415. Criminal records check and Child Maltreatment Central
2 Registry check for existing ~~noncertified~~ nonlicensed employees.

3 (a) It is the clear intent of the General Assembly to authorize each
4 public school district at its discretion to require criminal background
5 checks and Child Maltreatment Central Registry checks of existing
6 ~~noncertified~~ nonlicensed employees in the same manner and subject to the same
7 terms and conditions as set forth in this act for newly hired ~~noncertified~~
8 nonlicensed applicants.

9 (b) Any school district which by a vote of its local school board of
10 directors requires criminal background checks and Child Maltreatment Central
11 Registry checks for existing ~~noncertified~~ nonlicensed employees shall pay the
12 full cost of the criminal background checks and Child Maltreatment Central
13 Registry checks.

14
15 SECTION 40. Arkansas Code § 6-17-418 is amended to read as follows:

16 6-17-418. Teacher ~~certification~~ licensure – Arkansas history
17 requirement.

18 (a) ~~Beginning July 1, 2001, no~~ A person shall not be ~~certified~~
19 licensed as a social studies teacher or as an elementary school teacher
20 unless the person has successfully completed at least three (3) hours of
21 college course work in Arkansas history.

22 (b) However, social studies teachers and elementary school teachers
23 entering Arkansas from another state shall receive a one-year nonrenewable
24 provisional ~~certificate~~ license to teach in Arkansas schools as authorized by
25 § 6-17-403.

26 (c) The provisions of this section are not applicable to
27 ~~recertification of teachers certified prior to~~ the renewal of a license for a
28 teacher who was licensed before March 24, 1997.

29
30 SECTION 41. Arkansas Code § 6-17-421(a)(2), concerning the definition
31 of fiscal officer for the purpose of criminal records checks for fraudulent
32 acts, is amended to read as follows:

33 (2) "Fiscal officer" means any ~~certified or noncertified~~
34 licensed or classified employee of a school district or education service
35 cooperative who has any right, duty, or responsibility to access funds of a
36 school district in excess of five thousand dollars (\$5,000), specifically

1 including, but not limited to, superintendents, fiscal officers, and
2 bookkeepers; and

3
4 SECTION 42. Arkansas Code § 6-17-423(b), concerning professional
5 development after retirement, is amended to read as follows:

6 (b)(1) A person who retires while possessing a valid teacher's license
7 under § 6-17-401 and returns to a ~~certified~~ licensed employment position with
8 a public school district shall complete within the school year of the return
9 to employment the professional development required for the year in which the
10 person returns to ~~certified~~ licensed employment.

11 (2) The person shall complete all professional development
12 required during his or her ~~certified~~ licensed employment.

13
14 SECTION 43. Arkansas Code § 6-17-601 is amended to read as follows:

15 6-17-601. Board authority and directive.

16 The State Board of Education ~~is authorized and directed to~~ shall
17 establish and implement a ~~certified~~ licensed personnel testing program.

18
19 SECTION 44. Arkansas Code § 6-17-602 is amended to read as follows:

20 6-17-602. Application for new ~~certification~~ licensure.

21 Any teacher, administrator, or other ~~certified~~ licensed person who is
22 not eligible for ~~recertification~~ renewal of the license due to failure to
23 comply with this subchapter is eligible to apply for new ~~certification~~
24 licensure under initial ~~certification~~ licensure regulations or ~~such~~ other
25 regulations ~~as are~~ promulgated by the State Board of Education.

26
27 SECTION 45. Arkansas Code § 6-17-603(a), concerning the
28 confidentiality of licensed personnel test scores, is amended to read as
29 follows:

30 (a) Scores from the tests required under the provisions of this
31 subchapter shall not be disclosed but shall be retained by the Department of
32 Education as confidential records not subject to the Freedom of Information
33 Act of 1967, § 25-19-101 et seq., or any other act which would require the
34 disclosure thereof. However, the department shall provide each ~~certified~~
35 licensed personnel with that person's test score and the grader's analysis of
36 the writing portion of the test.

