

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

# A Bill

HOUSE BILL 1361

5 By: Representative A. Davis  
6 By: Senator Hester  
7

## For An Act To Be Entitled

9 AN ACT TO CREATE THE TRANSFORMATION AND EFFICIENCIES  
10 ACT OF 2019; TO ESTABLISH THE CABINET-LEVEL  
11 DEPARTMENTS; TO ESTABLISH THE CABINET-LEVEL  
12 DEPARTMENT OF EDUCATION; TO TRANSFER STATE ENTITIES;  
13 TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.  
14  
15

## Subtitle

16  
17 TO CREATE THE TRANSFORMATION AND  
18 EFFICIENCIES ACT OF 2019; TO ESTABLISH  
19 THE CABINET-LEVEL DEPARTMENTS; TO  
20 ESTABLISH THE CABINET-LEVEL DEPARTMENT OF  
21 EDUCATION; TO TRANSFER STATE ENTITIES;  
22 AND TO DECLARE AN EMERGENCY.  
23  
24

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
26

27 SECTION 1. Arkansas Code Title 25, Chapter 43, is amended to add an  
28 additional subchapter to read as follows:

### Subchapter 5 – Department of Education

30  
31 25-43-501. Department of Education.

32 There is created the Department of Education as a cabinet-level  
33 department.  
34

35 25-43-502. State entities transferred to Department of Education.

36 (a) The administrative functions of the following state entities are



1 transferred to the Department of Education pursuant to a cabinet-level  
 2 department transfer:

3 (1) The Arkansas Better Chance Program, created under § 6-45-  
 4 105;

5 (2) The Arkansas Higher Education Coordinating Board, created  
 6 under § 6-61-201;

7 (3) The Arkansas School for the Blind, described in § 6-43-201  
 8 et. seq.;

9 (4) The Arkansas School for the Deaf, created under § 6-43-301;

10 (5) The Arkansas State Library, created under § 13-2-203;

11 (6) The Board of Trustees for the Arkansas School for the Blind  
 12 and Arkansas School for the Deaf, created under § 6-43-101;

13 (7) The Department of Career Education, created under § 25-30-  
 14 106;

15 (8) The Department of Education, created under § 25-6-102;

16 (9) The Department of Higher Education, created under § 25-7-  
 17 101;

18 (10) The Division of Learning Services, created under § 6-11-  
 19 131;

20 (11) The Division of Public School Academic Facilities and  
 21 Transportation, created under § 6-21-112;

22 (12) The Division of Public School Accountability, created under  
 23 § 6-15-102;

24 (13) The Martin Luther King, Jr. Commission, created under § 25-  
 25 24-101;

26 (14) The State Board of Education, created under § 6-11-101; and

27 (15) The State Library Board, created under § 13-2-205.

28 (b) Each entity transferred shall retain its specified statutory  
 29 duties.

30  
 31 25-43-503. Secretary of the Department of Education.

32 (a) The Secretary of the Department of Education is the executive head  
 33 of the Department of Education.

34 (b) The secretary shall be appointed by the Governor, subject to  
 35 confirmation by the Senate, and shall serve at the pleasure of the Governor.

36 (c) The secretary may:

1           (1) Delegate to the employees of the department, or any state  
 2 entity transferred to the department under § 25-43-502, any of the powers or  
 3 duties of the department required to administer the department;

4           (2) Hire department personnel;

5           (3) Perform or assign duties assigned to the department; and

6           (4) Serve as the director, or the administrative or executive  
 7 head of any state entity under the administrative control of the department  
 8 if the secretary meets all statutory requirements for the position.

9  
 10         25-43-504. AmeriCorps Office.

11         (a) There is created within the Division of Higher Education of the  
 12 Department of Education an AmeriCorps Office.

13         (b) The AmeriCorps Office shall perform those duties as delegated by  
 14 the Secretary of the Department of Education.

15  
 16         25-43-505. Northwest Technical Institute.

17         (a) The Northwest Technical Institute shall be a part of the Division  
 18 of Higher Education.

19         (b) The Northwest Technical Institute is an educational facility and  
 20 shall perform those duties as delegated by the Secretary of the Department of  
 21 Education.

22  
 23         SECTION 2. Arkansas Code § 1-4-114(b)(1)(A), concerning the Poet  
 24 Laureate of the State of Arkansas, is amended to read as follows:

25                 (A) Two (2) principal heads of English departments of  
 26 state-supported universities or colleges who are selected by the Director of  
 27 the ~~Department~~ Division of Higher Education; and

28  
 29         SECTION 3. Arkansas Code § 2-36-101(a), concerning the grading of  
 30 fairs, is amended to read as follows:

31                 (a) The Arkansas Livestock and Poultry Commission may formulate  
 32 necessary and appropriate rules and regulations for the grading of fairs on a  
 33 point system in cooperation with an ad hoc advisory committee formed of  
 34 representatives of agriculture consisting of representatives from the United  
 35 States Department of Agriculture, the University of Arkansas Cooperative  
 36 Extension Service, the Office of Agricultural Science and Technology of the

1 ~~Department~~ Division of Career and Technical Education, and the Arkansas Fair  
 2 Managers Association, which shall make recommendations as to criteria for the  
 3 allotment of grade points to the commission.

4  
 5 SECTION 4. Arkansas Code § 3-7-201(e), concerning the special  
 6 alcoholic beverage excise tax, is amended to read as follows:

7 (e) The State Board of Education and the ~~Department of~~ Division of  
 8 Elementary and Secondary Education shall fully budget, fund, and expend or  
 9 commit to expend the general revenue replacing the revenue derived from the  
 10 previously imposed special alcoholic beverage excise tax on beer in addition  
 11 to any other funding provided by law for essential programs such as  
 12 subsidized child care for low-income families, the Arkansas Better Chance  
 13 Program, and the Child Care and Early Childhood Education Fund Account in an  
 14 amount equal to the appropriation level for the Arkansas Better Chance  
 15 Program.

16  
 17 SECTION 5. Arkansas Code § 5-4-903(b)(1), concerning authorization for  
 18 establishment of pre-adjudication probation programs, is amended to read as  
 19 follows:

20 (b)(1) A pre-adjudication probation program may incorporate services  
 21 from various state agencies and educational institutions, including without  
 22 limitation the ~~Department~~ Division of Community Correction, the Department of  
 23 Human Services, the Adult Education Section ~~of the Department of Career~~  
 24 Education of the Division of Workforce Services, vocational schools,  
 25 technical schools, community colleges, and two-year and four-year public  
 26 universities.

27  
 28 SECTION 6. Arkansas Code § 5-4-913 is amended to read as follows:

29 5-4-913. Education screening.

30 A person eligible to enter a pre-adjudication program under this  
 31 subchapter shall have his or her education level assessed by the court by  
 32 completing a reading, literacy, and math assessment by the ~~Department of~~  
 33 Career Education Adult Education Section.

34  
 35 SECTION 7. Arkansas Code § 6-1-105, is amended to read as follows:

36 6-1-105. Information sharing with the Assessment Coordination

1 ~~Department~~ Division.

2 (a)(1) The State Board of Education, the ~~Department of Education~~  
 3 Division of Elementary and Secondary Education, and any other Department or  
 4 division administered by the state board shall provide information maintained  
 5 by the state board, the ~~Department of Education~~ Division of Elementary and  
 6 Secondary Education, or any other Department or division to the Assessment  
 7 Coordination ~~Department~~ Division upon request by the Assessment Coordination  
 8 ~~Department~~ Division.

9 (2) The information shall enable the Assessment Coordination  
 10 ~~Department~~ Division to:

11 (A) Verify, ascertain, or calculate assessed values of  
 12 real and personal property, millage rates, or tax collection rates in school  
 13 districts and counties; and

14 (B) Assist the General Assembly, the Attorney General, or  
 15 another state agency in verifying, ascertaining, or calculating data related  
 16 to public schools, including school funding, school district revenues, and  
 17 public school facilities.

18 (b) Information provided under this section shall be in any medium in  
 19 which the record is readily available or in any format to which it is readily  
 20 convertible with the existing software used by the state board, the  
 21 ~~Department of Education~~ Division of Elementary and Secondary Education, or  
 22 any other department or division.

23 (c) Actual costs or expenses incurred in compiling or transmitting the  
 24 data to the Assessment Coordination ~~Department~~ Division shall be paid by the  
 25 ~~Department of Education~~ Division of Elementary and Secondary Education.

26  
 27 SECTION 8. Arkansas Code § 6-1-403 is amended to read as follows:

28 6-1-403. Purpose.

29 The purpose of the School Leadership Coordinating Council is to:

30 (1) Serve as a central body to coordinate the leadership  
 31 development system efforts across the state including:

32 (A) Encouraging school districts to work with the  
 33 ~~Department of Education~~ Division of Elementary and Secondary Education, the  
 34 ~~Department~~ Division of Higher Education, the ~~Department~~ Division of Career  
 35 and Technical Education, the ~~Arkansas Leadership Academy School Support~~  
 36 ~~Program~~, and other leadership groups;

1 (B) Recommending a state leadership development system to  
 2 coordinate all aspects of leadership development based on educational  
 3 leadership standards adopted by the ~~Department of Education~~ Division of  
 4 Elementary and Secondary Education; and

5 (C) Devising a system of gathering data that includes  
 6 input from practitioners, educational and community leaders, university  
 7 leadership and faculty, and other interested parties;

8 (2) Assist the ~~Department of Education~~ Division of Elementary  
 9 and Secondary Education, the ~~Department~~ Division of Higher Education, the  
 10 ~~Department~~ Division of Career and Technical Education, ~~the Arkansas~~  
 11 ~~Leadership Academy School Support Program~~, school districts, and other  
 12 leadership groups in enhancing school leadership and school support efforts;  
 13 and

14 (3) Aid in the development of model evaluation tools for use in  
 15 the evaluation of school administrators.

16  
 17 SECTION 9. Arkansas Code § 6-1-404(a)(2), concerning the creation of  
 18 the School Leadership Coordinating Council, is amended to read as follows:

19 (2) The Commissioner of Elementary and Secondary Education;

20  
 21 SECTION 10. Arkansas Code § 6-1-404(a)(4) and (5), concerning the  
 22 creation of the School Leadership Coordinating Council, is amended to read as  
 23 follows:

24 (4) The Director of the ~~Department~~ Division of Higher Education;

25 (5) The Director of the ~~Department~~ Division of Career and  
 26 Technical Education;

27  
 28 SECTION 11. Arkansas Code § 6-1-404(e), concerning the creation of the  
 29 School Leadership Coordinating Council, is amended to read as follows:

30 (e) The ~~Department of Education~~ Division of Elementary and Secondary  
 31 Education, with the assistance of the ~~Department~~ Division of Higher Education  
 32 and the ~~Department~~ Division of Career and Technical Education, shall staff  
 33 the council.

34  
 35 SECTION 12. Arkansas Code § 6-1-404(f)(1), concerning the creation of  
 36 the School Leadership Coordinating Council, is amended to read as follows:

1 (f)(1) All nonlegislative members of the council may receive expense  
2 reimbursement in accordance with § 25-16-902 paid by the ~~Department of~~  
3 ~~Education~~ Division of Elementary and Secondary Education if funds are  
4 available.

5  
6 SECTION 13. Arkansas Code § 6-1-603(a), concerning the administration  
7 of the College and Career and Technical Coaches Program, is amended to read  
8 as follows:

9 (a) The ~~Department~~ Division of Career and Technical Education, in  
10 partnership with the ~~Department of Education~~ Division of Elementary and  
11 Secondary Education and the ~~Department~~ Division of Higher Education, shall  
12 develop and administer the College and Career Coaches Program.

13  
14 SECTION 14. The introductory language of Arkansas Code § 6-1-603(b),  
15 concerning the administration of the College and Career Coaches Program, is  
16 amended to read as follows:

17 (b) The ~~Department~~ Division of Career and Technical Education shall  
18 manage the College and Career Coaches Program and:

19  
20 SECTION 15. Arkansas Code § 6-1-604(c)(1)(B), concerning the duties  
21 and supervision of the Colleges and Career Coaches Program, is amended to  
22 read as follows:

23 (B) Be a liaison between the institution of higher  
24 education, education service cooperative, or nonprofit organization and the  
25 ~~Department~~ Division of Career and Technical Education.

26  
27 SECTION 16. Arkansas Code § 6-1-604(c)(2), concerning the duties and  
28 supervision of the Colleges and Career Coaches Program, is amended to read as  
29 follows:

30 (2) The ~~Department~~ division and the on-site supervisor shall  
31 evaluate the performance of each college and career coach.

32  
33 SECTION 17. Arkansas Code § 6-1-605(a)(2), concerning the program  
34 effectiveness and measurement of the College and Career Coaches Program, is  
35 amended to read as follows:

36 (2)(A) The ~~Department of Education~~ Division of Elementary and

1 Secondary Education and the ~~Department~~ Division of Higher Education shall  
2 collect and prepare performance data reports to determine the effectiveness  
3 of the program.

4 (B) The data shall be collected for each county and school  
5 district served by the program and shall be shared with the ~~Department~~  
6 Division of Career and Technical Education on January 1 and August 1 each  
7 year.

8  
9 SECTION 18. Arkansas Code § 6-1-605(b), concerning the program  
10 effectiveness and measurement of the College and Career Coaches Program, is  
11 amended to read as follows:

12 (b) Annually, each college and career coach shall submit a report to  
13 the ~~Department~~ Division of Career and Technical Education describing his or  
14 her student contacts and the programs and services provided.

15  
16 SECTION 19. Arkansas Code § 6-3-111 is amended to read as follows:  
17 6-3-111. Budget requests.

18 The Director of the Educational Television Division of the ~~Department~~  
19 ~~of Education~~ Division of Elementary and Secondary Education shall submit  
20 budget requests of the ~~division~~ Educational Television Division to the State  
21 Board of Education and the Commissioner of Elementary and Secondary Education  
22 for their review and approval before the budget submissions are forwarded to  
23 the Governor and the Legislative Council.

24  
25 SECTION 20. Arkansas Code § 6-4-104(b), concerning the designation of  
26 the Arkansas Higher Education Coordinating Board as the agent for out-of-  
27 state education, is amended to read as follows:

28 (b) The ~~Department~~ Division of Higher Education is hereby authorized  
29 to administer the program.

30  
31 SECTION 21. Arkansas Code § 6-4-106 is amended to read as follows:  
32 6-4-106. Application by students.

33 (a) Students seeking the subsidy to be paid for their benefit shall  
34 apply to the ~~Department~~ Division of Higher Education, giving necessary  
35 information.

36 (b) If the applicant is found to be a bona fide resident of Arkansas



1 and if funds for this purpose are available, the ~~department~~ division shall,  
 2 without more, certify the applicant as qualified to participate under this  
 3 program.

4  
 5 SECTION 22. Arkansas Code § 6-5-307(b), concerning classroom teacher  
 6 salary requirements, is amended to read as follows:

7 (b) Educational Excellence Trust Fund funds allocated for teacher  
 8 salaries shall be disbursed by the ~~Department of Education~~ Division of  
 9 Elementary and Secondary Education to school districts pursuant to the state  
 10 foundation funding formula under § 6-20-2305.

11  
 12 SECTION 23. Arkansas Code § 6-5-403(d), concerning the scope of the  
 13 Arkansas Higher Education Coordinating Board, is amended to read as follows:

14 (d)(1) The board, working in conjunction with state-supported  
 15 institutions of higher education, private institutions of higher education  
 16 that wish to participate, the ~~Department of Education~~ Division of Elementary  
 17 and Secondary Education, and the ~~Department~~ Division of Career and Technical  
 18 Education annually shall compile information for Arkansas high school  
 19 students on:

20 (A) Academic scholarships for freshmen entering  
 21 institutions of higher education in the state; and

22 (B) State-funded programs that provide opportunities for  
 23 developing technical job skills and apprenticeships.

24 (2)(A) The ~~Department of Education~~ Division of Elementary and  
 25 Secondary Education shall provide the information annually to all public high  
 26 school counselors in the state.

27 (B) Each public high school counselor annually shall  
 28 provide the information received from the ~~Department of Education~~ Division of  
 29 Elementary and Secondary Education to students in the public high school  
 30 where he or she is employed.

31  
 32 SECTION 24. The introductory language of Arkansas Code § 6-5-404(a),  
 33 concerning cooperation with the Arkansas Higher Education Coordinating Board  
 34 by the State Board of Education, the Department of Education, and the public  
 35 schools of Arkansas, is amended to read as follows:

36 (a) The State Board of Education, the ~~Department of Education~~ Division

1 of Elementary and Secondary Education, and the public schools of Arkansas  
2 shall:

3  
4 SECTION 25. Arkansas Code § 6-5-404(a)(1), concerning cooperation with  
5 the Arkansas Higher Education Coordinating Board by the State Board of  
6 Education, the Department of Education, and the public schools of Arkansas,  
7 is amended to read as follows:

8 (1) Cooperate with the Arkansas Higher Education Coordinating  
9 Board, the ~~Department~~ Division of Higher Education, and the institutions of  
10 higher education in providing the information; and  
11

12 SECTION 26. Arkansas Code § 6-5-803(a), concerning the creation of the  
13 Arkansas Academic Physician Program, is amended to read as follows:

14 (a) There is created within the ~~Department~~ Division of Higher  
15 Education the Arkansas Academic Physician Program.  
16

17 SECTION 27. Arkansas Code § 6-5-804(a), concerning the Health Care  
18 Student Summer Enrichment Program for Underrepresented Student Populations,  
19 is amended to read as follows:

20 (a) There is created within the ~~Department~~ Division of Higher  
21 Education the Health Care Student Summer Enrichment Program for  
22 Underrepresented Student Populations.  
23

24 SECTION 28. Arkansas Code § 6-5-902(3), concerning the definition of  
25 "program" under the Positive Youth Development Grant Program, is amended to  
26 read as follows:

27 (3) "Program" means a positive youth development program that is  
28 license-exempt or approved by the ~~Department of Education~~ Division of  
29 Elementary and Secondary Education as complying with the Out-of-School Time  
30 Licensing Standards as adopted by the Division of Child Care and Early  
31 Childhood Education of the Department of Human Services.  
32

33 SECTION 29. Arkansas Code § 6-5-903(a), concerning the establishment  
34 and participation of the Positive Youth Development Grant Program, is amended  
35 to read as follows:

36 (a)(1) The ~~Department of Education~~ Division of Elementary and

1 Secondary Education shall establish the Positive Youth Development Grant  
 2 Program to assist in the establishment and funding of positive youth  
 3 development programs for children and youth five through nineteen (5-19)  
 4 years of age once funding is available.

5 (2) The ~~department~~ Division of Elementary and Secondary  
 6 Education, with the advice and assistance of the Division of Child Care and  
 7 Early Childhood Education, shall develop rules necessary for the  
 8 implementation of this subchapter.

9  
 10 SECTION 30. Arkansas Code § 6-5-904(b)-(e), concerning the application  
 11 process and allocation of funding for a licensed youth development program,  
 12 is amended to read as follows:

13 (b) Each applicant for a positive youth development grant shall:

14 (1) Complete and submit the appropriate application developed by  
 15 the ~~Department of Education~~ Division of Elementary and Secondary Education in  
 16 collaboration with the Division of Child Care and Early Childhood Education;

17 (2) Submit documentation of strong community engagement and  
 18 collaboration between schools, public institutions, private agencies,  
 19 business, and faith-based and other community-based organizations working  
 20 together to utilize the unique skills and resources to create a community  
 21 learning environment; and

22 (3)(A) Provide matching funds in the ratio of twenty to eighty  
 23 (20:80), unless the applicant is granted a waiver by the ~~division~~ Division of  
 24 Child Care and Early Childhood Education.

25 (B) The ~~division~~ Division of Child Care and Early  
 26 Childhood Education may waive the required matching funds if:

27 (i) The applicant operates or will operate the  
 28 program within the geographic boundaries of a public school district that  
 29 contains at least one (1) school identified as targeted or comprehensive by  
 30 the ~~Department of Education~~ Division of Elementary and Secondary Education;  
 31 and

32 (ii) The ~~division~~ Division of Child Care and Early  
 33 Childhood Education determines that the applicant is unable to provide the  
 34 matching funds, after exhausting all potential funding sources.

35 (C) The matching funds may consist of cash or appropriate  
 36 in-kind services.

(c) Preference shall be given to applications that:

(1) Are developed collaboratively by public and nonpublic schools and private community based programs;

(2) Contain accountability systems and measurable outcomes under guidelines developed by the ~~Department~~ Division of Elementary and Secondary Education in consultation with the ~~division~~ Division of Child Care and Early Childhood Education;

(3) Detail funds received from all public sources for existing programs, the types of existing programs, and the types of students served by existing programs; and

(4) Increase comprehensive positive youth development programs during the school year and summer.

(d)(1) If the number of qualified applicants exceed the amount of available funding, the ~~Department~~ Division of Elementary and Secondary Education, after consultation with the Arkansas Early Childhood Commission, shall determine funding distribution.

(2) If there is a funding shortage, priority consideration shall be given to programs in communities where:

(A) A public school district has fifty percent (50%) or more students eligible for free and reduced lunches; and

(B) A public school district has been identified to receive Level 5 – Intensive support from the ~~department~~ Division of Elementary and Secondary Education.

(e)(1) Grants shall be three-year awards to be distributed annually, as determined by the ~~division~~ Division of Child Care and Early Childhood Education.

(2) Grants may be renewable for positive youth development programs that meet adequate performance levels as developed by the ~~department~~ Division of Elementary and Secondary Education.

(3) Grants are subject to the availability of funds each fiscal year.

SECTION 31. Arkansas Code § 6-5-904(f)(4)(A), concerning the application process and allocation of funding for a licensed youth development program, is amended to read as follows:

(A) Academic supports and skill-building activities that

1 link program content to the frameworks promulgated by the ~~department~~ Division  
2 of Elementary and Secondary Education;

3  
4 SECTION 32. Arkansas Code § 6-5-905(b)-(d), concerning the criteria  
5 for need-based funding to attend a positive youth development program, are  
6 amended to read as follows:

7 (b) The ~~Department of Education~~ Division of Elementary and Secondary  
8 Education and the Division of Child Care and Early Childhood Education may  
9 develop a fee schedule and establish eligibility based on family income for  
10 children and youth five through nineteen (5-19) years of age who are not  
11 eligible under subsection (a) of this section.

12 (c) The ~~department~~ Division of Elementary and Secondary Education and  
13 the ~~division~~ Division of Child Care and Early Childhood Education shall  
14 review criteria for identifying and targeting the areas of the state with the  
15 greatest need for programs.

16 (d) The State Board of Education, with the advice and assistance of  
17 the ~~division~~ Division of Child Care and Early Childhood Education, shall  
18 adopt the appropriate criteria for identifying children and youth five  
19 through nineteen (5-19) years of age with the greatest need to participate in  
20 programs funded by the grant.

21  
22 SECTION 33. Arkansas Code § 6-5-1003(a)(1), concerning college and  
23 career readiness standards, is amended to read as follows:

24 (a)(1) The ~~Department~~ Division of Career and Technical Education shall  
25 work in collaboration with the ~~Department of Education~~ Division of Elementary  
26 and Secondary Education and the ~~Department~~ Division of Higher Education to  
27 develop college and career readiness standards for career and technical  
28 education courses.

29  
30 SECTION 34. Arkansas Code § 6-5-1003(b)(6)(B), concerning college and  
31 career readiness standards, is amended to read as follows:

32 (B) The ~~Department~~ Division of Career and Technical  
33 Education, in collaboration with the ~~Department of Education~~ Division of  
34 Elementary and Secondary Education and the ~~Department~~ Division of Higher  
35 Education, shall establish a common course numbering system that incorporates  
36 career and technical education courses at both the secondary and

1 postsecondary level;

2  
 3 SECTION 35. The introductory language of Arkansas Code § 6-5-  
 4 1003(b)(8), concerning college and career readiness standards, is amended to  
 5 read as follows:

6 (8) Comprehensive guidance counseling and academic advisory  
 7 systems developed by the ~~Department~~ Division of Career and Technical  
 8 Education in collaboration with the ~~Department of Education~~ Division of  
 9 Elementary and Secondary Education and the ~~Department~~ Division of Higher  
 10 Education that:

11  
 12 SECTION 36. Arkansas Code § 6-5-1004(a), concerning technical skills  
 13 assessments by the Department of Career Education, is amended to read as  
 14 follows:

15 (a) The ~~Department~~ Division of Career and Technical Education shall  
 16 recognize valid and reliable technical skills assessments that provide  
 17 evaluation of students' knowledge and skills necessary for entry into  
 18 postsecondary education or a career in a selected program of study.

19  
 20 SECTION 37. Arkansas Code § 6-5-1004(b)(1), concerning technical  
 21 skills assessments by the Department of Career Education, is amended to read  
 22 as follows:

23 (1)(A) Be a third-party, industry-recognized assessment approved  
 24 by the ~~department~~ division that is based on current industry standards.

25 (B)(i) The ~~department~~ division shall provide a current  
 26 list of approved third-party, industry-recognized assessments.

27 (ii) The third-party, industry-recognized  
 28 assessments shall be reviewed and approved by the ~~department~~ division using a  
 29 process developed by the ~~department~~ division;

30  
 31 SECTION 38. Arkansas Code § 6-5-1004(b)(4)(B), concerning technical  
 32 skills assessments by the Department of Career Education, is amended to read  
 33 as follows:

34 (B) The ~~department~~ division shall provide technical  
 35 assistance on career and technical education to secondary administrators and  
 36 teachers.

1  
2 SECTION 39. Arkansas Code § 6-5-1102(b)(1)-(6), concerning the  
3 establishment, membership, and meetings of the Council on Postsecondary  
4 Education and Career Readiness, are amended to read as follows:

5 (1) The Commissioner of Elementary and Secondary Education or  
6 his or her designee;

7 (2) The Director of the ~~Department~~ Division of Higher Education  
8 or his or her designee;

9 (3) The Director of the ~~Department~~ Division of Career and  
10 Technical Education or his or her designee;

11 (4) The ~~Executive~~ Director of the Arkansas Economic Development  
12 Commission or his or her designee;

13 (5) The Director of the ~~Department~~ Division of Workforce  
14 Services or his or her designee;

15 (6) A president or chancellor of an Arkansas four-year  
16 institution of higher education or his or her designee, appointed annually by  
17 the Director of the ~~Department~~ Division of Higher Education;

18  
19 SECTION 40. Arkansas Code § 6-5-1102(c)(1), concerning the  
20 establishment, membership, and meetings of the Council on Postsecondary  
21 Education and Career Readiness, are amended to read as follows:

22 (c)(1) The Commissioner of Elementary and Secondary Education or his  
23 or her designee shall call the first meeting of the council and serve as  
24 chair for the first meeting.

25  
26 SECTION 41. Arkansas Code § 6-5-1102(g), concerning the establishment,  
27 membership, and meetings of the Council on Postsecondary Education and Career  
28 Readiness, are amended to read as follows:

29 (g) The ~~Department of Education~~ Division of Elementary and Secondary  
30 Education, ~~Department~~ Division of Higher Education, and ~~Department~~ Division  
31 of Career and Technical Education, alternating each year, shall provide  
32 meeting space and staff for the council.

33  
34 SECTION 42. Arkansas Code § 6-5-1202(b)(1), concerning the purpose and  
35 grant funding of the Advanced Placement Training and Incentive Program, is  
36 amended to read as follows:

1           (b)(1) The ~~Department of Education~~ Division of Elementary and  
2 Secondary Education shall provide grant funding to organizations that  
3 implement measures to achieve the goals of the Advanced Placement Training  
4 and Incentive Program.

5  
6           SECTION 43. The introductory language of Arkansas Code § 6-5-1202(c),  
7 concerning the purpose and grant funding of the Advanced Placement Training  
8 and Incentive Program, is amended to read as follows:

9           (c) Grant funding provided by the ~~department~~ division to an  
10 organization under this subchapter shall be used to:

11  
12           SECTION 44. Arkansas Code § 6-10-106(a)(2), concerning uniform dates  
13 for the beginning and the end of a school year, is amended to read as  
14 follows:

15           (2) The ~~Department of Education~~ Division of Elementary and  
16 Secondary Education may grant a school district a waiver to begin school on  
17 an earlier or later date if the ~~department~~ division determines that there  
18 exists a material and substantial reason for the school district to begin on  
19 an earlier or later date due to very exceptional or emergency circumstances  
20 such as a contagious disease outbreak, inclement weather, or other acts of  
21 God.

22  
23           SECTION 45. Arkansas Code § 6-10-106(c)(2), concerning uniform dates  
24 for the beginning and the end of a school year, is amended to read as  
25 follows:

26           (2) Provided, upon approval of the ~~department~~ division, this  
27 date may be used as a make-up day in any school district which has  
28 unavoidably lost more than five (5) scheduled days of student attendance  
29 during the course of the school year due to contagious disease outbreaks,  
30 inclement weather, or other acts of God.

31  
32           SECTION 46. Arkansas Code § 6-10-106(d)(3), concerning uniform dates  
33 for the beginning and the end of a school year, is amended to read as  
34 follows:

35           (3) Nothing in this subsection shall prevent a public school  
36 district from providing fewer than five (5) consecutive school days for the



1 spring break holiday to comply with the ~~department's~~ division's requirement  
2 for a minimum number of days for student attendance under the Standards for  
3 Accreditation of Arkansas Public Schools and School Districts.

4  
5 SECTION 47. Arkansas Code § 6-10-106(e), concerning uniform dates for  
6 the beginning and the end of a school year, is amended to read as follows:

7 (e) The ~~department~~ division shall not grant a waiver from the  
8 requirements of this section unless this section specifically authorizes the  
9 waiver.

10  
11 SECTION 48. Arkansas Code § 6-10-110(a), concerning fire marshal  
12 programs for local school districts, is amended to read as follows:

13 (a) The ~~Department of Education~~ Division of Elementary and Secondary  
14 Education is authorized and directed to cooperate with and assist local  
15 school districts in this state in the establishment of an Arkansas school  
16 fire marshal program.

17  
18 SECTION 49. Arkansas Code § 6-10-111(a), concerning the Equity  
19 Assistance Center, is amended to read as follows:

20 (a) The ~~Department of Education~~ Division of Elementary and Secondary  
21 Education is authorized to establish a special section within its  
22 organization, to be known as the Equity Assistance Center, designed to  
23 provide assistance to the school districts of the state in such activities as  
24 affirmative action, program accessibility, human relations, awareness, and  
25 desegregation.

26  
27 SECTION 50. Arkansas Code § 6-10-111(c)(1), concerning the Equity  
28 Assistance Center, is amended to read as follows:

29 (c)(1) The center created by this section shall be the liaison for  
30 the ~~department~~ division with the Office for Civil Rights of the United States  
31 Department of Education.

32  
33 SECTION 51. Arkansas Code § 6-10-111(d)-(f), concerning the Equity  
34 Assistance Center, are amended to read as follows:

35 (d) Annually, each local school district in the state shall provide  
36 the center assurances of compliance with civil rights responsibilities in the

1 form and at the time as is designated by the Commissioner of Elementary and  
2 Secondary Education.

3 (e) The ~~department~~ division may withhold state aid from any school  
4 district that fails to file its assurance of compliance with civil rights  
5 responsibilities by October 15 each year or fails to file any other  
6 information with a published deadline requested from school districts by the  
7 center so long as thirty (30) calendar days are given between the request for  
8 the information and the published deadline, except that thirty (30) days  
9 notice shall not be required when the request comes from a member or  
10 committee of the General Assembly.

11 (f) The ~~department~~ division is authorized to develop forms and  
12 promulgate appropriate rules, regulations, and procedures as may be required  
13 to implement the provisions of this section.  
14

15 SECTION 52. Arkansas Code § 6-10-118(a), concerning information about  
16 the availability of ARKids First, is amended to read as follows:

17 (a) The ~~Department of Education~~ Division of Elementary and Secondary  
18 Education shall cooperate with and assist local school districts in this  
19 state in the establishment of a program to inform students about health care  
20 coverage under the ARKids First Program Act, § 20-77-1101 et seq.  
21

22 SECTION 53. Arkansas Code § 6-10-119(a)(1), concerning Medicaid  
23 billing by the Department of Education, is amended to read as follows:

24 (a)(1) By May 1 of each year, the ~~Department of Education~~ Division of  
25 Elementary and Secondary Education shall identify school districts that are  
26 underperforming in the area of direct-service Medicaid billing.

27 (2) The ~~department~~ division shall direct identified school  
28 districts to increase direct-service Medicaid billing by district staff or  
29 enter into an agreement with an education service cooperative or other public  
30 or private entity for the provision of direct-service Medicaid billing  
31 services.  
32

33 SECTION 54. Arkansas Code § 6-10-122(c), concerning the requirement of  
34 automated external defibrillators at each school campus, is amended to read  
35 as follows:

36 (c) Beginning in 2011, the Commissioner of Elementary and Secondary

1 Education shall provide a report to the Senate Committee on Public Health,  
 2 Welfare, and Labor and the House Committee on Public Health, Welfare, and  
 3 Labor on or before July 1 each year regarding the implementation of this  
 4 section and the status of automated external defibrillator availability on  
 5 each school campus.

6  
 7 SECTION 55. Arkansas Code § 6-10-125(d), concerning keeping a school  
 8 district's floor plan on file with the emergency management coordinator, is  
 9 amended to read as follows:

10 (d) The ~~Department of Education~~ Division of Elementary and Secondary  
 11 Education may adopt rules to implement this section.

12  
 13 SECTION 56. Arkansas Code § 6-10-129 is amended to read as follows:

14 6-10-129. Efficiency in reporting – Definition.

15 (a)(1)(A) The ~~Department of Education~~ Division of Elementary and  
 16 Secondary Education or the ~~Department~~ Division of Career and Technical  
 17 Education may require a school district or public school to submit data and  
 18 other information deemed necessary to assure that a school district or public  
 19 school is in compliance with federal and state law and rule.

20 (B) A required submission may be made using the Arkansas  
 21 Public School Computer Network or another system specified by the ~~Department~~  
 22 ~~of Education~~ Division of Elementary and Secondary Education or the ~~Department~~  
 23 Division of Career and Technical Education.

24 (2)(A) All divisions of the ~~Department of Education~~ Division of  
 25 Elementary and Secondary Education and the ~~Department~~ Division of Career and  
 26 Technical Education shall have access to data and other information that is  
 27 submitted to the ~~Department of Education~~ Division of Elementary and Secondary  
 28 Education or the ~~Department~~ Division of Career and Technical Education  
 29 respectively.

30 (B) An employee of the ~~Department of Education~~ Division of  
 31 Elementary and Secondary Education or the ~~Department~~ Division of Career and  
 32 Technical Education or a contractor acting on behalf of the ~~Department of~~  
 33 ~~Education~~ Division of Elementary and Secondary Education or the ~~Department~~  
 34 Division of Career and Technical Education may only access data that is  
 35 necessary to perform his or her duties.

36 (b) As used in this section, "data and other information" that is

1 considered submitted includes information that is:

2 (1) Maintained by a school district or public school in E-  
3 School, E-Finance, or the Arkansas Public School Computer Network;

4 (2) Contained in any statewide data system or successor program;  
5 and

6 (3) Delivered to the ~~Department of Education~~ Division of  
7 Elementary and Secondary Education or the ~~Department~~ Division of Career and and  
8 Technical Education in paper format.

9 (c)(1) The ~~Department of Education~~ Division of Elementary and  
10 Secondary Education or the ~~Department~~ Division of Career and and Technical  
11 Education may require a school district or public school to resubmit or  
12 explain data and other information if the data or other information is  
13 determined to be inaccurate, incomplete, unclear, or not in compliance with  
14 federal or state law or rule.

15 (2) Except as provided under subdivision (c)(1) of this section,  
16 data and other information shall not have to be resubmitted or explained in  
17 its original format or any other format.

18 (d) If the ~~Department of Education~~ Division of Elementary and  
19 Secondary Education or the ~~Department~~ Division of Career and and Technical  
20 Education requires data or other information to be compiled into a format  
21 that is different from what was originally submitted by a school district or  
22 public school, the ~~Department of Education~~ Division of Elementary and  
23 Secondary Education or the ~~Department~~ Division of Career and and Technical  
24 Education shall make the necessary format changes.

25 (e)(1) A school district or public school may submit by electronic  
26 means any signatures required when submitting reports or data and other  
27 information to the ~~Department of Education~~ Division of Elementary and  
28 Secondary Education and the ~~Department~~ Division of Career and and Technical  
29 Education.

30 (2) As used in this subsection, “electronic means” means any of  
31 the following:

32 (A) A scanned and emailed version of a paper document;

33 (B) A document submitted by facsimile transmission;

34 (C) An electronic signature system that includes a  
35 passcode and is administered by the ~~Department of Education~~ Division of  
36 Elementary and Secondary Education; or

1 (D) Other technological means approved by the ~~Department~~  
2 ~~of Education~~ Division of Elementary and Secondary Education.

3  
4 SECTION 57. Arkansas Code § 6-10-131(b), concerning immunity from  
5 civil liability, is amended to read as follows:

6 (b) Personnel of the ~~Department of Education~~ Division of Elementary  
7 and Secondary Education, including without limitation the Commissioner of  
8 Elementary and Secondary Education, are immune from civil liability and suit  
9 for damages for the enforcement of policies adopted by the State Board of  
10 Education or the ~~Department of Education~~ Division of Elementary and Secondary  
11 Education if the policies are in compliance with state or federal law.

12  
13 SECTION 58. Arkansas Code § 6-11-101(d)(2), concerning members of the  
14 State Board of Education, is amended to read as follows:

15 (2) Neither the Commissioner of Elementary and Secondary  
16 Education nor any candidate for public office, holder of a public office in  
17 the state, schoolteacher, county or city superintendent, employee of a state-  
18 supported college or university, or member of any board of trustees of any  
19 state institution of higher education shall serve as a member of the state  
20 board.

21  
22 SECTION 59. Arkansas Code § 6-11-102(a)(1), concerning the  
23 Commissioner of Education, is amended to read as follows:

24 (a)(1) Subject to confirmation by the Governor, the State Board of  
25 Education is empowered to employ a person to act as the Commissioner of  
26 Elementary and Secondary Education and who shall be the administrative head  
27 of the ~~Department of Education~~ Division of Elementary and Secondary  
28 Education.

29  
30 SECTION 60. Arkansas Code § 6-11-102(c)(1)(A), concerning the  
31 Commissioner of Education, is amended to read as follows:

32 (A) Be a person of good moral character, recognized as a  
33 leader in the field of education, and qualified technically and by experience  
34 to direct the work of the ~~department~~ division; and

35  
36 SECTION 61. Arkansas Code § 6-11-103(b), concerning officers of the

1 State Board of Education, is amended to read as follows:

2 (b) The Commissioner of Elementary and Secondary Education shall act  
3 as ex officio secretary of the state board without a vote.

4  
5 SECTION 62. Arkansas Code § 6-11-104(c)(1), concerning meetings of the  
6 State Board of Education, is amended to read as follows:

7 (c)(1) Special meetings may be called by the chair of the state board  
8 with no less than twenty-four (24) hours notice to the members and the  
9 Commissioner of Elementary and Secondary Education and with timely responses  
10 from enough state board members that they will attend the meeting so as to  
11 indicate that a quorum will be present.

12  
13 SECTION 63. Arkansas Code § 6-11-105(a)(8)(B), concerning the powers  
14 and duties of the State Board of Education, is amended to read as follows:

15 (B) However, this section shall not prohibit the state  
16 board and the ~~Department of Education~~ Division of Elementary and Secondary  
17 Education from issuing teachers' licenses upon the results of teachers'  
18 examinations as now provided by law;

19  
20 SECTION 64. Arkansas Code § 6-11-105(a)(9), concerning the powers and  
21 duties of the State Board of Education, is amended to read as follows:

22 (9) Eliminate unnecessary reports and paperwork by yearly  
23 identifying and compiling a list of all reports that are required from local  
24 school districts by the ~~department~~ division or the state board for the school  
25 year;

26  
27 SECTION 65. Arkansas Code § 6-11-105(a)(10), concerning the powers and  
28 duties of the State Board of Education, is amended to read as follows:

29 (10) Adopt policies to ensure, except as allowed under  
30 subsection (b) of this section, that local school districts are not required  
31 by the state board or the ~~department~~ division to:

32 (A) Provide information that is already available on a  
33 ~~department~~ division student information management system or housed within  
34 the ~~department~~ division;

35 (B) Provide the same written information more than one (1)  
36 time during a school year unless the information has changed during the

1 school year; or

2 (C) Complete forms for children with disabilities that are  
 3 not necessary to ensure compliance with federal statutes and regulations,  
 4 including, but not limited to, the Individuals with Disabilities Education  
 5 Act, state mandates, and corresponding appropriations governing the provision  
 6 of special education services to students with disabilities; and

7  
 8 SECTION 66. Arkansas Code § 6-11-105(a)(11)(B), concerning the powers  
 9 and duties of the State Board of Education, is amended to read as follows:

10 (B) The state board may designate the authority granted  
 11 under this subdivision (a)(12) to the Commissioner of Elementary and  
 12 Secondary Education.

13  
 14 SECTION 67. Arkansas Code § 6-11-105(b) and (c), concerning the powers  
 15 and duties of the State Board of Education, is amended to read as follows:

16 (b) The state board may require information available on a ~~department~~  
 17 division student information management system or require the same  
 18 information twice if the state board can demonstrate a compelling need and  
 19 can demonstrate there is not a more expeditious manner of getting the  
 20 information.

21 (c) The state board may organize and, from time to time, change and  
 22 alter the ~~department~~ division into branches or sections as may be found  
 23 necessary and desirable by the commissioner to perform all proper functions  
 24 and to render maximum service relating to the operation and improvement of  
 25 the general education programs of the state.

26  
 27 SECTION 68. Arkansas Code § 6-11-107 is amended to read as follows:  
 28 6-11-107. Official seal.

29 The State Board of Education shall adopt a seal, and the seal shall be  
 30 used by the Commissioner of Elementary and Secondary Education to  
 31 authenticate documents or copies of documents as the state board or  
 32 commissioner may deem advisable.

33  
 34 SECTION 69. Arkansas Code § 6-11-110(b), concerning the uniform system  
 35 of records and reports by the State Board of Education, is amended to read as  
 36 follows:

1 (b) All the school officials and employees listed in subsection (a) of  
2 this section shall make reports to the Commissioner of Elementary and  
3 Secondary Education as may be designated by the state board.

4  
5 SECTION 70. Arkansas Code § 6-11-111(a), concerning records of  
6 proceedings and the annual report of the State Board of Education, is amended  
7 to read as follows:

8 (a) The State Board of Education shall keep in the office of the  
9 Commissioner of Elementary and Secondary Education a complete record of the  
10 minutes of its meetings and other proceedings and annually shall make a  
11 report to the Governor that shall embody the report of the commissioner to  
12 the state board.

13  
14 SECTION 71. Arkansas Code § 6-11-111(c)(1), concerning records of  
15 proceedings and the annual report of the State Board of Education, is amended  
16 to read as follows:

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

22  
23 SECTION 72. Arkansas Code § 6-11-117 is amended to read as follows:  
24 6-11-117. Copies of documents as evidence.

25 Copies of any papers or documents on file in the office of the  
26 Commissioner of Elementary and Secondary Education authenticated by him or  
27 her with the seal of the State Board of Education shall be admissible in  
28 evidence with the same effect as the original.

29  
30 SECTION 73. Arkansas Code § 6-11-124 is amended to read as follows:  
31 6-11-124. Statewide computer network.

32 (a)(1) Acts 1991, No. 1034, authorizes the Board of Trustees of the  
33 Arkansas Teacher Retirement System to provide a loan to the Department of  
34 Education, now known as the Division of Elementary and Secondary Education,  
35 for a statewide computer system capable of linking all public school systems  
36 and the department.



1           (2) In order to provide alternatives to accomplish the purposes  
2 of Acts 1991, No. 1034, the department, now division, is hereby authorized to  
3 enter into a contractual agreement with IMPAC Learning Systems, Inc., for the  
4 development of a statewide computer system capable of linking all public  
5 school systems and the department, now division, from funds provided by a  
6 loan from the Arkansas Teacher Retirement System.

7           (b) The State Board of Education shall maintain oversight authority  
8 over the approval of all standards, procedures, and specifications determined  
9 by the department, now division, regarding the purchase or lease of the  
10 statewide computer network in addition to maintaining oversight authority  
11 over the operational aspects of the system.

12           (c) The Commissioner of Elementary and Secondary Education may request  
13 from the Chief Fiscal Officer of the State a transfer of appropriation  
14 authorized for school district management and statewide data collection by  
15 the General Assembly to any other line item appropriation authorized for the  
16 department, now division, for the same purpose.

17  
18           SECTION 74. Arkansas Code § 6-11-125 is amended to read as follows:  
19           6-11-125. Legislative intent regarding information technology.

20           (a) The General Assembly finds that the State of Arkansas has provided  
21 the encouragement and the financial means to build a foundation for an  
22 information technology network linking local school districts and the  
23 ~~Department of Education~~ Division of Elementary and Secondary Education. The  
24 General Assembly further finds that the amount of information that local  
25 school districts and their personnel are required to furnish the ~~department~~  
26 division, while essential, has become increasingly burdensome. The General  
27 Assembly therefore expresses its intent and commitment to ensuring that the  
28 ~~department~~ division utilizes and continually upgrades to the fullest extent  
29 possible the information technology network linking the various school  
30 districts and the ~~department~~ division.

31           (b) The State Board of Education, acting through the ~~department~~  
32 division, shall use every means available to eliminate the amount of  
33 paperwork required by state law and regulations to be reported from each  
34 local school district by utilizing to the fullest extent possible, beginning  
35 no later than July 1, 1998, the information technology network linking local  
36 school districts and the ~~department~~ division.

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SECTION 75. Arkansas Code § 6-11-126 is amended to read as follows:  
6-11-126. Computer funds approval.

Before the ~~Department of Education~~ Division of Elementary and Secondary Education obligates any funds for the purchase or lease of a computer for the Arkansas Public School Computer Network, the ~~department~~ division shall first seek prior review from the Joint Interim Oversight Subcommittee on Educational Reform.

SECTION 76. Arkansas Code § 6-11-1289(a)(1), concerning the Arkansas Public School computer Network, is amended to read as follows:

(a)(1) As used in this section, “Arkansas Public School Computer Network” or “APSCN” means the ~~Department of Education~~ Division of Elementary and Secondary Education’s computer network system for public school district reporting of financial management data and student management data to the ~~Department of Education~~ Division of Elementary and Secondary Education.

SECTION 77. The introductory language of Arkansas Code § 6-11-128(b), concerning the Arkansas Public School Computer Network, is amended to read as follows:

(b) The ~~Department of Education~~ Division of Elementary and Secondary Education shall implement the use of policies, procedures, and personnel to provide for data quality and security with the Arkansas Public School Computer Network, including without limitation the following:

SECTION 78. Arkansas Code § 6-11-128(b)(1), concerning the Arkansas Public School Computer Network, is amended to read as follows:

(1) Periodically conducting a thorough security review and security risk assessment for all information, including without limitation personally identifiable employee and student information, that originates in the school districts and terminates on ~~Department~~ Division of Information Systems and Arkansas Public School Computer Network servers;

SECTION 79. Arkansas Code § 6-11-128(b)(4), concerning the Arkansas Public School Computer Network, is amended to read as follows:

(4) Creating and maintaining a process for documenting and

1 monitoring the quality of data from its source of entry into the network to  
2 any educational data repository in the ~~Department of Education~~ Division of  
3 Elementary and Secondary Education;

4  
5 SECTION 80. The introductory language of Arkansas Code § 6-11-  
6 128(c)(1)(A), concerning the Arkansas Public School Computer Network, is  
7 amended to read as follows:

8 (c)(1)(A) Beginning with the 2007-2008 school year, the ~~Department of~~  
9 Education Division of Elementary and Secondary Education shall:

10  
11 SECTION 81. Arkansas Code § 6-11-128(c)(2)(A)-(C), concerning the  
12 Arkansas Public School Computer Network, is amended to read as follows:

13 (2)(A) Beginning with the 2008-2009 school year, the ~~Department~~  
14 of Education Division of Elementary and Secondary Education shall release  
15 monthly from the Arkansas Public School Computer Network selected financial  
16 and student management data submitted by public school districts for the  
17 previous month.

18 (B) The General Assembly and the ~~Department of Education~~  
19 Division of Elementary and Secondary Education shall determine by mutual  
20 agreement what financial and student management data will be selected for the  
21 monthly release.

22 (C) The ~~Department of Education~~ Division of Elementary  
23 and Secondary Education shall make the information available to the General  
24 Assembly in the Arkansas Public School Computer Network data warehouse by the  
25 tenth business day of each month.

26  
27 SECTION 82. Arkansas Code § 6-11-129(a)(1)(A)(v), concerning data  
28 school districts shall make accessible on a website, is amended to read as  
29 follows:

30 (v) The school district budget for the ensuing year,  
31 which shall be posted on the website within thirty (30) days following the  
32 date required to be submitted to the ~~Department of Education~~ Division of  
33 Elementary and Secondary Education;

34  
35 SECTION 83. Arkansas Code § 6-11-129(b), concerning data school  
36 districts shall make accessible on a website, is amended to read as follows:

1 (b) The ~~department~~ division shall make the information and data  
 2 required by this section available and easily accessible on the ~~department's~~  
 3 division's website by including direct links to the websites of all Arkansas  
 4 school districts.

5  
 6 SECTION 84. Arkansas Code § 6-11-201(a), concerning the Director of  
 7 the Department of Career Education, is amended to read as follows:

8 (a)(1) The Director of the ~~Department~~ Division of Career and Technical  
 9 Education, or a disbursing agent designated by him or her and approved by the  
 10 ~~Career Education and Workforce Development Board~~ State Board of Education,  
 11 shall give bond to the State of Arkansas as provided by law for other  
 12 disbursing agents conditioned for the faithful performance of his or her  
 13 duties and the faithful accounting for all the school money of the state, of  
 14 any county, or of any school district that may come into his or her hands.

15  
 16 SECTION 85. Arkansas Code § 6-11-208(a)(1) and (2), concerning the  
 17 formation of the multiagency task force for the Regional Education Career  
 18 Alternative School System for Adjudicated Youth, are amended to read as  
 19 follows:

20 (a)(1) A multiagency task force, staffed and supported by the  
 21 ~~Department~~ Division of Career and Technical Education, is established and  
 22 shall consist of five (5) members, including:

23 (A) The Commissioner of Elementary and Secondary Education  
 24 or his or her designee;

25 (B) The Director of the ~~Department~~ Division of Career and  
 26 Technical Education or his or her designee;

27 (C) The Director of the ~~Department~~ Division of Higher  
 28 Education or his or her designee;

29 (D) The ~~Director~~ Secretary of the Department of Human  
 30 Services or his or her designee; and

31 (E) The Director of the ~~Department~~ Division of Workforce  
 32 Services or his or her designee.

33 (2) Funding for the multiagency task force shall be provided by:

34 (A) The ~~Department~~ Division of Career and Technical  
 35 Education; or

36 (B) Each agency that serves on the multiagency task force,

1 in an equal amount.

2  
 3 SECTION 86. Arkansas Code § 6-13-113 is amended to read as follows:  
 4 6-13-113. School district desegregation orders – Orders.

5 (a) By January 1, 2016, a school district that is subject to a  
 6 desegregation order or desegregation-related order shall notify the  
 7 ~~Department of Education~~ Division of Elementary and Secondary Education in  
 8 writing.

9 (b) A school district that is subject to a desegregation order or a  
 10 desegregation-related order shall include in the written notice to the  
 11 ~~department~~ division:

12 (1) A copy of the desegregation order or desegregation-related  
 13 order;

14 (2) The case heading and case number of each court case in which  
 15 the order was entered;

16 (3) The name and location of each court that maintains  
 17 jurisdiction over the order; and

18 (4) A description of the school choice student transfer  
 19 desegregation obligations, if any, that the school district is subject to,  
 20 related to the order.

21 (c) A school district that is released from court supervision related  
 22 to a desegregation order or desegregation-related order shall promptly notify  
 23 the ~~department~~ division.

24 (d) A school district that fails to meet the requirements of this  
 25 section is in violation of the Standards for Accreditation of Arkansas Public  
 26 Schools and School Districts.

27 (e) The ~~department~~ division shall post on the ~~department's~~ division's  
 28 website all written notifications received as required by this section.

29  
 30 SECTION 87. Arkansas Code § 6-13-631(h), concerning the effect of  
 31 minority populations on elections, is amended to read as follows:

32 (h)(1)(A) On or before August 1, 2002, and every decade thereafter,  
 33 each and every school district shall submit to the ~~Department of Education~~  
 34 Division of Elementary and Secondary Education a letter stating whether or  
 35 not its school district board of directors falls under this section.

36 (B) In that same letter, each school district that falls

1 under this section shall state how it has complied with this section.

2 (C) Furthermore, in the same letter, any school district  
3 that believes that it is exempt from this section shall state under which  
4 provision it is exempt.

5 (2) The ~~department~~ division shall withhold twenty percent (20%)  
6 of the annual state funds allocation to a school district not in compliance  
7 with this section.

8  
9 SECTION 88. Arkansas Code § 6-13-635(b)(2)(B), concerning the school  
10 board review and approval of salary increases, is amended to read as follows:

11 (B) Within thirty (30) days following the date of an audit  
12 report in which an auditor notes noncompliance under this section, the school  
13 district shall provide a copy of the audit report to the ~~Department of~~  
14 Education Division of Elementary and Secondary Education.

15  
16 SECTION 89. The introductory language of Arkansas Code § 6-13-  
17 635(b)(2)(C), concerning the school board review and approval of salary  
18 increases, is amended to read as follows:

19 (C) Annually by October 1, the ~~department~~ division shall:

20  
21 SECTION 90. Arkansas Code § 6-13-701(c), concerning the powers and  
22 duties of school district boards of directors in Arkansas, is amended to read  
23 as follows:

24 (c) An executed certificate of appointment shall be filed with the  
25 county clerk, the county treasurer, and the ~~Director~~ Secretary of the  
26 Department of Finance and Administration.

27  
28 SECTION 91. Arkansas Code § 6-13-701(e)(2), concerning the powers and  
29 duties of school district boards of directors in Arkansas, is amended to read  
30 as follows:

31 (2) To keep a record of all financial transactions of the school  
32 district on forms approved by the ~~Department of Education~~ Division of  
33 Elementary and Secondary Education and the ~~Division of~~ Arkansas Legislative  
34 Audit;

35  
36 SECTION 92. Arkansas Code § 6-13-701(e)(5), concerning the powers and

1 duties of school district boards of directors in Arkansas, is amended to read  
 2 as follows:

3 (5) To make such financial reports to the ~~Department of~~  
 4 ~~Education~~ Division of Elementary and Secondary Education as are required by  
 5 law;

6  
 7 SECTION 93. Arkansas Code § 6-13-701(g)(2)(B), concerning the powers  
 8 and duties of school district boards of directors in Arkansas, is amended to  
 9 read as follows:

10 (B) All activity funds and school food service funds shall  
 11 be maintained and accounted for in accordance with guidelines and procedures  
 12 established by the ~~Department of Education~~ Division of Elementary and  
 13 Secondary Education.

14  
 15 SECTION 94. Arkansas Code § 6-13-701(i), concerning the powers and  
 16 duties of school district boards of directors in Arkansas, is amended to read  
 17 as follows:

18 (i) The records of the school district treasurers shall be audited by  
 19 ~~the division~~ Arkansas Legislative Audit annually in the same manner as now  
 20 provided for the auditing of county officials.

21  
 22 SECTION 95. Arkansas Code § 6-13-808(a), concerning the Arkansas  
 23 Traveling Teacher Program, is amended to read as follows:

24 (a) The Arkansas Traveling Teacher Program is hereby established and  
 25 shall be administered by the ~~Department of Education~~ Division of Elementary  
 26 and Secondary Education with the assistance of public school districts and  
 27 education service cooperatives.