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SECTION 46. Arkansas Code § 6-17-706(a), concerning professional development credit exemptions, is amended to read as follows:

(a) ~~Certified~~ Licensed personnel working part time shall be exempt from one-half ($\frac{1}{2}$) of the professional development hours required under the Standards for Accreditation of Arkansas Public Schools and School Districts if they work solely in any of the following adult education programs:

- (1) Adult basic education;
- (2) General adult education;
- (3) English as a second language for adults; and
- (4) General Educational Development Test examiners.

SECTION 47. Arkansas Code § 6-17-707(c)(7), concerning professional development courses in the Arkansas Online Professional Development Initiative, is amended to read as follows:

(7) Include an assessment at the end of the program designed to measure each ~~certified~~ licensed person's level of understanding and ability to implement or apply the information presented in the program.

SECTION 48. Arkansas Code § 6-17-707(g) – (i), concerning the Arkansas Online Professional Development Initiative, is amended to read as follows:

(g) The initiative shall include a method for the department, the network, school districts, schools, and ~~certified~~ licensed personnel to annually evaluate the effectiveness of the initiative and its online professional development course and programs.

(h)(1) ~~Beginning with the 2006-2007 school year, the~~ The department may include as part of a school improvement plan guidelines for the professional development programs to be delivered to the ~~certified~~ licensed personnel employed by a school in school improvement status or a school district in school improvement status or academic distress.

(2)(A) As part of the school improvement plan, the department may require the participation and completion of professional development courses or programs by ~~certified~~ licensed personnel in the school or school district as appropriate for the ~~certified~~ licensed personnel's job assignments and duties.

(B) ~~Certified~~ Licensed personnel employed by any school in

1 school improvement or school district in school improvement or academic
2 distress shall participate in, complete, and pass the assessment for the
3 professional development requirements included in the school's or school
4 district's school improvement plan.

5 (i) The department shall further enhance its leadership role in
6 professional development for ~~certified~~ licensed personnel by:

7 (1) Developing technology-based professional development
8 programs and other enhanced professional development options for school
9 districts and ~~certified~~ licensed personnel; and

10 (2) Employing two (2) persons who have a high level of expertise
11 in professional development for the purpose of enhancing professional
12 development opportunities as set forth in this section.

13

14 SECTION 49. Arkansas Code § 6-17-803(b)(3), concerning optional
15 contracts payable in twelve monthly installments, is amended to read as
16 follows:

17 (3) If any teacher fails to repay any money owed to a school
18 district upon a contract breached by him or her, the secretary of the school
19 district shall certify the failure to the Department of Education, and the
20 ~~department revoke such~~ State Board of Education shall suspend the teacher's
21 license ~~to teach~~ until all of the money is repaid.

22

23 SECTION 50. Arkansas Code § 6-17-807(e) - (g), concerning additional
24 days worked by teachers, are amended to read as follows:

25 (e) This section shall not apply to separate contracts for employment
26 with a teacher to teach summer school or to perform services that do not
27 require the teacher to hold a teaching ~~certificate~~ license to perform those
28 services.

29 ~~In the event that~~ If the school district desires to employ a
30 teacher part time to perform services for the school district in the
31 teacher's field of ~~certification~~ licensure after expiration of the normal
32 base contract, as part of the teacher's normal teaching contract, the school
33 district may contract for such part-time work as long as the teacher is
34 agreeable and is paid on a pro rata basis for that work.

35 (g) A school district which contracts with a teacher to teach summer
36 school or to perform services that do not require the teacher to hold a

1 teaching ~~certificate~~ license to perform those services shall enter into a
2 separate contract with the teacher for those services and shall not condition
3 initial employment of the teacher or renewal of the teacher's regular
4 teaching contract on entering into such a separate contract.

5
6 SECTION 51. Arkansas Code § 6-17-809 is amended to read as follows:

7 6-17-809. Teachers for the visually impaired entering state service.

8 Upon the superintendent's certification to the state personnel
9 administrator of prior service at an educational institution and of the most
10 recent contractual salary, the salary of teachers holding ~~certification~~
11 licensure in teaching the visually impaired and entering state service as
12 teachers for the sensory impaired may be adjusted to a rate of pay closest to
13 but not less than their most recent annual salary.

14
15 SECTION 52. Arkansas Code § 6-17-810 is amended to read as follows:

16 6-17-810. Teachers for the hearing impaired entering state service.

17 Upon the superintendent's certification to the state personnel
18 administrator of prior service at an educational institution and of the most
19 recent contractual salary, the salary of teachers holding ~~certification~~
20 licensure in teaching the hearing impaired and entering state service as
21 teachers for the sensory impaired may be adjusted to a rate of pay closest to
22 but not less than their most recent annual salary.

23
24 SECTION 53. Arkansas Code § 6-17-915 is amended to read as follows:

25 6-17-915. Filing of personnel lists.

26 The ex officio financial secretary of each school district in the state
27 shall file on or before October 1 of each year a list of all licensed
28 ~~personnel, certified and noncertified and all classified personnel,~~ employed
29 by the school district for the current year setting forth the annual salary
30 of each and such other information as the State Board of Education may
31 prescribe.

32
33 SECTION 54. Arkansas Code § 6-17-1111(1) and (2)(A), concerning
34 employees eligible for life and disability insurance, are amended to read as
35 follows:

36 (1) All ~~certified~~ licensed employees in public schools who are

1 normally expected to work nine hundred (900) hours or more per year, whose
2 salaries are paid from the school district's teacher salary fund, and all
3 other employees of public schools who are normally expected to work nine
4 hundred (900) hours or more per year and whose salaries are paid from the
5 school district's local or state revenue;

6 (2)(A) All other employees of the school district whose salaries
7 are not paid from the school district's local or state revenues, provided
8 these employees are ~~certified~~ licensed or they are normally expected to work
9 nine hundred (900) hours or more per year.

10
11 SECTION 55. Arkansas Code § 6-17-1502(a)(1), concerning the definition
12 of teacher under the Teacher Fair Dismissal Act, is amended to read as
13 follows:

14 (1) "Teacher" means any person, exclusive of the superintendent
15 or assistant superintendent, employed in an Arkansas public school district
16 who is required to hold a teaching ~~certificate from the Department~~ license
17 from the State Board of Education as a condition of employment; and

18
19 SECTION 56. Arkansas Code § 6-17-1507(a), concerning notices of
20 termination recommendations for teachers, is amended to read as follows:

21 (a) A teacher may be terminated only during the term of any contract
22 when there is a reduction in force created by districtwide reduction in
23 ~~certified~~ licensed staff or for incompetent performance, conduct which
24 materially interferes with the continued performance of the teacher's duties,
25 repeated or material neglect of duty, or other just and reasonable cause.

26
27 SECTION 57. Arkansas Code § 6-17-1510(b), concerning school board
28 action concerning the nonrenewal or termination of a teacher, is amended to
29 read as follows:

30 (b) Any ~~certified~~ licensed teacher who has been employed continuously
31 by the school district three (3) or more years or who may have achieved
32 nonprobationary status pursuant to § 6-17-1502 may only be terminated or the
33 board of directors may refuse to renew the contract of the teacher when there
34 is a reduction in force created by districtwide reduction in ~~certified staff~~
35 licensed personnel, for incompetent performance, conduct which materially
36 interferes with the continued performance of the teacher's duties, repeated

1 or material neglect of duty, or other just and reasonable cause. Upon
2 completion of the hearing, the board of directors, within ten (10) days after
3 the holding of the hearing, shall:

4 (1) Uphold the recommendation of the superintendent to terminate
5 or not renew the teacher's contract;

6 (2) Reject or modify the superintendent's recommendation to
7 terminate or not renew the teacher's contract; or

8 (3) Vote to continue the contract of the teacher under such
9 restrictions, limitations, or assurances as the board of directors may deem
10 to be in the best interest of the school district. The decision shall be
11 reached by the board of directors within ten (10) days from the date of the
12 hearing, and a copy shall be furnished in writing to the teacher involved,
13 either by personally delivering it to the teacher or by addressing it to the
14 teacher's last known address by registered or certified mail.