28  
 29 SECTION 96. The introductory language of Arkansas Code § 6-13-  
 30 808(b)(2), concerning the Arkansas Traveling Teacher Program, is amended to  
 31 read as follows:

32 (2) The parties shall enter into a written agreement, in the  
 33 form established by the ~~Department of Education~~ Division of Elementary and  
 34 Secondary Education, that shall include without limitation the following:

35  
 36 SECTION 97. Arkansas Code § 6-13-808(b)(2)(G)(ii), concerning the

1 Arkansas Traveling Teacher Program, is amended to read as follows:

2 (ii) The ~~Department of Education~~ Division of  
 3 Elementary and Secondary Education shall not approve an agreement under this  
 4 section unless the agreement requires the traveling teacher to be physically  
 5 present in the receiving school district while the traveling teacher is  
 6 teaching any course specified in the agreement.

7  
 8 SECTION 98. Arkansas Code § 6-13-808(b)(3), concerning the Arkansas  
 9 Traveling Teacher Program, is amended to read as follows:

10 (3) The agreement shall be reviewed and approved by the  
 11 ~~Department of Education~~ Division of Elementary and Secondary Education under  
 12 subsection (f) of this section.

13  
 14 SECTION 99. The introductory language of Arkansas Code § 6-13-808(c),  
 15 concerning the Arkansas Traveling Teacher Program, is amended to read as  
 16 follows:

17 (c) To the extent the agreement is approved by the ~~Department of~~  
 18 ~~Education~~ Division of Elementary and Secondary Education:

19  
 20 SECTION 100. Arkansas Code § 6-13-808(c)(1)(B), concerning the  
 21 Arkansas Traveling Teacher Program, is amended to read as follows:

22 (B) The ~~Department of Education~~ Division of Elementary and  
 23 Secondary Education shall reimburse the host school district for the amount  
 24 of bonus paid to the traveling teacher; and

25  
 26 SECTION 101. Arkansas Code § 6-13-808(c)(2)(B), concerning the  
 27 Arkansas Traveling Teacher Program, is amended to read as follows:

28 (B) The ~~Department of Education~~ Division of Elementary and  
 29 Secondary Education shall reimburse the host school district for the amount  
 30 of travel reimbursement paid by the host school district to the traveling  
 31 teacher.

32  
 33 SECTION 102. Arkansas Code § 6-13-808(d)-(g), concerning the Arkansas  
 34 Traveling Teacher Program, are amended to read as follows:

35 (d) Neither the ~~Department of Education~~ Division of Elementary and  
 36 Secondary Education nor the State of Arkansas shall be obligated or liable to



1 reimburse any bonus or travel expenses incurred under an agreement for  
2 traveling teacher services under this section if the ~~Department of Education~~  
3 Division of Elementary and Secondary Education has not reviewed and approved  
4 the entire agreement.

5 (e) The ~~Department of Education~~ Division of Elementary and Secondary  
6 Education may, if feasible and if funding is available, establish an online  
7 registry of public school teachers willing to enter into an agreement for  
8 traveling teacher services under this section with information concerning the  
9 teacher's employing school district and any course the teacher is qualified  
10 to teach.

11 (f)(1) All proposed agreements among a host school district, a  
12 receiving school district, and a traveling teacher shall be submitted to the  
13 ~~Department of Education~~ Division of Elementary and Secondary Education by a  
14 date certain for review and approval by the ~~Department of Education~~ Division  
15 of Elementary and Secondary Education.

16 (2) The ~~Department of Education~~ Division of Elementary and  
17 Secondary Education shall review each agreement with all requisite authority  
18 to approve or deny the agreement based on the provisions of law, rule,  
19 availability of funding, and discretionary determination as to the best use  
20 of state resources and funding.

21 (3) The ~~Department of Education~~ Division of Elementary and  
22 Secondary Education shall endeavor to consider approval of an agreement to:

23 (A) Place a traveling teacher with a receiving school  
24 district to maximize the efficiency of the traveling teacher's service to  
25 both the host and receiving school districts; and

26 (B) Minimize the extent and duration of any travel  
27 required.

28 (g)(1) The ~~Department of Education~~ Division of Elementary and  
29 Secondary Education shall establish any rules and agreement forms necessary  
30 for the administration of the Arkansas Traveling Teacher Program.

31 (2) In establishing the rules, the ~~Department of Education~~  
32 Division of Elementary and Secondary Education shall:

33 (A) Prioritize the approval of agreements for traveling  
34 teacher services based on subject-area course needs;

35 (B) Establish appropriate travel limitations;

36 (C) Develop a method of equitable distribution of

1 traveling teachers among the area's education service cooperatives; and

2 (D) Provide a means by which education service  
 3 cooperatives may assist in facilitating traveling teachers.

4  
 5 SECTION 103. Arkansas Code § 6-13-903(c), concerning the powers of  
 6 public school districts, is amended to read as follows:

7 (c) The ~~Department of Education~~ Division of Elementary and Secondary  
 8 Education shall not distribute state equalization aid directly to any  
 9 educational cooperative.

10  
 11 SECTION 104. Arkansas Code § 6-13-905(c), concerning the board of  
 12 directors of cooperating school districts, is amended to read as follows:

13 (c) Policies for the operation of the educational cooperative will be  
 14 developed by the board of directors and be filed with the ~~Department of~~  
 15 Education Division of Elementary and Secondary Education as required by law  
 16 of school districts generally.

17  
 18 SECTION 105. Arkansas Code § 6-13-906 is amended to read as follows:  
 19 6-13-906. Rules, regulations, and reports.

20 (a) The educational cooperative will:

21 (1) Abide by all rules and regulations of the ~~Department of~~  
 22 Education Division of Elementary and Secondary Education which apply to  
 23 school districts generally; and

24 (2) Make all reports as required by law and regulation which  
 25 apply to school districts generally to the ~~department~~ Division of Elementary  
 26 and Secondary Education.

27 (b)(1) Records of the expenditures and receipts of the educational  
 28 cooperatives shall be kept in such manner and on such forms as may be  
 29 specified by the ~~department~~ Division of Elementary and Secondary Education or  
 30 the School Audit Section of the ~~Division of~~ Arkansas Legislative Audit.

31 (2) Reports on expenditures and receipts shall be made for the  
 32 cooperative as a single agency or shall be made separately by the school  
 33 districts to reflect the status of each member school district at such time  
 34 and in such manner as specified by the ~~department~~ Division of Elementary and  
 35 Secondary Education.

1 SECTION 106. Arkansas Code § 6-13-1002(b)(3), concerning the  
2 establishment and functions of the educational service cooperatives, is  
3 amended to read as follows:

4 (3) Promoting coordination between school districts and the  
5 ~~Department of Education~~ Division of Elementary and Secondary Education in  
6 order to provide services which are consistent with the needs identified by  
7 school districts and the educational priorities of the state as established  
8 by the General Assembly or the state board.

9  
10 SECTION 107. Arkansas Code § 6-13-1011(a)(2), concerning personnel of  
11 education service cooperatives, is amended to read as follows:

12 (2) In lieu of a salary schedule, an education service  
13 cooperative annually may submit to the ~~Department of Education~~ Division of  
14 Elementary and Secondary Education a complete listing of all employees of the  
15 education service cooperative and each employee's position, salary, and  
16 benefits.

17  
18 SECTION 108. Arkansas Code § 6-13-1012 is amended to read as follows:  
19 6-13-1012. Agency personnel.

20 With the approval of an education service cooperative's governing body,  
21 the ~~directors in the Department of Education~~ the Director of the Division of  
22 Elementary and Secondary Education may assign state educational agency  
23 personnel to that education service cooperative.

24  
25 SECTION 109. Arkansas Code § 6-13-1014 is amended to read as follows:  
26 6-13-1014. Sharing and coordination of activities – Liaison.

27 (a) The ~~Department of Education~~ Division of Elementary and Secondary  
28 Education shall encourage sharing and coordination of activities among the  
29 education service cooperatives.

30 (b) The Commissioner of Elementary and Secondary Education shall name  
31 a person to serve as liaison between the ~~department~~ division and the  
32 education service cooperatives.

33 (c) This liaison shall provide information on resources and programs  
34 and be the general contact person in the ~~department~~ division for the  
35 education service cooperatives.

36

1 SECTION 110. Arkansas Code § 6-13-1016(c), concerning annual surveys  
2 and needs assessments of education service cooperatives, is amended to read  
3 as follows:

4 (c) Each education service cooperative shall work with the ~~Department~~  
5 ~~of Education~~ Division of Elementary and Secondary Education to conduct  
6 statewide surveys which complement, rather than duplicate, the work of the  
7 ~~department~~ division.

8  
9 SECTION 111. Arkansas Code § 6-13-1020(a)(3)(A), concerning policies,  
10 procedures, expenditures, reports, and audits to be filed with the State  
11 Board of Education, is amended to read as follows:

12 (3)(A) A report of its receipts and expenditures made in  
13 accordance with uniform accounting procedures adopted by the Commissioner of  
14 Elementary and Secondary Education.

15  
16 SECTION 112. Arkansas Code § 6-13-1020(b), concerning policies,  
17 procedures, expenditures, reports, and audits to be filed with the State  
18 Board of Education, is amended to read as follows:

19 (b) The ~~Department of Education~~ Division of Elementary and Secondary  
20 Education may prescribe the forms and procedures for filing the information  
21 required by subsection (a) of this section.

22  
23 SECTION 113. Arkansas Code § 6-13-1020(d)(2), concerning policies,  
24 procedures, expenditures, reports, and audits to be filed with the State  
25 Board of Education, is amended to read as follows:

26 (2) The education service cooperative shall supplement its  
27 report with written reports to each school district and to the ~~department~~  
28 division on a school-by-school, service-by-service accounting basis.

29  
30 SECTION 114. Arkansas Code § 6-13-1021(a), concerning evaluations and  
31 performance ratings of education service cooperatives, is amended to read as  
32 follows:

33 (a) Each education service cooperative shall be evaluated during the  
34 2012-2013 school year, and at least once within each five-year period, on a  
35 schedule established by the Commissioner of Elementary and Secondary  
36 Education, all active education service cooperatives must be visited by an

1 evaluation committee of not more than nine (9) persons.

2  
3 SECTION 115. Arkansas Code § 6-13-1021(b)(1)(B), concerning  
4 evaluations and performance ratings of education service cooperatives, is  
5 amended to read as follows:

6 (B) The final evaluation, including any self-evaluation,  
7 shall be included in the annual report to the ~~Department of Education~~  
8 Division of Elementary and Secondary Education, § 6-13-1020, and made  
9 available on the website of the education service cooperative.

10  
11 SECTION 116. Arkansas Code § 6-13-1021(b)(2)(A), concerning  
12 evaluations and performance ratings of education service cooperatives, is  
13 amended to read as follows:

14 (2)(A) The evaluation criteria shall be developed  
15 collaboratively between the ~~department~~ division and the director of each  
16 education service cooperative.

17  
18 SECTION 117. Arkansas Code § 6-13-1021(e), concerning evaluations and  
19 performance ratings of education service cooperatives, is amended to read as  
20 follows:

21 (e) The ~~department~~ division shall promulgate rules necessary for  
22 implementing this section.

23  
24 SECTION 118. Arkansas Code § 6-13-1021(f)(2)(A), concerning  
25 evaluations and performance ratings of education service cooperatives, is  
26 amended to read as follows:

27 (A) A ~~Department of Education~~ Division of Elementary and  
28 Secondary Education staff member;

29  
30 SECTION 119. The introductory language of Arkansas Code § 6-13-  
31 1027(b), concerning the Education Service Cooperative Act of 1985, is amended  
32 to read as follows:

33 (b) Any education service cooperative that meets one (1) or more of  
34 the following criteria may be identified by the ~~Department of Education~~  
35 Division of Elementary and Secondary Education as being in fiscal distress  
36 upon final approval of the State Board of Education:

1  
2 SECTION 120. Arkansas Code § 6-13-1027(b)(1)(B), concerning the  
3 Education Service Cooperative Act of 1985, is amended to read as follows:

4 (B) The ~~department~~ division shall not use capital outlay  
5 expenditures from the education service cooperative's balance for facilities  
6 to identify the education service cooperative as being in fiscal distress;  
7

8 SECTION 121. Arkansas Code § 6-13-1027(b)(8), concerning the Education  
9 Service Cooperative Act of 1985, is amended to read as follows:

10 (8) Any other fiscal condition of the education service  
11 cooperative that the ~~department~~ division determines materially impacts the  
12 education service cooperative's delivery of education services.  
13

14 SECTION 122. Arkansas Code § 6-13-1027(c) and (d), concerning the  
15 Education Service Cooperative Act of 1985, are amended to read as follows:

16 (c)(1) The ~~department~~ division may identify an education service  
17 cooperative as being in fiscal distress at any time a fiscal condition of the  
18 education service cooperative is discovered to have a detrimental negative  
19 impact on the continuation of educational services provided by the education  
20 service cooperative.

21 (2)(A) If the ~~department~~ division identifies an education  
22 service cooperative as being in fiscal distress, the ~~department~~ division  
23 shall notify the education service cooperative in writing of the  
24 identification of fiscal distress within ten (10) calendar days.

25 (B) The ~~department~~ division shall identify in the notice  
26 each criteria for fiscal distress on which the ~~department~~ division based the  
27 identification of fiscal distress.

28 (C) The ~~department~~ division shall deliver the notice by  
29 certified mail, return receipt requested, and addressed to:

30 (i) The president of the education service  
31 cooperative's board of directors; and

32 (ii) The director of the education service  
33 cooperative employed under § 6-13-1010.

34 (d) The identification of fiscal distress made by the ~~department~~  
35 division under this section may be appealed to the state board under § 6-13-  
36 1031 in which case the final order entered upon appeal is the final

1 classification of fiscal distress.

2  
3 SECTION 123. Arkansas Code § 6-13-1027(e)(2), concerning the Education  
4 Service Cooperative Act of 1985, is amended to read as follows:

5 (2) File with the ~~department~~ division a fiscal distress plan  
6 under § 6-13-1028.

7  
8 SECTION 124. The introductory language of Arkansas Code § 6-13-  
9 1028(a), concerning the fiscal distress plan, is amended to read as follows:

10 (a) An education service cooperative that is classified by the State  
11 Board of Education as being in fiscal distress shall file with the ~~Department~~  
12 ~~of Education~~ Division of Elementary and Secondary Education a fiscal distress  
13 plan that:

14  
15 SECTION 125. Arkansas Code § 6-13-1028(b) and (c), concerning the  
16 fiscal distress plan, are amended to read as follows:

17 (b) The ~~department~~ division shall approve the fiscal distress plan  
18 before the education service cooperative implements the fiscal distress plan.

19 (c) An education service cooperative identified as being in fiscal  
20 distress is required to receive on-site technical evaluation and assistance  
21 from the ~~department~~ division.

22  
23 SECTION 126. The introductory language of Arkansas Code § 6-13-  
24 1029(a), concerning fiscal distress actions, is amended to read as follows:

25 (a) To address the identified areas of fiscal distress of an education  
26 service cooperative, the ~~Department of Education~~ Division of Elementary and  
27 Secondary Education shall:

28  
29 SECTION 127. Arkansas Code § 6-13-1029(a)(1)(B), concerning fiscal  
30 distress actions, is amended to read as follows:

31 (B) The recommendations of the ~~department~~ division are  
32 binding on the education service cooperative;

33  
34 SECTION 128. The introductory language of Arkansas Code § 6-13-  
35 1029(b), concerning fiscal distress actions, is amended to read as follows:

36 (b) The ~~department~~ division also may take one (1) or more of the

1 following actions:

2

3 SECTION 129. Arkansas Code § 6-13-1029(b)(1)(A)(ii) and (iii),  
4 concerning fiscal distress actions, are amended to read as follows:

5 (ii) An individual appointed to replace the director  
6 shall administratively operate the education service cooperative under the  
7 supervision and approval of the Commissioner of Elementary and Secondary  
8 Education.

9 (iii) The ~~department~~ division may compensate  
10 ~~nondepartment~~ nondivision agents operating the education service cooperative  
11 from the education service cooperative's funding; and

12

13 SECTION 130. Arkansas Code § 6-13-1029(c), concerning fiscal distress  
14 actions, is amended to read as follows:

15 (c) Within two (2) consecutive school years of the State Board of  
16 Education's final classification of fiscal distress, the ~~department~~ division  
17 shall determine whether to recommend that the education service cooperative  
18 be removed from fiscal distress status.

19

20 SECTION 131. The introductory language of Arkansas Code § 6-13-  
21 1030(a), concerning the removal from fiscal distress status, is amended to  
22 read as follows:

23 (a) The ~~Department of Education~~ Division of Elementary and Secondary  
24 Education shall certify in writing to the education service cooperative that  
25 the education service cooperative may be removed from fiscal distress status  
26 when the ~~department~~ division determines that the education service  
27 cooperative has:

28

29 SECTION 132. Arkansas Code § 6-13-1030(a)(2), concerning the removal  
30 from fiscal distress status, is amended to read as follows:

31 (2) Complied with all ~~department~~ division recommendations and  
32 requirements for removal from fiscal distress status.

33

34 SECTION 133. Arkansas Code § 6-13-1030(b)(2), concerning removal from  
35 fiscal distress status, is amended to read as follows:

36 (2) An education service cooperative may not petition the state



1 board for removal from fiscal distress status before the ~~department~~ division  
2 makes the certification under subsection (a) of this section.

3  
4 SECTION 134. Arkansas Code § 6-13-1031(b), concerning an appeal by an  
5 education service cooperative regarding its identification of fiscal  
6 distress, is amended to read as follows:

7 (b) The education service cooperative may lodge an appeal by filing a  
8 written appeal with the Commissioner of Elementary and Secondary Education by  
9 certified mail, return receipt requested, within thirty (30) days of the date  
10 the education service cooperative received notice of the identification of  
11 fiscal distress.

12  
13 SECTION 135. Arkansas Code § 6-13-1031(e), concerning an appeal by an  
14 education service cooperative regarding its identification of fiscal  
15 distress, is amended to read as follows:

16 (e) Notwithstanding any appeal rights in this section, no appeal shall  
17 stay the state board's or the ~~Department of Education's~~ Division of  
18 Elementary and Secondary Education's authority to take action to enforce the  
19 education service cooperative's compliance with financial management,  
20 accounting, auditing, and reporting procedures required by state or federal  
21 law and regulations.

22  
23 SECTION 136. Arkansas Code § 6-13-1104 is amended to read as follows:  
24 6-13-1104. Powers and duties.

25 Any model rural early childhood consortium created pursuant to this  
26 subchapter shall have the authority to petition the ~~Department of Education~~  
27 Division of Elementary and Secondary Education or the State Board of  
28 Education for waivers from present school standards to fulfill the purposes  
29 set forth in § 6-13-1101.

30  
31 SECTION 137. Arkansas Code § 6-13-1106(a)(2), concerning the criteria  
32 for an educational consortium, is amended to read as follows:

33 (2) The ~~Department of Education~~ Division of Elementary and  
34 Secondary Education shall determine which applications are accepted in  
35 accordance with the state board's published criteria.

36

1 SECTION 138. Arkansas Code § 6-13-1308 is amended to read as follows:

2 6-13-1308. Assistance by ~~Department of Education~~ Division of  
3 Elementary and Secondary Education.

4 (a) The ~~Department of Education~~ Division of Elementary and Secondary  
5 Education may develop sample guidelines to assist local boards of directors  
6 in the development of their policies.

7 (b) The ~~department~~ division may provide professional development  
8 activities to assist schools in implementing site-based decision making.

9  
10 SECTION 139. Arkansas Code § 6-13-1404(d)(2)(B), concerning the  
11 conditions under which the State Board of Education may consolidate school  
12 districts, is amended to read as follows:

13 (B) It shall be the duty of the ~~Department of Education~~  
14 Division of Elementary and Secondary Education to make changes in the maps of  
15 the school districts to properly show the boundary lines of the resulting  
16 district or districts.

17  
18 SECTION 140. Arkansas Code § 6-13-1414(d), concerning a boundary  
19 change by the State Board of Education, is amended to read as follows:

20 (d) Upon an order from the state board to change or adjust boundary  
21 lines, it shall be the duty of the ~~Department of Education~~ Division of  
22 Elementary and Secondary Education to immediately make changes in the maps of  
23 the school districts of the county to show the changes of boundaries.

24  
25 SECTION 141. The introductory language of Arkansas Code § 6-13-1602,  
26 concerning the publication of an administrative consolidation list, is  
27 amended to read as follows:

28 By January 1 of each year, the ~~Department of Education~~ Division of  
29 Elementary and Secondary Education shall publish a:

30  
31 SECTION 142. Arkansas Code § 6-13-1603(a)(1), concerning  
32 administrative reorganization, is amended to read as follows:

33 (a)(1) Any school district included in the ~~Department of Education's~~  
34 Division of Elementary and Secondary Education's consolidation list under §  
35 6-13-1602 may voluntarily agree to administratively consolidate with or be  
36 annexed to another school district or districts in accordance with the

1 requirements and limitations of this section.

2  
3 SECTION 143. Arkansas Code § 6-13-1603(g)(2), concerning  
4 administrative reorganization, is amended to read as follows:

5 (2) The school district fails to comply with the Standards for  
6 Accreditation of Arkansas Public Schools and School Districts issued by the  
7 ~~department~~ division.

8  
9 SECTION 144. Arkansas Code § 6-13-1608(c)-(f), concerning an audit of  
10 all school district's by the Division of Legislative Audit, are amended to  
11 read as follows:

12 (c)(1) Beginning on the date of publication of the consolidation list  
13 under § 6-13-1602 each year, the ~~Department of Education~~ Division of  
14 Elementary and Secondary Education shall have authority to oversee all fiscal  
15 and accounting-related matters of all school districts on the consolidation  
16 list and shall require those school districts to have accurate records  
17 necessary to close all books within sixty (60) days after the end of the  
18 fiscal year.

19 (2) No contract or other debt obligation incurred by a school  
20 district for which the ~~department~~ Division of Elementary and Secondary  
21 Education has oversight authority under this section shall be valid or  
22 enforceable against a resulting school district unless the contract or other  
23 debt obligation is preapproved in writing by the Commissioner of Elementary  
24 and Secondary Education or his or her designee.

25 (d) Any school that is involved in an administrative consolidation or  
26 administrative annexation shall have an audit started within thirty (30) days  
27 of the completion of the closing of the books by the school district.

28 (e) The ~~Department~~ Division of Elementary and Secondary Education and  
29 the ~~division~~ Arkansas Legislative Audit shall jointly develop the scope and  
30 details of the comprehensive fiscal review consistent with the requirements  
31 of this section.

32 (f) A school district may not incur debt without the prior written  
33 approval of the ~~department~~ Division of Elementary and Secondary Education if  
34 the school district is identified by the ~~department~~ Division of Elementary  
35 and Secondary Education under § 6-13-1602(1) as having fewer than three  
36 hundred fifty (350) students according to the school district average daily

1 membership in the school year immediately preceding the current school year.

2  
3 SECTION 145. Arkansas Code § 6-13-1610(a)(5), concerning the  
4 definition of "improper expenditure exceptions" under the laws establishing  
5 financial relief for debts acquired as a result of involuntary  
6 consolidations, is amended to read as follows:

7 (5) "Improper expenditure exceptions" means an erroneous  
8 expenditure of federal or state funds that is noted as an audit exception and  
9 has been determined by the ~~Department of Education~~ Division of Elementary and  
10 Secondary Education to require an expenditure of funds by the resulting  
11 district to be correct.

12  
13 SECTION 146. Arkansas Code § 6-13-1610(b), concerning financial relief  
14 for debts acquired as a result of involuntary consolidations, is amended to  
15 read as follows:

16 (b) If on July 1, 2004, or thereafter, the State Board of Education  
17 required an involuntary administrative consolidation under § 6-13-1603(a)(3)  
18 and the resulting district assumed excess accounts payable or improper  
19 expenditure exceptions incurred by the Act 60 school district before the July  
20 1 administrative consolidation date that would have caused deficit spending  
21 if paid from the funds of the Act 60 school district, the ~~department~~ Division  
22 of Elementary and Secondary Education shall provide supplemental funding to  
23 the resulting district.

24  
25 SECTION 147. Arkansas Code § 6-13-1610(c)(2)(A), concerning financial  
26 relief for debts acquired as a result of involuntary consolidations, is  
27 amended to read as follows:

28 (2)(A) Amount of accounts payable, excess accounts payable,  
29 improper expenditure exceptions, and available funding shall be determined by  
30 the ~~department~~ Division of Elementary and Secondary Education based on  
31 information provided in a final audit and other verifiable fiscal information  
32 available to the ~~department~~ division.

33  
34 SECTION 148. Arkansas Code § 6-13-1610(d), concerning financial relief  
35 for debts acquired as a result of involuntary consolidations, is amended to  
36 read as follows:

1 (d)(1) Beginning on the date of the publication of the consolidation  
2 list under § 6-13-1602 each year, the ~~department~~ division shall have  
3 authority to oversee all fiscal and accounting-related matters of all school  
4 districts on the consolidation list and shall require these school districts  
5 to have accurate records necessary to close all books within sixty (60) days  
6 of the end of the fiscal year.

7 (2) No contract or other debt obligation incurred by a school  
8 district for which the ~~department~~ division has oversight authority under this  
9 section shall be valid or enforceable against a resulting district unless the  
10 contract or other debt obligation is preapproved in writing by the  
11 Commissioner of Elementary and Secondary Education or his or her designee.  
12

13 SECTION 149. The introductory language of Arkansas Code § 6-13-  
14 1611(a), concerning reports by administratively consolidated school  
15 districts, is amended to read as follows:

16 (a) By October 1 of each year, the resulting district or receiving  
17 district of any school district that was administratively consolidated or  
18 administratively annexed under §§ 6-13-1601 – 6-13-1603, ~~6-13-1604~~  
19 ~~{repealed}~~, and ~~6-13-1605 {repealed}~~ shall file a written report with the  
20 House Committee on Education, the Senate Committee on Education, and the  
21 ~~Department of Education~~ Division of Elementary and Secondary Education  
22 indicating:  
23

24 SECTION 150. The introductory language of Arkansas Code § 6-13-  
25 1611(b), concerning reports by administratively consolidated school  
26 districts, is amended to read as follows:

27 (b) The ~~department~~ division shall develop or approve a survey to be  
28 used by the resulting districts or receiving districts to capture perceptual  
29 data from parents and students regarding their opinions on:  
30

31 SECTION 151. The introductory language of Arkansas Code § 6-13-  
32 1612(c), concerning academic support centers, is amended to read as follows:

33 (c) The ~~Department of Education~~ Division of Elementary and Secondary  
34 Education shall:  
35

36 SECTION 152. Arkansas Code § 6-13-1613(a)(1), concerning minimum

1 school district size waivers, is amended to read as follows:

2 (a)(1) A school district that is placed on the consolidation list  
 3 published by the ~~Department of Education~~ Division of Elementary and Secondary  
 4 Education under § 6-13-1602(2) may annually request a waiver from the average  
 5 daily membership requirement of three hundred fifty (350) students from the  
 6 State Board of Education.

7  
 8 SECTION 153. Arkansas Code § 6-14-113(d), concerning election kits for  
 9 school elections, is amended to read as follows:

10 (d) The cost of the kits or packages prepared by the ~~Department of~~  
 11 ~~Education~~ Division of Elementary and Secondary Education pursuant to this  
 12 section shall be paid from the maintenance funds provided for the ~~department~~  
 13 division by legislative appropriation.

14  
 15 SECTION 154. Arkansas Code § 6-15-102 is amended to read as follows:  
 16 6-15-102. Division of Public School Accountability.

17 (a)(1) To enhance the public's access to public school performance  
 18 indicators and to better measure the benefits of the increasing public  
 19 investment in Arkansas's schools, the General Assembly finds that a Division  
 20 of Public School Accountability ~~of~~ under the ~~Department of Education~~ Division  
 21 of Elementary and Secondary Education should be established under the direct  
 22 operational control of the Commissioner of Elementary and Secondary  
 23 Education.

24 (2) The foremost obligation of the ~~division~~ Division of Public  
 25 School Accountability shall be to administer all monitoring and compliance  
 26 activities dealing with academic and fiscal accountability for each school or  
 27 school district and to report academic progress.

28 (b) There is created the Division of Public School Accountability ~~of~~  
 29 under the ~~Department of Education~~ Division of Elementary and Secondary  
 30 Education.

31 (c) The ~~division~~ Division of Public School Accountability shall be  
 32 under the supervision of the commissioner.

33 (d)(1)(A) The commissioner shall select an individual to serve as the  
 34 ~~assistant commissioner~~ Assistant Director of the ~~division~~ Division of Public  
 35 School Accountability, and the ~~assistant commissioner~~ Assistant Director of  
 36 the Division of Public School Accountability shall serve at the pleasure of

1 the commissioner.

2 (B) The commissioner may reassign as necessary appropriate  
3 staff for the ~~division~~ Division of Public School Accountability sufficient to  
4 fulfill all obligations for monitoring and reporting in the ~~division~~ Division  
5 of Public School Accountability.

6 (2) The person selected as the ~~assistant commissioner~~ Assistant  
7 Director of the Division of Public School Accountability shall:

8 (A) Be a person of good moral character and qualified  
9 technically and by experience to direct the work of the ~~division~~ Division of  
10 Public School Accountability;

11 (B) Hold a master's degree or a higher level degree from  
12 an accredited institution; and

13 (C) Have ten (10) years of experience in an  
14 administrative, supervisory, or management position.

15 (3) No person who is related within the fourth degree of  
16 consanguinity or affinity to any member of the State Board of Education or to  
17 the commissioner shall be eligible to serve as the ~~assistant commissioner~~  
18 Assistant Director of the Division of Public School Accountability.

19 (e) With guidance and approval from the commissioner, the ~~assistant~~  
20 ~~commissioner~~ Assistant Director of the Division of Public School  
21 Accountability shall be responsible for hiring all employees of the ~~division~~  
22 Division of Public School Accountability.

23 (f) The ~~division~~ Division of Public School Accountability shall have  
24 the following responsibilities:

25 (1) To monitor schools for compliance with:

26 (A) State and federal regulations;

27 (B) Legislative acts and court-ordered mandates;

28 (C) All standards of learning and accreditation as  
29 established by the state board; and

30 (D) All rules and regulations as established by the state  
31 board;

32 (2) To coordinate the analysis, dissemination, and reporting of  
33 all state-mandated assessment information;

34 (3) To coordinate the implementation and administration of:

35 (A) Longitudinal tracking and trend data collection as  
36 established by the state board for the purposes of improving student and

1 school performance, ensuring mastery of the curriculum, and providing  
 2 comparisons between students within Arkansas and with students in other  
 3 states;

4 (B) Value-added assessments as established by the state  
 5 board; and

6 (C) The annual school performance reports as established  
 7 by the state board;

8 (4) To administer all monitoring and compliance activities  
 9 dealing with academic and fiscal accountability as established by the state  
 10 board; and

11 (5) To work with program approval and licensure sections of the  
 12 ~~Department of Education~~ Division of Elementary and Secondary Education, the  
 13 ~~Department~~ Division of Higher Education, the ~~Department~~ Division of Career  
 14 and Technical Education, and the individual colleges to provide information  
 15 that will contribute to reasonable, equitable, and excellent preparation of  
 16 licensed personnel in public and private institutions of higher education.

17 (g)(1) The ~~division~~ Division of Public School Accountability shall  
 18 provide annual reports of school performance or compliance to the Joint  
 19 Interim Oversight Committee on Education Reform, the House Committee on  
 20 Education, and the Senate Committee on Education.

21 (2) A preliminary report shall be provided by January 1 of each  
 22 year, and a follow-up report that includes information regarding on-site  
 23 visits shall be filed by June 1 of each year.

24  
 25 SECTION 155. Arkansas Code § 6-15-202(a)(1), concerning accreditation  
 26 and development of regulations and standards by the State Board of Education,  
 27 is amended to read as follows:

28 (a)(1) The State Board of Education is authorized and directed to  
 29 develop comprehensive regulations, criteria, and standards to be used by the  
 30 state board and the ~~Department of Education~~ Division of Elementary and  
 31 Secondary Education in the accreditation of school programs in elementary and  
 32 secondary public schools in this state.

33  
 34 SECTION 156. Arkansas Code § 6-15-202(b)(2)(B)(iii), concerning  
 35 accreditation and development of regulations and standards by the State Board  
 36 of Education, is amended to read as follows:



1 (iii) The ~~department~~ division verifies in writing to  
2 the state board that all of the curriculum frameworks for the two (2)  
3 separate courses are included in the proposed combined or embedded course;  
4 and  
5

6 SECTION 157. Arkansas Code § 6-15-202(e)(1), concerning accreditation  
7 and development of regulations and standards by the State Board of Education,  
8 is amended to read as follows:

9 (e)(1) The ~~department~~ division shall conduct a Standards for  
10 Accreditation of Arkansas Public Schools and School Districts review for each  
11 public school or public school district in the state:

12 (A) Identified as being at a high risk of failing to meet  
13 the standards; or

14 (B) Whenever the ~~department~~ division or state board deems  
15 necessary.  
16

17 SECTION 158. The introductory language of Arkansas Code § 6-15-202(f),  
18 concerning accreditation and development of regulations and standards by the  
19 State Board of Education, is amended to read as follows:

20 (f) The Commissioner of Elementary and Secondary Education may require  
21 that the superintendent of each school district file a written statement with  
22 the ~~department~~ division as evidence that the school district for which the  
23 superintendent is responsible has complied with any or all of the following  
24 statutory requirements:  
25

26 SECTION 159. Arkansas Code § 6-15-202(f)(51), concerning accreditation  
27 and development of regulations and standards by the State Board of Education,  
28 is amended to read as follows:

29 (51) Any other statutory mandate for school districts identified  
30 by the ~~department~~ division as relevant to the Standards for Accreditation of  
31 Arkansas Public Schools and School Districts.  
32

33 SECTION 160. Arkansas Code § 6-15-202(g) and (h), concerning  
34 accreditation and development of regulations and standards by the State Board  
35 of Education, are amended to read as follows:

36 (g) In addition to any written statement of assurance required under

1 subsection (f) of this section, the ~~department~~ division may conduct an on-  
2 site review of a school district to confirm that a school district has  
3 complied with any statutory requirements listed in subsection (f) of this  
4 section or any other matter related to the standards.

5 (h) The ~~department~~ division shall establish a form for the written  
6 statement of assurance required under subsection (f) of this section and  
7 shall establish a date or dates by which school districts shall submit the  
8 written statement of assurance required under subsection (f) of this section.

9  
10 SECTION 161. The introductory language of Arkansas Code § 6-15-202(i),  
11 concerning accreditation and development of regulations and standards by the  
12 State Board of Education, is amended to read as follows:

13 (i) If any superintendent fails to file a written statement of  
14 assurance as required by the commissioner under subsection (f) of this  
15 section by the date established by the ~~department~~ division or knowingly  
16 submits false information or if the ~~department~~ division determines the  
17 information in the statement is inaccurate or incomplete, the ~~department~~  
18 division may:

19  
20 SECTION 162. Arkansas Code § 6-15-203(a), concerning notification of  
21 school for failure to meet standards for accreditation and appeal, are  
22 amended to read as follows:

23 (a)(1) The ~~Department of Education~~ Division of Elementary and  
24 Secondary Education annually shall notify all schools or school districts  
25 failing to meet standards for accreditation for elementary and secondary  
26 schools not later than May 1 of each year of this determination.

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

31 (B) A public school or school district notified by the  
32 ~~department~~ division of the public school's or school district's failure to  
33 meet the standards for accreditation due to actions taken under § 6-15-202(i)  
34 shall have the same period of time to appeal to the State Board of Education  
35 as provided under subdivision (b)(3) of this section.

36

1 SECTION 163. Arkansas Code § 6-15-203(b)(1), concerning notification  
2 of school for failure to meet standards for accreditation and appeal, are  
3 amended to read as follows:

4 (b)(1) In the event that a school district affected by this subchapter  
5 believes the ~~department~~ division has improperly determined that a school or  
6 school district fails to meet the standards for accreditation, the school  
7 district shall have a right of appeal thereafter to the state board.

8  
9 SECTION 164. Arkansas Code § 6-15-206(a), concerning a school's  
10 subsequent failure to meet standards for accreditation, is amended to read as  
11 follows:

12 (a) Any school or school district which fails to meet current  
13 standards for accreditation as determined by the ~~Department of Education~~  
14 Division of Elementary and Secondary Education shall be classified as  
15 probationary.

16  
17 SECTION 165. Arkansas Code § 6-15-206(b)(2), concerning a school's  
18 subsequent failure to meet standards for accreditation, is amended to read as  
19 follows:

20 (2) The ~~department~~ division shall prepare and promulgate  
21 regulations and guidelines for the maximum times allowable for correction of  
22 any violations of standards, provided no probationary status violation may  
23 exist for more than two (2) consecutive school years.

24  
25 SECTION 166. Arkansas Code § 6-15-206(c)(2), concerning a school's  
26 subsequent failure to meet standards for accreditation, is amended to read as  
27 follows:

28 (2) The ~~department~~ division shall review annually the  
29 educational standards of school districts for the purpose of determining  
30 whether standards for accreditation of the schools therein are in compliance  
31 with current state standards for accreditation.

32  
33 SECTION 167. Arkansas Code § 6-15-206(d)(1), concerning a school's  
34 subsequent failure to meet standards for accreditation, is amended to read as  
35 follows:

36 (d)(1) The ~~department~~ division shall conduct a review of each school's

1 compliance if the ~~department~~ division has reason to believe that the school  
2 district or any school within the public school district has fallen below  
3 standards for accreditation.

4  
5 SECTION 168. Arkansas Code § 6-15-206(e), concerning a school's  
6 subsequent failure to meet standards for accreditation, is amended to read as  
7 follows:

8 (e) The ~~department~~ division shall cooperate with local schools and  
9 school authorities in order to assist affected school districts and schools  
10 therein to achieve compliance with the standards for accreditation as  
11 provided in this subchapter.

12  
13 SECTION 169. Arkansas Code § 6-15-213(3) and (4), concerning courses  
14 that should be considered as taught under certain circumstances, are amended  
15 to read as follows:

16 (3) The school district provides written proof, as required by  
17 the ~~Department of Education~~ Division of Elementary and Secondary Education,  
18 that the school district had the course scheduled to be taught on the school  
19 district's master course schedule during the entire time the course was  
20 required to be taught;

21 (4) The school district provides written proof, as required by  
22 the ~~department~~ Division of Elementary and Secondary Education, that the  
23 school district had a properly licensed teacher employed and able to teach  
24 the required course during the entire time the course was required to be  
25 taught on site at the school district, by independent study, or has access to  
26 the course via distance education approved by the ~~department~~ Division of  
27 Elementary and Secondary Education, and the course was listed on the school  
28 district's master course schedule; and

29  
30 SECTION 170. Arkansas Code § 6-15-214(b)(1), concerning advanced  
31 placement courses counted as core curriculum courses, is amended to read as  
32 follows:

33 (b)(1) The ~~Department of Education~~ Division of Elementary and  
34 Secondary Education acknowledges that the rigor and level of difficulty of  
35 advanced placement courses exceed the requirements of regular courses.

36

1 SECTION 171. Arkansas Code § 6-15-214(d), concerning advanced  
2 placement courses counted as core curriculum courses, is amended to read as  
3 follows:

4 (d)(1) The public school district shall notify the ~~department~~ division  
5 after registration in the spring before the beginning of the new school year  
6 and immediately after the school year begins if no students enrolled in the  
7 required course and the public school district will seek to meet the  
8 standards for accreditation using the advanced placement course.

9 (2) Upon receiving the public school district notification and  
10 after spring registration, the ~~department~~ division shall permit the public  
11 school district to meet the standards for accreditation by teaching the  
12 advanced placement course in place of the required course.

13  
14 SECTION 172. Arkansas Code § 6-15-214(f), concerning advanced  
15 placement courses counted as core curriculum courses, is amended to read as  
16 follows:

17 (f) The ~~department~~ division shall establish procedures to ensure that  
18 no student is coerced into taking an advanced placement course for the  
19 purpose of meeting the standards for accreditation.

20  
21 SECTION 173. Arkansas Code § 6-15-215(b)(2), concerning the definition  
22 of "Smart Core" under the Arkansas Smart Core Incentive Funding Program, is  
23 amended to read as follows:

24 (2) "Smart Core" means the curriculum established by the  
25 ~~Department of Education~~ Division of Elementary and Secondary Education under  
26 the Standards for Accreditation of Arkansas Public Schools and School  
27 Districts that is part of Smart Future, a state initiative focused on  
28 improving Arkansas public high schools for all students; and

29  
30 SECTION 174. Arkansas Code § 6-15-215(e), concerning the Arkansas  
31 Smart Core Incentive Funding Program, is amended to read as follows:

32 (e)(1) Subject to an appropriation and available funding for the  
33 program, the ~~department~~ division shall pay incentive funding to a school  
34 district under this section based on an annual percentage of Smart Core  
35 graduates from a public high school in the school district.

36 (2)(A) The ~~department~~ division shall make the calculation based

1 on a student record analysis conducted annually by the ~~department~~ division  
2 beginning with the graduating class of 2010.

3 (B) The ~~department~~ division shall exclude from the student  
4 record analysis a student with an individualized education program that does  
5 not require a student to complete the Smart Core curriculum.

6  
7 SECTION 175. The introductory language of Arkansas Code § 6-15-  
8 215(f)(1), concerning the Arkansas Smart Core Incentive Funding Program, is  
9 amended to read as follows:

10 (f)(1) By June 30 of each year, the ~~department~~ division shall pay to a  
11 school district incentive funding under the program as follows:

12  
13 SECTION 176. Arkansas Code § 6-15-215(f)(2), concerning the Arkansas  
14 Smart Core Incentive Funding Program, is amended to read as follows:

15 (2) The ~~department~~ division shall not pay incentive funding to a  
16 school district for a public high school in which less than ninety percent  
17 (90%) of its graduates complete the Smart Core curriculum.

18  
19 SECTION 177. Arkansas Code § 6-15-216(a)(1), concerning flexibility in  
20 awarding course credit, is amended to read as follows:

21 (a)(1) Beginning in the 2018-2019 school year, a public school  
22 district may submit a plan for approval to the ~~Department of Education~~  
23 Division of Elementary and Secondary Education to award units of high school  
24 course credit based on a demonstration of subject matter competency instead  
25 of, or in combination with, completing hours of classroom instruction.

26  
27 SECTION 178. Arkansas Code § 6-15-216(c), concerning flexibility in  
28 awarding course credit, is amended to read as follows:

29 (c) The ~~department~~ division may promulgate rules to implement this  
30 section, including without limitation guidelines to assist public school  
31 districts in transitioning to awarding credits as provided under this  
32 section.

33  
34 SECTION 179. Arkansas Code § 6-15-503(c), concerning prerequisites to  
35 home schooling, is amended to read as follows:

36 (c) Each local school district shall report the statistical data

1 required by this section to the ~~Department of Education~~ Division of  
2 Elementary and Secondary Education each year.

3  
4 SECTION 180. Arkansas Code § 6-15-503(e), concerning prerequisites to  
5 home schooling, is amended to read as follows:

6 (e) The ~~department~~ division and the student's local school district  
7 shall not create additional criteria or require additional information for a  
8 student to attend a home school beyond that provided in this section.

9  
10 SECTION 181. Arkansas Code § 6-15-902(c)(3)(B)(i), concerning grading  
11 scales, exemptions, and special education classes, is amended to read as  
12 follows:

13 (B)(i) If a local school district board of directors  
14 adopts a policy as set forth in subdivision (c)(3)(A) of this section, the  
15 school district must apply to the ~~Department of Education~~ Division of  
16 Elementary and Secondary Education through the ~~Assistant Commissioner for~~  
17 Assistant Director of the Division of Public School Accountability for  
18 approval of courses to be designated "concurrent enrollment college courses".  
19

20 SECTION 182. Arkansas Code § 6-15-1003(c)(2), concerning academically  
21 competent students, is amended to read as follows:

22 (2) School districts, schools, and students shall participate in  
23 the state assessments in the basic core of knowledge and skills as defined by  
24 the ~~Department of Education~~ Division of Elementary and Secondary Education in  
25 the Arkansas Educational Support and Accountability Act, § 6-15-2901 et seq.  
26

27 SECTION 183. Arkansas Code § 6-15-1004(a)(2), concerning qualified  
28 teachers in every public school room, is amended to read as follows:

29 (2) If there is no assessment available under subdivision (a)(1)  
30 of this section for a new licensure area for subject matter content, the  
31 ~~Department of Education~~ Division of Elementary and Secondary Education may  
32 request that the state board approve an alternative method of demonstrating  
33 subject matter content competency.  
34

35 SECTION 184. Arkansas Code § 6-15-1004(c)(2)(A)(ii) and (iii),  
36 concerning qualified teachers in every public school room, are amended to

1 read as follows:

2 (ii) Part of the requirements for the teacher to  
3 obtain additional licensure in a subject matter that has been designated by  
4 the ~~Department of Education~~ Division of Elementary and Secondary Education as  
5 having a critical shortage of teachers; or

6 (iii) Otherwise approved by the ~~department~~ Division  
7 of Elementary and Secondary Education under subdivision (c)(2)(B) of this  
8 section as a graduate-level course eligible for professional development  
9 credit.

10

11 SECTION 185. Arkansas Code § 6-15-1004(d)(3), concerning qualified  
12 teachers in every public school room, is amended to read as follows:

13 (3) A technical permit issued in cooperation with the ~~Department~~  
14 Division of Career and Technical Education;

15

16 SECTION 186. Arkansas Code § 6-15-1005(g)(4)(B), concerning safe,  
17 equitable, and accountable public schools, is amended to read as follows:

18 (B) Schools reaching predetermined high levels of  
19 achievement will be granted charter status with approval of the charter  
20 petition by the ~~Department of Education~~ Division of Elementary and Secondary  
21 Education.

22

23 SECTION 187. Arkansas Code § 6-15-1006 is amended to read as follows:  
24 6-15-1006. Assistance and support.

25 (a)(1) The ~~Department of Education~~ Division of Elementary and  
26 Secondary Education will be structured to provide leadership, service, and  
27 support to public schools.

28 (2) ~~Department~~ Division professional staff will demonstrate  
29 mastery of knowledge in learning theory, best educational practices, resource  
30 utilization, research and data analysis, school law, instructional  
31 leadership, and school administration.

32 (b)(1) ~~Department~~ Division staff will conduct, sponsor, participate  
33 in, and support continuing education and professional development.

34 (2) The continuing education and professional development will  
35 be based on overall organizational improvement, performance evaluation  
36 results, statewide student achievement results, and current educational



1 research and practice.

2 (c)(1) The ~~department~~ division will provide leadership in marshalling  
3 support for a quality and equitable educational system in the state.

4 (2) ~~Department~~ Division resources will be committed to  
5 supporting policy development and procedures that enable the Governor, the  
6 General Assembly, the State Board of Education, and business and professional  
7 organizations to work together in a positive and consistent manner to improve  
8 education in Arkansas.

9  
10 SECTION 188. Arkansas Code § 6-15-1101(a), concerning legislative  
11 findings regarding attaching seals to high school transcripts and diplomas,  
12 is amended to read as follows:

13 (a) The General Assembly hereby recognizes and acknowledges that in  
14 recent years a high school diploma has lost credibility as a warranty that  
15 the recipient has the basic knowledge and skills necessary for either an  
16 entry-level job or for postsecondary education. The General Assembly further  
17 recognizes that the State Board of Education, the ~~Department of Education~~  
18 Division of Elementary and Secondary Education, and local school districts  
19 have worked diligently to establish and implement a core curriculum in  
20 Arkansas secondary schools. Students who complete the core curriculum with a  
21 satisfactory grade point average should receive recognition for both  
22 perseverance and a job well done. It is the purpose of this legislation to  
23 both further that recognition and to increase the confidence of Arkansans in  
24 the value of diplomas awarded by the state's public schools.

25  
26 SECTION 189. Arkansas Code § 6-15-1301(a), concerning the creation,  
27 composition, powers and duties of the Department of Education, is amended to  
28 read as follows:

29 (a) The ~~Department of Education~~ Division of Elementary and Secondary  
30 Education is directed to create a Safe Schools Committee.

31  
32 SECTION 190. Arkansas Code § 6-15-1301(b)(1)(D), concerning the  
33 creation, composition, powers and duties of the Department of Education, is  
34 amended to read as follows:

35 (D) A staff member of the ~~department~~ division appointed by  
36 the Commissioner of Elementary and Secondary Education;

1  
2 SECTION 191. Arkansas Code § 6-15-1402(a), concerning the purpose,  
3 report, confidentiality, and rules of public schools, is amended to read as  
4 follows:

5 (a)(1) In order to generally improve public school accountability, to  
6 provide benchmarks for measuring individual school improvement, and to  
7 empower parents and guardians of children enrolled in Arkansas public schools  
8 by providing them with the information to judge the quality of their schools,  
9 the ~~Department of Education~~ Division of Elementary and Secondary Education  
10 shall annually prepare and publish a school performance report for each  
11 individual public school in the state, including the Arkansas School for the  
12 Deaf, the Arkansas School for the Blind, and the Arkansas School for  
13 Mathematics, Sciences, and the Arts, and shall distribute the report to the  
14 House Committee on Education and the Senate Committee on Education no later  
15 than April 15 each year.

16 (2) The school performance report for each school shall be made  
17 available to every parent or guardian of a child in kindergarten through  
18 grade twelve (K-12) in the public schools of Arkansas by posting the school  
19 performance report for each school on the website of the ~~department~~ division  
20 and the website of the school district in which the public schools addressed  
21 in the school performance report are located no later than April 15 each  
22 year.

23  
24 SECTION 192. Arkansas Code § 6-15-1402(b)(1)(A), concerning the  
25 purpose, report, confidentiality, and rules of public schools, is amended to  
26 read as follows:

27 (b)(1)(A) The school performance report shall be based on reliable  
28 statistical information uniformly required to be collected and submitted by  
29 each local school district to the ~~department~~ division and shall be published  
30 in a format that can be easily understood by parents or guardians who are not  
31 professional educators.

32  
33 SECTION 193. Arkansas Code § 6-15-1402(b)(1)(C), concerning the  
34 purpose, report, confidentiality, and rules of public schools, is amended to  
35 read as follows:

36 (C) The ~~department~~ division may contract with individuals

1 or businesses knowledgeable in the areas of graphic and computer design to  
2 ensure that the school performance reports required by this subchapter are  
3 published in a format that encourages their utilization by the citizens of  
4 the state.

5  
6 SECTION 194. The introductory language of Arkansas Code § 6-15-  
7 1402(d), concerning the purpose, report, confidentiality, and rules of public  
8 schools, is amended to read as follows:

9 (d) The ~~department~~ division is encouraged to:

10  
11 SECTION 195. Arkansas Code § 6-15-1402(d)(1), concerning the purpose,  
12 report, confidentiality, and rules of public schools, is amended to read as  
13 follows:

14 (1) Include explanatory material regarding efforts to improve  
15 the state's public schools on the website of the ~~department~~ division with  
16 school performance reports; and

17  
18 SECTION 196. Arkansas Code § 6-15-1402(f)(1), concerning the purpose,  
19 report, confidentiality, and rules of public schools, is amended to read as  
20 follows:

21 (f)(1) The ~~department~~ division shall not disclose parent or guardian  
22 names, addresses, or other identifying information under any circumstances.

23  
24 SECTION 197. Arkansas Code § 6-15-1402(h), concerning the purpose,  
25 report, confidentiality, and rules of public schools, is amended to read as  
26 follows:

27 (h) The ~~department~~ division may promulgate rules necessary to carry  
28 out the purposes of this subchapter.

29  
30 SECTION 198. Arkansas Code § 6-15-1504(a), concerning review of the  
31 Arkansas Academic Content Standards and Curriculum Framework by the  
32 Department of Education, is amended to read as follows:

33 (a) The ~~Department of Education~~ Division of Elementary and Secondary  
34 Education shall review the Arkansas Academic Content Standards and Curriculum  
35 Framework process plan on its State Board of Education-approved revision  
36 cycle and report to the State Board of Education annually.

1  
2 SECTION 199. Arkansas Code § 6-15-1505(b)-(d), concerning school  
3 district implementation, is amended to read as follows:

4 (b) The superintendent of each school district shall provide to the  
5 ~~Department of Education~~ Division of Elementary and Secondary Education, by  
6 October 1 of each year following the adoption of the plan under subsection  
7 (a) of this section, a written statement of assurance that the content of  
8 each class and subject area, as required by the Standards for Accreditation  
9 of Arkansas Public Schools and School Districts regardless of levels, is  
10 aligned to content standards and curriculum frameworks developed by the state  
11 board in the plan.

12 (c) The ~~department~~ division shall monitor, during the standards review  
13 visit, documentation related to the plan.

14 (d) If the ~~department~~ division determines that a school district has  
15 failed to align the content of each class and subject area as required by the  
16 state board to content standards and curriculum frameworks developed by the  
17 state board, the ~~department~~ division shall:

18 (1) Note the failure to comply in the annual school performance  
19 report under § 6-15-1402; and

20 (2) Cite the failure to comply of each school on the Standards  
21 for Accreditation of Arkansas Public Schools and School Districts Annual  
22 Report.

23  
24 SECTION 200. Arkansas Code § 6-15-1601(g)(2)-(4), concerning the  
25 establishment and members of the Commission on Closing the Achievement Gap in  
26 Arkansas, are amended to read as follows:

27 (2) Monitor the ~~Department of Education's~~ Division of Elementary  
28 and Secondary Education's efforts to comply with federal guidelines on  
29 improving the academic achievement of the disadvantaged, specifically  
30 including without limitation the Elementary and Secondary Education Act of  
31 1965, Pub. L. No. 89-10, as reauthorized by the Every Student Succeeds Act,  
32 Pub. L. No. 114-95;

33 (3)(A) Monitor the ~~department's~~ division's identification of  
34 population groups to be motivated in closing the achievement gap efforts.

35 (B) The commission may expand the role and scope of the  
36 commission to cover specific population groups as identified by the

1 ~~department~~ division as target groups for closing the achievement gaps;  
 2 (4) Receive national school lunch data and reports biennially  
 3 from the ~~department~~ division;

4  
 5 SECTION 201. Arkansas Code § 6-15-1601(g)(6)(C), concerning the  
 6 establishment and members of the Commission on Closing the Achievement Gap in  
 7 Arkansas, is amended to read as follows:

8 (C) A review of policies and programs approved by the  
 9 ~~department~~ division for national school lunch expenditures on closing the  
 10 achievement gap;

11  
 12 SECTION 202. Arkansas Code § 6-15-1601(g)(6)(H), concerning the  
 13 establishment and members of the Commission on Closing the Achievement Gap in  
 14 Arkansas, is amended to read as follows:

15 (H) Suggested policy changes to improve the achievement  
 16 gap at the legislative, ~~department~~ division, school district, and other  
 17 levels; and

18  
 19 SECTION 203. The introductory language of Arkansas Code § 6-15-  
 20 1601(h), concerning the establishment and members of the Commission on  
 21 Closing the Achievement Gap in Arkansas, is amended to read as follows:

22 (h) At the discretion of the Commissioner of Elementary and Secondary  
 23 Education, the state shall provide resources necessary for the following:

24  
 25 SECTION 204. Arkansas Code § 6-15-1601(k)(1), concerning the  
 26 establishment and members of the Commission on Closing the Achievement Gap in  
 27 Arkansas, is amended to read as follows:

28 (k)(1) The ~~department~~ division shall provide meeting space and  
 29 clerical support as needed by the commission.