15
16 SECTION 58. Arkansas Code § 6-17-2301(d), concerning the requirement
17 for written personnel policies for classified personnel, is amended to read
18 as follows:

19 (d)(1) ~~No~~ A school district shall not receive in any year any ~~funds~~
20 additional state funding from the Public School Fund until the school
21 district has ~~filed by the established deadline posted on the school~~
22 district's website, in accordance with § 6-11-129, its current personnel
23 policies for classified employees signed by the president of the school
24 board, including any salary schedules as required by this subchapter.

25 (2) ~~The policies and schedules shall be filed with the~~
26 ~~Department of Education no later than September 15 of each year~~ By September
27 15 of each year, a school district shall provide the Department of Education
28 with the website address at which its current personnel policies for
29 classified employees, including the salary schedule, may be found.

30
31 SECTION 59. Arkansas Code § 6-17-2302(b)(1) and (2), concerning the
32 definition of classified employee under the Classified School Employee
33 Personnel Policy Law, are amended to read as follows:

34 (b)(1) "Classified employee" means any person employed by a school
35 district under a written annual contract who is not required to have a
36 teaching ~~certificate~~ license issued by the Department of Education as a

1 condition of employment.

2 (2) "Classified employee administrator" means any classified or
3 ~~eertified~~ licensed employee who evaluates nonmanagement classified employees
4 and any classified employee who supervises but does not evaluate other
5 classified employees if the nonmanagement classified employees exclude them.

6
7 SECTION 60. Arkansas Code § 6-17-2703(a), concerning applications made
8 for grants from the Science, Technology, Engineering, and Math Fund, is
9 amended to read as follows

10 (a) ~~Certified~~ Licensed math and science teachers who are currently
11 teaching science, technology, engineering, and math subjects in kindergarten
12 through grade twelve (K-12) may apply to the Arkansas Economic Development
13 Commission for a supplemental grant from the Science, Technology,
14 Engineering, and Math Fund for that portion of the day in which they are
15 teaching science, technology, engineering, or math subjects or laboratories.

16
17 SECTION 61. Arkansas Code Title 6, Chapter 18, Subchapter 4, is
18 repealed.

19 ~~6-18-401. Title.~~

20 ~~This subchapter shall be known and may be cited as the "Arkansas~~
21 ~~American College Test Assessment Assistance Pilot Program Act of 1999".~~

22
23 ~~6-18-402. Purpose.~~

24 ~~(a) The purpose of this subchapter is to serve as a legislative~~
25 ~~charter and guidance for the continuation of the establishment of pilot~~
26 ~~locations, organization, and administration of a program designed to improve~~
27 ~~the academic preparation of public high school students for postsecondary~~
28 ~~education throughout the state.~~

29 ~~(b) It is the intent of the General Assembly that the Arkansas~~
30 ~~American College Test Assessment Assistance Pilot Program continue as set~~
31 ~~forth in this subchapter.~~

32
33 ~~6-18-403. Definitions.~~

34 ~~As used in this subchapter:~~

35 ~~(1) "American College Test assessment" means a test of student~~
36 ~~educational development that measures student readiness for future learning~~

1 produced by ACT, Incorporated, that may be used by an institution of higher
2 education as a part of its admissions process;

3 ~~(2) "American College Test Fee Waiver Program" means the~~
4 ~~assessment fee waiver program established and administered by ACT,~~
5 ~~Incorporated;~~