30  
 31 SECTION 205. Arkansas Code § 6-15-1702(b)(5)(B)(ii)(b), concerning a  
 32 parental involvement plan, is amended to read as follows:

33 (b) The use of and access to ~~Department of~~  
 34 Education Division of Elementary and Secondary Education website tools for  
 35 parents;

1 SECTION 206. Arkansas Code § 6-15-1702(b)(5)(B)(ii)(d), concerning a  
2 parental involvement plan, is amended to read as follows:

3 (d) Other strategies or curricula developed or  
4 acquired by the school district for at-home parental instruction approved by  
5 the ~~department~~ division; and

6  
7 SECTION 207. Arkansas Code § 6-15-1704(a)(1), concerning monitoring  
8 and annual review of parental involvement plans, is amended to read as  
9 follows:

10 (1) File a copy of the plan with the ~~Department of Education~~  
11 Division of Elementary and Secondary Education;

12  
13 SECTION 208. The introductory language of Arkansas Code § 6-15-  
14 1704(b)(1)(A), concerning monitoring and annual review of parental  
15 involvement plans, is amended to read as follows:

16 (b)(1)(A) The ~~department~~ division shall:

17  
18 SECTION 209. The introductory language of Arkansas Code § 6-15-  
19 1704(b)(1)(B), concerning monitoring and annual review of parental  
20 involvement plans, is amended to read as follows:

21 (B) Periodically on a rotating schedule, the ~~department~~  
22 division shall monitor each school district's plan to:

23  
24 SECTION 210. The introductory language of Arkansas Code § 6-15-  
25 1704(b)(1)(C), concerning monitoring and annual review of parental  
26 involvement plans, is amended to read as follows:

27 (C) The ~~department~~ division shall place priority for  
28 monitoring under subdivision (b)(1)(B) of this section on school districts  
29 that have been identified as being in:

30  
31 SECTION 211. The introductory language of Arkansas Code § 6-15-  
32 1704(b)(2), concerning monitoring and annual review of parental involvement  
33 plans, is amended to read as follows:

34 (2) By January 1 of each year, the ~~department~~ division shall  
35 provide any recommendations in writing to a school district:

36

1 SECTION 212. Arkansas Code § 6-15-1704(b)(3), concerning monitoring  
2 and annual review of parental involvement plans, is amended to read as  
3 follows:

4 (3) The ~~department~~ division shall allow the school district an  
5 opportunity to implement the ~~department's~~ division's recommendations.  
6

7 SECTION 213. The introductory language of Arkansas Code § 6-15-1705,  
8 concerning the incorporation of parental involvement into teacher education  
9 programs, is amended to read as follows:

10 The ~~Department of Education~~ Division of Elementary and Secondary  
11 Education and the ~~Department~~ Division of Higher Education shall collaborate  
12 with institutions of higher education to incorporate into teacher and  
13 administrator education programs instruction regarding:  
14

15 SECTION 214. Arkansas Code § 6-15-1901(c), concerning the  
16 establishment of a Delta Student Academic Success Plan, is amended to read as  
17 follows:

18 (c) The Chancellor of the University of Arkansas at Pine Bluff may  
19 enter into an agreement with the superintendents of the school districts  
20 within Arkansas, Chicot, Drew, Jefferson, and Lincoln counties to implement  
21 the plan to the extent that the plan does not conflict with Arkansas law or  
22 with the standards set forth by the ~~Department of Education~~ Division of  
23 Elementary and Secondary Education.  
24

25 SECTION 215. Arkansas Code § 6-15-2006(a)(1)(C)(ii), concerning an  
26 annual report by school districts, is amended to read as follows:

27 (ii) The ~~Department of Education~~ Division of  
28 Elementary and Secondary Education may promulgate rules to implement this  
29 section.  
30

31 SECTION 216. Arkansas Code § 6-15-2008, is amended to read as follows:  
32 6-15-2008. Technical assistance.

33 (a) The ~~Department of Education~~ Division of Elementary and Secondary  
34 Education shall provide technical assistance as needed to aid school  
35 districts in administering this subchapter.

36 (b)(1) At least semiannually, the ~~department~~ division shall provide a

1 report to the House Committee on Education and the Senate Committee on  
2 Education setting forth the school districts requesting assistance, the date  
3 of the requests, and the dates and actions taken.

4 (2) The ~~department~~ division shall further report the results of  
5 the action taken or assistance provided.

6  
7 SECTION 217. Arkansas Code § 6-15-2101(a)(1) and (2), concerning  
8 school rating systems and annual reports, are amended to read as follows:

9 (a)(1) The ~~Department of Education~~ Division of Elementary and  
10 Secondary Education shall prepare annual reports of the results of the  
11 statewide assessment program that describe student achievement in each school  
12 district and each school in the state and the school performance category  
13 levels under § 6-15-2103.

14 (2) The ~~department~~ division shall prescribe the design and  
15 content of these reports that shall include without limitation descriptions  
16 of achievement of all schools participating in any assessment program and all  
17 of their major student populations as determined by the ~~department~~ division,  
18 provided that the provisions of § 6-15-2909 pertaining to student records  
19 apply to this section.

20  
21 SECTION 218. Arkansas Code § 6-15-2101(b)(1), concerning school rating  
22 systems and annual reports, is amended to read as follows:

23 (b)(1) The ~~department~~ division shall provide information regarding  
24 performance of students and educational programs as required under §§ 6-15-  
25 2907 and 6-15-2301 and implement a system of school reports as required by  
26 statute and State Board of Education rule.

27  
28 SECTION 219. Arkansas Code § 6-15-2104 is amended to read as follows:  
29 6-15-2104. Mobility.

30 The ~~Department of Education~~ Division of Elementary and Secondary  
31 Education shall study the effects of mobility on the performance of highly  
32 mobile students and recommend programs to improve the performance of such  
33 students.

34  
35 SECTION 220. Arkansas Code § 6-15-2105(b)(1), concerning school rating  
36 systems, school ratings and performance category level measurement, and



1 publication, is amended to read as follows:

2 (b)(1) Each school's designation or rating shall be published annually  
3 by the ~~Department of Education~~ Division of Elementary and Secondary Education  
4 and by the school district and shall be available on the ~~department's~~  
5 division's website.

6  
7 SECTION 221. Arkansas Code § 6-15-2105(b)(3)(A), concerning school  
8 rating systems, school ratings and performance category level measurement,  
9 and publication, is amended to read as follows:

10 (A) "A" for schools that are rated "exemplary" by the  
11 ~~department~~ Division of Elementary and Secondary Education, Level 5 under § 6-  
12 15-2102 [repealed], or Level 5 under § 6-15-2103;

13  
14 SECTION 222. Arkansas Code § 6-15-2107(c)(2), concerning the Arkansas  
15 School Recognition Program, is amended to read as follows:

16 (2) The ~~Department of Education~~ Division of Elementary and  
17 Secondary Education may disburse available performance-based funding  
18 appropriated by the General Assembly on a pro rata basis.

19  
20 SECTION 223. Arkansas Code § 6-15-2108(d), concerning school rating  
21 systems, is amended to read as follows:

22 (d) The ~~Department of Education~~ Division of Elementary and Secondary  
23 Education shall promulgate rules to implement this section.

24  
25 SECTION 224. The introductory language of Arkansas Code § 6-15-  
26 2202(c), concerning access to public school information on school improvement  
27 plans, is amended to read as follows:

28 (c) Not less than annually, the ~~Department of Education~~ Division of  
29 Elementary and Secondary Education shall monitor compliance with the  
30 requirements of this section when the ~~department~~ division:

31  
32 SECTION 225. Arkansas Code § 6-15-2202(d)(1), concerning access to  
33 public school information on school improvement plans, is amended to read as  
34 follows:

35 (d)(1) The ~~department~~ division shall report a failure to comply with  
36 this section to the State Board of Education.

1  
2 SECTION 226. Arkansas Code § 6-15-2301(a)(2), concerning best  
3 financial management practices for school districts, standards, reviews, and  
4 designation of school districts, is amended to read as follows:

5 (2)(A) ~~The Department of Education~~ Division of Elementary and  
6 Secondary Education and the ~~Division of~~ Arkansas Legislative Audit are  
7 directed to develop a system for reviewing the financial management practices  
8 of school districts.

9 (B) In this system, the ~~division~~ Arkansas Legislative  
10 Audit shall assist the ~~department~~ Division of Elementary and Secondary  
11 Education in examining school district operations to determine whether they  
12 meet “best financial management code practices”.

13  
14 SECTION 227. Arkansas Code § 6-15-2301(b)(1) and (2), concerning best  
15 financial management practices for school districts, standards, reviews, and  
16 designation of school districts, are amended to read as follows:

17 (b)(1) The best financial management practices adopted by the State  
18 Board of Education may be updated periodically after consultation with the  
19 Legislative Council, the Governor, the ~~department~~ Division of Elementary and  
20 Secondary Education, school districts, and the Arkansas Legislative Audit.

21 (2) The ~~department~~ Division of Elementary and Secondary  
22 Education shall submit to the state board for review and possible adoption  
23 proposed revisions to the best financial management practices adopted by the  
24 state board and reviewed by the Legislative Council.

25  
26 SECTION 228. Arkansas Code § 6-15-2301(c)(1), concerning best  
27 financial management practices for school districts, standards, reviews, and  
28 designation of school districts, is amended to read as follows:

29 (c)(1) The ~~department~~ Division of Elementary and Secondary Education  
30 shall conduct the reviews or contract with a private firm selected through a  
31 formal request-for-proposal process to perform the review.

32  
33 SECTION 229. Arkansas Code § 6-15-2301(d), concerning best financial  
34 management practices for school districts, standards, reviews, and  
35 designation of school districts, is amended to read as follows:

36 (d) The state board shall consult with the ~~department~~ Division of

1 Elementary and Secondary Education throughout the best practices review  
 2 process to ensure that the technical expertise of the ~~department~~ Division of  
 3 Elementary and Secondary Education benefits the review process and supports  
 4 the school districts before, during, and after the review.

5  
 6 SECTION 230. Arkansas Code § 6-15-2301(e)(3)(A), concerning best  
 7 financial management practices for school districts, standards, reviews, and  
 8 designation of school districts, is amended to read as follows:

9 (3)(A) The ~~department~~ Division of Elementary and Secondary  
 10 Education shall prepare annual reports of the results of the best financial  
 11 management practices reviews and shall post to its website the school and the  
 12 school district financial grades.

13  
 14 SECTION 231. Arkansas Code § 6-15-2301(g), concerning best financial  
 15 management practices for school districts, standards, reviews, and  
 16 designation of school districts, is amended to read as follows:

17 (g) Subject to funding by the General Assembly, the ~~department~~  
 18 Division of Elementary and Secondary Education may contract with a private  
 19 firm to conduct best financial management practices reviews.

20  
 21 SECTION 232. Arkansas Code § 6-15-2301(h), concerning best financial  
 22 management practices for school districts, standards, reviews, and  
 23 designation of school districts, is amended to read as follows:

24 (h)(1) Reviews shall be conducted by Arkansas Legislative Audit, the  
 25 ~~department~~ Division of Elementary and Secondary Education, or the consultant.

26 (2)(A) Funds may be used for the cost of reviews by Arkansas  
 27 Legislative Audit and private consultants contracted by the state board.

28 (B) Costs may include professional services, travel  
 29 expenses of the ~~department~~ Division of Elementary and Secondary Education and  
 30 of the staff of Arkansas Legislative Audit, and any other necessary expenses  
 31 incurred as part of a best financial management practices review and as  
 32 preapproved by the ~~department~~ Division of Elementary and Secondary Education.

33  
 34  
 35 SECTION 233. Arkansas Code § 6-15-2301(i)(1), concerning best  
 36 financial management practices for school districts, standards, reviews, and

1 designation of school districts, is amended to read as follows:

2 (i)(1) A school district shall complete a self-assessment instrument  
3 provided by the ~~department~~ Division of Elementary and Secondary Education  
4 that indicates the school district's evaluation of its performance on each  
5 best practice.

6  
7 SECTION 234. Arkansas Code § 6-15-2301(i)(2)(B), concerning best  
8 financial management practices for school districts, standards, reviews, and  
9 designation of school districts, is amended to read as follows:

10 (B) The completed self-assessment instrument and  
11 supporting documentation shall be submitted to the ~~department~~ Division of  
12 Elementary and Secondary Education no later than the date of commencement of  
13 the review as notified by the ~~department~~ Division of Elementary and Secondary  
14 Education.

15  
16 SECTION 235. Arkansas Code § 6-15-2301(j), concerning best financial  
17 management practices for school districts, standards, reviews, and  
18 designation of school districts, is amended to read as follows:

19 (j) During the review, the ~~department~~ Division of Elementary and  
20 Secondary Education or the consultant conducting the review, if any, shall  
21 hold at least one (1) advertised public forum as part of the review in order  
22 to explain the best financial management practices review process and obtain  
23 input from students, parents or guardians, the business community, and other  
24 school district residents regarding their concerns about the operations and  
25 management of the school district.

26  
27 SECTION 236. Arkansas Code § 6-15-2301(k)(2)(A), concerning best  
28 financial management practices for school districts, standards, reviews, and  
29 designation of school districts, is amended to read as follows:

30 (2)(A) The ~~department~~ Division of Elementary and Secondary  
31 Education shall issue a final report to the Legislative Council regarding the  
32 school district's use of the best financial management practices and cost  
33 savings recommendations within sixty (60) days after completing the reviews.

34  
35 SECTION 237. Arkansas Code § 6-15-2301(l)(2), concerning best  
36 financial management practices for school districts, standards, reviews, and

1 designation of school districts, is amended to read as follows:

2 (2)(A) Within sixty (60) days after the receipt of the final  
3 report, the school district board of directors shall notify the state board  
4 and the ~~department~~ Division of Elementary and Secondary Education in writing  
5 of the implementation schedule for the action plan.

6 (B) The ~~department~~ Division of Elementary and Secondary  
7 Education shall contact the school district, assess the situation, and offer  
8 technical assistance, if needed.

9  
10 SECTION 238. Arkansas Code § 6-15-2301(m)(1), concerning best  
11 financial management practices for school districts, standards, reviews, and  
12 designation of school districts, is amended to read as follows:

13 (1) No later than six (6) months after receipt of the final best  
14 financial practices report, the school district board of directors shall  
15 submit an initial status report to the Governor, the state board, Arkansas  
16 Legislative Audit, the ~~department~~ Division of Elementary and Secondary  
17 Education, and the Legislative Council on progress made toward implementing  
18 the action plan and whether changes have occurred in other areas of operation  
19 that would affect compliance with the best practices; and

20  
21 SECTION 239. Arkansas Code § 6-15-2301(m)(2)(A), concerning best  
22 financial management practices for school districts, standards, reviews, and  
23 designation of school districts, is amended to read as follows:

24 (2)(A) A second status report shall be submitted by the school  
25 district to the Governor, the state board, Arkansas Legislative Audit, the  
26 ~~department~~ Division of Elementary and Secondary Education, and the  
27 Legislative Council no later than six (6) months after submission of the  
28 initial report, and every six (6) months thereafter, until status reports are  
29 not required.

30  
31 SECTION 240. Arkansas Code § 6-15-2302(b)(1), concerning general  
32 business managers, is amended to read as follows:

33 (b)(1) On and after July 31, 2007, a general business manager for a  
34 public school district shall meet the minimum qualifications established by  
35 rule of the ~~Department of Education~~ Division of Elementary and Secondary  
36 Education.

1  
2 SECTION 241. Arkansas Code § 6-15-2401(a)(1), concerning review of  
3 Arkansas Placement Status Reports and reports of students needing  
4 remediation, is amended to read as follows:

5 (a)(1) Representatives from the ~~Department~~ Division of Higher  
6 Education and the ~~Department of Education~~ Division of Elementary and  
7 Secondary Education shall meet with the respective chairs of the Senate  
8 Education Committee and the House Education Committee or their designees  
9 along with the selected superintendents, high school principals, and high  
10 school counselors one (1) time every biennium to review the Arkansas  
11 Placement Status Reports to determine whether any revisions in the format of  
12 the reports, the information that is reported, or the reporting process need  
13 to be made.

14  
15 SECTION 242. Arkansas Code § 6-15-2501(b), concerning the creation of  
16 the Division of Education Renewal Zones, is amended to read as follows:

17 (b) The ~~division~~ Division of Education Renewal Zones shall be under  
18 the supervision of the State Board of Education.

19  
20 SECTION 243. Arkansas Code § 6-15-2501(b)(3), concerning the creation  
21 of the Division of Education Renewal Zones, is amended to read as follows:

22 (3) The Director of the ~~Department~~ Division of Higher Education  
23 shall assign one (1) individual from the staff of the ~~Department~~ Division of  
24 Higher Education to serve as a liaison to the ~~division~~ Division of Education  
25 Renewal Zones.

26  
27 SECTION 244. Arkansas Code § 6-15-2501(d)-(e), concerning the creation  
28 of the Division of Education Renewal Zones, is amended to read as follows:

29 (d) The ~~division~~ Division of Education Renewal Zones shall be  
30 responsible for developing guidelines for the approval of education renewal  
31 zone strategic plans and for the evaluation and reporting of education  
32 renewal zone activities.

33 (e) The ~~division~~ Division of Education Renewal Zones shall approve any  
34 education renewal zone strategic plan prior to the disbursement or annual  
35 renewal of funds to participating institutions of higher education.

36

1 SECTION 245. Arkansas Code § 6-15-2502(d)(1)(C)(ii), concerning the  
2 establishment, purpose, and organization of education renewal zones, is  
3 amended to read as follows:

4 (ii) The ~~division~~ Division of Education Renewal  
5 Zones shall give preference to qualified four-year higher education  
6 institutions located within the education service cooperative area.

7  
8 SECTION 246. The introductory language of Arkansas Code § 6-15-  
9 2502(d)(1)(D), concerning the establishment, purpose, and organization of  
10 education renewal zones, is amended to read as follows:

11 (D) If there is no qualified four-year higher education  
12 institution located within the education service cooperative area, the  
13 ~~division~~ Division of Education Renewal Zones may select:

14  
15 SECTION 247. Arkansas Code § 6-15-2502(d)(3)(B)(ii)-(iv), concerning  
16 the establishment, purpose, and organization of education renewal zones, is  
17 amended to read as follows:

18 (ii) A public school designated by the ~~Department of~~  
19 ~~Education~~ Division of Elementary and Secondary Education as a school in  
20 school improvement or a school in a school district designated by the  
21 ~~department~~ Division of Elementary and Secondary Education as being in  
22 academic distress shall participate in an education renewal zone if requested  
23 to do so by the ~~department~~ Division of Elementary and Secondary Education,  
24 and the ~~division~~ Division of Education Renewal Zones working with the  
25 ~~department~~ Division of Elementary and Secondary Education shall establish  
26 priorities of establishing education renewal zones for those schools, which  
27 shall be contingent on the appropriation availability of funding for the  
28 renewal zones.

29 (iii) Acceptance or rejection of the application by  
30 a school for admittance to an education renewal zone shall be the  
31 responsibility of the ~~division~~ Division of Education Renewal Zones, with  
32 consultation from the higher education partner.

33 (iv) The ~~division~~ Division of Education Renewal  
34 Zones may include within an education renewal zone any school within the  
35 education service cooperative area provided that no more than ten (10)  
36 schools may participate in any single education renewal zone.

1 (v) The ~~division~~ Division of Education Renewal Zones  
2 may designate up to a maximum of three (3) education renewal zones within any  
3 single education service cooperative area.  
4

5 SECTION 248. The introductory language of Arkansas Code § 6-15-  
6 2502(d)(3)(C), concerning the establishment, purpose, and organization of  
7 education renewal zones, is amended to read as follows:

8 (C) In designating education renewal zones and selecting  
9 schools for participation in a particular zone, the ~~division~~ Division of  
10 Education Renewal Zones shall give priority to schools that meet one (1) or  
11 more of the following criteria:  
12

13 SECTION 249. Arkansas Code § 6-15-2502(d)(3)(C)(ii), concerning the  
14 establishment, purpose, and organization of education renewal zones, is  
15 amended to read as follows:

16 (ii) The school lies within a school district  
17 designated by the ~~department~~ Division of Elementary and Secondary Education  
18 as in academic distress or financial distress under the Arkansas  
19 Comprehensive Testing, Assessment, and Accountability Program;  
20

21 SECTION 250. Arkansas Code § 6-15-2502(d)(4)(C), concerning the  
22 establishment, purpose, and organization of education renewal zones, is  
23 amended to read as follows:

24 (C) The ~~division~~ Division of Education Renewal Zones may  
25 designate up to a maximum of three (3) education renewal zones within any  
26 single education service cooperative area.  
27

28 SECTION 251. Arkansas Code § 6-15-2502(d)(5)(B), concerning the  
29 establishment, purpose, and organization of education renewal zones, is  
30 amended to read as follows:

31 (B) Any two-year community or technical college, technical  
32 support organization, or other entity may participate in the education  
33 renewal zone at the discretion of the ~~division~~ Division of Education Renewal  
34 Zones and in collaboration with a designated higher education partner and a  
35 designated education service cooperative.  
36



1 SECTION 252. Arkansas Code § 6-15-2504(d)(2)(B), concerning the  
 2 development, provisions, and implementation of school improvement plans, is  
 3 amended to read as follows:

4 (B) Funds received by school districts for the ~~Department~~  
 5 ~~of Education~~ Division of Elementary and Secondary Education Public School  
 6 Fund Account for professional development may be used to provide funding for  
 7 the professional development requirements of the education renewal zone  
 8 school district partners;

9  
 10 SECTION 253. Arkansas Code § 6-15-2606(c)(1)(B), concerning a  
 11 Rewarding Excellence in Achievement plan, is amended to read as follows:

12 (B) Locally selected and ~~Department of Education~~ Division  
 13 of Elementary and Secondary Education-approved standardized assessment  
 14 outcomes for students in each teacher’s class may also be included;

15  
 16 SECTION 254. Arkansas Code § 6-15-2606(c)(2)(B), concerning a  
 17 Rewarding Excellence in Achievement plan, is amended to read as follows:

18 (B) Locally selected and ~~Department of Education~~-approved  
 19 Division of Elementary and Secondary Education-approved standardized  
 20 assessment outcomes may also be included; and

21  
 22 SECTION 255. Arkansas Code § 6-15-2608(a), concerning the evaluation  
 23 of participants in the Rewarding Excellence in Achievement plan, is amended  
 24 to read as follows:

25 (a) The ~~Department of Education~~ Division of Elementary and Secondary  
 26 Education shall commission an annual evaluation of the Rewarding Excellence  
 27 in Achievement plan of each public school district and public charter school  
 28 participating in the Rewarding Excellence in Achievement Program.

29  
 30 SECTION 256. The introductory language of Arkansas Code § 6-15-  
 31 2701(c), concerning the closing of the achievement gap program, is amended to  
 32 read as follows:

33 (c) The ~~Department of Education~~ Division of Elementary and Secondary  
 34 Education shall:

35  
 36 SECTION 257. The introductory language of Arkansas Code § 6-15-

1 2701(d), concerning the closing of the achievement gap program, is amended to  
2 read as follows:

3 (d) The ~~department~~ division shall identify the chronically  
4 underperforming schools with the largest achievement gaps among students and  
5 give to those chronically underperforming schools the ~~department's~~ division's  
6 highest priority for:

7  
8 SECTION 258. Arkansas Code § 6-15-2802(a), concerning rules for a  
9 school of innovation, is amended to read as follows:

10 (a) The Commissioner of Elementary and Secondary Education may approve  
11 a public school as a school of innovation for the purpose of transforming and  
12 improving the teaching and learning under § 6-15-2803.

13  
14 SECTION 259. Arkansas Code § 6-15-2802(c)(9), concerning rules for a  
15 school of innovation, is amended to read as follows:

16 (9) Reporting and oversight responsibility of the school of  
17 innovation and the ~~Department of Education~~ Division of Elementary and  
18 Secondary Education;

19  
20 SECTION 260. Arkansas Code § 6-15-2803(a), concerning school of  
21 innovation plans, is amended to read as follows:

22 (a) A school district shall submit its school of innovation plan,  
23 approved by the school district board of directors, to the Commissioner of  
24 Elementary and Secondary Education for approval to become a school of  
25 innovation.

26  
27 SECTION 261. Arkansas Code § 6-15-2804(a)(7)(A), concerning a school  
28 of innovation, is amended to read as follows:

29 (7)(A) Provide instructional time that meets or exceeds the  
30 instructional time requirement adopted by the state board unless granted an  
31 exception by the Commissioner of Elementary and Secondary Education.

32  
33 SECTION 262. Arkansas Code § 6-15-2804(a)(8), concerning a school of  
34 innovation, is amended to read as follows:

35 (8) Provide data requested by the ~~Department of Education~~  
36 Division of Elementary and Secondary Education to generate reports;

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SECTION 263. Arkansas Code § 6-15-2904 is amended to read as follows:

6-15-2904. Responsibility of ~~Department of Education~~ Division of Elementary and Secondary Education.

The ~~Department of Education~~ Division of Elementary and Secondary Education shall develop and implement a comprehensive accountability system for Arkansas public schools and school districts that:

- (1) Establishes clear academic standards that are periodically reviewed and revised;
  - (2) Maintains a statewide student assessment system that includes a variety of assessment measures;
  - (3) Assesses whether all students have equitable access to excellent educators;
  - (4) Establishes levels of support for public school districts;
- and
- (5) Maintains information systems composed of performance indicators that allow the ~~department~~ division to identify levels of public school district support and generate reports for the public.

SECTION 264. Arkansas Code § 6-15-2906(a)(1), concerning academic standards established by the Department of Education, is amended to read as follows:

(a)(1) The ~~Department of Education~~ Division of Elementary and Secondary Education shall establish academic standards that define what students shall know and be able to demonstrate in each content area.

SECTION 265. Arkansas Code § 6-15-2906(b), concerning academic standards established by the Department of Education, is amended to read as follows:

(b) The ~~department~~ division shall establish a schedule for periodic review and revision of academic standards to ensure that Arkansas academic standards are rigorous and prepare students for college, career, and community engagement.

SECTION 266. The introductory language of Arkansas Code § 6-15-2906(c), concerning academic standards established by the Department of

1 Education, is amended to read as follows:

2 (c) The ~~department~~ division shall include, at a minimum, the following  
3 elements in the periodic review and revision of Arkansas academic standards:  
4

5 SECTION 267. The introductory language of Arkansas Code § 6-15-  
6 2907(a), concerning the statewide student assessment system, is amended to  
7 read as follows:

8 (a) The ~~Department of Education~~ Division of Elementary and Secondary  
9 Education shall implement a statewide student assessment system to be  
10 administered by Arkansas public schools on a schedule determined by the State  
11 Board of Education that includes the following components:  
12

13 SECTION 268. Arkansas Code § 6-15-2907(b), concerning the statewide  
14 student assessment system, is amended to read as follows:

15 (b) At the direction of the state board, the ~~department~~ division shall  
16 cause assessment instruments to be administered at additional grade levels as  
17 necessary to measure educational achievement in the public schools of this  
18 state.  
19

20 SECTION 269. The introductory language of Arkansas Code § 6-15-  
21 2907(h), concerning the statewide student assessment system, is amended to  
22 read as follows:

23 (h) The ~~department~~ division shall provide for statewide student  
24 assessments that are:  
25

26 SECTION 270. Arkansas Code § 6-15-2908(a)(1), concerning the analyses  
27 of the statewide student assessment data, is amended to read as follows:

28 (a)(1) The ~~Department of Education~~ Division of Elementary and  
29 Secondary Education shall provide analyses of data produced by statewide  
30 student assessments.  
31

32 SECTION 271. The introductory language of Arkansas Code § 6-15-  
33 2908(a)(3), concerning the analyses of the statewide student assessment data,  
34 is amended to read as follows:

35 (3) The model used by the ~~department~~ division shall:  
36

1 SECTION 272. Arkansas Code § 6-15-2909(a)(2), concerning the public  
2 availability of test instruments and scores, is amended to read as follows:

3 (2) Disseminated or otherwise made available to the public by a  
4 member of the State Board of Education, an employee of the ~~Department of~~  
5 ~~Education~~ Division of Elementary and Secondary Education, a member of the  
6 board of directors of a school district, an employee of a school district, or  
7 any other person, except as permitted under the provisions of the Family  
8 Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, as it existed  
9 on January 1, 2017.

10  
11 SECTION 273. Arkansas Code § 6-15-2910(a), concerning recommended  
12 student performance levels by the Department of Education, is amended to read  
13 as follows:

14 (a) The ~~Department of Education~~ Division of Elementary and Secondary  
15 Education shall recommend student performance levels for the statewide  
16 student assessment system to the State Board of Education for its approval.  
17

18 SECTION 274. Arkansas Code § 6-15-2911(a)(1), concerning student-  
19 focused learning systems, is amended to read as follows:

20 (a)(1) ~~Beginning with the 2017-2018 school year, the Department of~~  
21 ~~Education~~ The Division of Elementary and Secondary Education shall  
22 collaborate with public school districts to transition to a student-focused  
23 learning system to support success for all students.  
24

25 SECTION 275. Arkansas Code § 6-15-2912(c)(1), concerning educator  
26 excellence, is amended to read as follows:

27 (1) Report the data needed by the ~~Department of Education~~  
28 Division of Elementary and Secondary Education to identify and evaluate  
29 educator effectiveness in accordance with state and federal reporting  
30 requirements; and  
31

32 SECTION 276. Arkansas Code § 6-15-2913(a)(1)(A)(i), concerning levels  
33 of school district support, is amended to read as follows:

34 (A)(i) The process for determining the differentiated  
35 levels of support that the ~~Department of Education~~ Division of Elementary and  
36 Secondary Education will provide to school districts.

1  
2 SECTION 277. Arkansas Code § 6-15-2914(d)(1), concerning school-level  
3 improvement plans and school district support plans, is amended to read as  
4 follows:

5 (d)(1) Annually by September 1, a public school district receiving  
6 Level 2 – Collaborative, Level 3 – Coordinated, Level 4 – Directed, or Level  
7 5 – Intensive support shall submit to the ~~Department of Education~~ Division of  
8 Elementary and Secondary Education a public school district support plan in  
9 accordance with rules of the State Board of Education.

10  
11 SECTION 278. Arkansas Code § 6-15-2915(b), concerning school district  
12 classification as in need of Level 5 – intensive support and student transfer  
13 eligibility, is amended to read as follows:

14 (b) The ~~Department of Education~~ Division of Elementary and Secondary  
15 Education shall notify in writing the public school district superintendent  
16 and the president of the public school district board of directors of the  
17 recommendation to the state board for classification as in need of Level 5 –  
18 Intensive support.

19  
20 SECTION 279. Arkansas Code § 6-15-2915(c)(1), concerning school  
21 district classification as in need of Level 5 – intensive support and and  
22 student transfer eligibility, is amended to read as follows:

23 (c)(1) A public school district recommended for classification as in  
24 need of Level 5 – Intensive support may appeal to the state board by filing a  
25 written appeal with the Commissioner of Elementary and Secondary Education in  
26 accordance with the procedure established in the rules of the state board.

27  
28 SECTION 280. Arkansas Code § 6-15-2916(1), concerning the State Board  
29 of Education’s authority over a public school district classified as in need  
30 of Level 5 – intensive support, is amended to read as follows:

31 (1) Direct the Commissioner of Elementary and Secondary  
32 Education to conduct an analysis of all school district systems and make  
33 recommendations for action by the state board; and

34  
35 SECTION 281. Arkansas Code § 6-15-2917(c)(1), concerning a public  
36 school district under the authority of the State Board of Education, is

1 amended to read as follows:

2 (c)(1) If the public school district has not demonstrated to the state  
3 board and the ~~Department of Education~~ Division of Elementary and Secondary  
4 Education that the public school district meets the criteria to exit Level 5  
5 – Intensive support within five (5) years of the assumption of authority, the  
6 state board shall annex, consolidate, or reconstitute the public school  
7 district under § 6-13-1401 et seq. and this subchapter.

8

9 SECTION 282. The introductory language of Arkansas Code § 6-15-  
10 2918(a), concerning comprehensive information systems to be established by  
11 the Department of Education, is amended to read as follows:

12 (a) The ~~Department of Education~~ Division of Elementary and Secondary  
13 Education shall:

14

15 SECTION 283. Arkansas Code § 6-15-2918(b) and (c), concerning  
16 comprehensive information systems to be established by the Department of  
17 Education, are amended to read as follows:

18 (b) The ~~department~~ division shall provide electronic resources for  
19 educators to support and augment student achievement, efficiency, and  
20 educational initiatives.

21 (c) The ~~department~~ division may contract with providers to collect,  
22 maintain, and analyze data and prepare reports.

23

24 SECTION 284. Arkansas Code § 6-16-104(b), concerning the basic  
25 language of instruction for public school branches, is amended to read as  
26 follows:

27 (b) It shall be the duty of the Commissioner of Elementary and  
28 Secondary Education, the Director of the ~~Department~~ Division of Career and  
29 Technical Education, and city superintendents to see that the provisions of  
30 this section are carried out.

31

32 SECTION 285. Arkansas Code § 6-16-122(c), concerning American heritage  
33 items in classrooms, is amended to read as follows:

34 (c) A copy of this section shall be distributed to the superintendent  
35 of each school district in the state by the ~~Department of Education~~ Division  
36 of Elementary and Secondary Education, whereupon the superintendents then

1 shall provide a copy to each teacher and each school district board member.

2  
3 SECTION 286. Arkansas Code § 6-16-124(b)(3)(A), concerning the  
4 required teaching of Arkansas history as a social studies course, is amended  
5 to read as follows:

6 (3)(A) The ~~Department of Education~~ Division of Elementary and  
7 Secondary Education shall, in advance of the 2018-2019 school year, develop  
8 materials or units relating to Arkansas and the American Civil War.

9  
10 SECTION 287. Arkansas Code § 6-16-126(b)(1)(A), concerning food  
11 handling safety and instructional materials, is amended to read as follows:

12 (b)(1)(A) The Commissioner of Elementary and Secondary Education shall  
13 provide a clearinghouse for instructional materials on food handling safety.

14  
15 SECTION 288. Arkansas Code § 6-16-126(b)(2), concerning food handling  
16 safety and instructional materials, is amended to read as follows:

17 (2) The commissioner shall encourage collaborative efforts  
18 between the ~~Department of Education~~ Division of Elementary and Secondary  
19 Education and other agencies and organizations in accessing developmentally  
20 appropriate instructional materials on food handling safety.

21  
22 SECTION 289. Arkansas Code § 6-16-127(c), concerning the creation of  
23 the Arkansas Foreign Language Teacher Training Program, is amended to read as  
24 follows:

25 (c) The ~~Department~~ Division of Higher Education, in consultation with  
26 the ~~Department of Education~~ Division of Elementary and Secondary Education  
27 and representatives of the state's foreign language educators, shall develop  
28 a request-for-proposals process whereby Arkansas institutions of higher  
29 education with teacher training programs may apply for funding, not to exceed  
30 three (3) years, to enhance their foreign language teacher training program.

31  
32 SECTION 290. Arkansas Code § 6-16-127(d)(2)-(4), concerning the  
33 creation of the Arkansas Foreign Language Teacher Training Program, are  
34 amended to read as follows:

35 (2) All donations, grants, and appropriations received shall be  
36 accounted for by the ~~Department~~ Division of Higher Education.



1           (3) The Director of the ~~Department~~ Division of Higher Education  
2 may solicit and receive donations and grants for the purpose of making  
3 awards.

4           (4) The provisions of this section and § 6-16-128 shall be  
5 contingent on the appropriation and funding necessary to allow the ~~Department~~  
6 Division of Higher Education to carry out the duties assigned it in this  
7 section and § 6-16-128.

8  
9           SECTION 291. Arkansas Code § 6-16-128(b) and (c), concerning the  
10 Arkansas Early Grades Foreign Language Pilot Program, are amended to read as  
11 follows:

12           (b) The ~~Department of Education~~ Division of Elementary and Secondary  
13 Education, in consultation with the ~~Department~~ Division of Higher Education  
14 and representatives of the state's foreign language educators, shall develop  
15 a request-for-proposals process whereby public schools serving students in  
16 kindergarten through grade six (K-6) may apply for funding, not to exceed  
17 three (3) years, to establish a foreign language training program, with an  
18 emphasis on Spanish.

19           (c)(1) The awards granted under the provisions of this section and §  
20 6-16-127 may be funded by donations, grants, or legislative appropriation.

21           (2) The Commissioner of Elementary and Secondary Education may  
22 solicit and receive donations and grants for the purpose of making awards.

23           (3) All donations, grants, and appropriations received shall be  
24 accounted for by the ~~Department of Education~~ Division of Elementary and  
25 Secondary Education.

26           (4) The provisions of this section and § 6-16-127 shall be  
27 contingent on the appropriation and funding necessary to allow the ~~Department~~  
28 ~~of Education~~ Division of Elementary and Secondary Education to carry out the  
29 duties assigned to it in this section and § 6-16-127.

30  
31           SECTION 292. Arkansas Code § 6-16-130(a)(4)(A), concerning the  
32 required teaching of visual art or music in elementary school, is amended to  
33 read as follows:

34           (4)(A) The ~~Department of Education~~ Division of Elementary and  
35 Secondary Education shall provide a stipend of not less than one hundred  
36 dollars (\$100) per class to each school for the purchase of necessary

1 supplies or equipment for the classes required by this subsection.

2  
3 SECTION 293. Arkansas Code § 6-16-135(a), concerning personal and  
4 family finance standards to be developed by the Department of Education in  
5 consultation with the Department of Career Education, is amended to read as  
6 follows:

7 (a) The ~~Department of Education~~ Division of Elementary and Secondary  
8 Education, in consultation with the ~~Department~~ Division of Career and  
9 Technical Education and subject to the approval of the State Board of  
10 Education, shall develop personal and family finance standards.

11  
12 SECTION 294. Arkansas Code § 6-16-136(b)(1)(A), concerning the  
13 statewide coordination of distance learning, is amended to read as follows:

14 (b)(1)(A) The ~~Department of Education~~ Division of Elementary and  
15 Secondary Education shall promulgate the rules necessary for efficient  
16 scheduling of courses offered by public schools through distance learning  
17 technologies.

18  
19 SECTION 295. Arkansas Code § 6-16-137(a)(1), concerning the definition  
20 of "content standards" under the requirements for a physical education credit  
21 for physical activity courses, is amended to read as follows:

22 (1) "Content standards" means those curriculum course content  
23 standards identified and set out in the ~~Department of Education~~ Division of  
24 Elementary and Secondary Education curriculum frameworks;

25  
26 SECTION 296. Arkansas Code § 6-16-137(a)(4), concerning the definition  
27 of "statement of assurance" under the requirements for a physical education  
28 credit for physical activity courses, is amended to read as follows:

29 (4) "Statement of assurance" means a written statement to be  
30 filed by the superintendent or chief academic officer with the ~~department~~  
31 Division of Elementary and Secondary Education by October 1 of each school  
32 year that ensures that the organized physical activity course is in  
33 compliance with the physical education course content standards and  
34 curriculum frameworks as required pursuant to § 6-15-1505 and subdivision  
35 (b)(2) of this section.

36

1 SECTION 297. The introductory language of Arkansas Code § 6-16-  
2 137(b)(2), concerning the requirements for a physical education credit for  
3 physical activity courses, is amended to read as follows:

4 (2) The organized physical activity course is verified by the  
5 superintendent of the school district or the chief administrative officer of  
6 an open-enrollment charter school who files a written statement of assurance  
7 with the ~~department~~ division by October 1 of the school year as required  
8 under § 6-15-1505 stating that:

9  
10 SECTION 298. Arkansas Code § 6-16-137(f) and (g), concerning the  
11 requirements for a physical education credit for physical activity courses,  
12 are amended to read as follows:

13 (f)(1) If it is determined by the ~~department~~ division that any  
14 organized physical activity course allowed to be used for physical education  
15 credit by a student does not meet the ~~department's~~ division's physical  
16 education course content standards and curriculum frameworks, as required  
17 under this section, the school district or open-enrollment charter school may  
18 be cited or placed in probationary violation of the Standards for  
19 Accreditation of Arkansas Public Schools and School Districts under The  
20 Quality Education Act of 2003, § 6-15-201 et seq.

21 (2) If it is determined by the ~~department~~ division that a  
22 superintendent or chief academic officer or any other licensed personnel have  
23 knowingly provided false or misleading information in the statement of  
24 assurance required under this section, the state board may take appropriate  
25 action on the license of that individual pursuant to § 6-17-410.

26 (g) The ~~department~~ division is authorized to monitor, review  
27 documentation, request information, or require additional reports from public  
28 schools, school districts, open-enrollment charter schools, or school  
29 personnel to enforce compliance with the requirements of this section.

30  
31 SECTION 299. Arkansas Code § 6-16-140(b) and (c), concerning  
32 vocational or technical course awards, are amended to read as follows:

33 (b) The ~~Department~~ Division of Career and Technical Education in  
34 cooperation with the ~~Department of Education~~ Division of Elementary and  
35 Secondary Education shall determine and issue the appropriate award to a  
36 student upon successful completion of the vocational or technical career

1 pathway or program of study.

2 (c) The ~~Department~~ Division of Career and Technical Education is  
3 authorized to promulgate rules as necessary for the implementation of this  
4 section.

5  
6 SECTION 300. Arkansas Code § 6-16-144(b), concerning the Arts-Enriched  
7 Curriculum Program, is amended to read as follows:

8 (b) There is established the Arts-Enriched Curriculum Program, a  
9 five-year pilot program funded through grants administered by the ~~Department~~  
10 ~~of Education~~ Division of Elementary and Secondary Education to implement an  
11 arts-enriched curriculum, training, and research at fifteen (15) schools over  
12 the five-year period.

13  
14 SECTION 301. Arkansas Code § 6-16-144(f)(2)(B), concerning the Arts-  
15 Enriched Curriculum Program, is amended to read as follows:

16 (B) ~~Department of Education~~ Division of Elementary  
17 and Secondary Education.

18  
19 SECTION 302. Arkansas Code § 6-16-203 is amended to read as follows:  
20 6-16-203. Readiness testing.

21 (a) The ~~Department of Education~~ Division of Elementary and Secondary  
22 Education shall develop guidelines for school districts to perform readiness  
23 testing for children who are entering kindergarten.

24 (b)(1) After the ~~department~~ division develops guidelines under  
25 subsection (a) of this section, each school district in the state shall  
26 conduct individual readiness testing on each child entering kindergarten and  
27 provide the results of the testing to the child's parents in a timely manner  
28 before the child's first day of school.

29 (2) The results of the testing that are provided to parents  
30 shall indicate in clear, understandable terminology the child's readiness for  
31 entering kindergarten.

32  
33 SECTION 303. Arkansas Code § 6-16-305(b)-(e), concerning funds for  
34 research and demonstration centers and consultative services, are amended to  
35 read as follows:

36 (b) In such instances, however, the funds shall be appropriated for

1 the use of the State Board of Education and shall be subject to cooperative  
2 agreements in writing between the ~~Department of Education~~ Division of  
3 Elementary and Secondary Education and the sponsoring teacher training  
4 institutions or school districts.

5 (c) Available funds may be used by the ~~department~~ Division of  
6 Elementary and Secondary Education for the purpose of securing consultative  
7 services.

8 (d)(1) In that eventuality, the ~~department~~ Division of Elementary and  
9 Secondary Education shall certify that the expenditures are reasonable and  
10 are within customary amounts paid for the services.

11 (2) An annual report of the expenditures shall be filed with the  
12 Department of Finance and Administration, the Legislative Council, and the  
13 Legislative Joint Auditing Committee.

14 (e) Moreover, full-time state employees shall not be reimbursed for  
15 consultative services but may be reimbursed for expenses incurred in  
16 participating in these programs in instances where their services have been  
17 authorized by the Commissioner of Elementary and Secondary Education or the  
18 Director of the ~~Department~~ Division of Career and Technical Education.  
19

20 SECTION 304. Arkansas Code § 6-16-310(a), concerning approval and  
21 funding for early childhood and kindergarten programs, is amended to read as  
22 follows:

23 (a) The expenditure of state or local tax funds, except as provided in  
24 § 6-16-305, shall be limited to program applications approved by the  
25 ~~Department of Education~~ Division of Elementary and Secondary Education for  
26 children five (5) years of age as defined elsewhere in this subchapter.  
27

28 SECTION 305. Arkansas Code § 6-16-601(a)(4)(B), concerning the  
29 authority of postsecondary preparatory programs, is amended to read as  
30 follows:

31 (B) Designated by the ~~Department~~ Division of Higher  
32 Education; and  
33

34 SECTION 306. Arkansas Code § 6-16-601(c), concerning the definition of  
35 "placement test" under the authority of postsecondary preparatory programs,  
36 is amended to read as follows:

1 (c) ~~The Department of Education~~ Division of Elementary and Secondary  
 2 Education shall:

3 (1) Approve content guides for postsecondary preparatory  
 4 programs with assistance from the ~~Department~~ Division of Higher Education;  
 5 and

6 (2)(A) Approve or disapprove the annual application of a  
 7 postsecondary preparatory program after:

8 (i) Reviewing evidence of the postsecondary  
 9 preparatory program's performance and success; and

10 (ii) Giving priority for approval and funding to a  
 11 postsecondary preparatory program operated by a partnership between a school  
 12 district and an institution of higher education.

13 (B) ~~The Department of Education~~ Division of Elementary and  
 14 Secondary Education shall not approve an application under this subdivision  
 15 (c)(2) unless the postsecondary preparatory program meets the criteria under  
 16 this subchapter and established by State Board of Education rules.

17  
 18 SECTION 307. The introductory language of Arkansas Code § 6-16-  
 19 601(d)(1), concerning the authority of postsecondary preparatory programs, is  
 20 amended to read as follows:

21 (d)(1) In collaboration with the ~~Department~~ Division of Higher  
 22 Education, the ~~Department of Education~~ Division of Elementary and Secondary  
 23 Education shall collect and analyze the following data from postsecondary  
 24 preparatory programs:

25  
 26 SECTION 308. Arkansas Code § 6-16-601(d)(1)(I), concerning the  
 27 authority of postsecondary preparatory programs, is amended to read as  
 28 follows:

29 (I) The amount of funding the ~~Department of Education~~  
 30 Division of Elementary and Secondary Education distributed to each  
 31 postsecondary preparatory program.

32  
 33 SECTION 309. The introductory language of Arkansas Code § 6-16-  
 34 601(d)(2), concerning the authority of postsecondary preparatory programs, is  
 35 amended to read as follows:

36 (2) ~~The Department of Education~~ Division of Elementary and

1 Secondary Education shall:

2  
3 SECTION 310. Arkansas Code § 6-16-602(a)(4)(A), concerning  
4 postsecondary preparatory programs, is amended to read as follows:

5 (4)(A) Use instructors with appropriate content knowledge and  
6 specialized training developed by the ~~Department of Education~~ Division of  
7 Elementary and Secondary Education for instructors of developmental  
8 education.

9  
10 SECTION 311. Arkansas Code § 6-16-602(b), concerning postsecondary  
11 preparatory programs, is amended to read as follows:

12 (b) A postsecondary preparatory program shall not receive funding  
13 under this subchapter unless the postsecondary preparatory program files an  
14 annual application with the ~~department~~ Division of Elementary and Secondary  
15 Education and the application is approved under § 6-16-601.

16  
17 SECTION 312. Arkansas Code § 6-16-603(b)(3)(B), concerning local  
18 programs and placement tests, is amended to read as follows:

19 (B) The ~~Department of Education~~ Division of Elementary and  
20 Secondary Education and the ~~Department~~ Division of Higher Education as  
21 appropriate courses for college and career readiness.

22  
23 SECTION 313. The introductory language of Arkansas Code § 6-16-  
24 604(a)(3), concerning student enrollment, is amended to read as follows:

25 (3) If space and funding are available after all eligible  
26 students who applied to attend a postsecondary preparatory program are  
27 enrolled, the ~~Department of Education~~ Division of Elementary and Secondary  
28 Education may permit a public school student to enroll in a postsecondary  
29 preparatory program if the student:

30  
31 SECTION 314. Arkansas Code § 6-16-604(c), concerning student  
32 enrollment, is amended to read as follows:

33 (c) The opportunity to participate in a postsecondary preparatory  
34 program under this subchapter shall not be interpreted as mandating the  
35 ~~department~~ Division of Elementary and Secondary Education to fund  
36 postsecondary preparatory programs at a cost in excess of the funds

1 appropriated and funded in the Public School Fund for this purpose.

2  
 3 SECTION 315. Arkansas Code § 6-16-605(a)(2), concerning testing and  
 4 acceptance of test scores, is amended to read as follows:

5 (2) Completes a postsecondary preparatory program successfully  
 6 and in the student's senior year of high school enrolls in a mathematics or  
 7 English language arts course that is designated by the ~~Department of~~  
 8 ~~Education~~ Division of Elementary and Secondary Education and the ~~Department~~  
 9 Division of Higher Education as an appropriate course for college and career  
 10 readiness.

11  
 12 SECTION 316. Arkansas Code § 6-16-704 is amended to read as follows:  
 13 6-16-704. School-year remediation program.

14 Those schools electing not to offer a summer school program shall offer  
 15 a ~~Department of Education-approved~~ Division of Elementary and Secondary  
 16 Education-approved remediation program during the regular school year to  
 17 students in kindergarten through grade three (K-3) not performing at grade  
 18 level.

19  
 20 SECTION 317. Arkansas Code § 6-16-705 is amended to read as follows:  
 21 6-16-705. Summer school remediation program.

22 Students in kindergarten through grade three (K-3) not performing at  
 23 grade level during the regular school year shall participate in a ~~Department~~  
 24 ~~of Education-approved~~ Division of Elementary and Secondary Education-approved  
 25 remediation program or a summer school remediation program to be eligible for  
 26 promotion to the next grade.

27  
 28 SECTION 318. Arkansas Code § 6-16-803(4) and (5), concerning the  
 29 definitions of "commissioner" and "department" under the Arkansas Advanced  
 30 Placement and International Baccalaureate Diploma Incentive Program Act of  
 31 1995, are repealed.

32 ~~(4) "Commissioner" means the Commissioner of Education;~~

33 ~~(5) "Department" means the Department of Education;~~

34  
 35 SECTION 319. Arkansas Code § 6-16-804(a) and (b), concerning the  
 36 establishment, subsidies, rules, and regulations of the Arkansas Advanced



1 Placement and International Baccalaureate Diploma Incentive Program, are  
 2 amended to read as follows:

3 (a) The Arkansas Advanced Placement and International Baccalaureate  
 4 Diploma Incentive Program is hereby established, to be administered by the  
 5 Commissioner of Elementary and Secondary Education.

6 (b) Contingent upon legislative appropriations and based on criteria  
 7 established by the ~~Department of Education~~ Division of Elementary and  
 8 Secondary Education, schools participating in the program may be awarded a  
 9 one-time equipment and instructional materials grant for providing an  
 10 advanced placement course or a course offered under the International  
 11 Baccalaureate Diploma Programme.

12  
 13 SECTION 320. Arkansas Code § 6-16-805(b) and (c), concerning funding  
 14 of the Arkansas Advanced Placement and International Baccalaureate Diploma  
 15 Incentive Program, are amended to read as follows:

16 (b) All donations, grants, and appropriations received shall be  
 17 accounted for by the ~~Department of Education~~ Division of Elementary and  
 18 Secondary Education.

19 (c) The Commissioner of Elementary and Secondary Education may solicit  
 20 and receive donations and grants for the purpose of making awards.

21  
 22 SECTION 321. Arkansas Code § 6-16-901(a), concerning legislative  
 23 findings regarding the evaluation of instructional programs, is amended to  
 24 read as follows:

25 (a) The General Assembly finds and acknowledges that a system of  
 26 evaluation is needed to justify expenditure of state resources on effective  
 27 instructional programs and to eliminate state funding of ineffective  
 28 instructional programs. The General Assembly further finds that an evaluation  
 29 system to examine instructional programs administered by the ~~Department of~~  
 30 ~~Education~~ Division of Elementary and Secondary Education must be implemented  
 31 by the Commissioner of Elementary and Secondary Education in order to make a  
 32 recommendation regarding continuation or termination of any mandated  
 33 instructional program administered by the ~~department~~ division.

34  
 35 SECTION 322. Arkansas Code § 6-16-901(b)(2), concerning legislative  
 36 findings regarding the evaluation of instructional programs, is amended to

1 read as follows:

2 (2) Each instructional program administered by the ~~department~~  
3 division shall be formally reviewed by a program performance audit every four  
4 (4) years to evaluate purposes, activities, duties, accomplishments, and  
5 resources required to implement the program.

6  
7 SECTION 323. The introductory language of Arkansas Code § 6-16-  
8 1004(d), concerning dating violence awareness, is amended to read as follows:

9 (d) The ~~Department of Education~~ Division of Elementary and Secondary  
10 Education shall annually provide a list of source materials available for  
11 school districts to use to teach a unit on dating violence awareness,  
12 including without limitation materials from:

13  
14 SECTION 324. Arkansas Code § 6-16-1202(2)(C), concerning the  
15 definition of "endorsed concurrent enrollment course" concerning Advanced  
16 Placement and endorsed concurrent enrollment, is amended to read as follows:

17 (C) Is listed in the Arkansas Course Transfer System of  
18 the ~~Department~~ Division of Higher Education;

19  
20 SECTION 325. Arkansas Code § 6-16-1204(a)(2), concerning the  
21 implementation of Advanced Placement and pre-Advanced Placement coursework,  
22 is amended to read as follows:

23 (2) The ~~Department of Education~~ Division of Elementary and  
24 Secondary Education shall approve all classes designated as pre-Advanced  
25 Placement courses.

26  
27 SECTION 326. The introductory language of Arkansas Code § 6-16-  
28 1403(b), concerning digital learning and approved provider list, is amended  
29 to read as follows:

30 (b) The ~~Department of Education~~ Division of Elementary and Secondary  
31 Education shall annually:

32  
33 SECTION 327. Arkansas Code § 6-16-1405(b), concerning digital learning  
34 providers, is amended to read as follows:

35 (b) The ~~Department of Education~~ Division of Elementary and Secondary  
36 Education or state board shall not require as a condition of approval of a

1 digital learning provider that the digital learning provider limit the  
2 delivery of digital learning courses to public schools that require physical  
3 attendance at the public school to successfully complete the credit for which  
4 the digital learning course is provided.

5  
6 SECTION 328. Arkansas Code § 6-16-1504(b)(3), concerning school  
7 district participation in the Reengagement System and Differentiated Pathway  
8 to a High School Diploma Program, is amended to read as follows:

9 (3) Have an audit conducted to ensure that the participating  
10 program offered by the school district meets academic standards adopted by  
11 the ~~Department of Education~~ Division of Elementary and Secondary Education.

12  
13 SECTION 329. Arkansas Code § 6-16-1505(b)(3), concerning a model  
14 contract and model interlocal agreement for local school districts, is  
15 amended to read as follows:

16 (3) The responsibilities for data collection and reporting,  
17 including student transcripts and data required by the ~~Department of~~  
18 ~~Education~~ Division of Elementary and Secondary Education;

19  
20 SECTION 330. Arkansas Code § 6-17-102 is amended to read as follows:

21 6-17-102. Emergency first aid personnel.

22 Every public elementary school and every public secondary school in the  
23 State of Arkansas shall have in its employ at least one (1) person who is  
24 certified by the American Red Cross or approved by the ~~Department of~~  
25 ~~Education~~ Division of Elementary and Secondary Education as qualified to  
26 administer emergency first aid and who shall be on the school grounds during  
27 normal school hours.

28  
29 SECTION 331. Arkansas Code § 6-17-106(b), concerning insult or abuse  
30 of teacher, is amended to read as follows:

31 (b) Each school district shall report to the ~~Department of Education~~  
32 Division of Elementary and Secondary Education any prosecutions within the  
33 school districts under this section.

34  
35 SECTION 332. Arkansas Code § 6-17-119(a)(2), concerning the definition  
36 of "classified employee" under alternative pay programs, is amended to read

1 as follows:

2 (2) "Classified employee" means a person employed by a public  
3 school district under a written annual contract who is not required to have a  
4 teaching license issued by the ~~Department of Education~~ Division of Elementary  
5 and Secondary Education as a condition of employment;

6  
7 SECTION 333. Arkansas Code § 6-17-119(c), concerning alternative pay  
8 programs, is amended to read as follows:

9 (c) The ~~department~~ division shall promulgate the rules necessary for  
10 the proper implementation of this section.

11  
12 SECTION 334. Arkansas Code § 6-17-201(d)(2), concerning personnel  
13 policy requirements for school districts, is amended to read as follows:

14 (2)(A) By September 15 of each year, a school district shall  
15 provide the ~~Department of Education~~ Division of Elementary and Secondary  
16 Education with the website address at which its current personnel policies,  
17 including the salary schedule, may be found.

18 (B) The ~~department~~ division shall notify any school  
19 district that has not posted its policies on the school district website or  
20 provided the ~~department~~ division with the website address in accordance with  
21 this section.

22  
23 SECTION 335. Arkansas Code § 6-17-207, concerning school district  
24 accreditation, is amended to read as follows:

25 6-17-207. Accreditation of school district.

26 No school district which does not have written personnel policies shall  
27 be accredited by the ~~Department of Education~~ Division of Elementary and  
28 Secondary Education.