6 ~~(3) "Board" means the State Board of Education;~~

7 ~~(4) "Department" means the Department of Education;~~

8 ~~(5) "Commissioner" means the Commissioner of Education;~~

9 ~~(6) "Program" means the Arkansas American College Test~~
10 ~~Assessment Assistance Pilot Program.~~

11
12 ~~6-18-404. Creation—Fees—Rules.~~

13 ~~(a)(1) The Arkansas American College Test Assessment Assistance Pilot~~
14 ~~Program is hereby established, to be administered by the Commissioner of~~
15 ~~Education.~~

16 ~~(2) Each academic year, the Department of Education shall~~
17 ~~gradually increase the number of pilot locations allowed to participate in~~
18 ~~the program until all or substantially all school districts in the state with~~
19 ~~students in grades eleven (11) and twelve (12) are allowed to participate in~~
20 ~~the program.~~

21 ~~(b)(1) Contingent upon legislative appropriations, the state will pay~~
22 ~~all or part of the American College Test assessment registration fee.~~

23 ~~(2) The State Board of Education shall create a sliding scale~~
24 ~~based on family income.~~

25 ~~(c) The board is authorized to promulgate rules and regulations~~
26 ~~necessary to implement this subchapter, including the criteria for waiving~~
27 ~~the American College Test assessment fee.~~

28
29 ~~6-18-405. Participation.~~

30 ~~Every public high school student in the pilot locations who is enrolled~~
31 ~~in the core curriculum established pursuant to § 6-61-217 shall take the~~
32 ~~American College Test assessment prior to the completion of the spring~~
33 ~~semester of his or her junior year unless the student's parents, guardians,~~
34 ~~or persons in loco parentis request in writing that the student not~~
35 ~~participate.~~

36

1 ~~6-18-406. Fee waiver request.~~

2 ~~Public high school counselors shall request a waiver of the American~~
3 ~~College Test assessment fee for any student for whom a waiver would be~~
4 ~~appropriate based on the guidelines for waivers set forth by ACT, Inc.~~

5
6 ~~6-18-407. Fee waiver eligibility—Review committee.~~

7 ~~(a) The American College Test assessment fee may be waived if a~~
8 ~~student can demonstrate that the payment of the fee would cause a financial~~
9 ~~hardship upon the student or his or her family.~~

10 ~~(b) To qualify for the waiver, the student and the student's parents,~~
11 ~~guardians, or persons in loco parentis shall petition the public high school~~
12 ~~principal in writing prior to the start of the spring semester of the~~
13 ~~student's junior year.~~

14 ~~(c) Upon receipt of the request for waiver of the fee, the principal~~
15 ~~shall establish a committee composed of the following school personnel to~~
16 ~~evaluate and accept or reject the request for a waiver:~~

17 ~~(1) The high school principal;~~

18 ~~(2) The high school counselor; and~~

19 ~~(3) Two (2) high school teachers.~~

20 ~~(d) The committee shall meet at least thirty (30) days prior to the~~
21 ~~first administration of the American College Test assessment during the~~
22 ~~spring semester to review the requests and shall issue a written notice of~~
23 ~~the committee's recommendation to the student and the student's parents,~~
24 ~~guardians, or persons in loco parentis.~~

25 ~~(e) Upon receipt of notice of denial of the waiver request, the~~
26 ~~student or the student's parents, guardians, or persons in loco parentis may~~
27 ~~petition the superintendent for a review of the denial.~~

28 ~~(f) The superintendent's written decision on the request for review~~
29 ~~shall be considered the final decision regarding the fee waiver request.~~

30
31 ~~6-18-408. Donations and grants.~~

32 ~~(a) The awards granted under the provisions of this subchapter may be~~
33 ~~funded by donations, grants, or legislative appropriation.~~

34 ~~(b) All donations, grants, and appropriations received shall be~~
35 ~~accounted for by the Department of Education.~~

36 ~~(c) The Commissioner of Education may solicit and receive donations~~

1 ~~and grants for the purpose of making awards.~~

2
3 SECTION 62. Arkansas Code § 6-20-412 is amended to read as follows:

4 6-20-412. Nonrecurring salary payments.

5 (a) ~~Any~~ A school district in ~~the~~ this state may pay ~~certified~~ licensed
6 personnel a nonrecurring salary payment from revenues not considered to be
7 recurring sources of revenue.

8 (b) A nonrecurring salary payment under this section shall not ~~be~~
9 ~~construed to~~ increase the base salary of the ~~teacher~~ recipient for purposes
10 of calculation of future salary requirements.

11 (c) ~~Any~~ A nonrecurring salary payment under the provisions of this
12 section shall be divided equally among ~~certified~~ licensed personnel employed
13 by the school district at the time ~~of payment~~ approved by the board of
14 directors of the school district unless the board of directors ~~of the~~
15 ~~district~~ and a majority of the ~~teachers~~ licensed personnel agree to a
16 different distribution.

17 ~~(d) A report indicating the source of the moneys and the name and~~
18 ~~amount paid to each recipient shall be furnished to the Department of~~
19 ~~Education and the Division of Legislative Audit by the ex officio financial~~
20 ~~secretary of the school district.~~

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

25
26 SECTION 63. Arkansas Code § 6-20-815(d), concerning refunding
27 obligations under the Revolving Loan Program, is amended to read as follows:

28 (d) Refunding obligations shall enjoy the same security for their
29 payment as was enjoyed by the bonds or certificates refunded thereby,
30 including particularly and without limitation, any continuing annual ~~building~~
31 debt service fund tax voted and pledged to their payment.

32
33 SECTION 64. Arkansas Code § 6-20-1209 is amended to read as follows:

34 6-20-1209. Building Debt service fund – Establishment and purpose.

35 All school districts in Arkansas proceeding under this act to borrow
36 money and issue bonds, in addition to other security herein authorized, may

1 and are authorized to establish a building debt service fund in an amount
2 sufficient to pay the maturities of bond principal and interest, as they
3 accrue, of the issue of bonds, that the building debt service fund shall be
4 set aside out of the first revenues of the school district, from whatever
5 source derived, and shall be held by the county treasurer, or school district
6 treasurer if the school district has its own treasurer, solely in the manner
7 and for the purposes set out throughout this act.

8
9 SECTION 65. Arkansas Code § 6-20-1210 is amended to read as follows:

10 6-20-1210. Building Debt service fund – Use.

11 (a) ~~No part of any building~~ The debt service fund shall not be used
12 for any other purpose in any year than to pay the bonds and interest thereon
13 maturing that year and any that may be past due, until the maturities are
14 paid in full or until the funds are set aside to pay the full amount of the
15 bonds; provided, the surplus in any year over and above the amount necessary
16 to pay bonds and interest maturing that year, whether hereafter or heretofore
17 issued, may be used by the respective school districts for any other school
18 purposes.

19 (b) The county treasurer, or school district treasurer if the school
20 district has its own treasurer, shall see to it that all warrants on the
21 building debt service fund of any school district are drawn only to pay
22 maturities of principal or interest on bonds of this school district, other
23 school purposes as herein provided, or past due interest as shown by the
24 records in his or her office, ~~and he or she shall countersign all warrants on~~
25 ~~the building fund before they are valid.~~

26 (c) It is intended that the provisions of this section are to be
27 cumulative and are not to repeal the provisions of any other act now in force
28 except such laws and parts of laws as may be in conflict herewith.

29
30 SECTION 66. Arkansas Code § 6-20-1211 is amended to read as follows:

31 6-20-1211. Tax records – Separate building debt service fund records.