29  
30 SECTION 336. The introductory language of Arkansas Code § 6-17-  
31 301(b)(1)(A), concerning the employment of licensed personnel by school  
32 district boards, is amended to read as follows:

33 (A) Been placed on fiscal distress by the ~~Department of~~  
34 Education Division of Elementary and Secondary Education because of:

35  
36 SECTION 337. Arkansas Code § 6-17-304(b) and (c), concerning the

1 employment of teachers obligated to another school district and liability of  
2 hiring school districts, are amended to read as follows:

3 (b) Either school district may petition the ~~Department of Education~~  
4 Division of Elementary and Secondary Education to satisfy the liability by  
5 transferring such amount to the entitled school district from funds which the  
6 ~~department~~ division would have distributed to the liable school district.

7 (c) Upon receipt of such a petition, the ~~department~~ division shall  
8 determine the amount of the liability and satisfy the same by such transfer.

9  
10 SECTION 338. Arkansas Code § 6-17-305(a), concerning student teachers,  
11 is amended to read as follows:

12 (a) Any Elementary or secondary school which has been accredited by  
13 the ~~Department of Education~~ Division of Elementary and Secondary Education  
14 may be entitled to assignments of student teachers from institutions of  
15 higher education in this state, irrespective of accreditation by any other  
16 agency, private or public.

17  
18 SECTION 339. Arkansas Code § 6-17-308(c), concerning moving expenses  
19 paid for by the State Board of Education, is amended to read as follows:

20 (c) In order to be eligible for the reimbursement, the teacher must  
21 apply to the local school district, and the school district must obtain the  
22 prior approval from the ~~Department~~ Division of Higher Education for  
23 reimbursement before the relocation occurs.

24  
25 SECTION 340. Arkansas Code § 6-17-308(d)(1), concerning moving  
26 expenses paid for by the State Board of Education, is amended to read as  
27 follows:

28 (d)(1) If the reimbursement is approved, the ~~department~~ division shall  
29 provide funds to the school district to reimburse the teacher an amount not  
30 to exceed one thousand dollars (\$1,000) for the documented actual expenses  
31 incurred in the course of relocating.

32  
33 SECTION 341. Arkansas Code § 6-17-309(a)(2)(B), concerning teaching  
34 licensure and waiver, is amended to read as follows:

35 (B) Those persons approved by the ~~Department of Education~~  
36 Division of Elementary and Secondary Education to teach the grade level or

1 subject matter of the class in the ~~Department of Education~~ Division of  
2 Elementary and Secondary Education's distance learning program;

3  
4 SECTION 342. Arkansas Code § 6-17-309(a)(2)(C)(ii), concerning  
5 teaching licensure and waiver, is amended to read as follows:

6 (ii) Meet the qualification requirements of that  
7 institution or the ~~Department~~ Division of Career and Technical Education; and

8  
9 SECTION 343. Arkansas Code § 6-17-310(a)(1), concerning the Office for  
10 the Purpose of Teacher Recruitment, is amended to read as follows:

11 (a)(1) There is established within the ~~Department of Education~~  
12 Division of Elementary and Secondary Education the Office for the Purpose of  
13 Teacher Recruitment for ensuring that the children of our state are taught by  
14 highly qualified professionals.

15  
16 SECTION 344. Arkansas Code § 6-17-310(b)(1), concerning the Office for  
17 the Purpose of Teacher Recruitment, is amended to read as follows:

18 (1) Develop, disseminate, and distribute written materials and  
19 video productions on the importance of teaching as a profession, emphasizing  
20 the critical need for teachers in certain geographical areas of the state and  
21 the availability of financial scholarships to college students in exchange  
22 for service as a licensed teacher in the geographical critical-need area as  
23 identified by the ~~Department of Education~~ Division of Elementary and  
24 Secondary Education to assist the ~~Department~~ Division of Higher Education;

25  
26 SECTION 345. Arkansas Code § 6-17-310(c)(3)(B), concerning the Office  
27 for the Purpose of Teacher Recruitment, is amended to read as follows:

28 (B) The ~~Department~~ Division of Higher Education may assist  
29 the office with the measure implemented under subdivision (c)(3)(A) of this  
30 section;

31  
32 SECTION 346. Arkansas Code § 6-17-310(c)(10), concerning the Office  
33 for the Purpose of Teacher Recruitment, is amended to read as follows:

34 (10) Coordinate teacher recruitment activities with the  
35 ~~Department~~ Division of Higher Education;

36

1 SECTION 347. The introductory language of Arkansas Code § 6-17-310(d),  
2 concerning the Office for the Purpose of Teacher Recruitment, is amended to  
3 read as follows:

4 (d) The ~~Department of Education~~ Division of Elementary and Secondary  
5 Education may develop a supplemental funding program to be known as the  
6 “High-Priority Teacher Recruitment Program” that:

7  
8 SECTION 348. Arkansas Code § 6-17-310(e)(2), concerning the Office for  
9 the Purpose of Teacher Recruitment, is amended to read as follows:

10 (2) Unacceptably wide achievement gaps as determined by the  
11 ~~Department of Education~~ Division of Elementary and Secondary Education in  
12 conjunction with the Commission on Closing the Achievement Gap in Arkansas.  
13

14 SECTION 349. Arkansas Code § 6-17-401(b)(2), concerning teacher’s  
15 license requirement, is amended to read as follows:

16 (2) Other documentation from the Office of Professional  
17 Licensure of the ~~Department of Education~~ Division of Elementary and Secondary  
18 Education authorizing employment as a teacher under the conditions set forth  
19 by the ~~Department of Education~~ Division of Elementary and Secondary Education  
20 in the documentation.  
21

22 SECTION 350. The introductory language of Arkansas Code § 6-17-  
23 402(b)(1)(A), concerning rules issued by the State Board of Education, is  
24 amended to read as follows:

25 (A) Completes an educator preparation program approved by  
26 the ~~Department of Education~~ Division of Elementary and Secondary Education,  
27 which shall include without limitation:  
28

29 SECTION 351. Arkansas Code § 6-17-402(d)(2), concerning rules issued  
30 by the State Board of Education, is amended to read as follows:

31 (2) The teacher preparation programs for licensure in this state  
32 shall report the results of the examinations to the ~~department~~ division upon  
33 request.  
34

35 SECTION 352. The introductory language of Arkansas Code § 6-17-403(c),  
36 concerning provisional licensure for teachers trained and licensed in other

1 states, is amended to read as follows:

2 (c) The state board shall issue a standard five-year teaching license  
3 to an individual who furnishes to the ~~Department of Education~~ Division of  
4 Elementary and Secondary Education proof of the following:

5  
6 SECTION 353. Arkansas Code § 6-17-409(a) and (b), concerning  
7 alternative educator preparation programs, are amended to read as follows:

8 (a) As used in this section, “alternative educator preparation  
9 program” means a program of study approved by the ~~Department of Education~~  
10 Division of Elementary and Secondary Education for candidates holding a  
11 bachelor’s degree who are preparing for licensure as teachers and leaders in  
12 public schools in this state.

13 (b)(1) The State Board of Education may offer and operate an  
14 alternative educator preparation program.

15 (2)(A) The ~~department~~ division may provide grants of financial  
16 assistance to entities that train individuals seeking to obtain licensure  
17 through an alternative educator preparation program administered by the  
18 ~~department~~ division.

19 (B) The ~~department~~ division shall pay the grants from  
20 funds appropriated by the General Assembly to the ~~department~~ division for  
21 such purpose.

22 (C) The state board shall promulgate rules to determine  
23 eligibility for and amount of awards of the grants concerning the operation  
24 of the alternative educator preparation program authorized by this section  
25 and for such other purposes as may be necessary in carrying out the intent of  
26 this section.

27 (3) The ~~department~~ division may refuse to admit for enrollment  
28 in the alternative educator preparation program administered by the  
29 ~~department~~ division a person who has been dismissed from a teacher education  
30 program at an institution of higher education.

31 (4) If the state board requires an applicant for licensure  
32 through an alternative educator preparation program to complete one (1) or  
33 more additional college-level courses and the applicant has obtained a  
34 bachelor’s degree, the required course or courses shall be available as an  
35 online course, a traditional face-to-face course, or a hybrid course that is  
36 part online instruction and part face-to-face instruction, as approved by the



1 ~~department~~ division.

2  
 3 SECTION 354. Arkansas Code § 6-17-409(g), concerning alternative  
 4 educator preparation programs, is amended to read as follows:

5 (g) Each applicant for a provisional license under this section shall  
 6 successfully complete the criminal records checks and Child Maltreatment  
 7 Central Registry check under § 6-17-410 before the ~~department~~ division may  
 8 issue the license.

9  
 10 SECTION 355. Arkansas Code § 6-17-410(a)(1)(A), concerning the  
 11 application, renewal, revocation, suspension, and probation of teacher  
 12 licensures, is amended to read as follows:

13 (a)(1)(A)(i) An applicant for a license issued by the State Board of  
 14 Education, an applicant for license renewal, and a preservice teacher shall  
 15 apply to the Identification Bureau of the ~~Department~~ Division of Arkansas  
 16 State Police for a statewide and nationwide criminal records check, to be  
 17 conducted by the ~~Department~~ Division of Arkansas State Police and the Federal  
 18 Bureau of Investigation.

19  
 20 SECTION 356. Arkansas Code § 6-17-410(a)(1)(B), concerning the  
 21 application, renewal, revocation, suspension, and probation of teacher  
 22 licensures, is amended to read as follows:

23 (B) The applicant shall sign a release of information to  
 24 the ~~Department of Education~~ Division of Elementary and Secondary Education  
 25 and shall be responsible for the payment of any fee associated with the  
 26 criminal records check.

27  
 28 SECTION 357. Arkansas Code § 6-17-410(a)(2) and (3), concerning the  
 29 application, renewal, revocation, suspension, and probation of teacher  
 30 licensures, are amended to read as follows:

31 (2) Upon completion of the criminal records check, the  
 32 Identification Bureau of the ~~Department~~ Division of Arkansas State Police  
 33 shall forward all releasable information obtained concerning the applicant to  
 34 the ~~Department of Education~~ Division of Elementary and Secondary Education.

35 (3)(A) An applicant for a license issued by the state board, an  
 36 applicant for license renewal, and a preservice teacher are required to

1 request through the ~~Department of Education~~ Division of Elementary and  
2 Secondary Education a Child Maltreatment Central Registry check to be  
3 conducted by the Department of Human Services.

4 (B) The applicant shall sign a release of information to  
5 the ~~Department of Education~~ Division of Elementary and Secondary Education  
6 and is responsible for the payment of any fee associated with the Child  
7 Maltreatment Central Registry check.

8 (C) The Department of Human Services shall forward all  
9 releasable information concerning the applicant to the ~~Department of~~  
10 ~~Education~~ Division of Elementary and Secondary Education upon completion of  
11 the Child Maltreatment Central Registry check.

12 (D) An institution of higher education is not required to  
13 bar a student from enrollment in an educator preparation program due to a  
14 true report in the Child Maltreatment Central Registry.

15  
16 SECTION 358. The introductory language of Arkansas Code § 6-17-  
17 410(b)(1), concerning the application, renewal, revocation, suspension, and  
18 probation of teacher licensures, is amended to read as follows:

19 (b)(1) The state board may issue a six-month nonrenewable letter of  
20 provisional eligibility for licensure pending the results of the criminal  
21 records check and the Child Maltreatment Central Registry check. However, the  
22 Commissioner of Elementary and Secondary Education may extend the period of  
23 provisional eligibility to the end of that contract year if:

24  
25 SECTION 359. Arkansas Code § 6-17-410(b)(3), concerning the  
26 application, renewal, revocation, suspension, and probation of teacher  
27 licensures, is amended to read as follows:

28 (3) If the ~~Department of Education~~ Division of Elementary and  
29 Secondary Education receives information from the Department of Human  
30 Services that the person holding a letter of provisional eligibility for  
31 teacher licensure has a true report in the Child Maltreatment Central  
32 Registry, the state board shall immediately revoke the provisional  
33 eligibility of the teacher licensure applicant.

34  
35 SECTION 360. Arkansas Code § 6-17-410(d)(A)(iii) and (iv), concerning  
36 the application, renewal, revocation, suspension, and probation of teacher

1 licensures, are amended to read as follows:

2 (iii) Intentionally compromising the validity or  
 3 security of any student test or testing program administered by or required  
 4 by the state board or the ~~Department of Education~~ Division of Elementary and  
 5 Secondary Education;

6 (iv) Having the completed examination test score of  
 7 any testing program required by the state board for teacher licensure  
 8 declared invalid by the testing program company and so reported to the  
 9 ~~Department of Education~~ Division of Elementary and Secondary Education by the  
 10 testing company;

11  
 12 SECTION 361. Arkansas Code § 6-17-410(d)(1)(A)(viii), concerning the  
 13 application, renewal, revocation, suspension, and probation of teacher  
 14 licensures, is amended to read as follows:

15 (viii) Knowingly submitting or providing false or  
 16 misleading information or knowingly failing to submit or provide information  
 17 requested or required by law to the ~~Department of Education~~ Division of  
 18 Elementary and Secondary Education, the state board, or Arkansas Legislative  
 19 Audit;

20  
 21 SECTION 362. Arkansas Code § 6-17-410(f)(1)(A)(iv), concerning the  
 22 application, renewal, revocation, suspension, and probation of teacher  
 23 licensures, is amended to read as follows:

24 (iv) An unlicensed individual admitted to a teacher  
 25 preparation program approved by the ~~Department of Education~~ Division of  
 26 Elementary and Secondary Education.

27  
 28 SECTION 363. Arkansas Code § 6-17-410(f)(3)(A), concerning the  
 29 application, renewal, revocation, suspension, and probation of teacher  
 30 licensures, is amended to read as follows:

31 (3)(A) An unlicensed individual who is disqualified from  
 32 licensure by subsection (c) of this section may apply for a waiver prior to  
 33 applying for licensure by submitting to the ~~Department of Education~~ Division  
 34 of Elementary and Secondary Education:

- 35 (i) Written request for a hearing;
- 36 (ii) Proof of acceptance or enrollment in a teacher

1 preparation program approved by the ~~Department of Education~~ Division of  
2 Elementary and Secondary Education; and

3 (iii) Written recommendation from the teacher  
4 preparation program.

5  
6 SECTION 364. Arkansas Code § 6-17-410(g)(1)(D)-(F), concerning the  
7 application, renewal, arevocation, suspension, and probation of teacher  
8 licensures, are amended to read as follows:

9 (D) Has intentionally compromised the validity or security  
10 of any student test or testing program administered or required by the  
11 ~~Department of Education~~ Division of Elementary and Secondary Education;

12 (E) Has knowingly submitted falsified information or  
13 failed to submit information requested or required by law to the ~~Department~~  
14 ~~of Education~~ Division of Elementary and Secondary Education, the state board,  
15 or Arkansas Legislative Audit;

16 (F) Has failed to establish or maintain the necessary  
17 requirements and standards set forth in Arkansas law or ~~Department of~~  
18 ~~Education~~ Division of Elementary and Secondary Education rules for teacher  
19 licensure; or

20  
21 SECTION 365. Arkansas Code § 6-17-410(h)(1), concerning the  
22 application, renewal, revocation, suspension, and probation of teacher  
23 licensures, is amended to read as follows:

24 (h)(1) Any information received by the ~~Department of Education~~  
25 Division of Elementary and Secondary Education from the Identification Bureau  
26 of the ~~Department~~ Division of Arkansas State Police or the Department of  
27 Human Services pursuant to subsection (a) of this section shall not be  
28 available for examination except by the affected applicant for licensure or  
29 his or her duly authorized representative, and no record, file, or document  
30 shall be removed from the custody of the ~~Department of Education~~ Division of  
31 Elementary and Secondary Education.

32  
33 SECTION 366. Arkansas Code § 6-17-410(j)(1) and (2), concerning the  
34 application, renewal, revocation, suspension, and probation of teacher  
35 licensures, are amended to read as follows:

36 (1) "Preservice teacher" means an unlicensed individual who is

1 accepted or enrolled in a teacher preparation program approved by the  
2 ~~Department of Education~~ Division of Elementary and Secondary Education; and

3 (2) "Supervised clinical practice" means the placement of a  
4 preservice teacher by a teacher education program approved by the ~~Department~~  
5 ~~of Education~~ Division of Elementary and Secondary Education at the  
6 educational entity for the purpose of the student completing an internship or  
7 a student teaching experience required by the teacher education program.

8  
9 SECTION 367. Arkansas Code § 6-17-411 is amended to read as follows:

10 6-17-411. Criminal records check as a condition for initial employment  
11 of licensed personnel – Definitions.

12 (a)(1)(A) Except as provided in subdivision (a)(1)(B) of this section,  
13 the board of directors of an educational entity shall require as a condition  
14 for initial employment by the educational entity that any person holding a  
15 license issued by the State Board of Education and making application for  
16 employment authorize release to the ~~Department of Education~~ Division of  
17 Elementary and Secondary Education the results of:

18 (i) Statewide and nationwide criminal records checks  
19 by the Identification Bureau of the ~~Department~~ Division of Arkansas State  
20 Police, which conform to the applicable federal standards and include the  
21 taking of the applicant's fingerprints; and

22 (ii) The Child Maltreatment Central Registry check  
23 by the Department of Human Services.

24 (B)(i) The board of directors of a school district created  
25 by consolidation, annexation, or detachment may waive the requirements under  
26 subdivision (a)(1)(A) of this section for personnel who were employed by an  
27 affected district immediately before the annexation, consolidation, or  
28 detachment and who had a complete criminal background check conducted as a  
29 condition of the person's most recent employment with the affected district  
30 as required under this section.

31 (ii) As used in subdivision (a)(1)(B)(i) of this  
32 section, "affected district" means a school district that loses territory or  
33 students as a result of annexation, consolidation, or detachment.

34 (2) Unless the employing educational entity's board of directors  
35 has taken action to pay for the cost of criminal background checks or the  
36 Child Maltreatment Central Registry checks required by this section, the

1 employment applicant shall be responsible for the payment of any fee  
2 associated with the criminal records check and the Child Maltreatment Central  
3 Registry check.

4 (3) At the conclusion of the criminal records check required by  
5 this section, the Identification Bureau of the ~~Department~~ Division of  
6 Arkansas State Police may maintain the fingerprints in the automated  
7 fingerprint identification system.

8 (4)(A) Any information received by the ~~Department of Education~~  
9 Division of Elementary and Secondary Education from the Identification Bureau  
10 of the ~~Department~~ Division of Arkansas State Police or the Department of  
11 Human Services pursuant to this section shall not be available for  
12 examination except by the affected applicant for employment or his or her  
13 duly authorized representative, and no record, file, or document shall be  
14 removed from the custody of the ~~Department of Education~~ Division of  
15 Elementary and Secondary Education.

16 (B) Any information made available to the affected  
17 applicant for employment shall be information pertaining to that applicant  
18 only.

19 (C) Rights of privilege and confidentiality established  
20 under this section shall not extend to any document created for purposes  
21 other than this background check.

22 (5) The ~~Department of Education~~ Division of Elementary and  
23 Secondary Education shall promptly inform the board of directors of the  
24 educational entity whether or not the affected applicant is eligible for  
25 employment as provided by subsection (b) of this section.

26 (b)(1)(A) No person holding a license from the state board shall be  
27 eligible for employment by an educational entity if the results of the  
28 criminal records check released to the ~~Department of Education~~ Division of  
29 Elementary and Secondary Education by the applicant reveal that the applicant  
30 has pleaded guilty or nolo contendere to or has been found guilty of any  
31 offense that will or may result in license revocation by the state board  
32 under § 6-17-410, unless the state board waives revocation.

33 (B) No person holding a license issued by the state board  
34 shall be eligible for employment by an educational entity if the results of  
35 the Child Maltreatment Central Registry check released to the ~~Department of~~  
36 ~~Education~~ Division of Elementary and Secondary Education reveal that the

1 applicant has a true report in the Child Maltreatment Central Registry,  
2 unless the state board waives revocation under § 6-17-410.

3 (2) However, the board of directors of an educational entity is  
4 authorized to offer provisional employment to the affected applicant pending  
5 notification from the ~~Department of Education~~ Division of Elementary and  
6 Secondary Education that the:

7 (A) Applicant is eligible for employment based on the  
8 background checks; or

9 (B) State board has waived the disqualifying offense or  
10 placement on the Child Maltreatment Central Registry.

11 (c) The board of directors of an educational entity shall require as a  
12 condition for supervised clinical practice at the educational entity that a  
13 preservice teacher seeking to conduct his or her supervised clinical practice  
14 shall authorize the release to the ~~Department of Education~~ Division of  
15 Elementary and Secondary Education of the results of the criminal records  
16 background check and Child Maltreatment Central Registry check required under  
17 subdivision (a)(1)(A) of this section.

18 (d) As used in this section:

19 (1) "Educational entity" means:

20 (A) The ~~Department of Education~~ Division of Elementary and  
21 Secondary Education; or

22 (B) An entity that is identified by the ~~Department of~~  
23 Education Division of Elementary and Secondary Education as a local education  
24 agency, except that for a public school operated by a school district the  
25 school district is the educational entity;

26 (2) "Preservice teacher" means an unlicensed individual who is  
27 accepted or enrolled in a teacher preparation program approved by the  
28 ~~Department of Education~~ Division of Elementary and Secondary Education; and

29 (3) "Supervised clinical practice" means the placement of a  
30 preservice teacher by a teacher education program approved by the ~~Department~~  
31 of Education Division of Elementary and Secondary Education at the  
32 educational entity for the purpose of the student completing an internship or  
33 student teaching experience required by the teacher education program.

34  
35 SECTION 368. Arkansas Code § 6-17-412(a)(1), concerning certification  
36 by the National Board for Professional Teaching Standards, is amended to read

1 as follows:

2 (1) "Classroom teacher" means an individual who is required to  
3 hold a teaching license from the ~~Department of Education~~ Division of  
4 Elementary and Secondary Education and who is engaged directly in instruction  
5 with students in a classroom setting for more than seventy percent (70%) of  
6 the individual's contracted time;

7  
8 SECTION 369. Arkansas Code § 6-17-413(a)(1)(A), concerning bonuses and  
9 certification funding by the National Board for Professional Teaching  
10 Standards, is amended to read as follows:

11 (a)(1)(A) The ~~Department of Education~~ Division of Elementary and  
12 Secondary Education shall pay the full amount of the participation fee of the  
13 National Board for Professional Teaching Standards and provide, if determined  
14 to be necessary by the ~~department~~ division, substitute pay for a maximum of  
15 three (3) days of approved paid leave for teachers selected by the State  
16 Board of Education to participate in the program of the national board.

17  
18 SECTION 370. The introductory language of Arkansas Code § 6-17-  
19 413(a)(3)(A), concerning bonuses and certification funding by the National  
20 Board for Professional Teaching Standards, is amended to read as follows:

21 (3)(A) The ~~department~~ division shall pay a yearly incentive  
22 bonus of five thousand dollars (\$5,000) for no more than ten (10) school  
23 years or, in the case of a recertification obtained before January 1, 2018,  
24 for the life of the recertification to any classroom teacher, building-level  
25 principal, or building-level assistant principal who:

26  
27 SECTION 371. Arkansas Code § 6-17-413(b) and (c), concerning bonuses  
28 and certification funding by the National Board for Professional Teaching  
29 Standards, are amended to read as follows:

30 (b)(1) A teacher who receives state moneys for the participation fee  
31 of the National Board for Professional Teaching Standards but who does not  
32 complete the certification process within three (3) years after the teacher's  
33 entry into the certification program of the national board or who becomes  
34 certified by the national board but does not teach or serve as a building-  
35 level principal or building-level assistant principal in the Arkansas public  
36 school system for three (3) continuous school years after receiving the



1 certification by the national board shall repay the ~~department~~ division the  
2 amount it contributed to the participation fee of the national board and the  
3 total amount it contributed to any yearly bonus.

4 (2) If the teacher, principal, or assistant principal leaves the  
5 employment of a public school district before the three (3) continuous years  
6 are completed and is employed by an Arkansas institution of higher education  
7 or employed by an education service cooperative and the teacher does not  
8 teach in a classroom with students, the teacher, principal, or assistant  
9 principal shall repay the ~~department~~ division the amount it contributed to  
10 the participation fee of the national board and the total amount it  
11 contributed to any yearly salary bonus.

12 (3) The State Board of Education may suspend the Arkansas  
13 teacher's license of any person that fails, when required to do so, to repay  
14 moneys contributed by the ~~department~~ division for the certification program  
15 of the national board.

16 (4) Repayment of moneys contributed by the ~~department~~ division  
17 is not required if, due to the death or disability of the teacher or other  
18 extenuating circumstances as may be recognized by the State Board of  
19 Education, the teacher does not complete the certification process of the  
20 national board or does not teach in the Arkansas public school system for  
21 three (3) continuous school years after completing the certification process  
22 of the national board.

23 (c)(1) Provisions of this section and § 6-17-412 shall apply only to  
24 the extent that funds are appropriated to the ~~department~~ division to pay for  
25 these provisions.

26 (2)(A) For a member of the Arkansas Teacher Retirement System,  
27 the ~~department~~ division shall withhold any employee contributions when  
28 necessary from the incentive bonus and shall send the employee contributions  
29 to the system for credit as a part of the member's salary.

30 (B) The employer contributions shall be provided from  
31 funds that are appropriated to the ~~department~~ division to pay for the bonuses  
32 and shall be sent to the system for credit as employer contributions to match  
33 the member's salary.

34  
35 SECTION 372. The introductory language of Arkansas Code § 6-17-  
36 413(d)(2), concerning bonuses and certification funding by the National Board

1 for Professional Teaching Standards, is amended to read as follows:

2 (2) By December 1 of each year, the ~~department~~ division shall  
3 pay a yearly incentive bonus of five thousand dollars (\$5,000) to a speech-  
4 language pathologist who:

5  
6 SECTION 373. Arkansas Code § 6-17-413(d)(3)(A)(ii), concerning bonuses  
7 and certification funding by the National Board for Professional Teaching  
8 Standards, is amended to read as follows:

9 (ii) If sufficient funds are not available to pay  
10 the full amount of the bonus to each certified speech-language pathologist as  
11 provided under this section, the ~~department~~ division may reduce the amount of  
12 the bonus for each qualified recipient proportionately as necessary to  
13 provide a bonus to each qualified speech-language pathologist in an equal  
14 amount.

15  
16 SECTION 374. Arkansas Code § 6-17-413(d)(5)(A)(i), concerning bonuses  
17 and certification funding by the National Board for Professional Teaching  
18 Standards, is amended to read as follows:

19 (5)(A)(i) If a speech-language pathologist who receives a bonus  
20 under this subsection leaves employment in the Arkansas public school system  
21 before completing three (3) continuous school years of employment, the  
22 speech-language pathologist shall repay the ~~department~~ division a prorated  
23 portion of the bonus received in the school year based on a daily rate for  
24 the remainder of a school year in which the speech-language pathologist  
25 leaves employment.

26  
27 SECTION 375. The introductory language of Arkansas Code § 6-17-  
28 413(e)(1), concerning bonuses and certification funding by the National Board  
29 for Professional Teaching Standards, is amended to read as follows:

30 (e)(1) The ~~department~~ division shall pay a yearly incentive bonus to a  
31 person who:

32  
33 SECTION 376. Arkansas Code § 6-17-413(e)(3)(F)(ii), concerning bonuses  
34 and certification funding by the National Board for Professional Teaching  
35 Standards, is amended to read as follows:

36 (ii) A person who, as of December 1, 2017, meets the

1 qualifications for a yearly incentive bonus under both this subsection and  
2 subsection (a) of this section may make an irrevocable election to receive  
3 future yearly incentive bonuses under this subsection by filing a written  
4 election with the ~~Department~~ division no later than July 1, 2019.

5  
6 SECTION 377. Arkansas Code § 6-17-414(a)(1)(B)(i), concerning a  
7 criminal record check as condition for initial employment of nonlicensed  
8 personnel, is amended to read as follows:

9 (B)(i) The person shall sign a release of information to  
10 the ~~Department of Education~~ Division of Elementary and Secondary Education.

11  
12 SECTION 378. Arkansas Code § 6-17-414(a)(2)(A), concerning a criminal  
13 record check as condition for initial employment of nonlicensed personnel, is  
14 amended to read as follows:

15 (2)(A) Upon completion of the criminal records check, the  
16 Identification Bureau of the ~~Department~~ Division of Arkansas State Police  
17 shall forward all releasable information obtained concerning the person to  
18 the ~~Department of Education~~ Division of Elementary and Secondary Education,  
19 which shall promptly inform the board of directors of the educational entity  
20 whether or not the applicant is eligible for employment as provided by  
21 subsection (b) of this section.

22  
23 SECTION 379. Arkansas Code § 6-17-414(a)(3)(B) and (C), concerning a  
24 criminal record check as condition for initial employment of nonlicensed  
25 personnel, are amended to read as follows:

26 (B) The applicant shall sign a release of information to  
27 the ~~Department of Education~~ Division of Elementary and Secondary Education  
28 and shall be responsible for the payment of any fee associated with the Child  
29 Maltreatment Central Registry check.

30 (C) The Department of Human Services shall forward all  
31 releasable information concerning the applicant to the ~~Department of~~  
32 Education Division of Elementary and Secondary Education upon completion of  
33 the Child Maltreatment Central Registry check.

34  
35 SECTION 380. Arkansas Code § 6-17-414(c), concerning a criminal record  
36 check as condition for initial employment of nonlicensed personnel, is

1 amended to read as follows:

2 (c) However, the board of directors of an educational entity is  
3 authorized to offer provisional employment to an applicant pending receipt of  
4 eligibility information from the ~~Department of Education~~ Division of  
5 Elementary and Secondary Education.

6  
7 SECTION 381. Arkansas Code § 6-17-414(d)(1), concerning a criminal  
8 record check as condition for initial employment of nonlicensed personnel, is  
9 amended to read as follows:

10 (d)(1) Any information received by the ~~Department of Education~~  
11 Division of Elementary and Secondary Education from the Identification Bureau  
12 of the ~~Department~~ Division of Arkansas State Police or the Department of  
13 Human Services pursuant to this section shall not be available for  
14 examination except by the affected applicant for employment or his or her  
15 duly authorized representative, and no record, file, or document shall be  
16 removed from the custody of the ~~Department of Education~~ Division of  
17 Elementary and Secondary Education.

18  
19 SECTION 382. Arkansas Code § 6-17-414(e)(4), concerning a criminal  
20 record check as condition for initial employment of nonlicensed personnel, is  
21 amended to read as follows:

22 (4) Knowingly submits or provides false or misleading  
23 information or knowingly fails to submit or provide information requested or  
24 required by law to the ~~Department of Education~~ Division of Elementary and  
25 Secondary Education, the state board, or Arkansas Legislative Audit;

26  
27 SECTION 383. Arkansas Code § 6-17-414(f)(1)(B) and (C), concerning a  
28 criminal record check as condition for initial employment of nonlicensed  
29 personnel, are amended to read as follows:

30 (B) Has intentionally compromised the validity or security  
31 of any student test or testing program administered or required by the  
32 ~~Department of Education~~ Division of Elementary and Secondary Education;

33 (C) Has knowingly submitted falsified information or  
34 failed to submit information requested or required by law to the ~~Department~~  
35 of Education Division of Elementary and Secondary Education, the state board,  
36 or Arkansas Legislative Audit; or

1  
2 SECTION 384. Arkansas Code § 6-17-414(g)(5)(B), concerning a criminal  
3 record check as condition for initial employment of nonlicensed personnel, is  
4 amended to read as follows:

5 (B) After adopting a resolution granting a waiver, the  
6 board of directors of an educational entity shall immediately provide a copy  
7 of the resolution and waiver request to the ~~Department of Education~~ Division  
8 of Elementary and Secondary Education.

9  
10 SECTION 385. Arkansas Code § 6-17-414(h)(1)(A) and (B), concerning a  
11 criminal record check as condition for initial employment of nonlicensed  
12 personnel, are amended to read as follows:

13 (A) The ~~Department of Education~~ Division of Elementary and  
14 Secondary Education; or

15 (B) An entity that is identified by the ~~Department of~~  
16 Education Division of Elementary and Secondary Education as a local education  
17 agency, except that for a public school operated by a school district the  
18 school district is the educational entity; and

19  
20 SECTION 386. Arkansas Code § 6-17-414(h)(2)(C), concerning a criminal  
21 record check as a condition for initial employment of nonlicensed personnel,  
22 is amended to read as follows:

23 (C) Designated employee position with the ~~Department of~~  
24 Education Division of Elementary and Secondary Education.

25  
26 SECTION 387. Arkansas Code § 6-17-421(b)(1)(A), concerning a criminal  
27 record check for fraudulent acts, is amended to read as follows:

28 (b)(1)(A) Upon making application for employment in a position as a  
29 fiscal officer of an educational entity, the board of directors of the  
30 educational entity shall require the employment applicant to authorize  
31 release to the ~~Department of Education~~ Division of Elementary and Secondary  
32 Education the results of statewide and nationwide criminal records checks by  
33 the Identification Bureau of the ~~Department~~ Division of Arkansas State  
34 Police.

35  
36 SECTION 388. Arkansas Code § 6-17-421(b)(3)(A), concerning a criminal

1 record check for fraudulent acts, is amended to read as follows:

2 (3)(A) Any information received by the ~~Department of Education~~  
3 Division of Elementary and Secondary Education from the Identification Bureau  
4 of the ~~Department~~ Division of Arkansas State Police or the Department of  
5 Human Services pursuant to this section shall not be available for  
6 examination except by the affected applicant for employment or his or her  
7 duly authorized representative, and no record, file, or document shall be  
8 removed from the custody of the ~~Department of Education~~ Division of  
9 Elementary and Secondary Education.

10  
11 SECTION 389. Arkansas Code § 6-17-421(b)(4), concerning a criminal  
12 record check for fraudulent acts, is amended to read as follows:

13 (4) The ~~Department of Education~~ Division of Elementary and  
14 Secondary Education shall promptly inform the board of directors of the  
15 educational entity whether or not the affected employment applicant is  
16 eligible for employment as provided in this subsection.

17  
18 SECTION 390. Arkansas Code § 6-17-421(c), concerning a criminal record  
19 check for fraudulent acts, is amended to read as follows:

20 (c)(1) No person shall be eligible for employment as a fiscal officer  
21 by an educational entity if the results of the criminal records check  
22 released to the ~~Department of Education~~ Division of Elementary and Secondary  
23 Education by the applicant reveal that the applicant has pleaded guilty or  
24 nolo contendere to or has been found guilty of a fraudulent act but only  
25 after an opportunity for a hearing before the State Board of Education upon  
26 reasonable notice in writing.

27 (2) However, the board of directors of an educational entity is  
28 authorized to offer provisional employment to the affected applicant pending  
29 receipt of eligibility information from the ~~Department of Education~~ Division  
30 of Elementary and Secondary Education.

31  
32 SECTION 391. Arkansas Code § 6-17-422(b)(1)(A), concerning the  
33 establishment of the Professional Licensure Standards and Board, is amended  
34 to read as follows:

35 (A) The Commissioner of Elementary and Secondary Education  
36 or his or her designee, who shall serve as a nonvoting member;

1  
2 SECTION 392. Arkansas Code § 6-17-422(b)(1)(E), concerning the  
3 establishment of the Professional Licensure Standards Board, is amended to  
4 read as follows:

5 (E) One (1) nonvoting representative designated by the  
6 ~~Department of Education~~ Division of Elementary and Secondary Education from  
7 its Human Resources, Educator Effectiveness and Licensure Division  
8 recommended by the commissioner;

9  
10 SECTION 393. Arkansas Code § 6-17-422(g)(2), concerning the  
11 establishment of the Professional Licensure Standards Board, is amended to  
12 read as follows:

13 (2) Members of the Professional Licensure Standards Board may  
14 receive expense reimbursement in accordance with § 25-16-902, to be paid by  
15 the ~~Department of Education~~ Division of Elementary and Secondary Education to  
16 the extent money is available for that purpose.

17  
18 SECTION 394. Arkansas Code § 6-17-422(h)(2)(A), concerning the  
19 establishment of the Professional Licensure Standards Board, is amended to  
20 read as follows:

21 (2)(A) With the assistance of the ~~Department of Education~~  
22 Division of Elementary and Secondary Education and the ~~Department~~ Division of  
23 Higher Education, develop a system for the annual reporting and review of  
24 educator preparation program quality.

25  
26 SECTION 395. Arkansas Code § 6-17-422(h)(4)(A)(ii), concerning the  
27 establishment of the Professional Licensure Standards Board, is amended to  
28 read as follows:

29 (ii) Request through the ~~Department of Education~~  
30 Division of Elementary and Secondary Education a Child Maltreatment Central  
31 Registry check to be conducted by the Department of Human Services.

32  
33 SECTION 396. Arkansas Code § 6-17-424(b), concerning the eligibility  
34 of a school counselor for administrator licensure for counselors, is amended  
35 to read as follows:

36 (b) The ~~Department of Education~~ Division of Elementary and Secondary

1 Education shall promulgate the rules necessary to implement this section.

2  
3 SECTION 397. The introductory language of Arkansas Code § 6-17-  
4 426(a)(1), concerning a review of repeat audit findings by the Professional  
5 Licensure Standards Board, is amended to read as follows:

6 (a)(1) The Legislative Joint Auditing Committee may refer an audit  
7 report of a school district to the ~~Department of Education~~ Division of  
8 Elementary and Secondary Education if:

9  
10 SECTION 398. Arkansas Code § 6-17-426(a)(2), concerning a review of  
11 repeat audit findings by the Professional Licensure Standards Board, is  
12 amended to read as follows:

13 (2) The ~~department~~ division shall submit the audit report  
14 referred in subdivision (a)(1) of this section to the Professional Licensure  
15 Standards Board in forms approved by the ~~department~~ division.

16  
17 SECTION 399. Arkansas Code § 6-17-427(a)(1) and (2), concerning  
18 superintendent licenses and superintendent mentoring program requirement, are  
19 amended to read as follows:

20 (a)(1) The ~~Department of Education~~ Division of Elementary and  
21 Secondary Education shall develop and sponsor a superintendent mentoring  
22 program for first-year superintendents that includes without limitation:

- 23 (A) Curriculum and instruction;  
24 (B) Ethics;  
25 (C) Facilities;  
26 (D) Human resources;  
27 (E) Leadership;  
28 (F) School funding; and  
29 (G) Technology.

30 (2) The ~~department~~ division shall incorporate all training that  
31 is currently required for first-year superintendents into the superintendent  
32 mentoring program.

33  
34 SECTION 400. Arkansas Code § 6-17-428(d)(1), concerning ethical  
35 violations, is amended to read as follows:

36 (1) The ~~Department of Education~~ Division of Elementary and



1 Secondary Education;

2  
3 SECTION 401. Arkansas Code § 6-17-428(p)(3)(A)(i), concerning ethical  
4 violations, is amended to read as follows:

5 (3)(A)(i) The ~~department~~ division shall establish and maintain a  
6 website providing a school hiring officer with the ability to determine if  
7 the State Board of Education has acted upon an ethics complaint concerning a  
8 violation of the standard in subdivision (p)(2)(A) of this section involving  
9 the sexual abuse of a student by an applicant for employment who holds an  
10 Arkansas teaching or administrator's license or an individual intending to be  
11 employed under a waiver from licensure as a teacher of record or as an  
12 administrator.

13  
14 SECTION 402. Arkansas Code § 6-17-428(p)(3)(B), concerning ethical  
15 violations, is amended to read as follows:

16 (B) Before an educator who holds an Arkansas teaching  
17 license or administrator's license or an individual intending to be employed  
18 under a waiver from licensure as a teacher of record or as an administrator  
19 may be hired for employment at an Arkansas school, the school hiring officer  
20 shall check the website maintained by the ~~department~~ division under  
21 subdivision (p)(3)(A) of this section to determine whether the State Board of  
22 Education has acted upon a violation of the standard in subdivision (p)(2)(A)  
23 of this section involving the sexual abuse of a student by the applicant.

24  
25 SECTION 403. The introductory language of Arkansas Code § 6-17-428(q),  
26 concerning ethical violations, is amended to read as follows:

27 (q) Subject to the disclosure limitations of subsections (m) and (o)  
28 of this section, the ~~department~~ division may include on the ~~department's~~  
29 division's public website for licensure the following information on each  
30 violation of the code of ethics by an educator whose license the State Board  
31 of Education has suspended, revoked, denied, or not renewed based on the  
32 recommendations of the ethics subcommittee:

33  
34 SECTION 404. Arkansas Code § 6-17-429(e), concerning the Right to Read  
35 Act, is amended to read as follows:

36 (e) A provider of a state-approved educator preparation program shall

1 include in its annual report to the ~~Department of Education~~ Division of  
2 Elementary and Secondary Education a description of the provider's program to  
3 prepare educators to teach reading using scientific reading instruction.  
4

5 SECTION 405. Arkansas Code § 6-17-429(g), concerning the Right to Read  
6 Act, is amended to read as follows:

7 (g)(1) The ~~department~~ division is vested with the authority to and  
8 shall enforce this section.

9 (2) The ~~department~~ division shall promulgate rules to implement  
10 this section.  
11

12 SECTION 406. Arkansas Code § 6-17-603 is amended to read as follows:  
13 6-17-603. Reporting of test scores – Confidentiality.

14 (a)(1) Scores from the tests required under this subchapter and § 6-  
15 17-402 shall not be disclosed but shall be retained by the ~~Department of~~  
16 Education Division of Elementary and Secondary Education as confidential  
17 records not subject to the Freedom of Information Act of 1967, § 25-19-101 et  
18 seq., or any other act that would require the disclosure thereof.

19 (2) However, the ~~department~~ division shall provide each licensee  
20 with that person's test score and the grader's analysis of the writing  
21 portion of the test.

22 (b) The ~~department~~ division shall transmit to the Governor and the  
23 House Committee on Education and the Senate Committee on Education a  
24 composite report indicating by county the number of persons who failed the  
25 tests and the number of persons who passed the tests.  
26

27 SECTION 407. Arkansas Code § 6-17-701(a), concerning a program to  
28 improve reading skills, is amended to read as follows:

29 (a) The ~~Department of Education~~ Division of Elementary and Secondary  
30 Education is authorized and directed to develop and implement an inclusive  
31 statewide program to improve the reading skills of students in the public  
32 schools of this state.  
33

34 SECTION 408. Arkansas Code § 6-17-701(c), concerning a program to  
35 improve reading skills, is amended to read as follows:

36 (c) The intensive in-service training in the teaching of reading

1 provided for in this section shall be developed and implemented under the  
2 direction of reading specialists of the ~~department~~ division and selected in-  
3 service teachers who have been identified as having been particularly  
4 successful in the teaching of reading.

5  
6 SECTION 409. Arkansas Code § 6-17-702(a)(1)(B), concerning school  
7 district staff development sessions, is amended to read as follows:

8 (B) Licensed personnel may count up to two (2) days of six  
9 (6) hours each of attendance at instructional professional development  
10 sessions conducted by bona fide professional organizations toward fulfillment  
11 of the ten (10) days of staff development required by the Standards for  
12 Accreditation of Arkansas Public Schools and School Districts, provided the  
13 sessions have been certified by the ~~Department of Education~~ Division of  
14 Elementary and Secondary Education.

15  
16 SECTION 410. Arkansas Code § 6-17-704(a)(1), concerning a professional  
17 development plan, is amended to read as follows:

18 (1) Is required by statute or by the ~~Department of Education~~  
19 Division of Elementary and Secondary Education; or

20  
21 SECTION 411. Arkansas Code § 6-17-704(e)(1), concerning a professional  
22 development plan, is amended to read as follows:

23 (1) Shall comply with the ~~Department of Education~~ Division of  
24 Elementary and Secondary Education Rules Governing Professional Development;  
25 and

26  
27 SECTION 412. Arkansas Code § 6-17-704(f)(2), concerning a professional  
28 development plan, is amended to read as follows:

29 (2) Delivered by any method, online or otherwise, approved by  
30 the ~~Department of Education~~ Division of Elementary and Secondary Education  
31 under the State Board of Education rules.

32  
33 SECTION 413. Arkansas Code § 6-17-705(d), concerning professional  
34 development credit, is amended to read as follows:

35 (d) A person who holds any license issued by the State Board of  
36 Education may obtain credit for required professional development through a

1 micro-credentialing process approved by the ~~Department of Education~~ Division  
2 of Elementary and Secondary Education.

3  
4 SECTION 414. Arkansas Code § 6-17-707(b) and (c), concerning the  
5 Arkansas Online Professional Development Initiative, are amended to read as  
6 follows:

7 (b) Under the initiative, the Commissioner of Elementary and Secondary  
8 Education shall identify teacher professional development needs in the state  
9 and prioritize the needs based on the areas of professional development most  
10 needed to improve academic and teaching knowledge and skills of licensed  
11 personnel.

12 (c) Based on the needs and priorities identified in the assessment  
13 under subsection (b) of this section, the commissioner shall work with the  
14 Director of the Educational Television Division of the ~~Department of~~  
15 Education Division of Elementary and Secondary Education and local school  
16 districts to develop a statewide online professional development program that  
17 includes quality professional development courses that:

18 (1) Are aligned to the required focus areas identified in the  
19 State Board of Education rules governing professional development and the  
20 Arkansas Educational Support and Accountability Act, § 6-15-2901 et seq.;

21 (2) Are aligned with the clear, specific, and challenging  
22 academic content areas as established by the ~~Department of Education~~ Division  
23 of Elementary and Secondary Education as required under § 6-15-2906;

24 (3) Are aligned with the Arkansas academic standards established  
25 by the ~~department~~ division for each class level or subject area included in  
26 the respective professional development programs;

27 (4) Are research-based and available from sources with expertise  
28 in technology-delivered professional development courses;

29 (5) Are consistent with the Board of Control for Southern  
30 Regional Education multistate online professional development standards in  
31 existence on January 1, 2005;

32 (6) Focus on improving student academic achievement by improving  
33 a teacher's academic and teaching knowledge and skills; and

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

1  
2 SECTION 415. Arkansas Code § 6-17-707(d)(4), concerning the Arkansas  
3 Online Professional Development Initiative, is amended to read as follows:

4 (4) If a technology-delivered professional development course or  
5 service that has been identified as needed under the assessment in subsection  
6 (b) of this section is not available, the network or other providers shall  
7 work with the ~~department~~ division to develop a course or service to meet the  
8 identified need.

9  
10 SECTION 416. Arkansas Code § 6-17-707(e), concerning the Arkansas  
11 Online Professional Development Initiative, is amended to read as follows:

12 (e)(1) The ~~department~~ division shall determine the content of and  
13 preapprove all professional development courses or programs delivered by the  
14 network that qualify for professional development credit as required by the  
15 Standards for Accreditation of Arkansas Public Schools and School Districts  
16 or teacher licensure requirements.

17 (2) The ~~department~~ division may approve professional development  
18 obtained through a micro-credentialing process.

19  
20 SECTION 417. Arkansas Code § 6-17-707(f)-(h), concerning the Arkansas  
21 Online Professional Development Initiative, are amended to read as follows:

22 (f) The ~~department~~ division shall provide the staff and resources  
23 needed to provide the quality leadership necessary to coordinate the  
24 initiative.

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

29 (h)(1) As part of a school district support plan, the ~~department~~  
30 division may include guidelines for the professional development programs to  
31 be delivered to the licensed personnel employed by a school district  
32 receiving Level 3 – Coordinated, Level 4 – Directed, or Level 5 – Intensive  
33 support.

34 (2) As part of the school district support plan, the ~~department~~  
35 division may require the participation and completion of professional  
36 development courses or programs by licensed personnel in a school or school

1 district as appropriate for the licensed personnel's job assignments and  
2 duties.

3  
4 SECTION 418. Arkansas Code § 6-17-708(a)(1), concerning teen suicide  
5 awareness and prevention professional development, is amended to read as  
6 follows:

7 (a)(1) The ~~Department of Education~~ Division of Elementary and  
8 Secondary Education shall require two (2) hours of professional development  
9 in teen suicide awareness and prevention for licensed public school personnel  
10 according to the professional development schedule under § 6-17-709.

11 (2) The professional development under this section may be  
12 accomplished through self-review of suitable suicide prevention materials  
13 approved by the ~~department~~ division.

14  
15 SECTION 419. Arkansas Code § 6-17-709(b), concerning a professional  
16 development schedule for school personnel, is amended to read as follows:

17 (b)(1) Two (2) hours of the professional development required by  
18 subsection (a) of this section shall be counted in one (1) school year toward  
19 the minimum number of hours of professional development required for licensed  
20 educators under the ~~Department of Education~~ Division of Elementary and  
21 Secondary Education Rules Governing Professional Development.

22 (2) If additional hours are obtained by a licensed educator, the  
23 school district may count those hours as part of the minimum number of hours  
24 of professional development required for licensed educators under the  
25 ~~Department of Education~~ Division of Elementary and Secondary Education Rules  
26 Governing Professional Development.

27  
28 SECTION 420. Arkansas Code § 6-17-709(d), concerning the Arkansas  
29 Online Professional Development Initiative, is amended to read as follows:

30 (d) The ~~Department of Education~~ Division of Elementary and Secondary  
31 Education shall establish the curriculum under this section in collaboration  
32 with educational agencies and associations, including without limitation the:

- 33 (1) ~~Department~~ Division of Higher Education;  
34 (2) Arkansas Association of Educational Administrators;  
35 (3) Arkansas Education Association;  
36 (4) Arkansas School Boards Association;

1           (5) Arkansas Association for Supervision and Curriculum  
2 Development;

3           (6) Arkansas State Teachers Association; and

4           (7) Arkansas Rural Ed Association.  
5

6           SECTION 421. Arkansas Code § 6-17-709(e)(1)(A), concerning the  
7 Arkansas Online Professional Development Initiative, is amended to read as  
8 follows:

9                   (A) The ~~Department of Education~~ Division of Elementary and  
10 Secondary Education;

11  
12           SECTION 422. Arkansas Code § 6-17-709(e)(1)(C), concerning the  
13 Arkansas Online Professional Development Initiative, is amended to read as  
14 follows:

15                   (C) Providers approved by the ~~Department of Education~~  
16 Division of Elementary and Secondary Education.

17  
18           SECTION 423. The introductory language of Arkansas Code § 6-17-  
19 709(e)(3)(A), concerning the Arkansas Online Professional Development  
20 Initiative, is amended to read as follows:

21                   (3)(A) The ~~Department of Education~~ Division of Elementary and  
22 Secondary Education shall not issue an initial teaching license until the  
23 applicant verifies that he or she has obtained the required professional  
24 development concerning:  
25

26           SECTION 424. Arkansas Code § 6-17-709(e)(3)(B), concerning the  
27 Arkansas Online Professional Development Initiative, is amended to read as  
28 follows:

29                   (B) For a teaching license issued under the state's  
30 reciprocity provisions to an out-of-state teacher, the ~~Department of~~  
31 Education Division of Elementary and Secondary Education shall issue a  
32 provisional license until the licensee obtains the professional development  
33 identified in subdivision (e)(3)(A) of this section.  
34

35           SECTION 425. Arkansas Code § 6-17-710(b), concerning human trafficking  
36 professional development, is amended to read as follows:

1           (b) The ~~Department of Education~~ Division of Elementary and Secondary  
2 Education or another person, firm, or corporation designated by the  
3 ~~department~~ division shall develop and administer the professional development  
4 under subsection (a) of this section.

5  
6           SECTION 426. Arkansas Code § 6-17-803(b)(3), concerning optional  
7 contracts for teachers payable in monthly installments, is amended to read as  
8 follows:

9           (3) If any teacher fails to repay any money owed to a school  
10 district upon a contract breached by him or her, the secretary of the school  
11 district shall certify the failure to the ~~Department of Education~~ Division of  
12 Elementary and Secondary Education, and the State Board of Education shall  
13 suspend the teacher's license until all of the money is repaid.

14  
15           SECTION 427. Arkansas Code § 6-17-805(f)(1), concerning deduction from  
16 salary for professional membership dues, is amended to read as follows:

17           (1) "Classified employee" means any person employed by a school  
18 district under a written annual contract who is not required to have a  
19 teaching license issued by the ~~Department of Education~~ Division of Elementary  
20 and Secondary Education as a condition of employment; and

21  
22           SECTION 428. Arkansas Code § 6-17-811(a)(2)(A), concerning incentives  
23 for teacher recruitment and retention in high-priority districts, is amended  
24 to read as follows:

25           (2)(A) "National school lunch students" means those students or  
26 the percentage of enrolled students from low socioeconomic backgrounds as  
27 indicated by eligibility for free or reduced-price meals under the National  
28 School Lunch Act as determined on October 1 of each previous school year and  
29 submitted to the ~~Department of Education~~ Division of Elementary and Secondary  
30 Education, unless the school district is identified by the ~~Department of~~  
31 Education Division of Elementary and Secondary Education as participating in  
32 the special assistance certification and reimbursement alternative  
33 implemented under 42 U.S.C. § 1759a, as interpreted in 7 C.F.R. § 245.9.

34  
35           SECTION 429. Arkansas Code § 6-17-811(c)(2), concerning incentives for  
36 teacher recruitment and retention in high-priority districts, is amended to



1 read as follows:

2 (2) The superintendent of the high-priority district where the  
3 teacher is employed shall certify in writing to the ~~department~~ division that  
4 the teacher has completed all contractual obligations for the school year.

5

6 SECTION 430. The introductory language of Arkansas Code § 6-17-811(d),  
7 concerning incentives for teacher recruitment and retention in high-priority  
8 districts, is amended to read as follows:

9 (d) The ~~department~~ division shall:

10

11 SECTION 431. Arkansas Code § 6-17-811(e)(2), concerning incentives for  
12 teacher recruitment and retention in high-priority districts, is amended to  
13 read as follows:

14 (2) If the funds appropriated and available for the payment of  
15 the bonuses under this section are insufficient to pay the maximum bonus  
16 amounts to each qualifying teacher, the ~~department~~ division shall distribute  
17 the available funding to qualified teachers on a pro rata basis.

18

19 SECTION 432. Arkansas Code § 6-17-812(a)(4), concerning compensation  
20 for teaching more than the maximum number of students, is amended to read as  
21 follows:

22 (4)(A) Except when a teacher teaches a course that lends itself  
23 to large group instruction, as defined by the ~~Department of Education~~  
24 Division of Elementary and Secondary Education, the maximum number of  
25 students a teacher in grades five through twelve (5-12) is permitted to teach  
26 without receiving additional compensation under this section shall not exceed  
27 one hundred fifty (150) students per day.

28 (B) The ~~department~~ division shall include in the Standards  
29 for Accreditation of Arkansas Public Schools and School Districts the maximum  
30 number of students under subdivision (a)(4)(A) of this section.

31

32 SECTION 433. Arkansas Code § 6-17-812(e), concerning compensation for  
33 teaching more than the maximum number of students, is amended to read as  
34 follows:

35 (e)(1) The ~~department~~ division shall promulgate rules to implement  
36 this section.

1           (2) The rules promulgated by the ~~department~~ division shall  
2 include without limitation the manner in which students in grades five (5)  
3 and six (6) are to be counted for the purposes of this section.  
4

5           SECTION 434. Arkansas Code § 6-17-907(f), concerning school district  
6 funds, is amended to read as follows:

7           (f) The county treasurer shall credit all the various federal funds to  
8 the consolidated federal grants fund unless otherwise specifically designated  
9 by the ~~Department of Education~~ Division of Elementary and Secondary  
10 Education.  
11

12           SECTION 435. Arkansas Code § 6-17-907(k), concerning school district  
13 funds, is amended to read as follows:

14           (k) The county treasurer may request representatives of the ~~Division~~  
15 ~~of Arkansas~~ Legislative Audit or of the ~~department~~ Division of Elementary and  
16 Secondary Education to assist in establishing and crediting the various  
17 percentages of revenue to the respective funds.  
18

19           SECTION 436. Arkansas Code § 6-17-907(m)(1), concerning school  
20 district funds, is amended to read as follows:

21           (m)(1) If a school district uses a computerized accounting system that  
22 properly segregates revenues and disbursements by type and fund in accordance  
23 with state law and the ~~division~~ Arkansas Legislative Audit requirements, the  
24 school district may request that the county treasurer, serving as school  
25 district treasurer, receive and disburse all funds from one (1) operating  
26 account.  
27

28           SECTION 437. Arkansas Code § 6-17-913(b) and (c), concerning audits of  
29 school districts accounts, are amended to read as follows:

30           (b) Where audits are made by a certified public accountant, a  
31 certified copy of the audit shall be distributed to the school district, the  
32 Department of Finance and Administration, the ~~Department~~ Division of Career  
33 and Technical Education, and the ~~Department of Education~~ Division of  
34 Elementary and Secondary Education.