32 (a) In showing school taxes on the tax books, it shall not be
33 necessary to show separate amounts for the building debt service fund or any
34 other fund that may be created by the school district board of directors, but
35 there shall be one (1) amount extended on the tax books showing the total of
36 the school district tax for that year.

1 (b) However, the county treasurer, or school district treasurer, if
2 the school district has its own treasurer, shall keep separate records in his
3 or her office showing separately the ~~building~~ debt service fund and shall see
4 to it that on all settlements made with him or her of tax money or state
5 apportionment money, the ~~building~~ debt service fund is credited with all
6 funds set apart ~~therefor~~ for debt service by the electors or by the school
7 district board of directors.

8
9 SECTION 67. Arkansas Code § 6-20-1212 is amended to read as follows:
10 6-20-1212. Resolution setting priority in case of default.

11 On the issuance of any bonds, the school district board of directors
12 may provide by resolution, which shall be a contract with the holders of the
13 bonds, that should there be a default in the payment of any installment of
14 principal or interest when due, the first moneys coming to the school
15 district from any source, other than the uniform rate of tax, shall be paid
16 into the ~~building~~ debt service fund and applied on past due principal or
17 interest on the bonds until paid in full.

18
19 SECTION 68. Arkansas Code § 6-20-1218(d), concerning the refunding of
20 school bonds, is amended to read as follows:

21 (d)(1) In order to facilitate the refunding of school bonds, any
22 school district issuing refunding bonds may issue certificates of
23 indebtedness maturing in one (1) to five (5) years, payable to bearer and
24 negotiable, to cover the costs of refunding or interest due on outstanding
25 bonds at the time they are exchanged for refunding bonds, or both.

26 (2) The certificates of indebtedness shall be paid out of the
27 ~~building~~ debt service fund of the school district from any surplus that
28 remains in the ~~building~~ debt service fund in any years after the payment of
29 the full amount of bonds and interest due that year on the refunding issue.

30 (3) Any certificates of indebtedness issued in connection with
31 an issue of refunding bonds shall be registered by the county treasurer.

32 (4) All certificates of indebtedness thus issued and registered
33 shall not be invalidated because at the time of their issuance or at their
34 maturity date there is not a surplus in the ~~building~~ debt service fund
35 available for their payment, but they shall continue as valid obligations of
36 the school district until such a surplus in the building fund has accumulated

1 for their payment.

2

3 SECTION 69. Arkansas Code § 6-20-1220 is amended to read as follows:

4 6-20-1220. Refunding bonds – Issuance with election – Validation.

5 Refunding bonds issued by any school district of the State of Arkansas,
6 when authorized at any general or special school election by a vote of the
7 electors of the school district for a continuing ~~building~~ debt service fund
8 to retire refunding bonds, shall be the valid, legal, and binding obligations
9 of the school district provided that the issuance of the refunding bonds is
10 approved by the State Board of Education or the Commissioner of Education
11 prior to the issuance of the refunding bonds.

12

13 SECTION 70. Arkansas Code § 6-20-1223(b)(1), concerning the refunding
14 of bonds, is amended to read as follows:

15 (b)(1) Refunding bonds, authorized by a resolution of the board of
16 directors of the school district issuing them, may enjoy the same security
17 for their payment as was enjoyed by the bonds refunded thereby, including
18 particularly, and without limitation, any continuing annual ~~building~~ debt
19 service fund taxes voted and pledged to the payment of the bonds refunded
20 thereby, except that, in all school districts operating pursuant to federal
21 court desegregation decrees, the refunding bonds may, but shall not be
22 required to, enjoy the same security for payment as was enjoyed by the bonds
23 refunded.