35           (c)(1) ~~The division~~ Arkansas Legislative Audit shall provide a copy of  
36 every audit report performed on each school district to the county clerk of

1 the county in which the school district is located.

2 (2) The county clerk shall keep a copy of the audit reports  
3 performed on the school district on file for at least two (2) years.

4  
5 SECTION 438. Arkansas Code § 6-17-919(b), concerning void warrants  
6 unless a valid license and contract exist, is amended to read as follows:

7 (b)(1) The school district superintendent and the superintendent's  
8 surety shall be liable for any warrants that he or she countersigns in  
9 payment of teachers' salaries unless and until the state board has issued a  
10 valid license or the ~~Department of Education~~ Division of Elementary and  
11 Secondary Education has provided the documentation required by subdivision  
12 (a)(1)(B) of this section.

13 (2) An online copy that is accessible on a website designated by  
14 the ~~department~~ division is sufficient evidence of the issuance of a valid  
15 license or the documentation required by subdivision (a)(1)(B) of this  
16 section.

17  
18 SECTION 439. The introductory language of Arkansas Code § 6-17-  
19 1113(a)(1), concerning the School Worker Defense Program, is amended to read  
20 as follows:

21 (a)(1) The ~~Department of Education~~ Division of Elementary and  
22 Secondary Education shall establish a School Worker Defense Program for the  
23 protection under subdivision (a)(2) of this section of:

24  
25 SECTION 440. Arkansas Code § 6-17-1113(c)(2), concerning the School  
26 Worker Defense Program, is amended to read as follows:

27 (2) Any school districts previously covered by or moneys  
28 expended pursuant to the self-insurance program of the ~~department~~ division or  
29 the School Worker Defense Program shall be deemed a proper expenditure of  
30 state funds.

31  
32 SECTION 441. Arkansas Code § 6-17-1113(e), concerning the School  
33 Worker Defense Program, is amended to read as follows:

34 (e)(1) The defense fund and protection program authorized in this  
35 section shall be a part of and administered by the ~~department~~ division.

36 (2) The ~~department~~ division shall adopt appropriate rules and

1 regulations necessary to carry out the purposes of this section.

2  
3 SECTION 442. Arkansas Code § 6-17-1113(f), concerning the School  
4 Worker Defense Program, is amended to read as follows:

5 (f) Any person entitled to payment under the program may appeal the  
6 decision of the ~~department~~ division to the advisory board.

7  
8 SECTION 443. The introductory language of Arkansas Code § 6-17-1114 is  
9 amended to read as follows:

10 It is the duty of the State and Public School Life and Health Insurance  
11 Board, the Supervisor of the Public School Employees Insurance Section and  
12 the insurance section employees, the ~~Department of Education~~ Division of  
13 Elementary and Secondary Education, and each public school district and their  
14 officers and employees:

15  
16 SECTION 444. Arkansas Code § 6-17-1117(b), concerning health insurance  
17 provided by the school district, is amended to read as follows:

18 (b)(1)(A) The ~~Department of Education~~ Division of Elementary and  
19 Secondary Education shall pay the Employee Benefits Division of the  
20 Department of Finance and Administration a minimum of sixty-one dollars  
21 (\$61.00) per month for each eligible employee electing to participate in the  
22 public school employees' health insurance program administered by the State  
23 and Public School Life and Health Insurance Board.

24 (B) The ~~Department of Education~~ Division of Elementary and  
25 Secondary Education shall make the total contributions under subdivision  
26 (b)(1)(A) of this section by transferring fifty-five million dollars  
27 (\$55,000,000) to the ~~division~~ Employee Benefits Division in twelve (12) equal  
28 monthly installments.

29 (2) The funds provided to the ~~division~~ Employee Benefits  
30 Division under this subsection shall be administered by the board for the  
31 benefit of the employee participants of the public school employees' health  
32 insurance program.

33 (3)(A) In the event that appropriation or funding is not  
34 provided, the ~~Department of Education~~ Division of Elementary and Secondary  
35 Education shall not be responsible for the increased payments for the public  
36 school employees' health insurance program as established by this section.

1 (B) If funding and appropriation are provided but are  
2 inadequate for the total number of employees electing to participate in the  
3 public school employees' health insurance program, the ~~Department of~~  
4 ~~Education~~ Division of Elementary and Secondary Education shall pay a  
5 proportional share on behalf of each participant.

6 (C) If funding and appropriation are provided and exceed  
7 the amount needed to make the minimum contribution under subdivision  
8 (b)(1)(A) of this section, the ~~Department of Education~~ Division of Elementary  
9 and Secondary Education shall pay a proportional share of the excess on  
10 behalf of each participant.

11  
12 SECTION 445. Arkansas Code § 6-17-1118(a)(7), concerning the creation  
13 of the School Worker Defense Program Advisory Board, is amended to read as  
14 follows:

15 (7)(A) The Commissioner of Elementary and Secondary Education or  
16 his or her designee.

17 (B) Provided, however, no employee of the ~~Department of~~  
18 ~~Education~~ Division of Elementary and Secondary Education who is charged with  
19 administering the defense fund and protection program shall be eligible to  
20 serve as the designee of the commissioner.

21  
22 SECTION 446. Arkansas Code § 6-17-1118(e), concerning the creation of  
23 the School Worker Defense Program Advisory Board, is amended to read as  
24 follows:

25 (e)(1) The ~~Department of Education~~ Division of Elementary and  
26 Secondary Education may promulgate rules and regulations as necessary for the  
27 proper administration of this section to establish an advisory board.

28 (2) The ~~Department of Education~~ Division of Elementary and  
29 Secondary Education shall provide support staff for the advisory board.

30  
31 SECTION 447. Arkansas Code § 6-17-1405 is amended to read as follows:  
32 6-17-1405. Notification of award – Transfer of available federal  
33 funds.

34 (a) Upon making any award to or in behalf of an employee of any school  
35 district, the Workers' Compensation Commission shall notify the appropriate  
36 officer of the school district and shall notify the ~~Department of Education~~

1 Division of Elementary and Secondary Education.

2 (b) If the salary or compensation of the employee in whose behalf the  
3 award was made is paid wholly or partly from federal funds, the ~~department~~  
4 division is authorized to transfer funds from the federal funds available for  
5 the program under which such employee was paid to the Public School Fund to  
6 reimburse the Public School Fund for funds transferred to the Workers'  
7 Compensation Revolving Fund as provided for in this subchapter.

8  
9 SECTION 448. The introductory language of Arkansas Code § 6-17-  
10 1602(e)(1), concerning the creation of the Master School Principal Program,  
11 is amended to read as follows:

12 (e)(1) The ~~Department of Education~~ Division of Elementary and  
13 Secondary Education and the academy shall:

14  
15 SECTION 449. Arkansas Code § 6-17-1603 is amended to read as follows  
16 6-17-1603. Yearly incentive bonus.

17 (a) The ~~Department of Education~~ Division of Elementary and Secondary  
18 Education shall promulgate rules and regulations for the nine thousand dollar  
19 (\$9,000) yearly incentive bonus provided under this section for principals  
20 receiving master school principal status.

21 (b) The ~~department~~ division shall pay a yearly incentive bonus of nine  
22 thousand dollars (\$9,000) for every school year for no more than five (5)  
23 years to any building-level principal who:

24 (1) Receives a master school principal designation from the  
25 Arkansas Leadership Academy; and

26 (2) At the time of receiving the bonus, is employed full time as  
27 a building-level principal in an Arkansas public school district.

28  
29 SECTION 450. The introductory language of Arkansas Code § 6-17-  
30 1604(b)(1), concerning high-need school salary bonus and hold-back longevity,  
31 is amended to read as follows:

32 (b)(1) The ~~Department of Education~~ Division of Elementary and  
33 Secondary Education shall pay a high-need school salary bonus of twenty-five  
34 thousand dollars (\$25,000) for every school year for no more than five (5)  
35 years to any building-level principal who:

36

1 SECTION 451. Arkansas Code § 6-17-1702(1), concerning the definition  
2 of "employee" under the Public School Employee Fair Hearing Act, is amended  
3 to read as follows:

4 (1) "Employee" means any person employed by a school district  
5 under a written annual contract who is not required to have an educator  
6 license issued by the ~~Department of Education~~ Division of Elementary and  
7 Secondary Education as a condition of employment;

8  
9 SECTION 452. Arkansas Code § 6-17-1901(d), concerning the minority  
10 teacher and administrator recruitment plan, is amended to read as follows:

11 (d) The plan shall be a part of the equity assistance plan filed  
12 annually with the Equity Assistance Center of the ~~Department of Education~~  
13 Division of Elementary and Secondary Education and shall be updated annually  
14 for an additional ten (10) years.

15  
16 SECTION 453. Arkansas Code § 6-17-1902(a), concerning the Equity  
17 Assistance Center and the coordination and contents plan, is amended to read  
18 as follows:

19 (a) The Equity Assistance Center of the ~~Department of Education~~  
20 Division of Elementary and Secondary Education shall provide technical  
21 assistance to the school districts in developing recruitment plans.

22  
23 SECTION 454. Arkansas Code § 6-17-2205(2), concerning paid breaks for  
24 certain classified school district employees, is amended to read as follows:

25 (2) Each school district shall file an affidavit for compliance  
26 with the ~~Department of Education~~ Division of Elementary and Secondary  
27 Education regarding the Fair Labor Standards Act, 29 U.S.C. § 201 et seq.,  
28 for classified employees unless the school district policies or state laws  
29 impose higher standards.

30  
31 SECTION 455. Arkansas Code § 6-17-2206(a)(1), concerning highly  
32 qualified paraprofessional bonuses provided by the Department of Education,  
33 is amended to read as follows:

34 (a)(1) The purpose of this section is to provide a bonus from the  
35 ~~Department of Education~~ Division of Elementary and Secondary Education in  
36 recognition of the efforts made by paraprofessional employees who attain

1 highly qualified status.

2  
3 SECTION 456. Arkansas Code § 6-17-2301(d)(2), concerning policy  
4 requirements for each school district, is amended to read as follows:

5 (2) By September 15 of each year, a school district shall  
6 provide the ~~Department of Education~~ Division of Elementary and Secondary  
7 Education with the website address at which its current personnel policies  
8 for classified employees, including the salary schedule, may be found.

9  
10 SECTION 457. Arkansas Code § 6-17-2301(e), concerning policy  
11 requirements for each school district, is amended to read as follows:

12 (e) The ~~department~~ division shall notify any school district that has  
13 not posted its policies on the school district website or provided the  
14 ~~department~~ division with the website address in accordance with this section.

15  
16 SECTION 458. Arkansas Code § 6-17-2302(b)(1), concerning the  
17 definition of "classified employee" under the Personnel Policy Law for  
18 Classified Employees, is amended to read as follows:

19 (1) "Classified employee" means any person employed by a school  
20 district under a written annual contract who is not required to have a  
21 teaching license issued by the ~~Department of Education~~ Division of Elementary  
22 and Secondary Education as a condition of employment;

23  
24 SECTION 459. Arkansas Code § 6-17-2402(3)(A), concerning the Teacher  
25 Compensation Program, is amended to read as follows:

26 (A) An individual who is required to hold a teaching  
27 license from the ~~Department of Education~~ Division of Elementary and Secondary  
28 Education and who is engaged directly in instruction with students in a  
29 classroom setting for more than seventy percent (70%) of the individual's  
30 contracted time;

31  
32 SECTION 460. Arkansas Code § 6-17-2403(c)(1)(A), concerning minimum  
33 teacher compensation schedules, is amended to read as follows:

34 (A) Public school accredited by the ~~Department of~~  
35 Education Division of Elementary and Secondary Education or a nationally  
36 recognized accrediting association;



1  
2 SECTION 461. Arkansas Code § 6-17-2406(c), concerning the  
3 applicability of teacher salary schedules and low income status, is amended  
4 to read as follows:

5 (c) The Civilian Student Training Program or the Arkansas National  
6 Guard Youth Challenge Program may be designated by the ~~Department of~~  
7 ~~Education~~ Division of Elementary and Secondary Education as a low-income  
8 school, and receive the benefits of such designation if the Civilian Student  
9 Training Program or the Arkansas National Guard Youth Challenge Program meets  
10 the low-income school criteria.

11  
12 SECTION 462. Arkansas Code § 6-17-2502(2), concerning the definition  
13 of "in residence" under the Arkansas Teacher of the Year Act, is amended to  
14 read as follows:

15 (2) "In residence" means working exclusively with the ~~Department~~  
16 ~~of Education~~ Division of Elementary and Secondary Education at a location  
17 agreed upon between the ~~department~~ division and the Arkansas Teacher of the  
18 Year;

19  
20 SECTION 463. Arkansas Code § 6-17-2503(a)(1), concerning the Arkansas  
21 Teacher of the Year Program, is amended to read as follows:

22 (a)(1) The ~~Department of Education~~ Division of Elementary and  
23 Secondary Education shall develop a process for selecting the Arkansas  
24 Teacher of the Year.

25  
26 SECTION 464. The introductory language of Arkansas Code § 6-17-  
27 2503(e)(1), concerning the Arkansas Teacher of the Year Program, is amended  
28 to read as follows:

29 (1) Work in residence with the ~~department~~ division to:

30  
31 SECTION 465. Arkansas Code § 6-17-2503(f), concerning the Arkansas  
32 Teacher of the Year Program, is amended to read as follows:

33 (f) During the school year in which a school district's Arkansas  
34 Teacher of the Year is on paid administrative leave, the ~~department~~ division  
35 shall reimburse the school district as provided in § 6-17-2505.

36

1 SECTION 466. Arkansas Code § 6-17-2505 is amended to read as follows:

2 6-17-2505. ~~Department of Education~~ Division of Elementary and  
 3 Secondary Education responsibility.

4 (a) During the school year in which a school district's Arkansas  
 5 Teacher of the Year is on paid administrative leave, the ~~Department of~~  
 6 ~~Education~~ Division of Elementary and Secondary Education shall reimburse the  
 7 school district for:

8 (1) The teacher's salary and benefits; and

9 (2)(A) Incidental expenses incurred by the teacher as a result  
 10 of his or her participation in the Arkansas Teacher of the Year Program.

11 (B) All incidental expenses shall be approved by the  
 12 ~~department~~ division.

13 (b) The ~~department~~ division shall be responsible for the reimbursement  
 14 of any incidental expenses incurred by the teacher during the implementation  
 15 of the program for the current year.

16 (c) The ~~department~~ division may receive private donations, grants, or  
 17 other forms of assistance to help fund any aspect of the program.

18 (d) The State Board of Education shall promulgate rules as necessary  
 19 to administer the provisions of this section.

20  
 21 SECTION 467. Arkansas Code § 6-17-2602(1)(D), concerning the lifetime  
 22 teaching license, is amended to read as follows:

23 (D) The ~~Department of Education~~ Division of Elementary and  
 24 Secondary Education;

25  
 26 SECTION 468. Arkansas Code § 6-17-2604(a), concerning the lifetime  
 27 teaching license, is amended to read as follows:

28 (a) A person who meets the eligibility requirements of § 6-17-2603 may  
 29 apply for a lifetime teaching license by filing an application with the  
 30 ~~Department of Education~~ Division of Elementary and Secondary Education.

31  
 32 SECTION 469. Arkansas Code § 6-17-2606 is amended to read as follows:

33 6-17-2606. Rules – Reports.

34 The ~~Department of Education~~ Division of Elementary and Secondary  
 35 Education shall:

36 (1) Develop rules to implement the provisions of this

1 subchapter; and

2 (2) Report annually to the General Assembly regarding compliance  
3 with each item set forth in this subchapter.

4

5 SECTION 470. Arkansas Code § 6-17-2702(a), concerning the  
6 determination of eligibility for teachers to receive a supplemental grant  
7 from the Science, Technology, Engineering, and Math Fund, is amended to read  
8 as follows:

9 (a) The Arkansas Economic Development Commission, in coordination with  
10 the ~~Department of Education~~ Division of Elementary and Secondary Education,  
11 shall promulgate rules governing the eligibility of teachers of science,  
12 technology, engineering, or math to receive a supplemental grant from the  
13 Science, Technology, Engineering, and Math Fund.

14

15 SECTION 471. Arkansas Code § 6-17-2703(b), concerning the application  
16 process for the Science, Technology, Engineering, and Math Fund, is amended  
17 to read as follows:

18 (b) Selection and identification of qualified science, technology,  
19 engineering, and math teachers shall be coordinated with the ~~Department of~~  
20 ~~Education~~ Division of Elementary and Secondary Education for identification  
21 of qualified science, technology, engineering, and math teachers.

22

23 SECTION 472. Arkansas Code § 6-17-2703(f), concerning the application  
24 process for the Science, Technology, Engineering, and Math Fund, is amended  
25 to read as follows:

26 (f) The commission shall review the applications in accordance with  
27 rules promulgated by the commission in coordination with the ~~department~~  
28 division to determine if the applicant qualifies for a supplemental grant  
29 from the fund.

30

31 SECTION 473. Arkansas Code § 6-17-2804(b)(10)(B), concerning the  
32 administrative agency responsibilities of the Teacher Excellence and Support  
33 System, is amended to read as follows:

34 (B) The raw data reported to and collected by the  
35 ~~Department of Education~~ Division of Elementary and Secondary Education for  
36 the purposes of this section, including all or part of the raw data that the

1 ~~department~~ division provides to an expert outside the ~~department~~ division for  
2 analysis, is exempt from disclosure under the Freedom of Information Act of  
3 1967, § 25-19-101 et seq.

4  
5 SECTION 474. Arkansas Code § 6-17-2809(a), concerning the system of  
6 administrator leadership support and evaluations, is amended to read as  
7 follows:

8 (a)(1) The ~~Department of Education~~ Division of Elementary and  
9 Secondary Education shall design a system of administrator leadership support  
10 and evaluations that:

11 (A) Is aligned to current leadership standards adopted by  
12 the State Board of Education;

13 (B) Uses multi-tiered systems of professional support and  
14 learning for what a leader should know and be able to do; and

15 (C) Provides a research-based framework to conduct  
16 administrator evaluations.

17 (2) The ~~department~~ division may collaborate with state and  
18 national school leadership organizations and institutions of higher education  
19 with school leadership preparation programs to develop the system.

20  
21 SECTION 475. Arkansas Code § 6-18-102(f), concerning legislative  
22 findings regarding school uniform policy, is amended to read as follows:

23 (f) The ~~Department of Education~~ Division of Elementary and Secondary  
24 Education and education service cooperatives shall, when possible, assist  
25 public schools by providing information regarding uniform dress codes upon  
26 request from public school administrators.

27  
28 SECTION 476. Arkansas Code § 6-18-103(c), concerning selective service  
29 registration, is amended to read as follows:

30 (c) The ~~Department of Education~~ Division of Elementary and Secondary  
31 Education shall issue rules and regulations to ensure compliance with the  
32 provisions of this section.

33  
34 SECTION 477. Arkansas Code § 6-18-105 is amended to read as follows:

35 6-18-105. Skills and knowledge for preparation of kindergarten  
36 children.

1 (a)(1) ~~By December 31, 2003, the~~ The Department of Education shall  
 2 determine and prepare a list of the skills and knowledge that a child should  
 3 have in order to be prepared to enter kindergarten.

4 (2) The list shall be prepared in a manner that will assist  
 5 parents in preparing their children for kindergarten.

6 (b)(1) The list shall be available to parents on the ~~Department of~~  
 7 ~~Education's~~ Division of Elementary and Secondary Education's website and from  
 8 the ~~Department of Education~~ Division of Elementary and Secondary Education by  
 9 mail if requested.

10 (2) The ~~Department of Education~~ Division of Elementary and  
 11 Secondary Education shall make reasonable efforts to have the list of skills  
 12 published in the Happy Birthday Baby Book.

13 (c)(1) The Department of Human Services shall provide copies of the  
 14 list to child care facilities licensed by the Division of Child Care and  
 15 Early Childhood Education.

16 (2) By December 31, 2003, the Department of Human Services shall  
 17 adopt rules and regulations requiring child care facilities licensed by the  
 18 ~~division~~ Division of Child Care and Early Childhood Education each year to  
 19 distribute the list to the parent of each three-year-old child, four-year-old  
 20 child, and five-year-old child attending the child care facility.

21 (d) Nothing in this section shall be construed to require a child to  
 22 have a certain level of skill or knowledge before enrolling in kindergarten.

23  
 24 SECTION 478. The introductory language of Arkansas Code § 6-18-107(b),  
 25 concerning the enrollment of military dependents in school, is amended to  
 26 read as follows:

27 (b) The ~~Department of Education~~ Division of Elementary and Secondary  
 28 Education shall require a public school to report the enrollment of a student  
 29 who is a military dependent:

30  
 31 SECTION 479. Arkansas Code § 6-18-109(a)(1)(B), concerning the Student  
 32 Online Personal Information Protection Act, is amended to read as follows:

33 (B) Created or provided by an employee or agent of a  
 34 public school, school district, local education agency, or ~~Department of~~  
 35 ~~Education~~ the Division of Elementary and Secondary Education to the operator  
 36 for public school purposes; or

1  
2 SECTION 480. Arkansas Code § 6-18-109(a)(2)(B), concerning the Student  
3 Online Personal Information Protection Act, is amended to read as follows:

4 (B) An operator does not include the ~~Department of~~  
5 ~~Education~~ Division of Elementary and Secondary Education, a school district,  
6 or an open-enrollment public charter school;

7  
8 SECTION 481. Arkansas Code § 6-18-109(f)(2)(B), concerning the Student  
9 Online Personal Information Act, is amended to read as follows:

10 (B) As allowed by federal or state law and under the  
11 direction of a school, school district, or the ~~department~~ division if no  
12 covered information is used for advertising or to compile a profile of a  
13 public school student; or

14  
15 SECTION 482. Arkansas Code § 6-18-201(a)(1)(B)(ii), concerning  
16 compulsory school attendance and exceptions, is amended to read as follows:

17 (ii) The kindergarten waiver form shall be  
18 prescribed by rule of the ~~Department of Education~~ Division of Elementary and  
19 Secondary Education.

20  
21 SECTION 483. Arkansas Code § 6-18-202(e)(5)(B), concerning age and  
22 residence for attending public schools, is amended to read as follows:

23 (B) The appeal shall be made to the ~~Department of~~  
24 ~~Education~~ Division of Elementary and Secondary Education.

25  
26 SECTION 484. Arkansas Code § 6-18-202(e)(6)(A) and (B), concerning age  
27 and residence for attending public schools, are amended to read as follows:

28 (6)(A) The ~~department~~ division shall promulgate rules to  
29 establish the procedure for a ~~department~~ division hearing officer to  
30 investigate the appeal and conduct a hearing.

31 (B) The ~~department~~ division hearing officer may compel  
32 disclosure of information from both of the school districts in his or her  
33 duties.

34  
35 SECTION 485. Arkansas Code § 6-18-204(b)(5)(B), concerning school  
36 attendance in another school district and conditions, is amended to read as

1 follows:

2 (B) The amount of tuition shall be agreed upon by both  
3 districts before enrollment in the receiving district, except that if an  
4 agreement cannot be reached by the opening date of the receiving school, an  
5 appeal shall be made to the Assistant Director for Public School Finance and  
6 Administrative Support of the ~~Department of Education~~ Division of Elementary  
7 and Secondary Education within thirty (30) days from the opening date of  
8 school, and his or her decision shall be final.

9

10 SECTION 486. Arkansas Code § 6-18-205(b)(1)(B)(i), concerning school  
11 attendance in another school district and liability, is amended to read as  
12 follows:

13 (B)(i) Either school district may petition the ~~Department~~  
14 ~~of Education~~ Division of Elementary and Secondary Education to satisfy the  
15 liability by transferring that amount to the entitled school district from  
16 funds which the ~~department~~ division would have distributed to the liable  
17 school district.

18

19 SECTION 487. Arkansas Code § 6-18-208(a), concerning requirements for  
20 enrollment in public school and exceptions, is amended to read as follows:

21 (a) Before a child's admission to an Arkansas public school, a school  
22 district shall request the parent, guardian, or other responsible person to  
23 furnish the child's Social Security number and shall inform the parent,  
24 guardian, or other responsible person that, in the alternative, they may  
25 request that the school district assign the child a nine-digit number  
26 designated by the ~~Department of Education~~ Division of Elementary and  
27 Secondary Education.

28

29 SECTION 488. Arkansas Code § 6-18-208(d)(2), concerning requirements  
30 for enrollment in public school and exceptions, is amended to read as  
31 follows:

32 (2) This section shall not apply to educational records that are  
33 transferred to or between the ~~department~~ division, other public schools or  
34 school districts, or other governmental agencies as allowed or required by  
35 federal law, state law, or State Board of Education rule.

36

1 SECTION 489. Arkansas Code § 6-18-213(a)(1), concerning school  
2 attendance records and reports, is amended to read as follows:

3 (a)(1) A record of pupil attendance shall be kept by each school  
4 district of the state in a format prescribed by the ~~Department of Education~~  
5 Division of Elementary and Secondary Education.

6  
7 SECTION 490. Arkansas Code § 6-18-215(c) and (d), concerning a school  
8 enrollment census and determining student dropout rates, are amended to read  
9 as follows:

10 (c) The graduation rates, as defined by the ~~Department of Education~~  
11 Division of Elementary and Secondary Education, shall be tracked for students  
12 in grades nine through twelve (9-12).

13 (d) The ~~Department~~ Division of Elementary and Secondary Education  
14 shall use this section for in-state reporting purposes related to school  
15 dropout rates.

16  
17 SECTION 491. Arkansas Code § 6-18-227(b)(1)(B), concerning the  
18 Arkansas Opportunity Public School Choice Act of 2004, is amended to read as  
19 follows:

20 (B) The parent, guardian, or the student, if the student  
21 is over eighteen (18) years of age, has notified the ~~Department of Education~~  
22 Division of Elementary and Secondary Education and both the sending and  
23 receiving school districts of the request for a transfer no later than July  
24 30 of the first year in which the student intends to transfer.

25  
26 SECTION 492. Arkansas Code § 6-18-227(b)(2)(B), concerning the  
27 Arkansas Opportunity Public School Choice Act of 2004, is amended to read as  
28 follows:

29 (B) Application for the opportunity public school choice  
30 option shall be provided by the ~~department~~ division, shall contain a notice  
31 that a transfer under this subsection shall operate as an irrevocable choice  
32 for at least one (1) entire school year, and shall remain in force until the  
33 student completes high school as provided in this subsection except as  
34 otherwise provided by law.

35  
36 SECTION 493. Arkansas Code § 6-18-227(d)(4), concerning the Arkansas



1 Opportunity Public School Choice Act, is amended to read as follows:

2 (4) The ~~department~~ division shall promulgate rules governing the  
3 use of school capacity as a basis for denying admission under this section.  
4

5 SECTION 494. Arkansas Code § 6-18-227(f), concerning the Arkansas  
6 Opportunity Public School Choice Act of 2004, is amended to read as follows:

7 (f) The ~~department~~ division shall develop an annual report on the  
8 status of school choice and deliver the report to the state board, the  
9 Governor, and the Legislative Council at least ninety (90) days before the  
10 convening of the regular session of the General Assembly.  
11

12 SECTION 495. Arkansas Code § 6-18-227(j)(1)-(3), concerning the  
13 Arkansas Opportunity Public School Choice Act of 2004, are amended to read as  
14 follows:

15 (j)(1) All school districts shall report to the ~~department~~ division on  
16 an annual basis the race, gender, and other pertinent information needed to  
17 properly monitor compliance with the provisions of this section.

18 (2) The reports may be on those forms that are prescribed by the  
19 ~~department~~ division, or the data may be submitted electronically by the  
20 district using a format authorized by the ~~department~~ division.

21 (3) The ~~department~~ division may put on probation the  
22 superintendent of any school district that fails to file its report each year  
23 or fails to file any other information with a published deadline requested  
24 from school districts by the ~~department~~ division so long as thirty (30)  
25 calendar days are given between the request for the information and the  
26 published deadline.

27 (4) A copy of the report shall be provided to the House  
28 Committee on Education and the Senate Committee on Education.  
29

30 SECTION 496. Arkansas Code § 6-18-230(b)(2)(B), concerning the minimum  
31 age for enrolling in prekindergarten, is amended to read as follows:

32 (B) ~~Department of Education~~ Division of Elementary and  
33 Secondary Education.  
34

35 SECTION 497. Arkansas Code § 6-18-233(c)(2)(B), concerning school  
36 choices for children in foster care, is amended to read as follows:

1 (B) If a public school district claims a conflict under  
 2 subdivision (c)(2)(A) of this section, the public school district shall  
 3 immediately submit proof from a federal court to the ~~Department of Education~~  
 4 Division of Elementary and Secondary Education that the public school  
 5 district has a genuine conflict under an active desegregation order or active  
 6 court-approved desegregation plan with the provisions of this section.

7  
 8 SECTION 498. Arkansas Code § 6-18-233(d)(1)(A), concerning school  
 9 choices for children in foster care, is amended to read as follows:

10 (A) Made on a form approved by the ~~Department of Education~~  
 11 Division of Elementary and Secondary Education; and

12  
 13 SECTION 499. Arkansas Code § 6-18-233(k), concerning school choices  
 14 for children in foster care, is amended to read as follows:

15 (k) The ~~Department of Education~~ Division of Elementary and Secondary  
 16 Education shall promulgate rules to implement this section.

17  
 18  
 19 SECTION 500. Arkansas Code § 6-18-316(b) and (c), concerning the  
 20 transfer of a student on a petition, are amended to read as follows:

21 (b) Forms for use in transferring children from one (1) school  
 22 district to another shall be provided by the ~~Department of Education~~ Division  
 23 of Elementary and Secondary Education.

24 (c) After the petition has been approved by the board of directors of  
 25 the resident district and the board of directors of the receiving district,  
 26 copies of approved transfers shall be filed by the receiving district with  
 27 the office of the county clerk, with the administrative offices of the  
 28 respective school districts, and with the ~~department~~ division.

29  
 30 SECTION 501. Arkansas Code § 6-18-317(b) and (c), concerning  
 31 prohibited student transfers, are amended to read as follows:

32 (b) Each form filed with the ~~Department of Education~~ Division of  
 33 Elementary and Secondary Education reporting a legal student transfer must be  
 34 accompanied by an affidavit signed by each member of both school district  
 35 boards of directors stating that the transfer does not violate the  
 36 prohibition set forth in subsection (a) of this section.

1 (c) If the transfer fails to comply with subsection (b) of this  
2 section, the ~~department~~ division shall withhold from each district state aid  
3 in an amount equal to that to be generated by the student in question in the  
4 respective districts.

5  
6 SECTION 502. Arkansas Code § 6-18-319(c), concerning proper contacts  
7 of a transfer student, is amended to read as follows:

8 (c) A school district from which the student transferred has the right  
9 to appeal the transfer of the student to the ~~Department of Education~~ Division  
10 of Elementary and Secondary Education. The school district to which the  
11 student transferred and the parents or guardian of the student shall have the  
12 burden to prove the transfer was proper.

13  
14 SECTION 503. Arkansas Code § 6-18-502(a), concerning the guidelines  
15 for development of school district student discipline polices, is amended to  
16 read as follows:

17 (a) The ~~Department of Education~~ Division of Elementary and Secondary  
18 Education shall establish guidelines for the development of school district  
19 student discipline policies.

20  
21 SECTION 504. Arkansas Code § 6-18-502(h), concerning the guidelines  
22 for development of school district student discipline polices, is amended to  
23 read as follows:

24 (h) In developing the state guidelines for school district discipline  
25 policies, the ~~department~~ division shall involve parents, students, teachers,  
26 and administrators.

27  
28 SECTION 505. Arkansas Code § 6-18-503(a)(1)(A), concerning the  
29 requirement of written student discipline policies, is amended to read as  
30 follows:

31 (a)(1)(A) Each school district in this state shall develop written  
32 student discipline policies in compliance with the guidelines established by  
33 the ~~Department of Education~~ Division of Elementary and Secondary Education  
34 and shall file such policies with the ~~department~~ division.

35  
36 SECTION 506. Arkansas Code § 6-18-503(d) and (e), concerning the

1 requirement of written student discipline policies, are amended to read as  
2 follows:

3 (d) Any amendments or revisions to a school district's student  
4 discipline policies shall be developed and adopted in the same manner as the  
5 original policies required by § 6-18-502 and shall be consistent with the  
6 guidelines established by the ~~department~~ division.

7 (e) Any amendment or revision to the student discipline policies  
8 adopted by a school district shall be submitted to the ~~department~~ division  
9 within thirty (30) days after the adoption of such amendment or revision.

10  
11 SECTION 507. Arkansas Code § 6-18-504(a) and (b), concerning  
12 compliance with §§ 6-18-502 and 6-18-503, is amended to read as follows:

13 6-18-504. Compliance with §§ 6-18-502 and 6-18-503.

14 (a) The ~~Department of Education~~ Division of Elementary and Secondary  
15 Education shall monitor compliance with the requirements of §§ 6-18-502 and  
16 6-18-503, and the State Board of Education shall adopt rules and regulations  
17 for the administration of the requirements thereof.

18 (b) Any school district failing to file the disciplinary policy  
19 required by § 6-18-503 with the ~~department~~ division shall have all state aid  
20 funds withheld until such disciplinary policy is filed with the ~~department~~  
21 division.

22  
23 SECTION 508. Arkansas Code § 6-18-506(b), concerning the School  
24 Dismissal Act, is amended to read as follows:

25 (b) Every school district board of directors shall adopt and file with  
26 the ~~Department of Education~~ Division of Elementary and Secondary Education  
27 written policies concerning the violation of school standards such as  
28 disrespect for teachers and classified school employees, vandalism, and other  
29 undesirable behavioral patterns.

30  
31 SECTION 509. Arkansas Code § 6-18-506(e), concerning the School  
32 Dismissal Act, is amended to read as follows:

33 (e) The policy may be revised at any time by filing an updated policy  
34 with the ~~department~~ division.

35  
36 SECTION 510. Arkansas Code § 6-18-507(a)(3), concerning the suspension

1 or expulsion of a student, is amended to read as follows:

2 (3) "Nontraditional scheduling" means block or other alternative  
3 scheduling as defined by the ~~Department of Education~~ Division of Elementary  
4 and Secondary Education; and

5  
6 SECTION 511. Arkansas Code § 6-18-507(e)(3)(B), concerning the  
7 suspension or expulsion of a student, is amended to read as follows:

8 (B) The principal of each school shall report within a week to  
9 the ~~department~~ division the name, current address, and Social Security number  
10 of any student who is expelled for possessing a firearm or other prohibited  
11 weapon on school property or for committing other acts of violence.

12  
13 SECTION 512. Arkansas Code § 6-18-507(e)(4)(A), concerning the  
14 suspension or expulsion of a student, is amended to read as follows:

15 (4)(A) The ~~department~~ division shall establish and maintain a  
16 registry of students who are expelled for possessing a firearm or other  
17 prohibited weapon on school property or for committing other acts of  
18 violence.

19  
20 SECTION 513. The introductory language of Arkansas Code § 6-18-  
21 511(d)(1), concerning the removal of a student from class, is amended to read  
22 as follows:

23 (d)(1) If a teacher removes a student from class two (2) times during  
24 any nine-week grading period or its equivalent as determined by the  
25 ~~Department of Education~~ Division of Elementary and Secondary Education, the  
26 principal or the principal's designee may not return the student to the  
27 teacher's class unless a conference is held for the purpose of determining  
28 the causes of the problem and possible solutions, with the following  
29 individuals present:

30  
31 SECTION 514. Arkansas Code § 6-18-514(i), concerning antibullying  
32 policies, is amended to read as follows:

33 (i) The school district shall provide the ~~Department of Education~~  
34 Division of Elementary and Secondary Education with the website address at  
35 which a copy of the policies adopted in compliance with this section may be  
36 found.

1  
2 SECTION 515. The introductory language of Arkansas Code § 6-18-  
3 516(b)(1), concerning effective school discipline, is amended to read as  
4 follows:

5 (b)(1) Annually, the ~~Department of Education~~ Division of Elementary  
6 and Secondary Education shall report at the school, school district, and  
7 state level the following data concerning exclusionary disciplinary actions,  
8 in-school suspensions, and corporal punishment:

9  
10 SECTION 516. The introductory language of Arkansas Code § 6-18-  
11 516(b)(2), concerning effective school discipline, is amended to read as  
12 follows:

13 (2) The ~~department~~ division shall report exclusionary  
14 disciplinary actions by both:

15  
16 SECTION 517. Arkansas Code § 6-18-516(c), concerning effective school  
17 discipline, is amended to read as follows:

18 (c) The ~~department~~ division shall report the data required in  
19 subsection (b) of this section:

20 (1) On the website of the ~~department~~ division to the extent that  
21 publication is consistent with the Family Educational Rights and Privacy Act,  
22 20 U.S.C. § 1232g; and

23 (2) In a manner that reflects historical trends and allows for  
24 the comparison of schools and school districts.

25  
26 SECTION 518. The introductory language of Arkansas Code § 6-18-516(d),  
27 concerning effective school discipline, is amended to read as follows:

28 (d) The ~~department~~ division shall:

29  
30 SECTION 519. Arkansas Code § 6-18-516(e), concerning effective school  
31 discipline, is amended to read as follows:

32 (e) The ~~department~~ division, or researcher identified by the  
33 ~~department~~ division, shall provide an annual report to the State Board of  
34 Education analyzing disciplinary infractions, disciplinary actions, and  
35 disciplinary disparities existing throughout the state.

36

1 SECTION 520. Arkansas Code § 6-18-705(c), concerning the school  
2 breakfast program, is amended to read as follows:

3 (c) The ~~Department of Education~~ Division of Elementary and Secondary  
4 Education may promulgate rules and regulations necessary for implementation  
5 of this section in compliance with federal guidelines.

6  
7 SECTION 521. Arkansas Code § 6-18-705(d)(2), concerning the school  
8 breakfast program, is amended to read as follows:

9 (2) In any high school under the requirements of this section,  
10 if fifty percent (50%) or more of the eligible students refuse to participate  
11 in the school breakfast program during any year of the program as  
12 demonstrated by sufficient proof to the ~~department~~ division, the state board  
13 may grant a waiver from the requirements of this section to the high school.

14  
15 SECTION 522. Arkansas Code § 6-18-705(e), concerning the school  
16 breakfast program, is amended to read as follows:

17 (e) The ~~department~~ division is hereby authorized to withhold state  
18 equalization aid from any school district that fails to comply with the  
19 provisions of this section.

20  
21 SECTION 523. Arkansas Code § 6-18-707(c)(1), concerning a prescription  
22 asthma inhaler or auto-injectable epinephrine, is amended to read as follows:

23 (c)(1) The ~~Department of Education~~ Division of Elementary and  
24 Secondary Education shall develop guidelines for use in school districts that  
25 allow a student to carry and use an asthma inhaler or auto-injectable  
26 epinephrine, or both, while in school, at an on-site school-sponsored  
27 activity, or at an off-site school-sponsored activity.

28  
29 SECTION 524. Arkansas Code § 6-18-707(c)(2)(B)(iii), concerning a  
30 prescription asthma inhaler or auto-injectable epinephrine, is amended to  
31 read as follows:

32 (iii) A copy of an individualized healthcare plan  
33 for the student prepared in accordance with § 6-18-1005 and any related rules  
34 of the ~~department~~ division.

35  
36 SECTION 525. The introductory language of Arkansas Code § 6-18-

1 709(a)(3), concerning the Public School Health Services Advisory Committee,  
2 is amended to read as follows:

3 (3) The Commissioner of Elementary and Secondary Education shall  
4 appoint:

5  
6 SECTION 526. The introductory language of Arkansas Code § 6-18-  
7 709(a)(3)(A), concerning the Public School Health Services Advisory  
8 Committee, is amended to read as follows:

9 (A) Six (6) members to represent the ~~Department of~~  
10 Education Division of Elementary and Secondary Education as follows:

11  
12 SECTION 527. Arkansas Code § 6-18-709(a)(3)(G)(ii)(b), concerning the  
13 Public School Health Services Advisory Committee, is amended to read as  
14 follows:

15 (b) The ~~Department of Education~~ Division of  
16 Elementary and Secondary Education; or

17  
18 SECTION 528. Arkansas Code § 6-18-709(a)(9), concerning the Public  
19 School Health Advisory Committee, is amended to read as follows:

20 (9) The ~~Department of Education~~ Division of Elementary and  
21 Secondary Education shall provide office space and staff for the Public  
22 School Health Services Advisory Committee.

23  
24 SECTION 529. Arkansas Code § 6-18-709(f), concerning the Public School  
25 Health Services Advisory Committee, is amended to read as follows:

26 (f)(1) The Public School Health Services Advisory Committee shall  
27 identify the information it needs from public school districts and from  
28 nurses employed by public school districts to conduct the study and  
29 communicate those requests for information to the ~~Department of Education~~  
30 Division of Elementary and Secondary Education in collaboration with the  
31 Department of Health.

32 (2)(A) Each public school nurse or individual designated by the  
33 public school shall report the information requested to the ~~Department of~~  
34 Education Division of Elementary and Secondary Education and to the school  
35 board of directors not less than yearly.

36 (B) A school shall continue to report the information



1 until the Public School Health Services Advisory Committee's term has  
2 expired.

3 (3) The ~~Department of Education~~ Division of Elementary and  
4 Secondary Education shall provide the information to the Public School Health  
5 Services Advisory Committee in a manner that protects student privacy under  
6 state and federal laws.

7  
8 SECTION 530. The introductory language of Arkansas Code § 6-18-709(g),  
9 concerning the Public School Health Advisory Committee, is amended to read as  
10 follows:

11 (g) Annually, beginning on July 1, 2015, a school district shall  
12 report the following to the ~~Department of Education~~ Division of Elementary  
13 and Secondary Education:

14  
15 SECTION 531. Arkansas Code § 6-18-712(a), concerning posting the Child  
16 Abuse Hotline telephone number in public schools and open-enrollment charter  
17 schools, is amended to read as follows:

18 (a) Each public school and open-enrollment charter school shall post a  
19 sign that contains the toll-free telephone number for the Child Abuse Hotline  
20 established by the Department of Human Services and the ~~Department~~ Division  
21 of Arkansas State Police under § 12-18-301.

22  
23 SECTION 532. Arkansas Code § 6-18-712(d), concerning posting the Child  
24 Abuse Hotline telephone number in public schools and open-enrollment charter  
25 schools, is amended to read as follows:

26 (d)(1) The ~~Department of Education~~ Division of Elementary and  
27 Secondary Education shall administer the requirements under this section.

28 (2) The ~~Department of Education~~ Division of Elementary and  
29 Secondary Education may adopt rules in compliance with this section to carry  
30 out the requirements under this section.

31  
32 SECTION 533. The introductory language of Arkansas Code § 6-18-713(b),  
33 concerning student sudden cardiac arrest education, is amended to read as  
34 follows:

35 (b) The ~~Department of Education~~ Division of Elementary and Secondary  
36 Education shall develop guidelines and other relevant materials to inform and

1 educate school officials, teachers, athletic coaches, students, and parents  
2 about the nature and warning signs of sudden cardiac arrest, including the  
3 risks associated with continuing to participate in or practice an athletic  
4 activity when experiencing any of the following symptoms:

5  
6 SECTION 534. Arkansas Code § 6-18-901(a), concerning the maintenance  
7 of permanent student records, is amended to read as follows:

8 (a) The ~~Department of Education~~ Division of Elementary and Secondary  
9 Education, at the direction of the State Board of Education and in  
10 cooperation with any other appropriate state agencies, shall develop and  
11 publish an itemized listing of all information to be maintained in a  
12 student's permanent record during enrollment in a school district in this  
13 state.

14  
15 SECTION 535. Arkansas Code § 6-18-901(d)(2), concerning the  
16 maintenance of permanent student records, is amended to read as follows:

17 (2) Upon request by the Division of Youth Services of the  
18 Department of Human Services, a copy of the education record, as defined by  
19 regulations promulgated by the ~~Department of Education~~ Division of Elementary  
20 and Secondary Education, shall be transmitted to the ~~division~~ Division of  
21 Youth Services within ten (10) school days.

22  
23 SECTION 536. Arkansas Code § 6-18-1004(a)(2), concerning a school  
24 district plan for student services, is amended to read as follows:

25 (2) Only those trained and certified in the appropriate  
26 specialty or following a ~~Department of Education's~~ Division of Elementary and  
27 Secondary Education's deficiency removal plan will be assigned to carry out  
28 the duties of each service.

29  
30 SECTION 537. Arkansas Code § 6-18-1007 is amended to read as follows:  
31 6-18-1007. School student services status report.

32 (a) By January 1, 1994, and each year thereafter, the ~~Department of~~  
33 Education Division of Elementary and Secondary Education shall compile and  
34 present to the Governor, the State Board of Education, the Senate Committee  
35 on Education, and the House Committee on Education a report outlining  
36 monitoring findings and the status of implementing each of the provisions of

1 this subchapter by the various school districts, including which districts  
2 are in substantial compliance with the plan required under this subchapter.

3 (b)(1)(A) ~~By January 1, 1998, the department~~ The division shall have  
4 in place a staffing structure which assures that the ~~department's~~ division's  
5 administration and field service staff are responsible for monitoring the  
6 ~~department~~ division and local school district implementation and compliance  
7 with the provisions of this subchapter.

8 (B) The ~~department~~ division shall employ one (1) or more  
9 persons who shall have a minimum qualification of certification as a school  
10 counselor.

11 (2) Each school district shall be responsible for submitting an  
12 annual report to the Assistant ~~Commissioner~~ Director of Learning Services of  
13 the ~~Department of Education~~ Division of Elementary and Secondary Education  
14 outlining its compliance with and implementation of plans for the provisions  
15 of this section.

16 (3)(A) The Commissioner of Elementary and Secondary Education,  
17 in consultation with the appropriate assistant commissioner, shall designate  
18 an individual or individuals who shall have a minimum qualification of  
19 certification as a school counselor to be responsible for coordinating the  
20 monitoring of compliance with this section.

21 (B) The monitoring shall include interviews with  
22 administrators, counselors, students, and teachers.

23  
24 SECTION 538. Arkansas Code § 6-18-1008 is amended to read as follows:  
25 6-18-1008. Implementation.

26 (a) The State Board of Education shall cause the Commissioner of  
27 Elementary and Secondary Education to designate one (1) employee who shall be  
28 responsible for overseeing the implementation of this subchapter.

29 (b) By January 1, 1994, and each year thereafter, the ~~Department of~~  
30 Education Division of Elementary and Secondary Education shall compile and  
31 present to the Governor, the state board, the House Committee on Education,  
32 and the Senate Committee on Education a report outlining the status of  
33 implementing each of the provisions of this subchapter by the various school  
34 districts.

35  
36 SECTION 539. Arkansas Code § 6-18-1104(b), concerning the procedure

1 for participation in elementary school fund-raising programs, is amended to  
2 read as follows:

3 (b) A one-page form for parental notification and permission shall be  
4 developed by the ~~Department of Education~~ Division of Elementary and Secondary  
5 Education in cooperation with school administrators and the Arkansas Parent  
6 Teacher Association.

7  
8 SECTION 540. Arkansas Code § 6-18-1302(4)(A), concerning the  
9 definition of "questionnaire or survey" under the Parental Authorization of  
10 Questionnaires Act, is amended to read as follows:

11 (4)(A) "Questionnaire or survey" means a list or group of  
12 questions, responses to which are provided to a person or an entity other  
13 than a public school, a public school district, the ~~Department of Education~~  
14 Division of Elementary and Secondary Education, or any branch of the United  
15 States Government.

16  
17 SECTION 541. Arkansas Code § 6-18-1501(a)(1)(B)(i), concerning vision  
18 screenings, is amended to read as follows:

19 (B)(i) The ~~Department of Education~~ Division of Elementary  
20 and Secondary Education shall ensure the provision of all general revenues  
21 necessary to access federal funds for eye and vision screenings for all  
22 qualified federal healthcare program recipients.

23  
24 SECTION 542. The introductory language of Arkansas Code § 6-18-  
25 1501(b), concerning vision screenings, is amended to read as follows:

26 (b) An eye and vision screening shall include the following tests,  
27 procedures, equipment, and instruments approved by the Arkansas Commission on  
28 Eye and Vision Care of School-Age Children and the ~~department~~ division:  
29

30 SECTION 543. Arkansas Code § 6-18-1502(b)(1), concerning child eye  
31 exams, is amended to read as follows:

32 (b)(1) If a child does not receive an appropriate examination, as  
33 evidenced by a certificate signed by an optometrist or ophthalmologist  
34 acknowledging the examination, then the public school or public charter  
35 school where the child is registered shall report the child to the ~~Department~~  
36 of Education Division of Elementary and Secondary Education.

1  
2 SECTION 544. Arkansas Code § 6-18-1503(a), concerning standardized  
3 forms for eye and vision screening reports, is amended to read as follows:

4 (a) Standardized forms for eye and vision screening reports shall be  
5 developed by the ~~Department of Education~~ Division of Elementary and Secondary  
6 Education in conjunction with the Arkansas Commission on Eye and Vision Care  
7 of School-Age Children and adopted by the ~~department~~ division in regulations  
8 promulgated under the Arkansas Administrative Procedure Act, § 25-15-201 et  
9 seq.

10  
11 SECTION 545. Arkansas Code § 6-18-1504 is amended to read as follows:  
12 6-18-1504. Training.

13 The ~~Department of Education~~ Division of Elementary and Secondary  
14 Education, in conjunction with the Arkansas Commission on Eye and Vision Care  
15 of School-Age Children, shall adopt regulations that establish standards for  
16 training school nurses to perform eye and vision screenings.

17  
18 SECTION 546. Arkansas Code § 6-18-1602(2)(B)(i), concerning the  
19 definition of "Smart Core" under the Universal ACT Assessment Program Act, is  
20 amended to read as follows:

21 (i) Established by rules of the state board in  
22 coordination with the ~~Department~~ Division of Higher Education; and

23  
24 SECTION 547. Arkansas Code § 6-18-1603 is amended to read as follows:  
25 6-18-1603. Creation.

26 There is created in the ~~Department of Education~~ Division of Elementary  
27 and Secondary Education the Universal ACT Assessment Program to be developed,  
28 implemented, and administered by the ~~department~~ division as provided in this  
29 subchapter.

30  
31 SECTION 548. Arkansas Code § 6-18-1606(a), concerning implementation  
32 of the Universal ACT Assessment Program, is amended to read as follows:

33 (a) Beginning with the 2017-2018 school year, the Universal ACT  
34 Assessment Program may provide each student in grades nine (9), ten (10),  
35 eleven (11), or twelve (12) with the opportunity to take the ACT Assessment  
36 while in grades nine (9), ten (10), eleven (11), or twelve (12) without any

1 charge by using school district funding, including National School Lunch Act  
2 funds, 42 U.S.C. § 1751 et seq., to pay for the exams as approved by the  
3 ~~Department of Education~~ Division of Elementary and Secondary Education.  
4

5 SECTION 549. Arkansas Code § 6-18-1607 is amended to read as follows:  
6 6-18-1607. Rules.

7 The ~~Department~~ Division of Higher Education and the ~~Department of~~  
8 ~~Education~~ Division of Elementary and Secondary Education shall develop rules  
9 for the administration of this subchapter.  
10

11 SECTION 550. Arkansas Code § 6-18-1608 is amended to read as follows:  
12 6-18-1608. Reporting.

13 The ~~Department~~ Division of Higher Education and the ~~Department of~~  
14 ~~Education~~ Division of Elementary and Secondary Education shall submit a  
15 combined annual report to the Legislative Council by December 1 of each year  
16 that establishes compliance with this subchapter, provides data on the number  
17 of participants in the Universal ACT Assessment Program, and outlines the  
18 impact of this program on the college readiness of high school seniors and  
19 the remediation rates at institutions of higher education.  
20

21 SECTION 551. Arkansas Code § 6-18-1905(a)(2), concerning the  
22 application for a transferring student, is amended to read as follows:

23 (2) On a form approved by the ~~Department of Education~~ Division  
24 of Elementary and Secondary Education; and  
25

26 SECTION 552. Arkansas Code § 6-18-1906(a)(2), concerning the  
27 limitations of the Public School Choice Act of 2015, is amended to read as  
28 follows:

29 (2) Annually by January 1, a school district that claims a  
30 conflict under subdivision (a)(1) of this section shall submit proof from a  
31 federal court to the ~~Department of Education~~ Division of Elementary and  
32 Secondary Education that the school district has a genuine conflict under an  
33 active desegregation order or active court-approved desegregation plan that  
34 explicitly limits the transfer of students between school districts.  
35

36 SECTION 553. Arkansas Code § 6-18-1906(a)(4)-(6), concerning the

1 limitations of the Public School Choice Act of 2015, are amended to read as  
2 follows:

3 (4)(A) Within thirty (30) calendar days of receipt of proof  
4 under subdivision (a)(2) of this section, the ~~department~~ division shall  
5 notify the school district whether it is required to participate in the  
6 school choice provisions of this subchapter.

7 (B) The ~~department~~ division may reject incomplete  
8 submissions.

9 (C) If the ~~department~~ division does not provide a written  
10 exemption to the school district, then the school district shall be required  
11 to participate in the school choice provisions of this subchapter.

12 (5) The ~~department~~ division shall maintain on its website a list  
13 of school districts that are not required to participate in the school choice  
14 provisions of this subchapter.

15 (6) The State Board of Education may review a decision of the  
16 ~~department~~ division upon written petition of the affected school district and  
17 may affirm or reverse the decision of the ~~department~~ division under the rules  
18 promulgated by the state board to implement this subsection.

19  
20 SECTION 554. Arkansas Code § 6-18-1906(b)(2), concerning the  
21 limitations of the Public School Choice Act of 2015, is amended to read as  
22 follows:

23 (2) Annually by December 15, the ~~department~~ division shall  
24 report to each school district the net maximum number of school choice  
25 transfers for the next school year.

26  
27 SECTION 555. Arkansas Code § 6-19-102(d), concerning the authority to  
28 transport students and vehicles, is amended to read as follows:

29 (d) A bus or other vehicle used in transporting pupils in one (1)  
30 district shall not be used to transport pupils in another district without  
31 the consent of the ~~Department of Education~~ Division of Elementary and  
32 Secondary Education, except as specifically allowed by law.

33  
34 SECTION 556. Arkansas Code § 6-20-106 is amended to read as follows:  
35 6-20-106. Amendment 74 rules and regulations.

36 Due to pending public school finance litigation, before any rules and

1 regulations pursuant to the implementation of Arkansas Constitution,  
2 Amendment 74, are reviewed by the Subcommittee on Administrative Rules and  
3 Regulations of the Legislative Council and adopted by the ~~Department of~~  
4 ~~Education~~ Division of Elementary and Secondary Education, such proposed rules  
5 and regulations shall be reviewed by the Litigation Reports Oversight  
6 Subcommittee of the Legislative Council.

7  
8 SECTION 557. The introductory language of Arkansas Code § 6-20-107(b),  
9 concerning educational cost reimbursement prohibition, is amended to read as  
10 follows:

11 (b) The ~~Department of Education~~ Division of Elementary and Secondary  
12 Education, a public school district, or an open-enrollment public charter  
13 school shall not be liable for any educational costs or other related costs  
14 associated with the placement of a juvenile in an out-of-state residential or  
15 inpatient facility for any care and treatment, including psychiatric  
16 treatment, unless:

17  
18 SECTION 558. The introductory language of Arkansas Code § 6-20-  
19 107(b)(2), concerning educational cost reimbursement prohibition, is amended  
20 to read as follows:

21 (2) The ~~department~~ division authorizes public payment for  
22 educational costs based on a determination that the educational program and  
23 facilities are appropriate for the juvenile and the ~~Department~~ division has  
24 approved the facility's educational program; and

25  
26 SECTION 559. The introductory language of Arkansas Code § 6-20-  
27 107(b)(3)(B), concerning educational cost reimbursement prohibition, is  
28 amended to read as follows:

29 (B) If the educational program is not authorized before  
30 placement, the ~~department~~ division, public school districts, or open-  
31 enrollment public charter schools shall not be responsible for education or  
32 other related costs, nor shall they be subject to any order to pay for  
33 educational or other related costs.

34  
35 SECTION 560. Arkansas Code § 6-20-107(c)-(f), concerning educational  
36 cost reimbursement prohibition, are amended to read as follows:



1 (c) The ~~department~~ division, a public school district, or an open-  
2 enrollment public charter school shall not be liable for any educational  
3 costs or other related costs associated with the placement of a juvenile in  
4 an in-state residential or inpatient facility for any care and treatment,  
5 including psychiatric treatment, unless:

6 (1) The ~~department~~ division authorizes public payment for  
7 educational costs based on a determination that the educational program and  
8 facilities are appropriate for the juvenile and the ~~department~~ division has  
9 approved the facility's educational program; and

10 (2)(A) Each educational program authorization precedes the  
11 placement.

12 (B) If the educational program is not authorized before  
13 the placement, the ~~department~~ division, public school districts, or open-  
14 enrollment public charter schools shall not be responsible for education or  
15 other related costs, nor shall they be subject to any order to pay for  
16 educational or other related costs.

17 (d) The liability of the ~~department~~ division, a public school  
18 district, or an open-enrollment public charter school for the educational  
19 costs or other related costs described in subsections (b) and (c) of this  
20 section shall be limited to the lesser of:

21 (1) The reimbursement rate established by the ~~department~~  
22 division for a juvenile placed in a residential or inpatient facility; or

23 (2) The normal and customary educational cost reimbursement rate  
24 of the state in which a juvenile is placed in an out-of-state residential or  
25 inpatient facility as determined by the ~~department~~ division.

26 (e) This section shall not apply to a juvenile placed in an Arkansas  
27 juvenile detention facility as defined in § 6-20-104.

28 (f) Nothing in this section shall be construed to require payment by  
29 the ~~department~~ division, a public school district, or an open-enrollment  
30 public charter school for educational costs and other related costs  
31 associated with the placement of a juvenile in an out-of-state residential or  
32 inpatient facility for any care or treatment, including psychiatric  
33 treatment, before April 7, 2005.

34  
35 SECTION 561. Arkansas Code § 6-20-210 is amended to read as follows:  
36 6-20-210. Pulaski County desegregation.

1 (a) For the fiscal year ending June 30, 2004, and for each fiscal year  
2 thereafter, the ~~Department of Education~~ Division of Elementary and Secondary  
3 Education shall, from time to time as needed, certify to the Treasurer of  
4 State and the Chief Fiscal Officer of the State the amount of funds disbursed  
5 or approved to be disbursed by the ~~department~~ division for desegregation  
6 expenses under the Pulaski County School Desegregation Settlement Agreement.

7 (b) Upon the receipt of the certification and after making those  
8 deductions as set out in § 19-5-202(b)(2)(B), the Treasurer of State shall  
9 also deduct from the net general revenues the amount certified and transfer  
10 this amount to the ~~Department of Education~~ Division of Elementary and  
11 Secondary Education Public School Fund Account, there to be used exclusively  
12 for payment of or reimbursement for expenses incurred from the ~~Department of~~  
13 ~~Education~~ Division of Elementary and Secondary Education Public School Fund  
14 Account under the agreement.

15  
16 SECTION 562. Arkansas Code § 6-20-212 is amended to read as follows:  
17 6-20-212. Desegregation expenses.

18 (a) ~~For the fiscal year ending June 30, 2005, and for each fiscal year~~  
19 ~~thereafter, the Department of Education~~ The Division of Elementary and  
20 Secondary Education shall from time to time, as needed, certify to the  
21 Treasurer of State and the Chief Fiscal Officer of the State, the amount of  
22 funds disbursed or approved to be disbursed by the ~~department~~ division for  
23 desegregation expenses under any desegregation settlement agreement.

24 (b) Upon the receipt of the certification, the Treasurer of State,  
25 after making those deductions as set out in § 19-5-202(b)(2)(B), shall also  
26 deduct from the net general revenues the amount certified and transfer this  
27 amount to the ~~Department of Education~~ Division of Elementary and Secondary  
28 Education Public School Fund Account, there to be used exclusively for  
29 payment of or reimbursement for expenses incurred from the account under any  
30 desegregation settlement agreement.

31  
32 SECTION 563. Arkansas Code § 6-20-223(b), concerning noncredit  
33 remedial courses, is amended to read as follows:

34 (b) Nothing in this section shall be interpreted as authorizing a  
35 state-supported institution to receive direct payments from the ~~Department of~~  
36 ~~Education~~ Division of Elementary and Secondary Education or from a school

1 district for noncredit remedial courses taken by a student.

2  
3 SECTION 564. Arkansas Code § 6-20-224 is amended to read as follows:  
4 6-20-224. Federal turnback funds.

5 Any federal mineral leasing funds, federal forest reserve funds,  
6 federal flood control funds, or any similar turnback funds in the State  
7 Treasury for which the eligible county or school district cannot be  
8 identified may be transferred to the ~~Department of Education~~ Division of  
9 Elementary and Secondary Education Public School Fund Account and used for  
10 any lawful school purpose.

11  
12 SECTION 565. Arkansas Code § 6-20-402(b)(4), concerning a limitation  
13 on current indebtedness, postdated warrants and installment contracts, and  
14 liability, is amended to read as follows:

15 (4) A copy of any guaranteed energy savings contract that is  
16 executed in connection with the acquisition, installation, or construction of  
17 energy conservation measures under this section shall be filed with the  
18 ~~Department of Education~~ Division of Elementary and Secondary Education.

19  
20 SECTION 566. Arkansas Code § 6-20-402(c)(1)(E), concerning a  
21 limitation on current indebtedness, postdated warrants and installment  
22 contracts, and liability, is amended to read as follows:

23 (E) The school district obtains the prior written approval  
24 of the ~~department~~ division to refinance one (1) or more outstanding postdated  
25 warrants, lease-purchase agreements, or installment contracts.

26  
27 SECTION 567. The introductory language of Arkansas Code § 6-20-  
28 402(d)(6), concerning a limitation on current indebtedness, postdated  
29 warrants and installment contracts, and liability, is amended to read as  
30 follows:

31 (6) Upon incurring current indebtedness, the school district  
32 shall notify the ~~department~~ division of the indebtedness, on forms provided  
33 by the ~~department~~ division, showing the:

34  
35 SECTION 568. Arkansas Code § 6-20-402(e)(2)(A)(ii), concerning a  
36 limitation on current indebtedness, postdated warrants and installment

1 contracts, and liability, is amended to read as follows:

2 (ii) Submits a written request for payment of the  
3 amount of the unpaid judgment and a certified copy of the final judgment to  
4 the Commissioner of Elementary and Secondary Education and the superintendent  
5 of the school district.

6  
7 SECTION 569. Arkansas Code § 6-20-402(f), concerning a limitation on  
8 current indebtedness, postdated warrants and installment contracts, and  
9 liability, is amended to read as follows:

10 (f) If the state board withholds state aid from a school district  
11 under subsection (e) of this section, the school district shall be identified  
12 by the ~~department~~ division to be a school district in fiscal distress under §  
13 6-20-1906.

14  
15 SECTION 570. The introductory language of Arkansas Code § 6-20-415(a),  
16 concerning the hiring of public school district desegregation consultants, is  
17 amended to read as follows:

18 (a) The ~~Department of Education~~ Division of Elementary and Secondary  
19 Education in consultation with the Attorney General shall hire consultants on  
20 the following basis:

21  
22 SECTION 571. Arkansas Code § 6-20-415(b) and (c), concerning the  
23 hiring of public school district desegregation consultants, is amended to  
24 read as follows:

25 (b) The ~~department~~ division shall not pay the consultant fees or  
26 expenses from moneys appropriated and available for the reimbursement of  
27 attorney's fees to the three (3) Pulaski County school districts under § 6-  
28 20-416.

29 (c)(1) The ~~department~~ division and the Attorney General also may hire  
30 consultants with expertise in the fields of auditing and forensic accounting  
31 to provide oversight and management of the three (3) Pulaski County school  
32 districts' finances with an emphasis on desegregation funding.

33 (2) The consultants hired by the ~~department~~ division and the  
34 Attorney General shall have full authority to examine any documents and  
35 software and shall be allowed full access to any persons necessary to  
36 discharge the consultants' duties as directed by the ~~department~~ division and

1 the Attorney General.

2 (3) In addition to the authority otherwise granted to the State  
3 Board of Education and the ~~department~~ division by law, the ~~department~~  
4 division may require a school district to modify, update, or change the  
5 school district's financial oversight or management policies, procedures, or  
6 practices in response to the recommendations of the consultants.

7 (4) A school district that fails to comply with the requirements  
8 of the ~~department~~ division under this subsection shall be identified by the  
9 ~~department~~ division as being in fiscal distress and subject to the applicable  
10 enforcement provisions as provided by law.

11  
12 SECTION 572. Arkansas Code § 6-20-416(a), concerning desegregation  
13 funding, is amended to read as follows:

14 (a) The ~~Department of Education~~ Division of Elementary and Secondary  
15 Education and the Attorney General are authorized to seek proper federal  
16 court review and determination of the current unitary status of any school  
17 district in the case of Little Rock School District v. Pulaski County Special  
18 School District No. 1, et al., No. LR-C-82-866.

19  
20 SECTION 573. The introductory language of Arkansas Code § 6-20-  
21 416(b)(1), concerning desegregation funding, is amended to read as follows:

22 (b)(1) ~~Upon July 31, 2007, the department~~ The division and the  
23 Attorney General are authorized to seek modification of the current consent  
24 decree or enter into a new or an amended consent decree or settlement  
25 agreement under this section that allows the State of Arkansas to:

26  
27 SECTION 574. Arkansas Code § 6-20-416(c)(1), concerning desegregation  
28 funding, is amended to read as follows:

29 (c)(1) The ~~department~~ division in consultation with the Attorney  
30 General shall have the authority to enter into agreements with the three (3)  
31 Pulaski County school districts to reimburse the school districts for legal  
32 fees incurred for seeking unitary status or partial unitary status.

33  
34 SECTION 575. Arkansas Code § 6-20-416(e), concerning desegregation  
35 funding, is amended to read as follows:

36 (e)(1) A school district receiving state funds under a federal court

1 order or a settlement agreement in desegregation litigation shall categorize  
2 and describe the state funds received and any expenditure of those funds  
3 according to the uniform chart of accounts and codes established by the  
4 ~~department~~ division.

5 (2) The ~~department~~ division shall modify, as necessary, the  
6 Arkansas Financial Accounting Handbook or the Arkansas Educational Financial  
7 Accounting and Reporting System, or both, to ensure that the uniform chart of  
8 accounts and codes is available to accurately monitor:

9 (A) State funding paid to a school district under the  
10 federal court order or settlement agreement; and

11 (B) All expenditures of that funding.

12 (3) An error related to the coding and reporting of the state  
13 funds that causes a material misstatement of financial information is cause  
14 for determining a deficiency under the ~~Department of Education~~ Division of  
15 Elementary and Secondary Education Rules Governing the Arkansas Financial  
16 Accounting and Reporting System and Annual Training Requirements.

17  
18 SECTION 576. The introductory language of Arkansas Code § 6-20-416(f),  
19 concerning desegregation funding, is amended to read as follows:

20 (f) By September 1 of each year, a school district that receives state  
21 funding pursuant to a federal court order or settlement agreement in  
22 desegregation litigation shall report to the ~~department~~ division, in the form  
23 and manner established by the ~~department~~ division, the following:

24  
25 SECTION 577. Arkansas Code § 6-20-416(f)(2)(F), concerning  
26 desegregation funding, is amended to read as follows:

27 (F) Any other pertinent information as determined by the  
28 ~~department~~ division;

29  
30 SECTION 578. Arkansas Code § 6-20-416(f)(3)(D), concerning  
31 desegregation funding, is amended to read as follows:

32 (D) The ~~department~~ division may determine additional  
33 guidelines regarding the necessary level of specificity;

34  
35 SECTION 579. Arkansas Code § 6-20-416(g) and (h), concerning  
36 desegregation funding, are amended to read as follows:

1 (g)(1) A school district not utilizing the Arkansas Public School  
2 Computer Network shall provide the ~~department~~ division and the Attorney  
3 General, or their designees, full and complete, real-time access to the  
4 accounting and school district financial management software utilized by the  
5 school district.

6 (2) A school district may satisfy the obligation under  
7 subdivision (g)(1) of this section by converting to the Arkansas Public  
8 School Computer Network, but the school district still shall provide the  
9 ~~department~~ division and the Attorney General, or their designees, with full  
10 and complete access to the prior financial management system.

11 (h) This section shall not:

12 (1) Force entry of a consent decree or settlement agreement by  
13 the ~~department~~ division or the Attorney General with the three (3) Pulaski  
14 County school districts; or

15 (2) Protect any school district from action or sanction by the  
16 ~~department~~ division for fiscal, academic, or facilities distress.

17  
18 SECTION 580. Arkansas Code § 6-20-504(b)(3) and (4), concerning  
19 children living in foster homes, are amended to read as follows:

20 (3) If the school district to which the request is made fails or  
21 refuses to pay the requested funds to the requesting school district within  
22 thirty (30) days after receiving the request, the requesting school district  
23 may notify the ~~Department of Education~~ Division of Elementary and Secondary  
24 Education of the fact, and the ~~department~~ division shall investigate the  
25 facts of the request and the refusal to remit payment.

26 (4) If the ~~department~~ division determines that the funds  
27 requested were due the requesting school district as provided in this  
28 section, the ~~department~~ division shall notify the school districts involved  
29 of the determination and shall withhold the amount thereof from the next  
30 state aid funds available for distribution to the school district that failed  
31 or refused to remit the funds as provided in this subchapter and shall pay  
32 the amount over to the requesting school district as provided in this  
33 section, to be used for the education of the child living in a foster home  
34 who is a student in the school district during the current school year.

35  
36 SECTION 581. Arkansas Code § 6-20-510 is amended to read as follows:

1           6-20-510. Confidentiality of records.

2           All files and records that are required by the laws of this state or  
3 under the provisions of applicable federal laws or regulations to be kept  
4 confidential and all court orders pertaining to the confidentiality of  
5 records or prohibiting or limiting the disclosure thereof pertaining to a  
6 child living in a foster home or a child with disabilities under the  
7 provisions of this subchapter shall be strictly complied with by the  
8 respective school districts and by the ~~Department of Education~~ Division of  
9 Elementary and Secondary Education in all correspondence and transactions  
10 pertaining to the administration of the provisions of this subchapter.

11  
12           SECTION 582. Arkansas Code § 6-20-601(b)(1), concerning the  
13 qualifications for schools to receive isolated school district funding, is  
14 amended to read as follows:

15           (1) The school district's budget is prepared by the school  
16 district with ~~Department of Education~~ Division of Elementary and Secondary  
17 Education approval;

18  
19           SECTION 583. Arkansas Code § 6-20-602(b)(2)(D)(ii), concerning  
20 isolated schools, is amended to read as follows:

21           (ii) This section shall not be construed to restrict  
22 the authority of the ~~Department of Education~~ Division of Elementary and  
23 Secondary Education and the state board otherwise granted by law.

24  
25           SECTION 584. Arkansas Code § 6-20-603(f) and (g), concerning the  
26 continued support of isolated school districts, is amended to read as  
27 follows:

28           (f) For the purposes of this section, school districts with isolated  
29 school areas shall account for the average daily membership of all schools  
30 located in the isolated school areas as required by the ~~Department of~~  
31 ~~Education~~ Division of Elementary and Secondary Education and shall submit  
32 reports as required by the ~~department~~ division.

33           (g) The ~~Department~~ division shall distribute isolated funding under  
34 this section in two (2) payments per school year.

35  
36           SECTION 585. Arkansas Code § 6-20-709(c), concerning school lunch



1 menus, is amended to read as follows:

2 (c) The Child Health Advisory Committee, the Child Nutrition Unit of  
3 the ~~Department of Education~~ Division of Elementary and Secondary Education,  
4 and the Department of Health shall provide technical assistance as necessary.  
5

6 SECTION 586. Arkansas Code § 6-20-801(c)(1), concerning the  
7 continuance of the Revolving Loan Fund, is amended to read as follows:

8 (1) To pay expenses of the operation of the revolving loan  
9 program administered by the state board and the ~~Department of Education~~  
10 Division of Elementary and Secondary Education; and  
11

12 SECTION 587. Arkansas Code § 6-20-1204(c)(1), concerning form of bonds  
13 and security, is amended to read as follows:

14 (c)(1) As additional security for the payment of any bond of a school  
15 district, the Commissioner of Elementary and Secondary Education shall cure a  
16 delinquency in payment by withholding state funding due the district.  
17

18 SECTION 588. Arkansas Code § 6-20-1204(c)(3), concerning form of bonds  
19 and security, is amended to read as follows:

20 (3) If the commissioner withholds state funding from a school  
21 district pursuant to this subsection, the ~~Department of Education~~ Division of  
22 Elementary and Secondary Education shall identify the school district to be a  
23 school district in fiscal distress under the Arkansas Fiscal Assessment and  
24 Accountability Program, § 6-20-1901 et seq.  
25

26 SECTION 589. Arkansas Code § 6-20-1204(d)(3), concerning form of bonds  
27 and security, is amended to read as follows:

28 (3)(A) If the designated paying agent does not receive the bond  
29 payment from the district at least five (5) calendar days before the date the  
30 payment is due under the authorizing documents, the ~~department~~ division  
31 immediately shall cure any deficiency in payment by making payment in the  
32 full amount of the deficiency to the designated paying agent.

33 (B) If the commissioner determines that payment has been  
34 made by the school district and that a payment deficiency does not exist, the  
35 ~~department~~ division shall not make the payment under subdivision (d)(3)(A) of  
36 this section.

1 (C) If the ~~department~~ division makes payment under  
2 subdivision (d)(3)(A) of this section, it may identify the school district on  
3 behalf of which the payment is made to be a school district in fiscal  
4 distress under the Arkansas Fiscal Assessment and Accountability Program, §  
5 6-20-1901 et seq.

6 (D)(i) If the ~~department~~ division makes payment under  
7 subdivision (d)(3)(A) of this section, a school district shall be indebted to  
8 the ~~department~~ division in the full amount paid by the ~~department~~ division  
9 and immediately shall remit the full amount to the ~~department~~ division.

10 (ii) If a school district does not remit the full  
11 amount to the ~~department~~ division under subdivision (d)(3)(D)(i) of this  
12 section, the ~~department~~ division shall withhold from the school district the  
13 next distribution of state funding in an amount sufficient to reimburse the  
14 ~~department~~ division for the payment.

15 (iii) In the event that the amount of state funding  
16 next due to be distributed to the school district is not sufficient to  
17 reimburse the ~~department~~ division, the ~~department~~ division shall continue to  
18 withhold state funding due to the school district until the ~~department~~  
19 division is fully reimbursed.

20 (iv) If the commissioner determines that payment has  
21 been made to the ~~Department~~ division by the school district and that the  
22 obligation of the school district to the ~~Department~~ division no longer  
23 exists, the ~~Department~~ division shall not withhold from the school district  
24 the distribution of state funding under subdivisions (d)(3)(D)(ii) and (iii)  
25 of this section.

26  
27 SECTION 590. Arkansas Code § 6-20-1205(a)(1), concerning the  
28 submission of a statement prior to issuing bonds and approval, is amended to  
29 read as follows:

30 (1) Shall furnish to the Commissioner of Elementary and  
31 Secondary Education a statement of the amount proposed to be borrowed and of  
32 the maturity of the indebtedness, a financial statement of the affairs of the  
33 school district, and a certificate from the county clerk showing the then-  
34 assessed valuation of the real, personal, and utility property in the school  
35 district; and

36

1 SECTION 591. Arkansas Code § 6-20-1205(c), concerning the submission  
2 of a statement prior to issuing bonds and approval, is amended to read as  
3 follows:

4 (c) The ~~Department of Education~~ Division of Elementary and Secondary  
5 Education is authorized to adopt procedural rules and regulations to enforce  
6 the provisions of this section.

7  
8 SECTION 592. Arkansas Code § 6-20-1216(a), concerning the authority to  
9 use refunding bonds, is amended to read as follows:

10 (a) Any school district of Arkansas shall have the right, subject to  
11 procedural rules and regulations adopted by the ~~Department of Education~~  
12 Division of Elementary and Secondary Education, to refund its bonds  
13 outstanding at any time. Any ~~department~~ division rule or regulation that  
14 would prevent or delay a school district from refunding outstanding bonds may  
15 be waived by the Commissioner of Elementary and Secondary Education or the  
16 commissioner's designee provided that the commissioner or the commissioner's  
17 designee determines that it is in the best interest of the school district to  
18 proceed with the refunding immediately.

19  
20 SECTION 593. Arkansas Code § 6-20-1218(a), concerning refunding bonds,  
21 maximum amounts, and conversion and sale, is amended to read as follows:

22 (a) When the refunding bonds are issued to be exchanged for  
23 outstanding bonds, it shall not be necessary to advertise them for sale, but  
24 they may be executed and delivered to the ~~Department of Education~~ Division of  
25 Elementary and Secondary Education, and the Commissioner of Elementary and  
26 Secondary Education shall, from time to time, as outstanding bonds are  
27 presented to him or her for exchange, certify and deliver refunding bonds in  
28 face value of the same proportion of the total face value of the refunding  
29 bond issue that the face value of the surrendered bonds bears to the total  
30 face value of the outstanding bonds to be refunded.

31  
32 SECTION 594. Arkansas Code § 6-20-1223(a)(3), concerning the refunding  
33 of bonds and issuance without election, is amended to read as follows:

34 (3) The issue has been approved by the Commissioner of  
35 Elementary and Secondary Education or the commissioner's designee subject to  
36 ~~Department of Education~~ Division of Elementary and Secondary Education rules

1 and regulations.

2  
3 SECTION 595. Arkansas Code § 6-20-1801 is amended to read as follows:  
4 6-20-1801. Filing of audit reports.

5 (a)(1) Unless a shorter period is prescribed by law or regulation, all  
6 school districts' annual audits not conducted by the ~~Division of Arkansas~~  
7 Legislative Audit shall be completed and filed with the ~~Department of~~  
8 ~~Education~~ Division of Elementary and Secondary Education and the Arkansas  
9 Legislative Audit within nine (9) months following the end of each fiscal  
10 year.

11 (2) At the request of the school district, the ~~department~~  
12 Division of Elementary and Secondary Education may grant an extension of up  
13 to ninety (90) days on the deadline under this subsection.

14 (b)(1) All school district contracts for audit services with private  
15 certified public accountants shall contain a provision requiring completion  
16 of the audit and filing of the audit reports by the auditor with the  
17 ~~department~~ Division of Elementary and Secondary Education and Arkansas  
18 Legislative Audit within nine (9) months following the end of each fiscal  
19 year.

20 (2) At the request of the school district, the ~~department~~  
21 Division of Elementary and Secondary Education may grant an extension of up  
22 to ninety (90) days on the deadline under this subsection.

23 (c) Arkansas Legislative Audit shall annually provide the ~~department~~  
24 Division of Elementary and Secondary Education a list of school districts  
25 audited by Arkansas Legislative Audit and update the ~~department~~ Division of  
26 Elementary and Secondary Education on any changes throughout the year.

27 (d)(1) If the ~~department~~ Division of Elementary and Secondary  
28 Education has identified a school as being in fiscal distress by June 30 of  
29 any year, the annual audit of that school district shall be completed and  
30 filed with the ~~department~~ Division of Elementary and Secondary Education and  
31 the Legislative Joint Auditing Committee within six (6) months following the  
32 end of each fiscal year.

33 (2) If the committee determines that circumstances warrant, the  
34 committee may extend the time to file the audit report of a fiscally  
35 distressed school district up to an additional ninety (90) days.

36

1 SECTION 596. Arkansas Code § 6-20-1802 is amended to read as follows:  
2 6-20-1802. Fiscal distress for failure to file.

3 (a) Any school district failing to file an audit report required by §  
4 6-20-1801 within the nine-month time period or within the time period under  
5 any extension granted by the ~~Department of Education~~ Division of Elementary  
6 and Secondary Education shall automatically be considered by the ~~department~~  
7 division to be in fiscal distress.

8 (b) By January 31 of each year, the ~~department~~ division, by certified  
9 mail, shall notify any school district failing to file the required audit  
10 report that the school district is considered in fiscal distress.

11  
12 SECTION 597. Arkansas Code § 6-20-1803(a), concerning questionable  
13 audit reports, is amended to read as follows:

14 (a) If the ~~Department of Education~~ Division of Elementary and  
15 Secondary Education or the Legislative Joint Auditing Committee is concerned  
16 that a particular audit may be substandard or seriously questionable with  
17 respect to applicable professional auditing standards, the ~~department~~  
18 division or the committee may file a complaint on the audit report to the  
19 Arkansas State Board of Public Accountancy.

20  
21 SECTION 598. Arkansas Code § 6-20-1804 is amended to read as follows:  
22 6-20-1804. List of ineligible accountants.

23 (a) The ~~Department of Education~~ Division of Elementary and Secondary  
24 Education shall maintain a list of accountants or accounting firms ineligible  
25 to conduct school district audits. Accountants or accounting firms placed on  
26 the ineligibility list by the ~~department~~ Division of Elementary and Secondary  
27 Education shall be ineligible to conduct school audits for a period  
28 determined by the ~~department~~ Division of Elementary and Secondary Education  
29 but which shall not exceed a five-year period from the end of the fiscal year  
30 for which the audit report was contracted to be prepared.

31 (b) Before entering into contracts for audit services, school  
32 districts shall inquire with the ~~department~~ Division of Elementary and  
33 Secondary Education which accountants are ineligible to conduct public school  
34 audits.

35 (c) The ~~department~~ Division of Elementary and Secondary Education may  
36 place accountants or accounting firms on the ineligibility list for any of

1 the following reasons:

2 (1) If, in the opinion of the ~~department~~ Division of Elementary  
 3 and Secondary Education or the Legislative Joint Auditing Committee, a school  
 4 district audit report is not filed within the nine-month time period or  
 5 within the time period under any extension granted by the ~~department~~ Division  
 6 of Elementary and Secondary Education with the ~~department~~ Division of  
 7 Elementary and Secondary Education and Arkansas Legislative Audit as required  
 8 by § 6-20-1801 because of neglect or fault of the certified public accountant  
 9 or accounting firm;

10 (2) If the Quality Review Committee of the Arkansas State Board  
 11 of Public Accountancy reports to the ~~department~~ Division of Elementary and  
 12 Secondary Education and the Legislative Joint Auditing Committee that a  
 13 school district audit report shows evidence of lack of general conformity  
 14 with applicable professional standards or state laws and regulations or  
 15 evidence that the report is substandard or seriously questionable; or

16 (3) Any other compelling reason that the ~~department~~ Division of  
 17 Elementary and Secondary Education believes justifies placing the accountant  
 18 or accounting firm on the ineligibility list.

19  
 20 SECTION 599. Arkansas Code § 6-20-1902 is amended to read as follows:  
 21 6-20-1902. Purpose.

22 The purpose of this subchapter shall be to establish and implement a  
 23 program by which the ~~Department of Education~~ Division of Elementary and  
 24 Secondary Education shall identify, assess, and address school districts in  
 25 fiscal distress.

26  
 27 SECTION 600. Arkansas Code § 6-20-1903(3), concerning the Arkansas  
 28 Fiscal Assessment and Accountability Program, is repealed.

29 ~~(3) "Department" means the Department of Education;~~

30  
 31 SECTION 601. Arkansas Code § 6-20-1903(4), concerning the Arkansas  
 32 Fiscal Assessment and Accountability Program, is amended to read as follows:

33 (4) "Fiscal distress status" means a public school district  
 34 determined by the ~~department~~ Division of Elementary and Secondary Education  
 35 and classified by the State Board of Education as being placed in fiscal  
 36 distress status pursuant to this subchapter;

1  
2 SECTION 602. The introductory language of Arkansas Code § 6-20-  
3 1904(a), concerning the indicators of fiscal distress, is amended to read as  
4 follows:

5 (a) A school district meeting any of the following criteria may be  
6 identified by the ~~Department of Education~~ Division of Elementary and  
7 Secondary Education to be a school district in fiscal distress upon final  
8 approval by the State Board of Education:

9  
10 SECTION 603. The introductory language of Arkansas Code § 6-20-  
11 1904(a)(2)(E), concerning the indicators of fiscal distress, is amended to  
12 read as follows:

13 (E) Material failure to provide timely and accurate  
14 legally required financial reports to the ~~department~~ division, Arkansas  
15 Legislative Audit, the General Assembly, or the Internal Revenue Service;

16  
17 SECTION 604. The introductory language of Arkansas Code § 6-20-  
18 1904(b), concerning the indicators of fiscal distress, is amended to read as  
19 follows:

20 (b)(1) By August 31 of each year, the ~~department~~ division shall report  
21 to the superintendent of a school district if the ~~department~~ division is  
22 aware that the school district has experienced two (2) or more indicators of  
23 fiscal distress in one (1) school year that the ~~department~~ division deems to  
24 be at a nonmaterial level but that without intervention could place the  
25 district in fiscal distress.

26 (2) The superintendent of a school district shall report to the  
27 ~~department~~ division if the superintendent is aware the school district has  
28 experienced two (2) or more indicators of fiscal distress in one (1) school  
29 year that the superintendent deems to be at a nonmaterial level but that  
30 without intervention could place the district in fiscal distress.

31 (3)(A) The ~~department~~ division and the superintendent shall  
32 review all data related to the nonmaterial indicators of fiscal distress.

33 (B)(i) Within thirty (30) days of the ~~department's~~  
34 division's determination that the school district may be experiencing fiscal  
35 distress at a nonmaterial level, the ~~department~~ division shall provide a  
36 notice to the school district's superintendent and board of directors that:

1 (a) Describes the nonmaterial indicators of  
 2 fiscal distress that could jeopardize the fiscal integrity of the school  
 3 district if not addressed; and

4 (b) Identifies the support available from the  
 5 ~~department~~ division to address each nonmaterial indicator of fiscal distress.

6 (ii) The board of directors shall place on the  
 7 agenda for the next regularly scheduled meeting of the board of directors a  
 8 discussion of the notice of nonmaterial indicators of fiscal distress.

9  
 10 SECTION 605. Arkansas Code § 6-20-1905 is amended to read as follows:  
 11 6-20-1905. Notification and appeal.

12 (a)(1)(A)(i) The ~~Department of Education~~ Division of Elementary and  
 13 Secondary Education shall provide written notice, via certified mail, return  
 14 receipt requested, to the president of the school district board of directors  
 15 and the superintendent of each school district identified as being in fiscal  
 16 distress.

17 (ii) The ~~department~~ division shall provide the  
 18 notice required under this subdivision (a)(1)(A) on or before March 30 of  
 19 each year.

20 (B)(i) At any time after March 30, the ~~department~~ Division  
 21 may identify a school district as being in fiscal distress if the ~~department~~  
 22 division discovers that a fiscal condition of a school district negatively  
 23 impacts the continuation of educational services by the school district.

24 (ii) The ~~department~~ division immediately shall  
 25 provide the same notice required under subdivision (a)(1)(A)(i) to the school  
 26 district identified under this subdivision (a)(1)(B).

27 (b) Any school district identified in fiscal distress status may  
 28 appeal to the State Board of Education by filing a written appeal with the  
 29 office of the Commissioner of Elementary and Secondary Education by certified  
 30 mail, return receipt requested, within thirty (30) days of receipt of notice  
 31 of identified fiscal distress status from the ~~department~~ division.

32 (c) The state board shall hear the appeal within sixty (60) days of  
 33 receipt of the written notice of appeal from the school district.

34 (d) The written appeal shall state in clear terms the reason why the  
 35 school district should not be classified as in fiscal distress.

36 (e) Notwithstanding any appeal rights in this subchapter, no appeal



1 shall stay the ~~department's~~ division's authority to take action to protect  
2 the fiscal integrity of any school district identified as in fiscal distress.

3 (f) The decision of the state board shall be a final order, and there  
4 is no further right of appeal except that the school district may appeal to  
5 Pulaski County Circuit Court pursuant to the Arkansas Administrative  
6 Procedure Act, § 25-15-201 et seq.

7  
8 SECTION 606. Arkansas Code § 6-20-1906(a), concerning the  
9 classification of fiscal distress status, is amended to read as follows:

10 (a) Those school districts identified by the ~~Department of Education~~  
11 Division of Elementary and Secondary Education as being in fiscal distress  
12 shall be classified as school districts in fiscal distress upon final  
13 determination by the State Board of Education.

14  
15 SECTION 607. Arkansas Code § 6-20-1907 is amended to read as follows:  
16 6-20-1907. Debt issuance.

17 No school district identified in fiscal distress may incur any debt  
18 without the prior written approval of the ~~Department of Education~~ Division of  
19 Elementary and Secondary Education.

20  
21 SECTION 608. Arkansas Code § 6-20-1908 is amended to read as follows:  
22 6-20-1908. Fiscal distress plan.

23 (a) Those school districts identified by the ~~Department of Education~~  
24 Division of Elementary and Secondary Education as being in fiscal distress  
25 shall file with the ~~department~~ division within ten (10) days after the final  
26 classification by the State Board of Education a written fiscal distress  
27 improvement plan to address any area in which the school district is  
28 experiencing fiscal distress as identified by the ~~department~~ division.

29 (b) Each school district shall seek and obtain approval of its plan  
30 from the ~~department~~ division and shall describe how the school district will  
31 remedy those areas in which the school district is experiencing fiscal  
32 distress and shall establish the time period by which the school district  
33 will remedy all criteria which placed the school district in fiscal distress  
34 status.

35 (c) A school district in fiscal distress may only petition the state  
36 board for removal from fiscal distress status after the ~~department~~ division

1 has certified in writing that the school district has corrected all criteria  
2 for being classified as in fiscal distress and has complied with all  
3 ~~department~~ division recommendations and requirements for removal from fiscal  
4 distress.

5 (d) Except under § 6-20-1910(e), a school district shall not be  
6 allowed to remain in fiscal distress status for more than five (5)  
7 consecutive school years from the date that the school district was  
8 classified as being in fiscal distress status.

9 (e) Any school district classified as being in fiscal distress status  
10 shall be required to receive on-site technical evaluation and assistance from  
11 the ~~department~~ division.

12 (f)(1) The ~~department~~ division shall evaluate and make written  
13 recommendations to the district superintendent regarding staffing of the  
14 school district and fiscal practices of the school district.

15 (2) The written recommendations of the ~~department~~ division shall  
16 be binding on the school district, the superintendent, and the school  
17 district board of directors.

18 (g) Every six (6) months, the ~~department~~ division shall submit a  
19 written evaluation on the status of each school district in fiscal distress  
20 to the state board.

21 (h)(1) The ~~Department~~ division may petition the state board at any  
22 time for the consolidation, annexation, or reconstitution of a school  
23 district in fiscal distress or take other appropriate action as allowed by  
24 this subchapter in order to secure and protect the best interest of the  
25 educational resources of the state or to provide for the best interests of  
26 students in the school district.

27 (2) The state board may approve the petition or take other  
28 appropriate action as allowed by this subchapter.

29 (i) Except under § 6-20-1910(e), the state board shall consolidate,  
30 annex, or reconstitute any school district that fails to remove itself from  
31 the classification of a school district in fiscal distress within five (5)  
32 consecutive school years of classification of fiscal distress status unless  
33 the state board, at its discretion, issues a written finding supported by a  
34 majority of the state board, explaining in detail that the school district  
35 could not remove itself from fiscal distress due to impossibility caused by  
36 external forces beyond the school district's control.

1  
2 SECTION 609. The introductory language of Arkansas Code § 6-20-  
3 1909(a), concerning the Department of Education fiscal distress actions, is  
4 amended to read as follows:

5 (a) In addressing school districts in fiscal distress, the  
6 Commissioner of Elementary and Secondary Education may:

7  
8 SECTION 610. Arkansas Code § 6-20-1909(a)(1)(B), concerning the  
9 Department of Education fiscal distress actions, is amended to read as  
10 follows:

11 (B) Compensate ~~nondepartment~~ nondivision agents operating  
12 the school district from school district funding;

13  
14 SECTION 611. Arkansas Code § 6-20-1909(a)(7)(A)(i), concerning the  
15 Department of Education fiscal distress actions, is amended to read as  
16 follows:

17 (i) The ~~Department of Education~~ Division of  
18 Elementary and Secondary Education certifies in writing to the state board  
19 and to the school district that the school district has corrected all issues  
20 that caused the classification of fiscal distress; and

21  
22 SECTION 612. Arkansas Code § 6-20-1909(b)-(d), concerning the  
23 Department of Education fiscal distress actions, are amended to read as  
24 follows:

25 (b) The ~~department~~ division may impose various reporting requirements  
26 on the school district.

27 (c) The ~~department~~ division shall monitor the fiscal operations and  
28 accounts of the school district.

29 (d) The ~~department~~ division shall require school district staff and  
30 employees to obtain fiscal instruction or training in areas of fiscal concern  
31 for the school district.

32  
33 SECTION 613. The introductory language of Arkansas Code § 6-20-  
34 1910(d), concerning state board actions to consolidate, annex, or  
35 reconstitute a school district, is amended to read as follows:

36 (d) If the Commissioner of Elementary and Secondary Education assumes

1 authority over a public school district in fiscal distress under § 6-20-1909,  
2 the state board may pursue the following process for returning a public  
3 school district to the local control of its residents:  
4

5 SECTION 614. The introductory language of Arkansas Code § 6-20-  
6 1910(d)(2)(C), concerning state board actions to consolidate, annex, or  
7 reconstitute a school district, is amended to read as follows:

8 (C) The ~~Department of Education~~ Division of Elementary and  
9 Secondary Education shall cause to be provided to the community advisory  
10 board technical assistance and training in, at a minimum, the areas required  
11 in § 6-13-629.  
12

13 SECTION 615. The introductory language of Arkansas Code § 6-20-  
14 1910(d)(3)(A)(ii)(a), concerning state board actions to consolidate, annex,  
15 or reconstitute a school district, is amended to read as follows:

16 (a) The ~~department~~ division certifies in  
17 writing to the state board and to the school district that the school  
18 district has corrected all criteria for being placed into fiscal distress;  
19 and  
20

21 SECTION 616. The introductory language of Arkansas Code § 6-20-  
22 1910(f), concerning state board actions to consolidate, annex, or  
23 reconstitute a school district, is amended to read as follows:

24 (f) Nothing in this section shall be construed to prevent the  
25 ~~department~~ division or the state board from taking any of the actions listed  
26 in § 6-20-1909 or this section at any time to address a school district in  
27 fiscal distress.  
28

29 SECTION 617. Arkansas Code § 6-20-1911 is amended to read as follows:  
30 6-20-1911. Rules and regulations.

31 (a) The ~~Department of Education~~ Division of Elementary and Secondary  
32 Education shall promulgate rules and regulations as necessary to identify,  
33 evaluate, assist, and address school districts in fiscal distress.

34 (b) The ~~department~~ division may promulgate rules and regulations as  
35 necessary to administer this subchapter.  
36

1 SECTION 618. Arkansas Code § 6-20-2002(2), concerning the definition  
2 of "classroom teacher" under the laws regarding tracking and accounting of  
3 interschool athletic program funds, is amended to read as follows:

4 (2) "Classroom teacher" means an individual who is required to  
5 hold a teaching license from the ~~Department of Education~~ Division of  
6 Elementary and Secondary Education and who is engaged directly in instruction  
7 with students in a classroom setting for more than seventy percent (70%) of  
8 the individual's contracted time;

9  
10 SECTION 619. Arkansas Code § 6-20-2002(4), concerning the definition  
11 of "state funds" under the laws regarding tracking and accounting of  
12 interschool athletic program funds, is amended to read as follows:

13 (4) "State funds" means all money derived from state revenues,  
14 specifically including, but not limited to, distributions from the ~~Department~~  
15 ~~of Education~~ Division of Elementary and Secondary Education Public School  
16 Fund Account and ad valorem property taxes distributed to a public school or  
17 school district.

18  
19 SECTION 620. Arkansas Code § 6-20-2003(a), concerning reporting by  
20 local school districts, is amended to read as follows:

21 (a) During the appropriate Arkansas Public School Computer  
22 Network reporting cycle each year, a school district shall submit appropriate  
23 data to the ~~Department of Education~~ Division of Elementary and Secondary  
24 Education documenting the school district's total athletic expenditures paid  
25 from state funds.

26  
27 SECTION 621. Arkansas Code § 6-20-2102(1), concerning the definition  
28 of "classroom teacher" under the laws governing the tracking and accounting  
29 of interschool scholastic activity funds, is amended to read as follows:

30 (1) "Classroom teacher" means an individual who is required to  
31 hold a teaching license from the ~~Department of Education~~ Division of  
32 Elementary and Secondary Education and who is engaged directly in instruction  
33 with students in a classroom setting for more than seventy percent (70%) of  
34 the individual's contracted time;

35  
36 SECTION 622. Arkansas Code § 6-20-2102(4), concerning the definition

1 of "state funds" under the laws governing the tracking and accounting of  
2 interschool scholastic activity funds, is amended to read as follows:

3 (4) "State funds" means all money derived from state revenues,  
4 specifically including, but not limited to, distributions from the ~~Department~~  
5 ~~of Education~~ Division of Elementary and Secondary Education Public School  
6 Fund Account and ad valorem property taxes distributed to a public school or  
7 school district.

8  
9 SECTION 623. Arkansas Code § 6-20-2103(a), concerning reporting by  
10 school districts, is amended to read as follows:

11 (a) During the appropriate Arkansas Public School Computer Network  
12 reporting cycle each year, a school district shall submit data to the  
13 ~~Department of Education~~ Division of Elementary and Secondary Education  
14 documenting the school district's total interschool scholastic activity  
15 expenditures paid from state funds.

16  
17 SECTION 624. Arkansas Code § 6-20-2202 is amended to read as follows:

18 6-20-2202. Budget and expenditure report.

19 (a)(1) The board of directors of each school district, open-enrollment  
20 public charter school, and education service cooperative annually shall  
21 prepare a budget of expenditures and receipts that shall be filed with the  
22 ~~Department of Education~~ Division of Elementary and Secondary Education by  
23 September 30 of each year under this subchapter.

24 (2)(A) Each budget shall be approved by the board of directors  
25 of each school district, open-enrollment public charter school, and education  
26 service cooperative at a legally held meeting and shall be signed by the  
27 president of the board of directors and the ex officio financial secretary of  
28 each school district, open-enrollment public charter school, and education  
29 service cooperative.

30 (B) The budget shall contain the information and be  
31 prepared in an electronic format prescribed by the ~~Department of Education~~  
32 Division of Elementary and Secondary Education governing financial accounting  
33 for Arkansas school districts, open-enrollment public charter schools, and  
34 education service cooperatives.

35 (3)(A) The electronic format required by the ~~Department of~~  
36 ~~Education~~ Division of Elementary and Secondary Education shall be available

1 for completion by school districts, open-enrollment public charter schools,  
2 and education service cooperatives not later than September 15 of each year.

3 (B) The ~~Department of Education~~ Division of Elementary and  
4 Secondary Education shall declare when the electronic format is accessible to  
5 school districts, open-enrollment public charter schools, and education  
6 service cooperatives via a Commissioner of Elementary and Secondary  
7 Education's memo.

8 (b)(1)(A) Warrants or checks of a school district, open-enrollment  
9 public charter school, or education service cooperative issued after the date  
10 required by subsection (a) of this section shall be invalid unless a budget  
11 has been filed as required by this subchapter and in compliance with  
12 appropriate rules.

13 (B) The ex officio financial secretary of a school  
14 district, open-enrollment public charter school, or education service  
15 cooperative and his or her surety shall be liable for any warrants or checks  
16 countersigned after the date required by subsection (a) of this section if a  
17 budget has not been filed.

18 (2) After the ~~Department of Education~~ Division of Elementary and  
19 Secondary Education has met all deadlines for providing information to school  
20 districts, open-enrollment public charter schools, or education service  
21 cooperatives, distribution of all grants and aids from the state for which  
22 the school district, open-enrollment public charter school, or education  
23 service cooperative may be eligible shall be suspended until the requirements  
24 of this subchapter are met by the school districts, open-enrollment public  
25 charter schools, or education service cooperatives.

26 (c)(1)(A) School district, open-enrollment public charter school, and  
27 education service cooperative budgets filed pursuant to this section shall be  
28 reviewed by the auditors of the financial accountability office of the  
29 ~~Department of Education~~ Division of Elementary and Secondary Education to  
30 determine whether the requirements of state law and the rules of the State  
31 Board of Education regarding the use of school, open-enrollment public  
32 charter school, and education service cooperative funds and expenditure  
33 requirements are being met.

34 (B)(i) The review and the determination shall be completed  
35 not later than February 15 of each year.

36 (ii) If the auditors of the financial accountability

1 office determine that the financial records are deficient, then the school  
 2 district, open-enrollment public charter school, or education service  
 3 cooperative shall be notified and shall have thirty (30) days to respond  
 4 prior to suspension of the grants and aids.

5 (2) Upon approval by the auditors, copies of the approved budget  
 6 shall be filed with the school district, the open-enrollment public charter  
 7 school, the education service cooperative, the county treasurer if serving as  
 8 school treasurer, and the ~~Department of Education~~ Division of Elementary and  
 9 Secondary Education.

10 (d)(1)(A) The ex officio financial secretary of each school district,  
 11 open-enrollment public charter school, and education service cooperative  
 12 shall keep a record of the following information in a format required by the  
 13 ~~Department of Education~~ Division of Elementary and Secondary Education:

14 (i) The daily expenditures and receipts of the  
 15 school district, open-enrollment public charter school, or education service  
 16 cooperative; and

17 (ii)(a) Information on fund balances maintained by  
 18 the school district, open-enrollment public charter school, or education  
 19 service cooperative, including, but not limited to, the:

20 (1) Sources of the funds maintained as  
 21 fund balances, to the extent practicable;

22 (2) Reasons for maintaining, instead of  
 23 spending, the fund balances;

24 (3)(A) Amount of funds transferred  
 25 between various funds during the past year.

26 (B) The school district, open-  
 27 enrollment public charter school, and education service cooperative shall  
 28 identify the funds transferred between and the amount of funds transferred;  
 29 and

30 (4) Amount of fund balances dedicated  
 31 for the construction, maintenance, or repair of academic or athletic  
 32 facilities.

33 (b) The ~~Department of Education~~ Division of  
 34 Elementary and Secondary Education shall promulgate rules that require  
 35 reporting of fund balances sufficient to verify whether funds allocated for  
 36 educational purposes, including, but not limited to, student academic needs



1 and the maintenance and operation of public school district facilities, are  
2 used for their intended purposes or retained by the school district in its  
3 fund balances.

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

9 (ii) A final close must be performed in each school  
10 district's or open-enrollment public charter school's or education service  
11 cooperative's applicable general ledger database no later than September 10  
12 of each year.

13 (iii) The Arkansas Public School Computer Network  
14 shall ensure that proper controls are in place to prohibit changes to the  
15 aforementioned data after the final close has been performed.

16 (2) If the auditors of the financial accountability office of  
17 the ~~Department of Education~~ Division of Elementary and Secondary Education  
18 determine that the financial records of any school district, open-enrollment  
19 public charter school, or education service cooperative are not properly  
20 maintained or that the financial affairs of the school district, open-  
21 enrollment public charter school, or education service cooperative are not  
22 administered in accordance with state law or state board rules, grants and  
23 aids from the state to which the school district, open-enrollment public  
24 charter school, or education service cooperative may be entitled shall be  
25 withheld until it is determined that the fiscal records of the school  
26 district, open-enrollment public charter school, or education service  
27 cooperative are in order or that the financial affairs are being properly  
28 administered as established by statute or by rule promulgated by the state  
29 board, provided that the ~~Department of Education~~ Division of Elementary and  
30 Secondary Education has met all deadlines for providing information to school  
31 districts, open-enrollment public charter schools, or education service  
32 cooperatives.

33 (e)(1) The ~~Department of Education~~ Division of Elementary and  
34 Secondary Education may withhold state aid from any school district, open-  
35 enrollment public charter school, or education service cooperative that fails  
36 to file its budget or any other required report with the ~~Department of~~

1 ~~Education~~ Division of Elementary and Secondary Education by the deadline  
 2 established by statute or by rule promulgated by the state board or by the  
 3 due dates established by the ~~Department of Education~~ Division of Elementary  
 4 and Secondary Education pursuant to subdivision (e)(2) of this section,  
 5 provided that the ~~Department of Education~~ Division of Elementary and  
 6 Secondary Education has met all deadlines for providing pertinent information  
 7 to school districts, open-enrollment public charter schools, or education  
 8 service cooperatives.

9 (2) The ~~Department of Education~~ Division of Elementary and  
 10 Secondary Education shall submit a list of all required financial  
 11 accountability reports along with due dates to each school district, open-  
 12 enrollment public charter school, and education service cooperative by July 1  
 13 of each year.

14 (f) The state board shall promulgate the necessary rules to fully  
 15 implement this section.

16 (g)(1) The Treasurer of State shall withhold the monthly distribution  
 17 of county aid provided under § 19-5-602(c) from any county whose county  
 18 official who is the preparer of the tax books fails to provide by March 15 of  
 19 each calendar year information concerning the annual abstract of assessment  
 20 that reflects the aggregate value of the real and personal property for each  
 21 school district located wholly or in part in the county as follows:

22 (A) If the county is capable of providing the information  
 23 electronically, then the information shall be provided to both the ~~Department~~  
 24 ~~of Education~~ Division of Elementary and Secondary Education and the  
 25 Assessment Coordination ~~Department~~ Division; and

26 (B) If the county is not capable of providing the  
 27 information electronically, then the information shall be provided only to  
 28 the Assessment Coordination ~~Department~~ Division.

29 (2) The information transmitted to the ~~Department of Education~~  
 30 Division of Elementary and Secondary Education and the Assessment  
 31 Coordination ~~Department~~ Division shall also include:

32 (A) The previous calendar year's property assessment that  
 33 will be used for ad valorem tax collections in the current year; and

34 (B) The millage rates, which shall be listed by the type  
 35 of millage, levied against that property assessment.

1 SECTION 625. Arkansas Code § 6-20-2203(a)(3)(A), concerning the  
2 requirement of a uniform budget and accounting system, is amended to read as  
3 follows:

4 (3)(A) Pursuant to § 6-20-2207, the ~~Department of Education~~  
5 Division of Elementary and Secondary Education shall establish and implement  
6 a uniform chart of accounts known as the "Arkansas Financial Accounting  
7 Handbook" or the "Arkansas Handbook".

8  
9 SECTION 626. Arkansas Code § 6-20-2203(a)(4), concerning the  
10 requirement of a uniform budget and accounting system, is amended to read as  
11 follows:

12 (4) The rules shall be developed by the state board in  
13 cooperation with the ~~department~~ division, representatives from the Arkansas  
14 Association of Educational Administrators, the Arkansas Association of School  
15 Business Officials, the Arkansas Education Association, the education service  
16 cooperatives, and the Legislative Joint Auditing Committee.

17  
18 SECTION 627. Arkansas Code § 6-20-2203(b), concerning the requirement  
19 of a uniform budget and accounting system, is amended to read as follows:

20 (b) To the extent necessary to comply with federal law, the terms and  
21 definitions contained in the Arkansas Handbook shall initially comply with  
22 Financial Accounting for Local and State School Systems, 2003 Edition (NCES  
23 2004-318), and may thereafter be revised by the ~~department~~ division as  
24 necessary to remain consistent and shall be used for valid comparisons of  
25 expenditures of schools, school districts, open-enrollment public charter  
26 schools, and education service cooperatives.

27  
28 SECTION 628. Arkansas Code § 6-20-2203(c)(3)(B), concerning the  
29 requirement of a uniform budget and accounting system, is amended to read as  
30 follows:

31 (B) The ~~department~~ division shall implement the  
32 expenditure categories in this subdivision (c)(3) beginning with the 2007-  
33 2008 school year;

34  
35 SECTION 629. Arkansas Code § 6-20-2203(c)(4)(B), concerning the  
36 requirement of a uniform budget and accounting system, is amended to read as

1 follows:

2 (B) The ~~department~~ division shall complete a trial  
3 implementation of the revenue categories in subdivisions (c)(4)(A)(i) and  
4 (ii) of this section by the end of the 2007-2008 school year and fully  
5 implement all revenue categories in this subdivision (c)(4) beginning with  
6 the 2008-2009 school year;

7

8 SECTION 630. Arkansas Code § 6-20-2203(c)(5)(B), concerning the  
9 requirement of a uniform budget and accounting system, is amended to read as  
10 follows:

11 (B) The ~~department~~ division shall implement this  
12 subdivision (c)(5) beginning with the 2007-2008 school year;

13

14 SECTION 631. Arkansas Code § 6-20-2203(c)(6)(B), concerning the  
15 requirement of a uniform budget and accounting system, is amended to read as  
16 follows:

17 (B) The ~~department~~ division shall implement this  
18 subdivision (c)(6) beginning with the 2007-2008 school year;

19

20 SECTION 632. Arkansas Code § 6-20-2203(c)(8)(B), concerning the  
21 requirement of a uniform budget and accounting system, is amended to read as  
22 follows:

23 (B) The ~~department~~ division shall implement this  
24 subdivision (c)(8) beginning with the 2007-2008 school year.

25

26 SECTION 633. Arkansas Code § 6-20-2203(e) and (f), concerning the  
27 requirement of a uniform budget and accounting system, are amended to read as  
28 follows:

29 (e) The ~~department~~ division shall have the authority to analyze and  
30 inspect the financial records of any school, open-enrollment public charter  
31 school, school district, or education service cooperative in order to verify  
32 that a school, school district, or education service cooperative is correctly  
33 and accurately reporting expenditures.

34 (f) By February 15 of each year, the ~~department~~ division shall submit  
35 a report to the state board, the Governor, the Senate Committee on Education,  
36 and the House Committee on Education concerning public school and public

1 school district expenditures required by law.

2  
3 SECTION 634. Arkansas Code § 6-20-2204 is amended to read as follows:  
4 6-20-2204. Required training.

5 (a)(1)(A) The ~~Department of Education~~ Division of Elementary and  
6 Secondary Education shall establish two (2) tiers of required training.

7 (B) Both tiers of required training shall apply to public  
8 school districts, open-enrollment public charter schools, and education  
9 service cooperatives.

10 (C)(i) At a minimum, two (2) persons per educational  
11 entity are required to attend an initial and annual Tier I training:

12 (a) The school district superintendent or the  
13 education service cooperative director or the open-enrollment public charter  
14 school director; and

15 (b) A person whose job responsibilities  
16 include preparing the budget or overall accounting responsibility.

17 (ii) The two (2) persons per educational entity  
18 required to attend the initial and annual Tier I training shall each obtain  
19 twelve (12) hours of initial training and instruction necessary to  
20 demonstrate basic proficiency as determined by the ~~department~~ division,  
21 including, but not limited to:

22 (a) School laws of Arkansas;

23 (b) Laws and rules governing the expenditure  
24 of public education funds, fiscal accountability, and school finance;

25 (c) Ethics; and

26 (d) Financial accounting and reporting of  
27 schools, school districts, open-enrollment public charter schools, and  
28 education service cooperative expenditures.

29 (2)(A) Each year thereafter, the school district superintendent,  
30 the education service cooperative executive director, or open-enrollment  
31 public charter school director and the person whose job responsibilities  
32 include preparing the budget or overall accounting responsibility who have  
33 already attended the initial and Tier I training shall obtain by December 31  
34 of each calendar year a minimum of two (2) hours of annual training and  
35 instruction as required by the ~~department~~ division in order to maintain basic  
36 proficiency in the topics described in subdivision (a)(1) of this section.

1                   (B) Additional annual training may be required by the  
2 ~~department~~ division for the school district superintendent, the education  
3 service cooperative executive director, or open-enrollment public charter  
4 school director and the person whose job responsibilities include preparing  
5 the budget or overall accounting responsibility based on repetitive or  
6 flagrant audit findings or the identification of multiple indicators of  
7 fiscal distress.

8                   (3)(A) The instruction may be provided by an institution of  
9 higher education in this state, from instruction sponsored by the ~~department~~  
10 division, by an in-service training program conducted by the Arkansas  
11 Association of School Business Officials, or from another provider.

12                   (B) To satisfy the training and requirements under this  
13 subsection, any provider other than the ~~department~~ division shall apply for  
14 and receive preapproval by the ~~department~~ division as to the form and content  
15 of the training and instruction before they are offered as training and  
16 instruction to comply with the provisions of this subsection ~~(a)~~.