24

25 SECTION 71. Arkansas Code § 6-20-1225(a), concerning certificates of
26 indebtedness, is amended to read as follows:

27 (a) ~~Any~~ A school district of Arkansas filing a petition in United
28 States District Court for the composition of its bonded indebtedness and
29 having more than five (5) years' past due interest on bonds being purchased
30 at a discount, in order to facilitate such purchase, shall have the right to
31 issue certificates of indebtedness payable, without interest over a period of
32 five (5) years, from the surplus in the ~~building~~ debt service fund and any
33 other available revenue that the school district may pledge, for an amount
34 not to exceed two (2) years' interest on the bonds being purchased and not to
35 exceed two percent (2%) of the assessed valuation of all taxable property in
36 the school district as shown by the last county assessment and may pledge the

1 surplus and available revenue for their payment.

2
3 SECTION 72. Arkansas Code § 6-20-2202(a)(3)(A), concerning the format
4 of the budget and expenditure report of public schools, school districts, and
5 education service cooperatives, is amended to read as follows:

6 (3)(A) The electronic format required by the Department of
7 Education shall be available for completion by school districts, open-
8 enrollment public charter schools, and education service cooperatives not
9 later than ~~August 1~~ September 15 of each year.

10
11 SECTION 73. Arkansas Code § 6-20-2303(3)(C), concerning students who
12 may be included in the definition of average daily membership, is amended to
13 read as follows:

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

16 (i) Students who:

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

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

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

24 (ii)(a) Students who reside within the boundaries of
25 the school district but due to geographic barriers attend school out-of-state
26 under a tuition agreement.

27 (b) This subdivision (3)(C)(ii) shall apply
28 even if the students enrolled in an out-of-state school are not enrolled in a
29 curriculum that fulfills the requirements established by the state board
30 under the Standards for Accreditation of Arkansas Public Schools and School
31 Districts;

32 (iii) Legally transferred students living outside
33 the school district but are:

34 (a) Attending a public school in the school
35 district under a provision of the Arkansas Code; and

36 (b) Are enrolled in a curriculum that fulfills

1 *the requirements established by the state board under the Standards for*
2 *Accreditation of Arkansas Public Schools and School Districts;*

3 ~~(iii)~~ (iv) *Open-enrollment public charter school*
4 *students who are enrolled in a curriculum that fulfills the requirements*
5 *established by the state board under the Standards for Accreditation of*
6 *Arkansas Public Schools and School Districts; or*

7 ~~(iv)~~ (v) *Students who are eligible to attend and who*
8 *reside within the boundaries of a school district and are enrolled in the*
9 *Arkansas National Guard Youth Challenge Program, so long as the students are*
10 *participants in the program.*

11
12 SECTION 74. Arkansas Code § 6-23-402(b)(2), concerning enrollment
13 numbers and deadlines for open-enrollment public charter schools, is amended
14 to read as follows:

15 (2) However, if a student enrolled by ~~July 30~~ July 15 should no
16 longer choose to attend the open-enrollment public charter school, the open-
17 enrollment public charter school may enroll a replacement student.

18
19 SECTION 75. Arkansas Code § 6-23-501(a)(2)(A)(i), concerning funding
20 for open-enrollment public charter schools, is amended to read as follows:

21 (i) The initial funding estimate shall be based on
22 enrollment as of ~~July 30 preceding~~ July 15 of the school year in which the
23 students are to attend classes;

24
25 SECTION 76. Arkansas Code § 6-23-501(a)(4)(A), concerning funding for
26 open-enrollment public charter schools, is amended to read as follows:

27 (A)(i) In the first year of operation the open-enrollment
28 public charter school shall receive professional development funding based
29 upon the initial projected enrollment student count as of ~~July 30 preceding~~
30 July 15 of the school year in which the students are to attend, multiplied by
31 the per-student professional development funding amount under § 6-20-
32 2305(b)(5) for that school year.

33
34 SECTION 77. Arkansas Code § 6-23-501(a)(7), concerning funding for
35 open-enrollment public charter schools, is amended to read as follows:

36 (7) ~~Funding~~ Foundation funding for an open-enrollment public

1 charter school shall be paid in twelve (12) ~~equal~~ installments each fiscal
2 year.

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/s/J. Jeffress