17                   (4)(A) If a person fails to obtain the required Tier I training  
18 by the end of the calendar year and fails to cure the deficiency by March 1  
19 of the following calendar year without filing a request for extension of time  
20 as determined from the records of the ~~department~~ division, the ~~department~~  
21 division shall immediately notify the superintendent of the employing school  
22 district, the director of the open-enrollment public charter school, or the  
23 executive director of the education service cooperative by certified mail,  
24 return receipt requested, with a copy to the state board president.

25                   (B)(i) The superintendent of the school district, the  
26 director of the open-enrollment public charter school, or the education  
27 service cooperative executive director shall notify the person by certified  
28 mail, return receipt requested, and the person shall be unable to continue in  
29 his or her position from the date of receipt of notification by the  
30 superintendent of the school district, the director of the open-enrollment  
31 public charter school, or the education service cooperative executive  
32 director.

33                   (ii) Any person receiving notice that he or she  
34 shall be unable to continue in his or her position solely because of his or  
35 her failure to obtain the required training may request a hearing before the  
36 State Board of Education prior to his or her permanent dismissal.

1           (5) If the person fails to obtain all required training by  
2 December 31, this failure shall constitute one (1) citation against the  
3 school district or the open-enrollment public charter school as measured by  
4 the Standards for Accreditation of Arkansas Public Schools and School  
5 Districts issued by the ~~department~~ division or an admonishment to the  
6 education service cooperative by the ~~department~~ division.

7           (6)(A) If the person is unable to obtain the required training  
8 because of military service or illness as verified by a written sworn  
9 statement of the person's attending physician, the ~~department~~ division shall  
10 grant an extension permitting the person additional time to obtain the  
11 required training.

12           (B) The issuance of an extension shall not constitute a  
13 citation against the school district as measured by the Standards for  
14 Accreditation of Arkansas Public Schools and School Districts issued by the  
15 ~~department~~ division or the education service cooperative and shall not  
16 operate to remove the person from his or her job.

17           (b)(1) Tier II training shall include, but not be limited to,  
18 employees who do not make decisions about selecting codes or who have a  
19 limited number of codes that they can use.

20           (2) Tier II training shall be developed by the ~~department~~  
21 division in cooperation with representatives from the Arkansas Association of  
22 Educational Administrators, the Arkansas Association of School Business  
23 Officials, the Arkansas Education Association, the Legislative Joint Auditing  
24 Committee, and the education service cooperatives.

25           (3)(A) The training shall be annual and shall be a minimum of  
26 two (2) hours.

27           (B) Additional annual training may be required by the  
28 ~~department~~ division for employees who do not make decisions about selecting  
29 codes or who have a limited number of codes that they can use based on  
30 repetitive or flagrant audit findings or the identification of multiple  
31 indicators of fiscal distress.

32           (4) School districts shall be responsible for providing the  
33 training to these employees.

34           (5) School district trainers are required to attend Tier I  
35 training and annual updates as required by the ~~department~~ division under this  
36 subsection ~~(b)~~ and subsection (a) of this section.

1 (c)(1) Each school district, open-enrollment public charter school, or  
2 education service cooperative shall maintain files and records indicating all  
3 employees who are required to obtain and who have completed Tier II training.

4 (2) Each school district superintendent, open-enrollment public  
5 charter school director, or education service cooperative executive director  
6 shall provide the ~~department~~ division an assurance statement regarding the  
7 completion of Tier II training by the required individuals.

8 (d) The state board shall modify the Standards for Accreditation of  
9 Arkansas Public Schools and School Districts issued by the ~~department~~  
10 division as may be required by this section.

11 (e) It is the responsibility of the ~~department~~ division to receive and  
12 maintain records of instructional hours of Tier I training obtained under  
13 this section.

14 (f) The state board is authorized to promulgate rules and regulations  
15 consistent with the provisions of this section.

16  
17 SECTION 635. Arkansas Code § 6-20-2206(a), concerning miscellaneous  
18 provisions regarding the Department of Education, is amended to read as  
19 follows:

20 (a) If the ~~Department of Education~~ Division of Elementary and  
21 Secondary Education determines that an overpayment has been made to a school  
22 district, open-enrollment public charter school, or education service  
23 cooperative in any funding category authorized by law, the ~~department~~  
24 division is authorized to withhold the overpayment from future funding of the  
25 school district, open-enrollment public charter school, or education service  
26 cooperative and is authorized to transfer the amount withheld for the  
27 overpayment to the line item appropriation from which the overpayment was  
28 initially made.

29  
30 SECTION 636. Arkansas Code § 6-20-2206(c)(5)(B), concerning  
31 miscellaneous provisions regarding the Department of Education, is amended to  
32 read as follows:

33 (B) Pupil attendance records shall be kept according to  
34 law and regulations on paper or electronic forms either furnished or approved  
35 by the ~~department~~ division.

36



1 SECTION 637. Arkansas Code § 6-20-2207(b)(1) and (2), concerning the  
2 rule-making authority of the State Board of Education, are amended to read as  
3 follows:

4 (b)(1)(A) The state board shall amend the rules, and the ~~Department of~~  
5 ~~Education~~ Division of Elementary and Secondary Education shall amend the  
6 Arkansas Handbook provided in subsection (a) of this section as necessary.

7 (B) The amendments, annual revisions, and financial  
8 accounting updates to the Arkansas Handbook shall be developed with  
9 representatives from the Arkansas Association of School Business Officials,  
10 the education service cooperatives, and other school district officials as  
11 designated by the ~~department~~ division.

12 (2) Before making an amendment to the Arkansas Handbook, the  
13 ~~department~~ division shall provide written notice via a Commissioner of  
14 Elementary and Secondary Education memo to the school districts, open-  
15 enrollment public charter schools, and education service cooperatives.  
16

17 SECTION 638. Arkansas Code § 6-20-2208(c)(2)(A), concerning the  
18 monitoring of expenditures by school districts, is amended to read as  
19 follows:

20 (2)(A) Expend the sums allocated to the school district under §  
21 6-20-2305(b) for salaries and other instructional aid components to benefit  
22 students in the special needs categories within the school district unless  
23 other expenditures are allowed by law or rule of the State Board of Education  
24 or the ~~Department of Education~~ Division of Elementary and Secondary  
25 Education.  
26

27 SECTION 639. Arkansas Code § 6-20-2208(d)(1), concerning the  
28 monitoring of expenditures by school districts, is amended to read as  
29 follows:

30 (d)(1) During the appropriate Arkansas public school computer network  
31 reporting cycle each year, each school district shall submit appropriate data  
32 to the ~~department~~ division establishing the school district's compliance with  
33 this section.  
34

35 SECTION 640. Arkansas Code § 6-20-2208(d)(4), concerning the  
36 monitoring of expenditures by school districts, is amended to read as

1 follows:

2 (4) Reports for each school district shall be developed by the  
3 ~~department~~ division and transmitted to the Governor, the Senate Committee on  
4 Education, and the House Committee on Education.

5

6 SECTION 641. Arkansas Code § 6-20-2210(a)(4), concerning the  
7 limitation on fund balances, is amended to read as follows:

8 (4)(A) "Revenues" means the same as defined in the latest  
9 version of the Arkansas Financial Accounting Handbook established by the  
10 ~~Department of Education~~ Division of Elementary and Secondary Education under  
11 § 6-20-2203.

12

13 SECTION 642. Arkansas Code § 6-20-2210(a)(4)(B)(viii)(a) and (b),  
14 concerning the limitation on fund balances, are amended to read as follows:

15 (a) The latest version of the Arkansas  
16 Financial Accounting Handbook established by the ~~department~~ division under §  
17 6-20-2203; or

18 (b) Rules promulgated by the ~~department~~  
19 division; and

20

21 SECTION 643. Arkansas Code § 6-20-2210(d)-(f), concerning the  
22 limitation on fund balances, are amended to read as follows:

23 (d)(1) The ~~department~~ division shall:

24 (A) Monitor on a yearly basis each public school  
25 district's compliance with the requirements of this section; and

26 (B) Withhold subsequent state funding from a public school  
27 district in the amounts under subdivision (d)(2) of this section for each  
28 year the public school district fails to make the required reduction.

29 (2) If a public school district fails to reduce every year  
30 within the five-year period its net legal balance by twenty percent (20%) of  
31 the total required reduction under subsection (b) of this section, the  
32 ~~department~~ division shall withhold subsequent state funding from that public  
33 school district in an amount equal to the amount the public school district  
34 failed to reduce its net legal balance for that year.

35 (e)(1) Under an unusual and limited circumstance, including without  
36 limitation an increase in one-time funds, a public school district may

1 request that the ~~department~~ division waive the requirements of this section.

2 (2) A public school district seeking a waiver shall file a  
3 waiver request with the Commissioner of Elementary and Secondary Education,  
4 accompanied by a resolution adopted by the public school district's board of  
5 directors, describing the unusual and limited circumstances.

6 (3) The commissioner may grant a waiver request under this  
7 subsection if the commissioner finds that the request is necessary based upon  
8 the unusual and limited circumstances.

9 (f) The ~~department~~ division shall promulgate rules to implement this  
10 section.

11  
12 SECTION 644. Arkansas Code § 6-20-2303(4), concerning the definition  
13 of "classroom teacher" under the Public School Funding Act of 2003, is  
14 amended to read as follows:

15 (4) "Classroom teacher" means:

16 (A) An individual who is required to hold a teaching  
17 license from the ~~Department of Education~~ Division of Elementary and Secondary  
18 Education and who is engaged directly in instruction with students in a  
19 classroom setting for more than seventy percent (70%) of the individual's  
20 contracted time;

21 (B) A guidance counselor; or

22 (C) A librarian;

23  
24 SECTION 645. Arkansas Code § 6-20-2303(13)(A), concerning the  
25 definition of "national school lunch students" under the Public School  
26 Funding Act of 2003, is amended to read as follows:

27 (13)(A) "National school lunch students" means those students or  
28 the percentage of enrolled students from low socioeconomic backgrounds as  
29 indicated by eligibility for free or reduced-price meals under the National  
30 School Lunch Act, 42 U.S.C. § 1751 et seq., as determined on October 1 of  
31 each previous school year and submitted to the ~~Department of Education~~  
32 Division of Elementary and Secondary Education, unless the school district is  
33 identified by the ~~Department of Education~~ Division of Elementary and  
34 Secondary Education as participating in the special assistance certification  
35 and reimbursement alternative implemented under 42 U.S.C. § 1759a.

36

1 SECTION 646. Arkansas Code § 6-20-2303(17), concerning the definition  
2 of "quarterly average daily membership" under the Public School Funding Act  
3 of 2003, is amended to read as follows:

4 (17) "Quarterly average daily membership" means the average  
5 daily membership for one (1) quarter of a school year used for calculating  
6 student growth funding and as determined by rule established by the  
7 ~~Department of Education~~ Division of Elementary and Secondary Education;

8  
9 SECTION 647. Arkansas Code § 6-20-2304(b)(1), concerning regulations  
10 and access to information on legislation by the State Board of Education, is  
11 amended to read as follows:

12 (1) Including a link to the information on the ~~Department of~~  
13 ~~Education~~ Division of Elementary and Secondary Education website; and

14  
15 SECTION 648. Arkansas Code § 6-20-2305(a)(1)(B), concerning school  
16 funding, is amended to read as follows:

17 (B) The ~~Department of Education~~ Division of Elementary and  
18 Secondary Education shall distribute state foundation funding aid to each  
19 school district in twelve (12) monthly payments.

20  
21 SECTION 649. Arkansas Code § 6-20-2305(a)(4), concerning school  
22 funding, is amended to read as follows:

23 (4)(A)(i) Except as provided in subdivisions (a)(4)(C) and (D)  
24 of this section, by the end of each school fiscal year, for a school district  
25 whose net revenues are less than the sum of ninety-eight percent (98%) of the  
26 uniform rate of tax multiplied by the property assessment of the school  
27 district, the ~~Department of Education~~ Division of Elementary and Secondary  
28 Education shall distribute to the school district the difference between:

29 (a) The net revenues distributed to the school  
30 district as reported under § 26-80-101(b)(4)(A)(ii) for the calendar year  
31 immediately preceding the current school year; and

32 (b) The sum of ninety-eight percent (98%) of  
33 the uniform rate of tax multiplied by the property assessment of the school  
34 district.

35 (ii) The ~~Department of Education~~ Division of  
36 Elementary and Secondary Education may distribute to the school district a

1 lesser amount than required under subdivisions (a)(4)(A)(i)(a) and (b) of  
 2 this section if after the lesser amount is distributed the school district  
 3 will receive the foundation funding amount under § 6-20-2305(a).

4 (B) For a school district whose net revenues are more than  
 5 the sum of ninety-eight percent (98%) of the uniform rate of tax multiplied  
 6 by the property assessment of the school district, the ~~Department of~~  
 7 Education Division of Elementary and Secondary Education, under the authority  
 8 of § 6-20-2306, shall recoup from the school district an amount equal to the  
 9 difference between:

- 10 (i) The net revenues of the school district; and
- 11 (ii) The sum of ninety-eight percent (98%) of the
- 12 uniform rate of tax multiplied by the property assessment of the school
- 13 district.

14 (C) The ~~Department of Education~~ Division of Elementary and  
 15 Secondary Education shall not distribute to a school district the funds under  
 16 subdivision (a)(4)(A)(i) of this section if, regardless of the school  
 17 district's tax collection rate, the school district's net revenues plus  
 18 miscellaneous funds calculated under § 6-20-2308 meet or exceed the  
 19 foundation funding amount set forth in § 6-20-2305(a).

20 (D)(i) A county treasurer shall submit annually to the  
 21 ~~Department of Education~~ Division of Elementary and Secondary Education an  
 22 annual summary report of all proceeds generated from ad valorem taxes and  
 23 distributed by the county to a school district for the period beginning  
 24 January 1 and ending on December 31 of the preceding calendar year to verify  
 25 the receipt of revenues under § 26-80-101(b)(4)(A)(ii).

26 (ii)(a) The ~~Department of Education~~ Division of  
 27 Elementary and Secondary Education may adjust data appropriately if it  
 28 determines that irregular distributions by a county treasurer of excess  
 29 commissions cause a school district's property tax collection rate from the  
 30 uniform rate of tax to exceed ninety-eight percent (98%).

31 (b) The ~~Department of Education~~ Division of  
 32 Elementary and Secondary Education may adjust the uniform rate of tax from an  
 33 irregular distribution to an amount not in excess of ninety-eight percent  
 34 (98%) and apply the excess distribution amount the following school year.

35 (iii) Evidence of overlapping revenue reporting or  
 36 irregular distributions shall be provided in the form required by the

1 ~~Department of Education~~ Division of Elementary and Secondary Education.

2  
 3 SECTION 650. Arkansas Code § 6-20-2305(b)(4)(B)(ii)(a), concerning  
 4 school funding, is amended to read as follows:

5 (ii)(a) If a school district will receive in the  
 6 current school year national school lunch state categorical funding under  
 7 subdivision (b)(4)(A) of this section that is based on a different per-  
 8 student amount of national school lunch state categorical funding than the  
 9 school district received in the immediately preceding school year, due to a  
 10 percentage change in national school lunch students, the ~~department~~ Division  
 11 of Elementary and Secondary Education shall adjust the funding to the school  
 12 district in a transitional three-year period.

13  
 14 SECTION 651. Arkansas Code § 6-20-2305(b)(4)(B)(iii)(a), concerning  
 15 school funding, is amended to read as follows:

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

20  
 21 SECTION 652. Arkansas Code § 6-20-2305(b)(4)(B)(v)(b) and (c),  
 22 concerning school funding, are amended to read as follows:

23 (b) The State Board of Education shall  
 24 establish rules to be used by the ~~Department of Education~~ Division of  
 25 Elementary and Secondary Education to determine:

26 (1) The amount of growth necessary to  
 27 qualify as significant growth;

28 (2) The expected increase in the number  
 29 of national school lunch students based on the expected increase in enrolled  
 30 students; and

31 (3) Which school districts have  
 32 experienced a significant growth in enrolled students as necessary to qualify  
 33 for funding under this subdivision (b)(4)(B)(v).

34 (c) The ~~Department of Education~~ Division of  
 35 Elementary and Secondary Education shall not be required to adjust or fund a  
 36 school district's national school lunch students based on the current year's

1 number of national school lunch students enrolled in the school district or  
2 the average growth of students in the school district.

3  
4 SECTION 653. Arkansas Code § 6-20-2305(b)(4)(C)(i)(b)(16), concerning  
5 school funding, is amended to read as follows:

6 (16) The College and Career Coaches  
7 Program, as administered by the ~~Department~~ Division of Career and Technical  
8 Education under § 6-1-601 et seq.; and

9  
10 SECTION 654. Arkansas Code § 6-20-2305(b)(4)(C)(iv)(a), concerning  
11 school funding, is amended to read as follows:

12 (iv)(a) Upon review of the school district's school-  
13 level improvement plan, if the Commissioner of Elementary and Secondary  
14 Education determines that the school district has met the needs of students  
15 in the school district for whom the funding for additional educational  
16 categories under this subsection is provided, has met the requirements of  
17 subdivisions (b)(4)(C)(ii) and (iii) of this section, and has prudently  
18 managed its resources, the commissioner shall give written approval of the  
19 detailed planned flexible use of excess national school lunch student  
20 categorical funds provided to the school district.

21  
22 SECTION 655. Arkansas Code § 6-20-2305(b)(4)(C)(vi)-(viii), concerning  
23 school funding, are amended to read as follows:

24 (vi) Notwithstanding any other provision of law, if  
25 the ~~Department of Education~~ Division of Elementary and Secondary Education  
26 determines that a school district's expenditure of funds allocated under this  
27 subdivision (b)(4) would result in the school district's losing funding under  
28 any federal law, then the funds allocated to a school district under this  
29 subdivision (b)(4) may be expended for other academic programs or salaries.

30 (vii) The ~~Department of Education~~ Division of  
31 Elementary and Secondary Education may direct that a school district expend  
32 available funds on specified programs under subdivision (b)(4)(C)(i) of this  
33 section.

34 (viii)(a) By September 15 of each school year, a  
35 school district shall submit to the ~~Department of Education~~ Division of  
36 Elementary and Secondary Education a report for the immediately preceding

1 school year listing each program upon which funds allocated under this  
 2 subdivision (b)(4) were expended, the amount expended, and any other  
 3 information required by the ~~Department of Education~~ Division of Elementary  
 4 and Secondary Education on the use of funds allocated under this subdivision  
 5 (b)(4).

6 (b) The ~~Department of Education~~ Division of  
 7 Elementary and Secondary Education shall develop appropriate reporting forms  
 8 for use by school districts to comply with subdivision (b)(4)(C)(viii)(a) of  
 9 this section.

10  
 11 SECTION 656. Arkansas Code § 6-20-2305(b)(4)(C)(x)-(xii), concerning  
 12 school funding, are amended to read as follows:

13 (x) Each school district shall submit to the  
 14 ~~Department of Education~~ Division of Elementary and Secondary Education a  
 15 report listing each program and purpose upon which funds allocated under this  
 16 subdivision (b)(4) were expended, the amount expended, and any other  
 17 information required by the ~~Department of Education~~ Division of Elementary  
 18 and Secondary Education concerning the receipt and use of funds allocated  
 19 under this subdivision (b)(4).

20 (xi) No provision of subdivision (b)(4)(C)(ix) of  
 21 this section shall be deemed to prohibit a school district from participating  
 22 in the provisions of subdivisions (b)(4)(C)(ii)-(viii) of this section.

23 (xii) The ~~Department of Education~~ Division of  
 24 Elementary and Secondary Education shall promulgate rules and develop  
 25 appropriate reporting forms for use by school districts to comply with this  
 26 subdivision (b)(4)(C).

27  
 28 SECTION 657. Arkansas Code § 6-20-2305(b)(4)(D), concerning school  
 29 funding, is amended to read as follows:

30 (D)(i) By the end of each school year, each school  
 31 district shall submit to the ~~Department of Education~~ Division of Elementary  
 32 and Secondary Education a report listing each program upon which funds  
 33 allocated under this subdivision (b)(4) were expended, the amount expended,  
 34 and any other information required by the ~~Department of Education~~ Division of  
 35 Elementary and Secondary Education.

36 (ii) The ~~Department of Education~~ Division of



1 Elementary and Secondary Education shall develop appropriate reporting forms  
2 for use by school districts.

3  
4 SECTION 658. Arkansas Code § 6-20-2305(b)(4)(E)(i), concerning school  
5 funding, is amended to read as follows:

6 (E)(i) The ~~Department of Education~~ Division of Elementary  
7 and Secondary Education shall provide a report on the impact of national  
8 school lunch student categorical funding provided under this subdivision  
9 (b)(4) on closing the achievement gap to the House Committee on Education and  
10 the Senate Committee on Education by May 31 each even-numbered year,  
11 beginning in 2010.

12  
13 SECTION 659. Arkansas Code § 6-20-2305(b)(4)(F)(iv)(a), concerning  
14 school funding, is amended to read as follows:

15 (iii)(a) Under an unusual and limited circumstance,  
16 including without limitation an increase in one-time funds or an unexpected  
17 decrease in school district revenues during a given year, a school district  
18 may request that the ~~Department of Education~~ Division of Elementary and  
19 Secondary Education waive the requirements of this subdivision (b)(4)(F).

20  
21 SECTION 660. Arkansas Code § 6-20-2305(b)(4)(F)(v), concerning school  
22 funding, is amended to read as follows:

23 (v)(a) The ~~Department of Education~~ Division of  
24 Elementary and Secondary Education shall monitor on a yearly basis each  
25 school district's compliance with the requirements of this subdivision  
26 (b)(4)(F).

27 (b) If a school district fails to comply with  
28 the requirements of this subdivision (b)(4)(F) during a school year, the  
29 ~~Department of Education~~ Division of Elementary and Secondary Education may in  
30 the following school year withhold from that school district's national  
31 school lunch state categorical funding allocation an amount equal to the  
32 amount required to be spent by the school district in order to be in  
33 compliance with the requirements of this subdivision (b)(4)(F).

34 (c) The ~~Department of Education~~ Division of  
35 Elementary and Secondary Education may redistribute amounts withheld under  
36 this subdivision (b)(4)(F) to other school districts entitled to receive

1 national school lunch state categorical funding allocations.

2  
3 SECTION 661. Arkansas Code § 6-20-2305(b)(5)(C), concerning school  
4 funding, is amended to read as follows:

5 (C)(i) Additional funding provided for professional  
6 development above the amount in subdivision (b)(5)(A) of this section shall  
7 be used by the ~~Department of Education~~ Division of Elementary and Secondary  
8 Education for the development and administration of professional learning  
9 communities for the benefit of public school districts.

10 (ii)(a) The ~~Department of Education~~ Division of  
11 Elementary and Secondary Education shall promulgate rules to administer the  
12 additional professional development funding under subdivision (b)(5)(C)(i) of  
13 this section.

14 (b) The ~~Department of Education~~ Division of  
15 Elementary and Secondary Education may partner with or choose a person, firm,  
16 corporation, or education service cooperative to provide the knowledge,  
17 skills, experience, and expertise for the development of a research-based  
18 process for the implementation of professional learning communities.

19  
20 SECTION 662. Arkansas Code § 6-20-2305(e)(1)(C), concerning school  
21 funding, is amended to read as follows:

22 (C) If the ~~Department of Education~~ Division of Elementary  
23 and Secondary Education determines that a school district's expenditure of  
24 funds allocated under subsection (b) of this section would result in the  
25 school district's losing funding under any federal law, then the funds  
26 allocated to a school district under subsection (b) of this section may be  
27 expended for other academic programs or salaries as permitted by the  
28 ~~Department of Education~~ Division of Elementary and Secondary Education.

29  
30 SECTION 663. Arkansas Code § 6-20-2305(e)(4), concerning school  
31 funding, is amended to read as follows:

32 (4)(A) The ~~Department of Education~~ Division of Elementary and  
33 Secondary Education shall monitor on a yearly basis each school district's  
34 compliance with the requirements of this subsection.

35 (B) If a school district fails to comply with the  
36 requirements of this subsection during a school year, the ~~Department of~~

1 ~~Education~~ Division of Elementary and Secondary Education may in the following  
2 school year withhold from that school district's categorical funding  
3 allocation an amount equal to the amount required to be spent by the school  
4 district in order to be in compliance with the requirements of this  
5 subsection.

6 (C) The ~~Department of Education~~ Division of Elementary and  
7 Secondary Education may redistribute amounts withheld under this subsection  
8 to other school districts entitled to receive categorical funding  
9 allocations.

10  
11 SECTION 664. Arkansas Code § 6-20-2305(f)(2), concerning school  
12 funding, is amended to read as follows:

13 (2) The school district shall maintain records and make reports  
14 relative to attendance, receipts, and disbursements and other reports as  
15 required by the ~~Department of Education~~ Division of Elementary and Secondary  
16 Education for the administration of this subchapter;

17  
18 SECTION 665. Arkansas Code § 6-20-2305(f)(5)(B), concerning school  
19 funding, is amended to read as follows:

20 (B) The records shall be kept according to law and  
21 regulations on paper or electronic forms either furnished or approved by the  
22 ~~Department of Education~~ Division of Elementary and Secondary Education.

23  
24 SECTION 666. Arkansas Code § 6-20-2305(g), concerning school funding,  
25 is amended to read as follows:

26 (g)(1) By the end of each school year, each school district shall  
27 submit to the ~~Department of Education~~ Division of Elementary and Secondary  
28 Education a report listing each program upon which funds allocated under  
29 subsection (b) of this section were expended, the amount expended, and any  
30 other information required by the ~~Department of Education~~ Division of  
31 Elementary and Secondary Education.

32 (2) The ~~Department of Education~~ Division of Elementary and  
33 Secondary Education shall develop appropriate reporting forms for use by  
34 school districts.

35  
36 SECTION 667. Arkansas Code § 6-20-2306 is amended to read as follows:

1           6-20-2306. ~~Department of Education~~ Division of Elementary and  
 2 Secondary Education to provide funding – Adjustments for overpayments.

3           (a) If the ~~Department of Education~~ Division of Elementary and  
 4 Secondary Education determines that an overpayment has been made to a school  
 5 district under any appropriation authorized by this subchapter, the  
 6 ~~department~~ division may:

- 7                   (1) Withhold the overpayment from subsequent state funding;
- 8                   (2) Transfer the amount withheld for the overpayment to the line  
 9 item appropriation from which the overpayment was initially made; or
- 10                  (3) Request a refund from the school district in the amount of  
 11 the overpayment.

12           (b) The school district shall comply as directed by the ~~department~~  
 13 division.

14  
 15           SECTION 668. The introductory language of Arkansas Code § 6-20-  
 16 2308(a), concerning the calculation of miscellaneous funds, is amended to  
 17 read as follows:

18           (a) For the purpose of making an initial calculation of state  
 19 foundation funding aid, the ~~Department of Education~~ Division of Elementary  
 20 and Secondary Education shall calculate the miscellaneous funds of a school  
 21 district as:

22  
 23           SECTION 669. The introductory language of Arkansas Code § 6-20-  
 24 2308(b)(1), concerning the calculation of miscellaneous funds, is amended to  
 25 read as follows:

26           (b)(1) Except as provided under subdivision (b)(2) of this section,  
 27 for a school district that receives state foundation funding aid and receives  
 28 an aggregate amount of miscellaneous funds during the calendar year in which  
 29 the current school fiscal year began that is less than the aggregate amount  
 30 of miscellaneous funds the school district received in the calendar year  
 31 immediately preceding the beginning of the current school fiscal year, by the  
 32 end of the school fiscal year the ~~department~~ division shall distribute to the  
 33 school district an amount equal to the difference between:

34  
 35           SECTION 670. The introductory language of Arkansas Code § 6-20-  
 36 2308(c)(1), concerning the calculation of miscellaneous funds, is amended to

1 read as follows:

2 (c)(1) Beginning with the 2014-2015 school fiscal year, the ~~department~~  
3 division shall recoup an overpayment of state funding under the authority  
4 provided by § 6-20-2306 for a school district that receives:

5

6 SECTION 671. Arkansas Code § 6-20-2308(c)(2), concerning the  
7 calculation of miscellaneous funds, is amended to read as follows:

8 (2) The ~~department~~ division shall recoup from the school  
9 district an amount equal to the difference between:

10

11 SECTION 672. The introductory language of Arkansas Code § 6-20-2309 is  
12 amended to read as follows:

13 For the 2017-2018 school year and the 2018-2019 school year, in  
14 addition to the foundation funding provided to a school district under § 6-  
15 20-2305(a)(2), the ~~Department of Education~~ Division of Elementary and  
16 Secondary Education shall distribute enhanced transportation funding to  
17 school districts each school year in the following amounts:

18

19 SECTION 673. Arkansas Code § 6-20-2503(b)(2)(B), concerning bonded  
20 debt assistance, is amended to read as follows:

21 (B) The annual amount due on a fiscal year basis from the  
22 school district in accordance with the principal and interest payment  
23 schedule in effect and on file with the ~~Department of Education~~ Division of  
24 Elementary and Secondary Education on January 1, 2005, for the outstanding  
25 bonded indebtedness identified under subdivision (b)(2)(A) of this section;  
26 and

27

28 SECTION 674. Arkansas Code § 6-20-2503(b)(3)(A)(i)(a), concerning  
29 bonded debt assistance, is amended to read as follows:

30 (i)(a) For the year that financial assistance under  
31 this section will be provided, ascertain the scheduled debt payment on a  
32 fiscal year basis from the principal and interest payment schedule in effect  
33 and on file with the ~~department~~ Division of Elementary and Secondary  
34 Education on January 1, 2005, and reduce the amount of the payment by ten  
35 percent (10%) except as provided in subdivision (b)(3)(A)(i)(b) of this  
36 section.

1  
2 SECTION 675. Arkansas Code § 6-20-2503(c)(1)(B), concerning bonded  
3 debt assistance, is amended to read as follows:

4 (B) If a school district qualifies for bonded debt  
5 assistance under this section, the amount of bonded debt assistance under  
6 this section shall not be altered or reduced as a result of refunding the  
7 bonds that were issued and outstanding as of January 1, 2005, and the bonded  
8 debt assistance shall continue after the refunding based on the principal and  
9 interest payment schedule in effect and on file with the ~~department~~ Division  
10 of Elementary and Secondary Education on January 1, 2005.

11  
12 SECTION 676. Arkansas Code § 6-20-2503(c)(2), concerning bonded debt  
13 assistance, is amended to read as follows:

14 (2) Nothing in this subsection shall prevent the annual  
15 adjustment of bonded debt assistance under this section in accordance with  
16 annual variations in the state wealth index and the school district's  
17 principal and interest payment schedule in effect and on file with the  
18 ~~department~~ Division of Elementary and Secondary Education on January 1, 2005.

19  
20 SECTION 677. Arkansas Code § 6-20-2503(g), concerning bonded debt  
21 assistance, is amended to read as follows:

22 (g) Within thirty (30) days after the satisfaction of a school  
23 district's outstanding bonded indebtedness in existence as of January 1,  
24 2005, the school district shall notify the ~~department~~ Division of Elementary  
25 and Secondary Education that the school district's outstanding bonded  
26 indebtedness in existence as of January 1, 2005, has been satisfied, which  
27 shall include defeasance, but shall exclude refunding.

28  
29 SECTION 678. Arkansas Code § 6-20-2507(b), concerning the creation of  
30 the Academic Facilities Partnership Program, is amended to read as follows:

31 (b)(1) In order to apply for state financial participation in a new  
32 construction project, a school district shall provide the ~~division~~ Division  
33 of Public School Academic Facilities and Transportation with a detailed  
34 narrative, description, and justification for the project, a drawing, and  
35 evidence of:

36 (A) Preparation for the new construction project as

1 demonstrated by inclusion of the new construction project in the school  
2 district's facilities master plan;

3 (B)(i) The adoption of a resolution certifying to the  
4 ~~division~~ Division of Public School Academic Facilities and Transportation the  
5 school district's dedication of local resources to meet the school district's  
6 share of financial participation in the new construction project.

7 (ii) The resolution shall specify the approximate  
8 date that the board of directors of the school district intends to seek  
9 elector approval of any bond or tax measures or to apply other local  
10 resources to pay the school district's share of financial participation in  
11 the new construction project;

12 (C)(i) The total estimated cost of the new construction  
13 project that shall be a minimum of three hundred dollars (\$300) per student  
14 or one hundred fifty thousand dollars (\$150,000), whichever is less.

15 (ii) The ~~division~~ Division of Public School Academic  
16 Facilities and Transportation may waive the minimum requirement under  
17 subdivision (b)(1)(C)(i) of this section upon a recommendation by the  
18 Director of the Division of Public School Academic Facilities and  
19 Transportation to the Commission for Arkansas Public School Academic  
20 Facilities and Transportation for the minimum to be waived for cause and a  
21 majority of the commission votes to support the waiver;

22 (D) The new construction project's conformance with sound  
23 educational practices;

24 (E) The new construction project's compliance with current  
25 academic facilities standards, including without limitation, appropriate  
26 space utilization of the applicable school in the district as determined by  
27 the ~~division~~ Division of Public School Academic Facilities and  
28 Transportation;

29 (F) The allocation of project costs between new  
30 construction activities and maintenance, repair, and renovation activities if  
31 the new construction project includes improvements that could be classified  
32 as maintenance, repair, and renovation; and

33 (G) How the new construction project supports the prudent  
34 and resourceful expenditure of state funds and improves the school district's  
35 ability to deliver an adequate and equitable education to public school  
36 students in the district.

1 (2)(A) Life cycle data is advisory only and shall not be  
2 sufficient to support the approval of those items in the list of approved  
3 projects or individual items within a project.

4 (B) The ~~division~~ Division of Public School Academic  
5 Facilities and Transportation shall require independent proof of the failure  
6 of the equipment or other item.

7  
8 SECTION 679. The introductory language of Arkansas Code § 6-20-  
9 2507(c), concerning the creation of the Academic Facilities Partnership  
10 Program, is amended to read as follows:

11 (c) The ~~division~~ Division of Public School Academic Facilities and  
12 Transportation shall use criteria to evaluate a school district's application  
13 for state financial participation in a new construction project, which shall  
14 include, without limitation, the following:

15  
16 SECTION 680. Arkansas Code § 6-20-2507(d), concerning the creation of  
17 the Academic Facilities Partnership Program, is amended to read as follows:

18 (d)(1) The ~~division~~ Division of Public School Academic Facilities and  
19 Transportation shall notify the school district of the ~~division's~~ Division of  
20 Public School Academic Facilities and Transportation's decision on the  
21 application and, if applicable, the estimated amount of state financial  
22 participation in the new construction project no later than May 1 of each  
23 odd-numbered year.

24 (2) The ~~division's~~ Division of Public School Academic Facilities  
25 and Transportation's notice of its decision on a school district's  
26 application for state financial participation in a new construction project  
27 shall include an explanation of the evaluative factors underlying the  
28 decision of the ~~division~~ Division of Public School Academic Facilities and  
29 Transportation to provide or not provide state financial participation in  
30 support of the new construction project.

31 (3) The commission may withdraw committed funds if a school  
32 district had funding made available on:

33 (A) July 1, 2006, and does not begin construction, as  
34 evidenced by a signed construction contract, by January 31, 2010; or

35 (B) July 1, 2007, and does not begin construction, as  
36 evidenced by a signed construction contract, by January 31, 2011.



1           (4) If a construction project has not begun as required under  
2 subdivision (d)(3) of this section due to the failure of a school district to  
3 raise the school district's share of the project cost due to a failed millage  
4 election before June 1, 2009, the ~~division~~ Division of Public School Academic  
5 Facilities and Transportation may exercise its authority under § 6-21-811.

6  
7           SECTION 681. Arkansas Code § 6-20-2507(e)(1), concerning the creation  
8 of the Academic Facilities Partnership Program, is amended to read as  
9 follows:

10           (e)(1) If the ~~division~~ Division of Public School Academic Facilities  
11 and Transportation determines that the new construction project is eligible  
12 for state financial participation, the ~~division~~ Division of Public School  
13 Academic Facilities and Transportation and the school district shall enter  
14 into an agreement specifying the terms of the state's financial participation  
15 and the conditions that must be satisfied by the school district.

16  
17           SECTION 682. Arkansas Code § 6-20-2507(e)(2)(D) and (E), concerning  
18 the creation of the Academic Facilities Partnership Program, are amended to  
19 read as follows:

20                       (D) Provide that changes to the plans for the new  
21 construction project shall be made in consultation with the ~~division~~ Division  
22 of Public School Academic Facilities and Transportation;

23                       (E) Provide that the ~~division~~ Division of Public School  
24 Academic Facilities and Transportation or any person acting on behalf of the  
25 ~~division~~ Division of Public School Academic Facilities and Transportation may  
26 conduct on-site inspections of the new construction project as frequently as  
27 the ~~division~~ Division of Public School Academic Facilities and Transportation  
28 deems necessary to assure the prudent and resourceful expenditure of state  
29 funds with regard to public school academic facilities;

30  
31           SECTION 683. Arkansas Code § 6-20-2507(f), concerning the creation of  
32 the Academic Facilities Partnership Program, is amended to read as follows:

33           (f)(1)(A) If a school district qualifies for state financial  
34 participation under this section, the ~~division~~ Division of Public School  
35 Academic Facilities and Transportation shall certify the amount of state  
36 financial participation to the commission.

1 (B) The amount of state financial participation under this  
 2 section is limited to the amount resulting from the application of the  
 3 academic facilities wealth index to the project cost promulgated by the  
 4 commission to calculate the cost necessary to bring the academic facility  
 5 into compliance with the Arkansas Public School Academic Facility Manual  
 6 under § 6-21-809.

7 (2)(A) The commission shall certify the amount to the ~~Department~~  
 8 ~~of Education~~ Division of Elementary and Secondary Education for payment, less  
 9 any withholding or reduction imposed by the commission under § 6-21-114(d)  
 10 for a school district's failure to comply with the commission's insurance  
 11 requirements.

12 (B) For tracking purposes, the school district shall  
 13 account for the funds received as state financial participation under this  
 14 section as restricted funds and shall account for the funds in accordance  
 15 with provisions of law, including without limitation, the Arkansas  
 16 Educational Financial Accounting and Reporting Act of 2004, § 6-20-2201 et  
 17 seq., and rules established by the State Board of Education and the  
 18 commission.

19  
 20 SECTION 684. The introductory language of Arkansas Code § 6-20-  
 21 2508(c), concerning the creation of the Academic Facilities Catastrophic  
 22 Program, is amended to read as follows:

23 (c) As part of its application for state financial participation in a  
 24 catastrophic project, the school district shall provide the ~~division~~ Division  
 25 of Public School Academic Facilities and Transportation with evidence of:  
 26

27 SECTION 685. Arkansas Code § 6-20-2508(d)-(f), concerning the creation  
 28 of the Academic Facilities Catastrophic Program, are amended to read as  
 29 follows:

30 (d)(1) The ~~division~~ Division of Public School Academic Facilities and  
 31 Transportation shall evaluate a school district's application for  
 32 catastrophic assistance and may conduct an on-site inspection before making a  
 33 decision on the application as it deems necessary.

34 (2) The ~~division~~ Division of Public School Academic Facilities  
 35 and Transportation shall notify the school district of the ~~division's~~  
 36 Division of Public School Academic Facilities and Transportation's decision

1 on the application and, if applicable, the amount of state financial  
 2 participation. The ~~division~~ Division of Public School Academic Facilities and  
 3 Transportation shall base its decision on several factors, including, without  
 4 limitation:

5 (A) Compliance with appropriate academic facility  
 6 standards, including, without limitation, appropriate space utilization;

7 (B) The amount and availability of insurance or other  
 8 public or private emergency assistance;

9 (C) The academic facilities wealth index of the school  
 10 district; and

11 (D) The prudent and resourceful expenditure of state funds  
 12 with regard to public school academic facilities.

13 (e)(1)(A) If a school district qualifies for state financial  
 14 participation under this section, the ~~division~~ Division of Public School  
 15 Academic Facilities and Transportation shall certify the amount of state  
 16 financial participation to the Commission for Arkansas Public School Academic  
 17 Facilities and Transportation.

18 (B) The amount of state financial participation under this  
 19 section shall not exceed the amount resulting from the application of the  
 20 academic facilities wealth index to the cost necessary to bring the academic  
 21 facility into compliance with the Arkansas Public School Academic Facility  
 22 Manual, less any withholding or reduction imposed by the commission under §  
 23 6-21-114(d) for a school district's failure to comply with the commission's  
 24 insurance requirements, including without limitation, the failure to carry  
 25 replacement cost coverage, if applicable, on all buildings and facilities.

26 (2)(A) The commission shall certify the amount to the ~~Department~~  
 27 ~~of Education~~ Division of Elementary and Secondary Education for payment.

28 (B) For tracking purposes, the school district shall  
 29 account for the funds received as a state financial participation under this  
 30 section as restricted funds and shall account for the funds in accordance  
 31 with provisions of law, including, without limitation, the Arkansas  
 32 Educational Financial Accounting and Reporting Act of 2004, § 6-20-2201 et  
 33 seq., and rules established by the State Board of Education and the  
 34 commission.

35 (f) Every effort shall be made to conform a catastrophic project to  
 36 current academic facilities standards, including appropriate space

1 utilization requirements, unless in the judgment of the ~~division~~ Division of  
2 Public School Academic Facilities and Transportation it is impractical to  
3 conform the catastrophic project to current standards.

4  
5 SECTION 686. Arkansas Code § 6-20-2511(b), concerning high-growth  
6 school districts, is amended to read as follows:

7 (b) There is established the Academic Facilities High-Growth School  
8 District Loan Program under which the ~~Department of Education~~ Division of  
9 Elementary and Secondary Education shall provide an interest-free loan to a  
10 high-growth school district in which the mills required to service the bonded  
11 indebtedness incurred for academic facilities exceeds the maximum expected  
12 millage for the high-growth school district.

13  
14 SECTION 687. Arkansas Code § 6-20-2511(d)(3)(C), concerning high-  
15 growth school districts, is amended to read as follows:

16 (C) Shall not otherwise change the amount of revenues  
17 available to repay the loan without the prior approval of the ~~department~~  
18 Division of Elementary and Secondary Education.

19  
20 SECTION 688. Arkansas Code § 6-20-2511(e) and (f), concerning high-  
21 growth school districts, are amended to read as follows:

22 (e) Within a reasonable time after its receipt, each application under  
23 subsection (c) of this section shall be examined by the ~~department~~ Division  
24 of Elementary and Secondary Education in accordance with rules established by  
25 the State Board of Education as to the accuracy of the answers contained  
26 therein.

27 (f)(1) After considering the merits of each application, the  
28 ~~department~~ Division of Elementary and Secondary Education may, in its  
29 discretion, approve the application for the full amount of the proposed loan,  
30 approve the application for a loan of a lesser amount than the amount  
31 requested, or disapprove the application.

32 (2) Before approving the application, the ~~department~~ Division of  
33 Elementary and Secondary Education shall make a determination that the total  
34 space available in the high-growth school district is less than the amount  
35 needed to accommodate the growth of students.

36

1 SECTION 689. Arkansas Code § 6-20-2516(f)-(i), concerning the creation  
 2 of the Academic Facilities Review Board, are amended to read as follows:

3 (f) The ~~Department of Education~~ Division of Elementary and Secondary  
 4 Education shall provide staff support for the board's activities.

5 (g)(1) Members of the board shall serve without pay.

6 (2) Members of the board may receive expense reimbursement in  
 7 accordance with § 25-16-902, to be paid by the ~~department~~ Division of  
 8 Elementary and Secondary Education to the extent money is available for that  
 9 purpose.

10 (h) The board shall establish policies and procedures for conducting  
 11 hearings and appeals.

12 (i)(1) Following the hearing at which all testimony and evidence are  
 13 presented, the board shall make a final determination accepting, rejecting,  
 14 or modifying the determination of the ~~division~~ Division of Public School  
 15 Academic Facilities and Transportation.

16 (2) Within ten (10) business days, the board shall provide to  
 17 the appellant public school district and to the ~~division~~ Division of Public  
 18 School Academic Facilities and Transportation a notice of the board's final  
 19 determination.

20 (3)(A) If the board's final determination will result in a  
 21 greater level of state financial participation in a project than previously  
 22 authorized by the ~~division~~ Division of Public School Academic Facilities and  
 23 Transportation, the board's final determination shall be reviewed by the  
 24 commission in accordance with procedures developed by the commission.

25 (B) A decision of the commission resulting from a review  
 26 of a decision of the board under this section is final and is not subject to:

27 (i) Further appeal to the commission;

28 (ii) Request for rehearing by the commission; or

29 (iii) Petition for judicial review under the

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

31  
 32 SECTION 690. Arkansas Code § 6-20-2517(b)(13)(B), concerning nursing  
 33 centers in new schools, is amended to read as follows:

34 (B) The ~~Department of Education~~ Division of Elementary and  
 35 Secondary Education may purchase appropriate software that is accessible to a  
 36 school district depending on the availability of funding;

1  
2 SECTION 691. The introductory language of Arkansas Code § 6-21-106(g),  
3 concerning fire hazard inspection at schools prior to closing for breaks, is  
4 amended to read as follows:

5 (g) The chief executive officer of the fire department shall notify  
6 the State Fire Marshal Enforcement Section of the Department of Arkansas  
7 State Police and the ~~Department of Education~~ Division of Elementary and  
8 Secondary Education if:

9  
10 SECTION 692. Arkansas Code § 6-21-112(e), concerning the creation of  
11 the Division of Public School Academic Facilities and Transportation, is  
12 amended to read as follows:

13 (e)(1) The Director of the ~~Department~~ Division of Information Systems  
14 shall assign one (1) individual to serve as a technology liaison to the  
15 Division of Public School Academic Facilities and Transportation.

16 (2) The ~~Director~~ Secretary of the Department of Finance and  
17 Administration shall assign one (1) individual from the staff of the Building  
18 Authority Division of the ~~Department of Finance and Administration~~ to serve  
19 as a physical plant liaison to the Division of Public School Academic  
20 Facilities and Transportation.

21  
22 SECTION 693. Arkansas Code § 6-21-112(h), concerning the creation of  
23 the Division of Public School Academic Facilities and Transportation, is  
24 amended to read as follows:

25 (h) The ~~Department of Education~~ Division of Elementary and Secondary  
26 Education shall coordinate and share certain administrative, custodial,  
27 legal, internal finance, and other necessary personnel and responsibilities  
28 to effectuate the daily operations of the Division of Public School Academic  
29 Facilities and Transportation and the ~~Department~~ Division of Information  
30 Systems.

31  
32 SECTION 694. Arkansas Code § 6-21-114(a)(2), concerning the creation  
33 of the Commission for Arkansas Public School Academic Facilities and  
34 Transportation, is amended to read as follows:

35 (2) The Commissioner of Elementary and Secondary Education; and  
36

1 SECTION 695. Arkansas Code § 6-21-114(b)(1), concerning the creation  
2 of the Commission for Arkansas Public School Academic Facilities and  
3 Transportation, is amended to read as follows:

4 (b)(1) The members of the commission shall meet and organize  
5 immediately after March 29, 2005. The Commissioner of Elementary and  
6 Secondary Education shall be the chair of the commission.

7  
8 SECTION 696. Arkansas Code § 6-21-114(c), concerning the creation of  
9 the Commission for Arkansas Public School Academic Facilities and  
10 Transportation, is amended to read as follows:

11 (c) Staff support shall be provided by appropriate personnel of the  
12 Department of Finance and Administration, the ~~Department of Education~~  
13 Division of Elementary and Secondary Education, the Arkansas Development  
14 Finance Authority, and the ~~division~~ Division of Public School Academic  
15 Facilities and Transportation.

16  
17 SECTION 697. Arkansas Code § 6-21-114(d)(1), concerning the creation  
18 of the Commission for Arkansas Public School Academic Facilities and  
19 Transportation, is amended to read as follows:

20 (1) Oversee the operations of the ~~division~~ Division of Public  
21 School Academic Facilities and Transportation;

22  
23 SECTION 698. Arkansas Code § 6-21-115(a) and (b), concerning the name,  
24 operation, and director of the Division of Public School Academic Facilities  
25 and Transportation, are amended to read as follows:

26 (a) The division established under § 6-21-112 within the Division of  
27 Elementary and Secondary Education shall be known as the "Division of Public  
28 School Academic Facilities and Transportation" ~~of the Department of~~  
29 ~~Education~~.

30 (b)(1) The ~~division~~ Division of Public School Academic Facilities and  
31 Transportation shall operate under the direction, control, and supervision of  
32 the Commission for Arkansas Public School Academic Facilities and  
33 Transportation.

34 (2) The ~~division~~ Division of Public School Academic Facilities  
35 and Transportation shall not operate under the direction, control, and  
36 supervision of the State Board of Education.

1  
2 SECTION 699. Arkansas Code § 6-21-303(c), concerning soliciting bids  
3 for the procurement of commodities by the board of directors of each school  
4 district, is amended to read as follows:

5 (c) The ~~Department of Education~~ Division of Elementary and Secondary  
6 Education may grant a waiver of the requirements of subsection (b) of this  
7 section if a school district requests a waiver and the school district is in  
8 fiscal distress.

9  
10 SECTION 700. Arkansas Code § 6-21-304(a)(1)(B), concerning the manner  
11 of making purchases by a school district, is amended to read as follows:

12 (B) Annually on July 1, the Commissioner of Elementary and  
13 Secondary Education shall adjust the purchase price amounts under subdivision  
14 (a)(1)(A) of this section by the percentage change in the Consumer Price  
15 Index for All Urban Consumers or its successor.

16  
17 SECTION 701. Arkansas Code § 6-21-403(d), concerning the public school  
18 district requirements for instruction material, is amended to read as  
19 follows:

20 (d)(1)(A) The ~~Department of Education~~ Division of Elementary and  
21 Secondary Education shall monitor to ensure that all school districts in  
22 Arkansas comply with this section.

23 (B) The ~~department~~ division shall report in the annual  
24 school performance report a school district that fails to provide  
25 instructional materials, including the availability of any equipment needed  
26 to access the instructional materials.

27 (2) The state board, through the ~~department~~ division, may  
28 promulgate rules as may be necessary to carry out this subchapter and shall  
29 report to the members of the House Committee on Education and Senate  
30 Committee on Education annually any school district out of compliance by  
31 November 1 of each year.

32  
33 SECTION 702. Arkansas Code § 6-21-410(a)(1), concerning illegal acts  
34 involving school officials, is amended to read as follows:

35 (a)(1) It shall be illegal for the Commissioner of Elementary and  
36 Secondary Education or any other employee connected with the ~~Department of~~



1 ~~Education~~ Division of Elementary and Secondary Education, any member of any  
 2 selecting committee, or any member of any school district board of directors  
 3 to accept or receive any money, gift, property, or favor whatsoever from any  
 4 person, firm, or corporation, or any agent thereof offering for sale any item  
 5 pursuant to this subchapter or from any person in any way interested in such  
 6 sale.

7  
 8 SECTION 703. Arkansas Code § 6-21-410(c)(1), concerning illegal acts  
 9 involving school officials, is amended to read as follows:

10 (c)(1) It shall be illegal for any person directly or indirectly to  
 11 promise or offer to give or cause to be promised, offered, or given any  
 12 money, good, bribe, present, reward, or any valuable thing whatsoever to the  
 13 commissioner, his or her assistants, or any other employee of the ~~Department~~  
 14 ~~of Education~~ Division of Elementary and Secondary Education, the Director of  
 15 the ~~Department~~ Division of Career and Technical Education, his or her  
 16 assistants or any other employee of the ~~Department~~ Division of Career and  
 17 Technical Education, any school district board members, teachers, or other  
 18 persons with the intent of influencing their decisions on any questions,  
 19 matters, causes, or proceedings in the selection of instructional materials.

20  
 21 SECTION 704. Arkansas Code § 6-21-811 is amended to read as follows:

22 6-21-811. Academic Facilities Distress Program.

23 (a) The Commission for Arkansas Public School Academic Facilities and  
 24 Transportation shall classify a public school or school district as being in  
 25 academic facilities distress if the Division of Public School Academic  
 26 Facilities and Transportation recommends and the commission concurs that the  
 27 public school or school district has engaged in actions or inactions that  
 28 result in any of the following:

29 (1) Any act or violation determined by the ~~division~~ Division of  
 30 Public School Academic Facilities and Transportation to jeopardize any  
 31 academic facility used by a public school or school district, including, but  
 32 not limited to:

33 (A) Material failure to properly maintain academic  
 34 facilities in accordance with this subchapter and rules adopted by the  
 35 commission;

36 (B) Material violation of local, state, or federal fire,

1 health, or safety code provisions or laws;

2 (C) Material violation of applicable building code  
3 provisions or law;

4 (D) Material failure to provide timely and accurate  
5 facilities master plans to the ~~division~~ Division of Public School Academic  
6 Facilities and Transportation;

7 (E) Material failure to comply with state law governing  
8 purchasing, bid requirements, or school-construction-related laws or rules in  
9 relation to academic facilities projects;

10 (F) Material default on any school district debt  
11 obligation; or

12 (G) Material failure to plan and progress satisfactorily  
13 toward accomplishing the priorities established by the ~~division~~ Division of  
14 Public School Academic Facilities and Transportation and the approved school  
15 district's facilities master plan; and

16 (2) Any other condition of an academic facility or facilities in  
17 a public school or school district that is determined by the ~~division~~  
18 Division of Public School Academic Facilities and Transportation to have a  
19 detrimental impact on educational services provided by that public school or  
20 school district.

21 (b) The ~~division~~ Division of Public School Academic Facilities and  
22 Transportation shall provide written notice, via certified mail, return  
23 receipt requested, to the president of the board of directors and the  
24 superintendent of the school district identified or containing a school  
25 identified by the ~~division~~ Division of Public School Academic Facilities and  
26 Transportation as being in facilities distress.

27 (c)(1) By August 31 of each year, the ~~division~~ Division of Public  
28 School Academic Facilities and Transportation shall notify the superintendent  
29 of a school district if the ~~division~~ Division of Public School Academic  
30 Facilities and Transportation is aware the school district has experienced  
31 two (2) or more indicators of facilities distress in one (1) school year that  
32 the ~~division~~ Division of Public School Academic Facilities and Transportation  
33 deems to be nonmaterial but that without intervention could place the  
34 district in facilities distress.

35 (2) The superintendent of a school district shall report to the  
36 ~~division~~ Division of Public School Academic Facilities and Transportation if

1 the superintendent is aware the school district has experienced two (2) or  
 2 more indicators of facilities distress in one (1) school year that the  
 3 superintendent deems to be nonmaterial but that without intervention could  
 4 place the district in facilities distress.

5 (3)(A) The ~~division~~ Division of Public School Academic  
 6 Facilities and Transportation and the superintendent shall review all data  
 7 related to the nonmaterial indicators of facilities distress.

8 (B)(i) Within thirty (30) days of the ~~division's~~ Division  
 9 of Public School Academic Facilities and Transportation's determination that  
 10 the school district may be experiencing facilities distress at a nonmaterial  
 11 level, the ~~division~~ Division of Public School Academic Facilities and  
 12 Transportation shall provide a notice to the school district's superintendent  
 13 and board of directors that:

14 (a) Describes the nonmaterial indicators of  
 15 facilities distress that could have a detrimental impact on educational  
 16 services provided by the affected public school or the school district if not  
 17 addressed; and

18 (b) Identifies the support available from the  
 19 ~~division~~ Division of Public School Academic Facilities and Transportation to  
 20 address each nonmaterial indicator of facilities distress.

21 (ii) The board of directors shall place on the  
 22 agenda for the next regularly scheduled meeting of the board of directors a  
 23 discussion of the notice of nonmaterial indicators of facilities distress.

24 (4)(A) If any condition of an academic facility raises a  
 25 significant health or safety issue, the superintendent of the school district  
 26 where the academic facility is located or the person responsible for the  
 27 management of the academic facility shall immediately notify the ~~division~~  
 28 Division of Public School Academic Facilities and Transportation and the  
 29 board of directors of the school district.

30 (B) The board of directors shall place on the agenda for  
 31 the next regularly scheduled meeting of the board of directors a discussion  
 32 of the notice of the significant health or safety issue.

33 (d)(1) A public school or school district classified by the commission  
 34 as being in facilities distress shall develop a facilities improvement plan  
 35 within thirty (30) days from the date of classification and promptly submit  
 36 the facilities improvement plan to the ~~division~~ Division of Public School

1 Academic Facilities and Transportation for review and approval.

2 (2) A public school or school district shall review and revise  
3 its facilities improvement plan on a periodic basis as determined by the  
4 ~~division~~ Division of Public School Academic Facilities and Transportation and  
5 submit the updated facilities improvement plan to the ~~division~~ Division of  
6 Public School Academic Facilities and Transportation in order for the  
7 ~~division~~ Division of Public School Academic Facilities and Transportation to  
8 determine whether the public school or school district is correcting its  
9 deficient areas of practice regarding academic facilities.

10 (3) A school district shall use facilities improvement plans as  
11 necessary to supplement and update its facilities master plan.

12 (e)(1) Every two (2) years, the ~~division~~ Division of Public School  
13 Academic Facilities and Transportation shall determine whether the progress  
14 of each school district complies with the school district's facilities master  
15 plan and shall notify the school district of any noncompliance.

16 (2) Every two (2) years, the ~~division~~ Division of Public School  
17 Academic Facilities and Transportation shall review the applications made for  
18 the Academic Facilities Partnership Program established under § 6-20-2507, to  
19 identify any school district that did not apply for state funding for  
20 necessary facilities to meet adequacy requirements and shall notify the  
21 school district of any deficiencies.

22 (3) Within thirty (30) days of receiving the notice provided  
23 under subdivision (e)(1) or subdivision (e)(2) of this section, the school  
24 district shall submit a facilities improvement plan to the ~~division~~ Division  
25 of Public School Academic Facilities and Transportation for its review and  
26 approval that states how the school district will address the noncompliance  
27 issues contained in the notice.

28 (4) If the ~~division~~ Division of Public School Academic  
29 Facilities and Transportation does not approve the facilities improvement  
30 plan submitted by the school district, it shall identify the school district  
31 as being in facilities distress.

32 (5) A school district may appeal the identification of the  
33 ~~division~~ Division of Public School Academic Facilities and Transportation  
34 under this subsection to the commission pursuant to the procedures  
35 established by the commission+r

36 (f)(1)(A) Within ten (10) days of a school district's failure to pass

1 a millage required to fulfill its obligations under the school district's  
 2 facilities master plan, the ~~division~~ Division of Public School Academic  
 3 Facilities and Transportation shall provide written notice to the school  
 4 district of the date, time, and place for a conference with the school  
 5 district at which the ~~division~~ Division of Public School Academic Facilities  
 6 and Transportation will:

7 (i) Determine whether as a result of the failed  
 8 millage there are facilities issues relating to:

9 (a) Immediate repairs under § 6-20-2504(b)(4)  
 10 [repealed];

11 (b) The presence and number of suitability  
 12 needs of public school academic facilities, which shall be defined by rule;  
 13 or

14 (c) Immediate need for academic facilities to  
 15 meet student growth; and

16 (ii) Thoroughly discuss and explain the sanctions  
 17 and requirements that are available to the commission if the school district  
 18 or a school within the district is classified by the commission as being in  
 19 facilities distress under this section and § 6-21-812.

20 (B) The written notice shall be provided via certified  
 21 mail to the president of the school district board of directors and the  
 22 superintendent of the school district.

23 (C) The commission shall establish rules for the  
 24 implementation of this subdivision (f)(1).

25 (2)(A) If the commission determines that there are immediate  
 26 repairs, growth, or suitability issues that require expedited attention, the  
 27 commission may direct the school district to conduct a special election to  
 28 vote on a millage increase.

29 (B)(i) The ~~division~~ Division of Public School Academic  
 30 Facilities and Transportation and the school district shall agree upon the  
 31 issues to be submitted for a vote in the special election.

32 (ii) The special election may not include any issues  
 33 other than the issues that are mutually agreed upon.

34 (C) The special election shall be held on a date that is:

35 (i) Mutually agreed upon by the ~~division~~ Division of  
 36 Public School Academic Facilities and Transportation and the school district;

1 and

2 (ii) Not later than seven (7) months from the date  
3 of the election at which the millage failed unless it is necessary to extend  
4 the date beyond seven (7) months because of restrictions on the number of  
5 elections that may be held within a calendar year.

6 (D) If within ninety (90) days from the notice provided to  
7 the school district under subdivision (f)(1)(A) of this section the school  
8 district has not set an election date, the ~~division~~ Division of Public School  
9 Academic Facilities and Transportation shall identify the school district as  
10 being in facilities distress.

11 (E)(i) If the school district is able to finance the  
12 immediate repairs, growth, and suitability improvements without the necessity  
13 of a special election on increasing its millage, the school district may  
14 enter into an agreement with the ~~division~~ Division of Public School Academic  
15 Facilities and Transportation to fund its improvements separately, which  
16 shall include an implementation timeframe.

17 (ii) The ~~division~~ Division of Public School Academic  
18 Facilities and Transportation shall identify the school district as being in  
19 facilities distress for failure to implement the agreed upon plan for  
20 immediate repairs, growth, and suitability improvements within the timeframe  
21 specified in the agreement.

22 (g) When a school district is classified by the commission to be in  
23 facilities distress, the ~~division~~ Division of Public School Academic  
24 Facilities and Transportation may with the approval of the commission:

25 (1)(A) Provide on-site technical evaluation and assistance and  
26 make written recommendations to the school district superintendent regarding  
27 the care and maintenance of any academic facility in the school district.

28 (B) Any school district classified as being in facilities  
29 distress status shall accept on-site technical evaluation and assistance from  
30 the ~~division~~ Division of Public School Academic Facilities and  
31 Transportation.

32 (C) The written recommendations of the ~~division~~ Division  
33 of Public School Academic Facilities and Transportation are binding on the  
34 school district, the superintendent, and the board of directors;

35 (2) Remove permanently, reassign, or suspend on a temporary  
36 basis the superintendent of the school district, and:

1 (A) Appoint an individual in place of the superintendent  
2 to administratively operate the school district under the supervision and  
3 approval of the Commissioner of Elementary and Secondary Education; and

4 (B) Compensate from school district funds the individual  
5 appointed to operate the school district;

6 (3) Suspend or remove some or all of the current board of  
7 directors and call for the election of a new board of directors for the  
8 school district, in which case the school district shall reimburse the county  
9 board of election commissioners for election costs as otherwise required by  
10 law;

11 (4) Require the school district to operate without a board of  
12 directors under the supervision of the superintendent or an individual or  
13 panel appointed by the commissioner;

14 (5) Waive the application of Arkansas law or the corresponding  
15 State Board of Education rules and regulations, with the exception of:

16 (A) The Teacher Fair Dismissal Act of 1983, § 6-17-1501 et  
17 seq.; and

18 (B) The Public School Employee Fair Hearing Act, § 6-17-  
19 1701 et seq.;

20 (6) In the absence of a school district board of directors,  
21 direct the commissioner to assume all authority of the board of directors as  
22 may be necessary for the day-to-day governance of the school district;

23 (7)(A) Return the administration of the school district to the  
24 former board of directors or place the administration of the school district  
25 in a newly elected board of directors if:

26 (i) The ~~division~~ Division of Public School Academic  
27 Facilities and Transportation certifies in writing to the commission and to  
28 the school district that the school district has corrected all issues that  
29 caused the classification of facilities distress; and

30 (ii) The commission determines the school district  
31 has corrected all issues that caused the classification of facilities  
32 distress.

33 (B) If the ~~division~~ Division of Public School Academic  
34 Facilities and Transportation calls for an election of a new school district  
35 board of directors, the school district shall reimburse the county board of  
36 election commissioners for election costs as otherwise required by law;

1 (8) Require school district staff and employees to attend  
2 training in areas of concern for the public school or school district;

3 (9)(A) Require a school district to cease all expenditures  
4 related to activities not described as part of an adequate education in § 6-  
5 20-2302 and place money that would have been spent on the activities into an  
6 academic facilities escrow account to be released only upon approval by the  
7 ~~division~~ Division of Public School Academic Facilities and Transportation for  
8 use in conjunction with a local academic facilities project.

9 (B) School districts shall include a clause addressing  
10 this contingency in all contracts with personnel who are involved with  
11 activities not described as part of an adequate education;

12 (10) Notify the public school or school district in writing that  
13 the deficiencies regarding academic facilities shall be corrected within a  
14 time period designated by the ~~division~~ Division of Public School Academic  
15 Facilities and Transportation;

16 (11)(A) Petition the state board at any time for the  
17 consolidation, annexation, or reconstitution of a school district in  
18 facilities distress or take other appropriate action as allowed by this  
19 subchapter in order to secure and protect the best interest of the  
20 educational resources of the state or to provide for the best interest of  
21 students in the school district.

22 (B) The state board may approve the petition or take other  
23 appropriate action as allowed by this subchapter.

24 (C) Except as set forth in subdivision (g)(11)(D) of this  
25 section or subsection (n) of this section, the state board shall consolidate,  
26 annex, or reconstitute any school district that fails to remove itself from  
27 the classification of a school district in facilities distress within five  
28 (5) consecutive school years of classification of facilities distress status.

29 (D) The state board may grant additional time for a public  
30 school or school district to remove itself from facilities distress by  
31 issuing a written finding supported by a majority of the state board  
32 explaining in detail that the public school or school district could not  
33 remove itself from facilities distress during the relevant time period due to  
34 impossibility caused by external forces beyond the control of the public  
35 school or school district;

36 (12) Correct the failure of a school district to complete its



1 agreed plan or to pass the millage in the special election under subdivision  
2 (f)(2) of this section by contracting for and completing the necessary  
3 improvements under the agreed plan;

4 (13)(A) If the ~~division~~ Division of Public School Academic  
5 Facilities and Transportation recommends and the commission concurs that the  
6 academic facilities in the public school district in facilities distress are  
7 inadequate to provide an adequate education, the state board may dissolve the  
8 school district and transfer students to public schools in other public  
9 school districts.

10 (B) The state board shall assign the public school  
11 district's territory, property, and debt; and

12 (14) Take any other action allowed by law that is deemed  
13 necessary to assist a public school or school district in correcting the  
14 issues that caused the classification of facilities distress, to secure and  
15 protect the best interest of the educational resources of the state, or to  
16 provide for the best interest of students in the school district.

17 (h) No school district identified by the ~~division~~ Division of Public  
18 School Academic Facilities and Transportation as being in facilities distress  
19 may incur any debt without the prior written approval of the commission.

20 (i) A public school or school district in facilities distress may  
21 petition the commission for removal from facilities distress status only  
22 after the ~~division~~ Division of Public School Academic Facilities and  
23 Transportation has certified in writing that the public school or school  
24 district has corrected all criteria for being classified as in facilities  
25 distress and has complied with all ~~division~~ Division of Public School  
26 Academic Facilities and Transportation recommendations and requirements for  
27 removal from facilities distress status.

28 (j) The ~~division~~ Division of Public School Academic Facilities and  
29 Transportation shall submit a written evaluation on the status of each school  
30 district in facilities distress to the commission and the state board at  
31 least one (1) time every six (6) months.

32 (k)(1)(A) If a school district is classified by the commission as  
33 being in facilities distress and has immediate repairs, growth, or  
34 suitability improvement issues, the ~~division~~ Division of Public School  
35 Academic Facilities and Transportation, in addition to any other remedy under  
36 this section and § 6-21-812, may provide a loan to the school district to be

1 repaid from any funds available that are not required to provide an adequate  
 2 education.

3 (B)(i) Funds available that are not required to provide an  
 4 adequate education include:

5 (a) Fund balances and any cash on hand that  
 6 are not part of foundation funding or categorical funding under § 6-20-2305  
 7 and are not otherwise required to provide an adequate education for students  
 8 in the public school district; and

9 (b) Revenues that are not obligated on bonds.

10 (ii) Funds remaining after the annual payment on a  
 11 bond obligation are included in funds that are not required to provide an  
 12 adequate education.

13 (2) The public school district shall repay the loan on the  
 14 schedule determined by the ~~division~~ Division of Public School Academic  
 15 Facilities and Transportation.

16 (1) The commission in conjunction with the Academic Facilities  
 17 Oversight Committee shall:

18 (1) Reexamine the role and function of the State Facility  
 19 Assessment of 2004;

20 (2) Assess the progress made by the state in the mandates of the  
 21 Supreme Court in Lake View School District No. 25 v. Huckabee, 351 Ark. 31,  
 22 91 S.W.3d 472 (2002); and

23 (3) Make needed changes in the implementation of the academic  
 24 facilities program by modifying the commission's rules.

25 (m) If the ~~division~~ Division of Public School Academic Facilities and  
 26 Transportation or the commissioner assumes authority over a public school  
 27 district in facilities distress under subsection (g) of this section, the  
 28 commission may pursue the following process for returning a public school  
 29 district to the local control of its residents:

30 (1) During the second full school year following the assumption  
 31 of authority, the commission shall determine the extent of the school  
 32 district's progress toward correcting all issues that caused the  
 33 classification of facilities distress;

34 (2)(A) If the commission determines that sufficient progress has  
 35 been made by a school district toward correcting all criteria for being  
 36 classified as in facilities distress, but the school district has not yet

1 resolved all issues that caused the classification of facilities distress,  
2 the commissioner, with the approval of the commission, may appoint a  
3 community advisory board of either five (5) or seven (7) members to serve  
4 under the supervision and approval of the commissioner.

5 (B) The members of the community advisory board shall be  
6 residents of the school district and shall serve on a voluntary basis without  
7 compensation.

8 (C) The ~~Department of Education~~ Division of Elementary and  
9 Secondary Education shall cause to be provided to the community advisory  
10 board technical assistance and training in, at a minimum, the areas required  
11 in § 6-13-629.

12 (D) The duties of the community advisory board include  
13 without limitation:

14 (i) Meeting monthly during a regularly scheduled  
15 public meeting with the state-appointed administrator regarding the progress  
16 of the school or school district toward correcting all issues that caused the  
17 classification of facilities distress;

18 (ii) Seeking community input from the residents of  
19 the school district regarding the progress of the school or school district  
20 toward correcting all issues that caused the classification of facilities  
21 distress;

22 (iii) Conducting hearings and making recommendations  
23 to the commissioner regarding personnel and student discipline matters as set  
24 forth in the appropriate district policies;

25 (iv) Working to build community capacity for the  
26 continued support of the school district; and

27 (v) Submitting quarterly reports to the commissioner  
28 and the commission regarding the progress of the school or school district  
29 toward correcting all issues that caused the classification of facilities  
30 distress.

31 (E) The members of the community advisory board shall  
32 serve at the pleasure of the commissioner until:

33 (i) The school district is returned to local control  
34 and a permanent school district board of directors is elected and qualified;  
35 or

36 (ii) The state board, upon petition of the

1 commission or ~~division~~ the Division of Public School Academic Facilities and  
 2 Transportation, annexes, consolidates, or reconstitutes the school district  
 3 pursuant to this title or under another provision of law;

4 (3) By April 1 of each year following the appointment of a  
 5 community advisory board pursuant to subdivision (m)(2) of this section, the  
 6 commission shall determine the extent of the school district's progress  
 7 toward correcting all criteria for being classified as in facilities distress  
 8 and shall:

9 (A) Allow the community advisory board to remain in place  
 10 for an additional year;

11 (B)(i) Return the school district to local control by  
 12 calling for the election of a newly elected school district board of  
 13 directors if:

14 (a) The ~~division~~ Division of Public School  
 15 Academic Facilities and Transportation certifies in writing to the commission  
 16 and to the school district that the school district has corrected all issues  
 17 that caused the classification of facilities distress; and

18 (b) The commission determines the school  
 19 district has corrected all issues that caused the classification of  
 20 facilities distress.

21 (ii) If the ~~division~~ Division of Public School  
 22 Academic Facilities and Transportation or the commission calls for an  
 23 election of a new school district board of directors, the school district  
 24 shall reimburse the county board of election commissioners for election costs  
 25 as otherwise required by law; or

26 (C) Petition the state board for the annexation,  
 27 consolidation, or reconstitution of the school district under this section;  
 28 and

29 (4)(A) If the ~~division~~ Division of Public School Academic  
 30 Facilities and Transportation, with the approval of the commission, calls for  
 31 an election of a new school district board of directors pursuant to  
 32 subdivision (g)(7) of this section, the commissioner, with the approval of  
 33 the commission, may appoint an interim board of directors to govern the  
 34 school district until a permanent school district board of directors is  
 35 elected and qualified.

36 (B) The interim board of directors shall consist of either

1 five (5) or seven (7) members.

2 (C) The members of the interim board of directors shall be  
 3 residents of the school district and otherwise eligible to serve as board  
 4 members under applicable law.

5 (D) The members of the interim board of directors shall  
 6 serve on a voluntary basis without compensation.

7 (n)(1) If, by the end of the fifth school year following the school  
 8 district's classification of facilities distress status, the school district  
 9 in facilities distress has not corrected all issues that caused the  
 10 classification of facilities distress, the state board, upon petition from  
 11 the commission or ~~division~~ the Division of Public School Academic Facilities  
 12 and Transportation and after a public hearing, shall consolidate, annex, or  
 13 reconstitute the school district under this section.

14 (2) The state board may grant additional time for a public  
 15 school or school district to remove itself from facilities distress by  
 16 issuing a written finding supported by a majority of the state board  
 17 explaining in detail that the public school or school district could not  
 18 remove itself from facilities distress during the relevant time period due to  
 19 impossibility caused by external forces beyond the control of the public  
 20 school or school district.

21 (o) This section does not prevent the ~~division~~ Division of Public  
 22 School Academic Facilities and Transportation, the commission, or state board  
 23 from taking any of the actions listed in this section at any time to address  
 24 a public school or school district in facilities distress.

25  
 26 SECTION 705. Arkansas Code § 6-23-103(3)(A), concerning the definition  
 27 of "authorizer" under the Arkansas Quality Charter Schools Act of 2013, is  
 28 amended to read as follows:

29 (A) ~~Department of Education~~ Division of Elementary and  
 30 Secondary Education; or

31  
 32 SECTION 706. Arkansas Code § 6-23-105(d)(2)(A), concerning the basis  
 33 and procedure for public charter school probation or charter modification,  
 34 revocation, or denial of renewal, is amended to read as follows:

35 (2)(A) The hearing shall be held at the ~~Department of Education~~  
 36 Division of Elementary and Secondary Education.

1  
2 SECTION 707. Arkansas Code § 6-23-105(e), concerning the basis and  
3 procedure for public charter school probation or charter modification,  
4 revocation, or denial of renewal, is amended to read as follows:

5 (e)(1)(A) Immediately upon the revocation of a charter by the  
6 authorizer, the public charter school shall:

7 (i) Transfer to the ~~department~~ division all state  
8 funds held by the public charter school, which the ~~department~~ division shall  
9 hold in receivership; and

10 (ii) Provide to the ~~department~~ division a detailed  
11 accounting of all accounts payable due from the state funds and any  
12 additional information or records requested by the ~~department~~ division  
13 concerning the disbursement of the state funds.

14 (B) The ~~department~~ division shall hold funds received  
15 under subdivision (e)(1)(A) of this section in a separate fund and shall  
16 expend the funds only with prior approval of the Commissioner of Elementary  
17 and Secondary Education.

18 (C) If the State Board of Education reverses the  
19 revocation, the ~~department~~ division shall return any funds remaining in  
20 receivership to the public charter school.

21 (2)(A) The ~~department~~ division shall establish a procedure for a  
22 claimant to file a claim for disbursement from the state funds.

23 (B) The determination of the ~~department~~ division  
24 concerning the disbursement of the state funds is final and may not be  
25 appealed.

26 (3) If funds remain in receivership for which no legitimate,  
27 documented claim has been made to the ~~Department~~ division within one (1)  
28 calendar year after the revocation, the remaining funds shall be transferred  
29 to the Public School Fund.

30 (4) The state board may promulgate rules to implement this  
31 subsection.

32  
33 SECTION 708. Arkansas Code § 6-23-107 is amended to read as follows:  
34 6-23-107. Reporting requirements.

35 (a) Within ten (10) calendar days of the close of the first quarter of  
36 each school year, a public charter school shall submit a written report to

1 the ~~Department of Education~~ Division of Elementary and Secondary Education  
2 that contains the following information for the current school year:

3 (1) The number of applications for enrollment received;

4 (2) The number of applicants with a disability identified under  
5 the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq.;  
6 and

7 (3) The number of applications for enrollment the public charter  
8 school denied and an explanation of the reason for each denial.

9 (b) Within ten (10) calendar days of the close of the fourth quarter  
10 of each school year, a public charter school shall submit a written report to  
11 the ~~department~~ division that contains the following information for the  
12 current school year:

13 (1) The number of students in each of the following categories:

14 (A) Students who dropped out of the public charter school  
15 during the school year;

16 (B) Students who were expelled during the school year by  
17 the public charter school; and

18 (C) Students who were enrolled in the public charter  
19 school but for a reason other than those cited in subdivisions (b)(1)(A) and  
20 (B) of this section did not complete the school year at the public charter  
21 school; and

22 (2)(A) For all students enrolled in the public charter school,  
23 the scores for assessments required under the Arkansas Educational Support  
24 and Accountability Act, § 6-15-2901 et seq.

25 (B) If there is any discrepancy in the number of students  
26 for whom scores are reported under this subdivision (b)(2) and the number of  
27 students enrolled at the beginning of the school year, the public charter  
28 school shall explain in the report the reason for the discrepancy.

29 (c) The ~~department~~ division shall not exempt a public charter school  
30 from the reporting required under this section.

31 (d) The ~~department~~ division shall publish a copy of each report on the  
32 ~~department's~~ division's website.

33 (e) If a public charter school fails to comply with this section, the  
34 ~~department~~ division shall note the failure in the annual evaluation of the  
35 public charter school.

36

1 SECTION 709. Arkansas Code § 6-23-108(b)(3), concerning a school for  
2 agricultural studies, is amended to read as follows:

3 (3) A written review of the agricultural studies plan from the  
4 ~~Department~~ Division of Career and Technical Education.

5  
6 SECTION 710. Arkansas Code § 6-23-203(b), concerning the resubmission  
7 of applications for a conversion to an open-enrollment public charter school,  
8 is amended to read as follows:

9 (b) The ~~Department of Education~~ Division of Elementary and Secondary  
10 Education may provide technical assistance to the conversion public charter  
11 school applicants in the:

- 12 (1) Creation of its application; and  
13 (2) Modification of its application as directed by the  
14 authorizer.

15  
16 SECTION 711. Arkansas Code § 6-23-304(b)(3), concerning open-  
17 enrollment public charter school requirements and preferences for certain  
18 districts, is amended to read as follows:

19 (3) When the district has been classified by the ~~Department of~~  
20 Education Division of Elementary and Secondary Education as in some phase of  
21 school improvement status under § 6-15-426 [repealed] or some phase of fiscal  
22 distress under the Arkansas Fiscal Assessment and Accountability Program, §  
23 6-20-1901 et seq., if the fiscal distress status is a result of  
24 administrative fiscal mismanagement, as determined by the state board.

25  
26 SECTION 712. Arkansas Code § 6-23-304(c)(1)(A), concerning open-  
27 enrollment public charter school requirements and preferences for certain  
28 districts, is amended to read as follows:

29 (c)(1)(A) The ~~department~~ division, the State Board of Education, or a  
30 combination of the ~~department~~ division and state board may grant no more than  
31 a total of twenty-four (24) charters for open-enrollment public charter  
32 schools except as provided under subdivision (c)(1)(B) of this section.

33  
34 SECTION 713. Arkansas Code § 6-23-304(c)(1)(C), concerning open-  
35 enrollment public charter school requirements and preferences for certain  
36 districts, is amended to read as follows:



1                   (C) By March 1 each year, the ~~department~~ division shall  
2 issue a commissioner's memo stating the existing limitation on the number of  
3 charters available for open-enrollment public charter schools and the number  
4 of charters available for open-enrollment public charter schools during the  
5 next application cycle.

6  
7           SECTION 714. Arkansas Code § 6-23-305(b), concerning a notice of  
8 disapproval to an open-enrollment public charter school and assistance with  
9 resubmission of application, is amended to read as follows:

10           (b) The ~~Department of Education~~ Division of Elementary and Secondary  
11 Education may provide technical assistance to the applicant for an open-  
12 enrollment public charter school in the:

- 13                   (1) Creation of its application; and  
14                   (2) Modification of its application as directed by the  
15 authorizer.

16  
17           SECTION 715. Arkansas Code § 6-23-402(c), concerning enrollment  
18 numbers and deadlines for an open-enrollment public charter school, is  
19 amended to read as follows:

20           (c) Open-enrollment public charter schools shall keep records of  
21 attendance in accordance with the law and submit quarterly attendance reports  
22 to the ~~Department of Education~~ Division of Elementary and Secondary  
23 Education.

24  
25           SECTION 716. Arkansas Code § 6-23-404(a), concerning the evaluation of  
26 an open-enrollment public charter school, is amended to read as follows:

27           (a) The ~~Department of Education~~ Division of Elementary and Secondary  
28 Education shall cause to be conducted an annual evaluation of open-enrollment  
29 public charter schools.

30  
31           SECTION 717. Arkansas Code § 6-23-405 is amended to read as follows:  
32           6-23-405. Monthly reports.

33           An open-enrollment public charter school in its initial school year of  
34 operation shall provide monthly reports on its enrollment status and  
35 compliance with its approved budget for the current school year to the  
36 ~~Department of Education~~ Division of Elementary and Secondary Education.

1  
2 SECTION 718. Arkansas Code § 6-23-406 is amended to read as follows:

3 6-23-406. ~~Department of Education~~ Division of Elementary and Secondary  
4 Education review.

5 The ~~Department of Education~~ Division of Elementary and Secondary  
6 Education shall:

7 (1) Conduct an end-of-semester review of each open-enrollment  
8 public charter school that is in its initial school year of operation at the  
9 end of the first semester and at the end of the school year; and

10 (2) Report to the State Board of Education and the Commissioner  
11 of Elementary and Secondary Education on the open-enrollment public charter  
12 school's:

13 (A) Overall financial condition; and

14 (B) Overall condition of student enrollment.

15  
16 SECTION 719. Arkansas Code § 6-23-501(a)(5) and (6), concerning  
17 funding for open-enrollment public charter schools, are amended to read as  
18 follows:

19 (5) The ~~Department of Education~~ Division of Elementary and  
20 Secondary Education shall distribute other categorical funding under § 6-20-  
21 2305(a) and (b) for which an open-enrollment public charter school is  
22 eligible as provided by state law and rules promulgated by the state board.

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

28  
29 SECTION 720. Arkansas Code § 6-23-506(b)(1), concerning the assets of  
30 a school as property of the state, is amended to read as follows:

31 (b)(1) If the open-enrollment public charter school used state funds  
32 to purchase or finance personal property, real property, or fixtures for use  
33 by the open-enrollment public charter school, the ~~Department of Education~~  
34 Division of Elementary and Secondary Education may require that the property  
35 be sold.

36

1 SECTION 721. Arkansas Code § 6-23-701 is amended to read as follows:  
2 6-23-701. Designated public charter authorizer.

3 (a) The ~~Department of Education~~ Division of Elementary and Secondary  
4 Education is the designated public charter authorizer with jurisdiction and  
5 authority over all public charters issued in this state to take the following  
6 action on a proposed or established public charter:

- 7 (1) Approve;
- 8 (2) Reject;
- 9 (3) Renew;
- 10 (4) Non-renew;
- 11 (5) Place on probation;
- 12 (6) Modify;
- 13 (7) Revoke; or
- 14 (8) Deny.

15 (b)(1) The ~~department~~ division shall exercise authority over public  
16 charter schools under this chapter through a public charter authorizing panel  
17 established within the ~~department~~ division.

18 (2)(A) The Commissioner of Elementary and Secondary Education  
19 shall appoint a public charter authorizing panel that may consist of  
20 individuals from outside the ~~department~~ division as well as professional  
21 staff employed at the ~~department~~ division to serve at the pleasure of the  
22 commissioner.

23 (B) The commissioner may elect to serve as a member on the  
24 charter authorizing panel as the chair.

25 (3) The public charter authorizing panel is composed of an odd  
26 number of members and consists of no less than five (5) members and no more  
27 than eleven (11) members.

28 (c) The ~~department~~ division may waive provisions of Title 6 or State  
29 Board of Education rules as allowed by law for public charters.

30 (d)(1) The ~~department~~ division shall conduct all hearings on public  
31 charter school matters as required by law, rule, and process and make final  
32 determinations as allowed by law.

33 (2)(A) A hearing under this chapter conducted by the ~~department~~  
34 division shall be an open meeting under the Freedom of Information Act of  
35 1967, § 25-19-106.

36 (B) For the purposes of § 25-19-106, the members of the

1 public charter authorizing panel shall be considered a governing body only in  
2 regard to actions specifically authorized by this subchapter.

3 (3)(A) All decisions of the panel shall be made by majority vote  
4 of the quorum.

5 (B) A decision of the ~~department~~ division is final except  
6 as provided under § 6-23-703.

7 (4) The Arkansas Administrative Procedure Act, § 25-15-201 et  
8 seq., shall not apply to a hearing concerning a public charter school.

9 (e) The ~~department~~ division shall be the Elementary authorizer of  
10 public charters except as provided under § 6-23-703.

11  
12 SECTION 722. Arkansas Code § 6-23-702(b), concerning public charter  
13 authorizing procedures, is amended to read as follows:

14 (b)(1) The ~~Department of Education~~ Division of Elementary and  
15 Secondary Education shall notify in writing the State Board of Education,  
16 charter applicant, public charter school, and affected school districts, if  
17 any, of final decisions made by the ~~department~~ division no less than fourteen  
18 (14) calendar days before the next regularly scheduled State Board of  
19 Education meeting after the final decision is made by the ~~department~~  
20 division.

21 (2)(A) A charter applicant, public charter school, and affected  
22 school district, if any, may submit in writing a request that the state board  
23 review the final decision of the ~~department~~ division under § 6-23-703.

24 (B) The written request submitted under subdivision  
25 (b)(2)(A) of this section shall state the specific reasons supporting a  
26 review by the state board.

27 (3) The decision of whether to review a final decision of the  
28 ~~department~~ division is discretionary by the state board and the provisions of  
29 this section and § 6-23-703 do not grant any right of appeal to a charter  
30 applicant, public charter school, or affected school district.

31  
32 SECTION 723. Arkansas Code § 6-23-703 is amended to read as follows:  
33 6-23-703. State Board of Education optional review.

34 (a) On a motion approved by a majority vote, the State Board of  
35 Education may exercise a right of review of a charter determination made by  
36 the ~~Department of Education~~ Division of Elementary and Secondary Education at

1 the next regularly scheduled state board meeting after receiving notice  
2 provided under § 6-23-702(b).

3 (b) If the state board votes to review a final decision made by the  
4 ~~department~~ division, the state board shall:

5 (1) State the specific additional information the state board  
6 requires from the ~~department~~ division, public charter school, public charter  
7 school applicant, or affected school district;

8 (2) Conduct a full hearing regarding a final decision by the  
9 ~~department~~ division under § 6-23-701(a); and

10 (3) Hold the hearing at the earlier of:

11 (A) The next regularly scheduled state board meeting  
12 following the state board meeting during which the state board voted to  
13 authorize a review; or

14 (B) A special board meeting called by the state board.

15 (c)(1) At the conclusion of the hearing, the state board may issue a  
16 final decision by state board vote.

17 (2) The state board may decide by majority vote of the quorum  
18 to:

19 (A) Affirm the decision of the ~~department~~ division;

20 (B) Take other lawful action on the public charter; or

21 (C)(i) Request additional information from the ~~department~~  
22 division, public charter school, public charter school applicant, or affected  
23 school district, if needed.

24 (ii) If the state board requests additional  
25 information under subdivision (c)(2)(C)(i) of this section, the state board  
26 shall hold a subsequent hearing at the earlier of:

27 (a) The next regularly scheduled state board  
28 meeting; or

29 (b) A special board meeting called by the  
30 state board.

31 (3) A decision made by the state board is final with no right of  
32 appeal.

33 (d) The state board may promulgate rules as necessary to implement  
34 this section.

35  
36 SECTION 724. Arkansas Code § 6-23-907(a), concerning the failure to

1 remit payment by an open-enrollment public charter school, is amended to read  
2 as follows:

3 (a) If an open-enrollment public charter school fails to remit payment  
4 for an outstanding loan under the Open-Enrollment Public Charter School  
5 Facilities Loan Fund, upon certification of the amount of delinquent funds by  
6 the Division of Public School Academic Facilities and Transportation, the  
7 amount of delinquent funds including penalties and interest may be deducted  
8 from the operating funds designated to the open-enrollment public charter  
9 school through the ~~Department of Education~~ Division of Elementary and  
10 Secondary Education and remitted directly by the ~~department~~ Division of  
11 Elementary and Secondary Education to the Open-Enrollment Public Charter  
12 School Facilities Loan Fund if requested by the ~~division~~ Division of Public  
13 School Academic Facilities and Transportation.

14  
15 SECTION 725. Arkansas Code § 6-23-908(e)(1) and (2), concerning the  
16 Open-Enrollment Public Charter School Facilities Funding Aid Program, are  
17 amended to read as follows:

18 (e)(1) If an open-enrollment public charter school fails to use funds  
19 received under this section as provided under subsection (d) of this section  
20 or no longer has the need for the funds, the ~~division~~ Division of Public  
21 School Academic Facilities and Transportation shall certify and recoup the  
22 funds from the operating funds designated to the open-enrollment public  
23 charter school through the ~~Department of Education~~ Division of Elementary and  
24 Secondary Education and remitted directly by the ~~department~~ Division of  
25 Elementary and Secondary Education.

26 (2) The operating funds from which the ~~division~~ Division of  
27 Public School Academic Facilities and Transportation may recoup funds from an  
28 open-enrollment public charter school are limited to:

29 (A) State funding distributed under § 6-20-2305, including  
30 without limitation state foundation funding and state categorical funding;

31 (B) Federal funding to the extent allowed under federal  
32 law; and

33 (C) The net assets of an open-enrollment public charter  
34 school deemed property of the state upon revocation or nonrenewal of the  
35 charter after all legal debts owed to third parties are satisfied.

36

1 SECTION 726. Arkansas Code § 6-23-1003(b), concerning the resubmission  
2 of applications, is amended to read as follows:

3 (b) The ~~Department of Education~~ Division of Elementary and Secondary  
4 Education may provide technical assistance to the adult education charter  
5 school applicant in the creation or modification of its application.  
6

7 SECTION 727. The introductory language of Arkansas Code § 6-23-1007,  
8 concerning reporting by the Department of Education, is amended to read as  
9 follows:

10 The ~~Department of Education~~ Division of Elementary and Secondary  
11 Education shall report to the Senate Committee on Education and the House  
12 Committee on Education by December 1 each year concerning:  
13

14 SECTION 728. Arkansas Code § 6-24-106(b)(2)(A), concerning public  
15 school administrators, is amended to read as follows:

16 (2)(A) However, a member of an administrator's family or former  
17 spouse may not be initially employed as a disbursing officer of the public  
18 educational entity where the administrator is employed unless the public  
19 educational entity receives written approval from the Commissioner of  
20 Elementary and Secondary Education.  
21

22 SECTION 729. Arkansas Code § 6-24-106(c)(3)(B)(iii), concerning public  
23 school administrators, is amended to read as follows:

24 (iii) The written resolution and other relevant data  
25 shall be sent by certified mail, return receipt requested, or other method  
26 approved by the State Board of Education to assure that adequate notice has  
27 been received by the ~~Department of Education~~ Division of Elementary and  
28 Secondary Education and to provide a record for the school district board of  
29 directors sending the request for approval.  
30

31 SECTION 730. Arkansas Code § 6-24-106(c)(6), concerning public school  
32 administrators, is amended to read as follows:

33 (6) The ~~Department of Education~~ Division of Elementary and  
34 Secondary Education and the public educational entity shall maintain, under  
35 their respective record retention policies, a record and copy of all  
36 documentation relating to an exemption from the provisions of this chapter.

1  
2 SECTION 731. Arkansas Code § 6-24-107(b)(2)(A), concerning public  
3 school employees, is amended to read as follows:

4 (A)(i) If it appears that the total transactions with an  
5 employee for a fiscal year total, or will total, ten thousand dollars  
6 (\$10,000) or more, the superintendent or other chief administrator of the  
7 public educational entity shall forward the written resolution along with all  
8 relevant data to the Commissioner of Elementary and Secondary Education for  
9 independent review and approval.

10 (ii) The written resolution and other relevant data  
11 shall be sent by certified mail, return receipt requested, or other method  
12 approved by the State Board of Education to assure that adequate notice has  
13 been received by the ~~Department of Education~~ Division of Elementary and  
14 Secondary Education and to provide a record for the school district board of  
15 directors sending the request for approval.

16  
17 SECTION 732. Arkansas Code § 6-24-107(c), concerning public school  
18 employees, is amended to read as follows:

19 (c) Documentation. The ~~department~~ division and the public educational  
20 entity shall maintain, under their respective record retention policies, a  
21 record and copy of all documentation relating to transactions with employees.

22  
23 SECTION 733. Arkansas Code § 6-24-114(a)(1), concerning administrative  
24 remedies applicable to administrators and employees, is amended to read as  
25 follows:

26 (a)(1) The ~~Department of Education~~ Division of Elementary and  
27 Secondary Education may review alleged violations of this chapter. If the  
28 ~~Department~~ division reviews the allegations and the Commissioner of  
29 Elementary and Secondary Education determines that there is adequate evidence  
30 of a violation, the commissioner may refer the allegations to the State Board  
31 of Education for review.

32  
33 SECTION 734. Arkansas Code § 6-41-101 is amended to read as follows:

34 6-41-101. Services to children with disabilities in nonpublic schools.

35 (a) Prior to expending any funding for new programs for children with  
36 disabilities that include funding for evaluation, counseling, assessment,



1 personnel, equipment, or other capital outlay in other than public schools,  
 2 the ~~Department~~ Division of Career and Technical Education shall publish a  
 3 public notice of the intent to provide additional special services to the  
 4 disabled, specifying the services in the public notice, and inviting  
 5 organizations that are recognized by the state to provide education,  
 6 assessment, jobs skills training, or vocational education to children with  
 7 disabilities to submit proposals to provide the additional special services.

8 (b) The ~~Department~~ division may award one (1) or more contracts to any  
 9 organization that can fulfill the goals and objectives of the program, or the  
 10 ~~Department~~ division may assume responsibility for implementing the program.

11  
 12 SECTION 735. Arkansas Code § 6-41-104(d), concerning services for  
 13 children determined in another state to be eligible for services due to a  
 14 behavioral disability, is amended to read as follows:

15 (d) The ~~Department of Education~~ Division of Elementary and Secondary  
 16 Education shall have the authority to promulgate rules as necessary to carry  
 17 out the provisions of this section.

18  
 19 SECTION 736. Arkansas Code § 6-41-203(3)(B), concerning the definition  
 20 of "free appropriate public education" under the Children with Disabilities  
 21 Act, is amended to read as follows:

22 (B) Meet the standards of the ~~Department of Education~~  
 23 Division of Elementary and Secondary Education and the Individuals with  
 24 Disabilities Education Act, 20 U.S.C. § 1400 et seq., as it existed on  
 25 January 1, 2017;

26  
 27 SECTION 737. Arkansas Code § 6-41-210 is amended to read as follows:

28 6-41-210. Special Education Section for children with disabilities.

29 (a) There is established in the ~~Department of Education~~ Division of  
 30 Elementary and Secondary Education a Special Education Section.

31 (b) The section shall be headed by an associate director, who shall be  
 32 qualified by education, training, and experience to take responsibility for,  
 33 and give direction to, the programs of the ~~Department~~ division relating to  
 34 children with disabilities.

35 (c) Implementation of this section shall be dependent upon funds being  
 36 made available to the ~~Department~~ division for this purpose.

1  
2 SECTION 738. Arkansas Code § 6-41-211(a)(1), concerning the creation  
3 of the Advisory Council for the Education of Children with Disabilities, is  
4 amended to read as follows:

5 (a)(1) There shall be an Advisory Council for the Education of  
6 Children with Disabilities, which shall advise and consult with the  
7 Commissioner of Elementary and Secondary Education and the Associate Director  
8 of the Special Education Section of the ~~Department of Education~~ Division of  
9 Elementary and Secondary Education and which shall engage in such other  
10 activities as are set forth in this section.

11  
12 SECTION 739. Arkansas Code § 6-41-211(g), concerning the creation of  
13 the Advisory Council for the Education of Children with Disabilities, is  
14 amended to read as follows:

15 (g) The council shall:

16 (1) Advise the ~~Department of Education~~ Division of Elementary  
17 and Secondary Education of unmet needs within the state in the education of  
18 children with disabilities;

19 (2) Comment publicly on any rules or regulations proposed by the  
20 state regarding the education of children with disabilities;

21 (3) Advise the ~~department~~ division in developing evaluations and  
22 reporting on data to the United States Secretary of Education under 20 U.S.C.  
23 § 1418;

24 (4) Advise the ~~department~~ division in developing corrective  
25 action plans to address findings identified in federal monitoring reports  
26 under Title 20, Chapter 33, Subchapter II of the United States Code; and

27 (5) Advise the ~~department~~ division in developing and  
28 implementing policies relating to the coordination of services for children  
29 with disabilities.

30  
31 SECTION 740. Arkansas Code § 6-41-216(c)(3), concerning test,  
32 evaluations, change of child's status, and hearings, is amended to read as  
33 follows:

34 (3)(A) The Special Education Section in the ~~Department of~~  
35 Education Division of Elementary and Secondary Education shall establish  
36 standards and qualifications for individuals to serve as hearing officers.

1 (B) Neither an employee of the ~~Department of Education~~  
2 Division of Elementary and Secondary Education nor an employee of the local  
3 school district involved in a particular hearing may serve as a hearing  
4 officer.

5 (C) Professional service contracts with individuals made  
6 for the purpose of compensating them for services rendered in connection with  
7 hearings shall not constitute employment.

8  
9 SECTION 741. Arkansas Code § 6-41-312 is amended to read as follows:  
10 6-41-312. Reports.

11 (a) Public school districts and entities receiving state or federal  
12 funds to provide special education programming shall keep an accurate  
13 account, in the manner and on the forms prescribed by the ~~Department of~~  
14 ~~Education~~ Division of Elementary and Secondary Education, of all moneys  
15 expended for special education programs and shall report those expenditures  
16 to the ~~department~~ division.

17 (b) A report of the average daily attendance of all students enrolled,  
18 including students receiving instruction in the homebound setting, will be  
19 made to the ~~department~~ division.

20  
21 SECTION 742. Arkansas Code § 6-41-402 is amended to read as follows:  
22 6-41-402. Definitions.

23 As used in this subchapter:

24 (1) "Compliance citation" means a citation issued by the  
25 ~~Department of Education~~ Division of Elementary and Secondary Education that  
26 documents a school's failure to comply with state education laws;

27 (2) "~~Department~~ Division" means the ~~Department of Education~~  
28 Division of Elementary and Secondary Education; and

29 (3) "Individualized education program" means the evaluation of  
30 the educational needs of a child with disabilities conducted pursuant to § 6-  
31 41-217.

32  
33 SECTION 743. The introductory language of Arkansas Code § 6-41-403(a),  
34 concerning the assessment of student progress, is amended to read as follows:

35 (a) Each school district shall ensure that at least one (1) time per  
36 year a licensed teacher of the visually impaired, or other qualified person

1 as determined by the ~~Department of Education~~ Division of Elementary and  
2 Secondary Education, conducts an assessment of the educational progress of  
3 each visually impaired student enrolled in that school district identified as  
4 having or suspected of having a disability pursuant to the Children with  
5 Disabilities Act of 1973, § 6-41-201 et seq. The assessment shall:

6  
7 SECTION 744. Arkansas Code § 6-41-403(a)(1), concerning the assessment  
8 of student progress, is amended to read as follows:

9 (1) Address the student's need for braille instruction, using  
10 procedures developed by the ~~department~~ division, and specify the learning  
11 medium most appropriate for the student's educational progress;

12  
13 SECTION 745. Arkansas Code § 6-41-404 is amended to read as follows:  
14 6-41-404. Braille instruction.

15 Each student who needs braille reading and writing instruction shall  
16 receive instruction from either a licensed teacher of the visually impaired  
17 or a person who is qualified in braille instruction as determined by the  
18 ~~Department of Education~~ Division of Elementary and Secondary Education.

19  
20 SECTION 746. Arkansas Code § 6-41-405(a), concerning electronic  
21 textbooks, is amended to read as follows:

22 (a) The ~~Department of Education~~ Division of Elementary and Secondary  
23 Education shall have the authority to require publishers of textbooks to  
24 furnish electronic media for the text portion of those textbooks required by  
25 visually impaired students.

26  
27 SECTION 747. Arkansas Code § 6-41-406 is amended to read as follows:  
28 6-41-406. Compliance required.

29 Failure of a school district to come into compliance with the  
30 provisions of this subchapter shall be grounds for a compliance citation from  
31 the ~~Department of Education~~ Division of Elementary and Secondary Education.

32  
33 SECTION 748. Arkansas Code § 6-41-407 is amended to read as follows:  
34 6-41-407. Accommodation for students with sensory processing  
35 difficulty.

36 When administering a state-mandated assessment or a state-mandated

1 test, the ~~Department of Education~~ Division of Elementary and Secondary  
2 Education and each school district shall allow a student that has been  
3 evaluated through appropriate testing, including a comprehensive eye  
4 examination by an optometrist or an ophthalmologist, and identified as having  
5 difficulty with sensory processing in reaction to oversensitivity to full  
6 spectrum light to use color overlays specific to the student's  
7 oversensitivity that alter the contrast between the words and the page so  
8 that the student can visually comprehend the words on a page of a state-  
9 mandated assessment or a state-mandated test, if made available by the test  
10 developer.

11  
12 SECTION 749. Arkansas Code § 6-41-602(5), concerning the definition of  
13 "dyslexia therapist" under the laws related to dyslexia and related  
14 disorders, is amended to read as follows:

15 (5) "Dyslexia therapist" means a professional who has completed  
16 training and obtained certification in dyslexia therapy from a dyslexia  
17 therapy training program defined by the ~~Department of Education~~ Division of  
18 Elementary and Secondary Education; and

19  
20 SECTION 750. Arkansas Code § 6-41-603(a)(1), concerning required  
21 screening and intervention for kindergarten through second grade children, is  
22 amended to read as follows:

23 (a)(1) A school district shall screen each student in kindergarten  
24 through grade two (K-2) and others required by the ~~Department of Education~~  
25 Division of Elementary and Secondary Education rule using the Dynamic  
26 Indicators of Basic Early Literacy Skills (DIBELS) or an equivalent screener.

27  
28 SECTION 751. The introductory language of Arkansas Code § 6-41-603(b),  
29 concerning required screening and intervention for kindergarten through  
30 second grade children, is amended to read as follows:

31 (b) The ~~Department of Education~~ Division of Elementary and Secondary  
32 Education shall adopt rules to ensure that students will be screened using  
33 DIBELS or an equivalent screener:

34  
35 SECTION 752. Arkansas Code § 6-41-605(b), concerning instructional  
36 approaches regarding dyslexia, is amended to read as follows:

1 (b) Until there are a sufficient number of graduates from a dyslexia  
 2 therapy program established at the university level in Arkansas or from a  
 3 dyslexia therapy program established at the university level in another state  
 4 that is approved by the ~~Department of Education~~ Division of Elementary and  
 5 Secondary Education, the ~~Department~~ division shall allow dyslexia therapy to  
 6 be provided by individuals who have received training and certification from  
 7 a program approved by the ~~department~~ division.

8  
 9 SECTION 753. Arkansas Code § 6-41-607(a), concerning dyslexia  
 10 specialists, is amended to read as follows:

11 (a) ~~No later than the 2015 fiscal year, the Department of Education~~  
 12 The Division of Elementary and Secondary Education shall employ at least one  
 13 (1) dyslexia specialist with a minimum of three (3) years of field experience  
 14 in screening, identifying, and treating dyslexia and related disorders to  
 15 provide technical assistance for dyslexia and related disorders to school  
 16 districts across the state.

17  
 18 SECTION 754. Arkansas Code § 6-41-607(c), concerning dyslexia  
 19 specialists, is amended to read as follows:

20 (c) The ~~Department~~ division shall ensure that at least one (1) staff  
 21 member at each education service cooperative is trained as a dyslexia  
 22 specialist to provide necessary information and support to school districts.

23  
 24 SECTION 755. The introductory language of Arkansas Code § 6-41-608(a),  
 25 concerning dyslexia professional awareness, is amended to read as follows:

26 (a) ~~No later than the 2014-2015 school year, the Department of~~  
 27 ~~Education~~ The Division of Elementary and Secondary Education shall ensure  
 28 that each teacher receives professional awareness on:

29  
 30 SECTION 756. Arkansas Code § 6-41-608(b)(3), concerning dyslexia  
 31 professional awareness, is amended to read as follows:

32 (3) At another venue approved by the ~~department~~ division.

33  
 34 SECTION 757. Arkansas Code § 6-41-609 is amended to read as follows:

35 6-41-609. Dyslexia and related disorder education in teacher  
 36 preparation programs.

1 ~~No later than the 2015-2016 school year, the Department of Education~~  
 2 The Division of Elementary and Secondary Education shall collaborate with the  
 3 ~~Department~~ Division of Higher Education to ensure that all teacher education  
 4 programs offered at state-supported institutions of higher education provide  
 5 dyslexia professional awareness of the:

- 6 (1) Characteristics of dyslexia; and
- 7 (2) Evidence-based interventions and accommodations for
- 8 dyslexia.

9  
 10 SECTION 758. Arkansas Code § 6-41-610 is amended to read as follows:  
 11 6-41-610. Rules – Dyslexia resource guide.

12 (a) ~~The Department of Education~~ Division of Elementary and Secondary  
 13 Education shall adopt rules to implement this subchapter.

14 (b)(1) ~~The Department~~ Division of Elementary and Secondary Education  
 15 shall maintain a committee for the purpose of developing and updating the  
 16 Arkansas Dyslexia Resource Guide.

17 (2)(A) The committee shall include one (1) representative who  
 18 has experience working in the field of dyslexia intervention from the  
 19 following organizations, appointed by the Commissioner of Elementary and  
 20 Secondary Education:

- 21 (i) The Arkansas Association of Educational
- 22 Administrators;
- 23 (ii) The Division of Learning Services of the
- 24 ~~Department of Education~~ Division of Elementary and Secondary Education;
- 25 (iii) ~~The Department~~ Division of Higher Education;
- 26 (iv) The Arkansas Education Association;
- 27 (v) The Arkansas School Boards Association;
- 28 (vi) The Arkansas School Psychology Association,
- 29 with at least three (3) years of experience in testing for dyslexia; and
- 30 (vii) An education service cooperative
- 31 administrator.

32 (B) Three (3) professionals who have worked in a public  
 33 school who are knowledgeable in and have expertise in dyslexia screening and  
 34 interventions.

35  
 36 SECTION 759. The introductory language of Arkansas Code § 6-41-611(b),

1 concerning the rules and enforcement under the laws governing dyslexia and  
2 related disorders, is amended to read as follows:

3 (b) The ~~Department of Education~~ Division of Elementary and Secondary  
4 Education:

5  
6 SECTION 760. Arkansas Code § 6-41-805(b)(1) and (2), concerning the  
7 responsibilities of a higher education institute that wishes to establish a  
8 Building Better Futures Program, are amended to read as follows:

9 (b)(1) The ~~Department~~ Division of Higher Education shall provide  
10 information statewide, including to each high school in the state, on the  
11 options for postsecondary education for students with intellectual  
12 disabilities.

13 (2) Each public high school in Arkansas shall provide the  
14 information distributed by the ~~Department~~ Division of Higher Education to the  
15 parent or guardian of a student with an intellectual or developmental  
16 disability enrolled in the public high school.

17  
18 SECTION 761. Arkansas Code § 6-41-902(c), concerning student  
19 eligibility for a Succeed Scholarship, is amended to read as follows:

20 (c) The ~~Department of Education~~ Division of Elementary and Secondary  
21 Education shall approve a maximum of twenty (20) scholarships under this  
22 subchapter per academic year for students in foster care.

23  
24 SECTION 762. Arkansas Code § 6-41-903(a)(1), concerning private school  
25 eligibility for the Succeed Scholarship Program, is amended to read as  
26 follows:

27 (a)(1) A private school shall notify the ~~Department of Education~~  
28 Division of Elementary and Secondary Education of its intent to participate  
29 in the Succeed Scholarship Program.

30  
31 SECTION 763. The introductory language of Arkansas Code § 6-41-903(b),  
32 concerning private school eligibility for the Succeed Scholarship Program, is  
33 amended to read as follows:

34 (b) The ~~Department~~ division shall approve a private school as eligible  
35 to participate in the program if the private school:

36



1 SECTION 764. Arkansas Code § 6-41-903(b)(2), concerning private school  
2 eligibility for the Succeed Scholarship Program, is amended to read as  
3 follows:

4 (2)(A) Demonstrates fiscal soundness by having been in operation  
5 for one (1) school year or providing the ~~Department~~ division with a statement  
6 by a certified public accountant confirming that the private school is  
7 insured and the private school has sufficient capital or credit to operate in  
8 the upcoming school year.

9 (B) In lieu of a statement, a surety bond or letter of  
10 credit for the amount equal to the scholarship funds for any quarter may be  
11 filed with the ~~department~~ division;

12  
13 SECTION 765. The introductory language of Arkansas Code § 6-41-903(c),  
14 concerning private school eligibility for the Succeed Scholarship Program, is  
15 amended to read as follows:

16 (c) The ~~Department~~ division shall maintain a list of private schools  
17 eligible to participate in the program and make the list available on the  
18 ~~department's~~ division's website.

19  
20 SECTION 766. Arkansas Code § 6-41-904(a)(1), concerning the  
21 responsibilities of Succeed Scholarship Program recipients, is amended to  
22 read as follows:

23 (1) Select the private school from the list of private schools  
24 eligible to participate in the program that is maintained by the ~~Department~~  
25 ~~of Education~~ Division of Elementary and Secondary Education;

26  
27 SECTION 767. Arkansas Code § 6-41-905(c) and (d), concerning the  
28 funding and scholarship payments of the Succeed Scholarship Program, is  
29 amended to read as follows:

30 (c) Scholarship payments shall be disbursed in equal amounts on a  
31 monthly basis by the ~~Department of Education~~ Division of Elementary and  
32 Secondary Education or another state agency, person, firm, or corporation  
33 designated by the ~~Department~~ division to administer and disburse funds.

34 (d) Beginning on July 1, 2015, the ~~Department~~ division shall prepare a  
35 budget, including cost estimates and projections so that a separate  
36 appropriation can be made for the program for the 2016-2017 school year.

1  
2 SECTION 768. Arkansas Code § 6-42-103, concerning the creation of the  
3 Office for the Education of Gifted and Talented Children, is amended to read  
4 as follows:

5 6-42-103. Office for the Education of Gifted and Talented Children.

6 To implement the policy stated in § 6-42-101, there is established in  
7 the Division of Learning Services of the ~~Department of Education~~ Division of  
8 Elementary and Secondary Education an Office for the Education of Gifted and  
9 Talented Children to be headed by an administrator who shall be qualified by  
10 education, training, and experience to direct the state program for gifted  
11 and talented children.

12  
13 SECTION 769. Arkansas Code § 6-42-104(a)(1), concerning the creation  
14 of the Advisory Council for the Education of Gifted and Talented Children, is  
15 amended to read as follows:

16 (a)(1) There is established an Advisory Council for the Education of  
17 Gifted and Talented Children, which shall advise and consult with the  
18 Commissioner of Elementary and Secondary Education and the Administrator of  
19 the Office for the Education of Gifted and Talented Children and which shall  
20 engage in other activities as set forth in this section.

21  
22 SECTION 770. Arkansas Code § 6-42-104(f), concerning the creation of  
23 the Advisory Council for the Education of Gifted and Talented Children, is  
24 amended to read as follows:

25 (f) The ~~Department of Education~~ Division of Elementary and Secondary  
26 Education shall, within available personnel, facilities, and appropriations,  
27 furnish meeting facilities and staff services for the council.

28  
29 SECTION 771. Arkansas Code § 6-42-104(h)(5), concerning the creation  
30 of the Advisory Council for the Education of Gifted and Talented Children, is  
31 amended to read as follows:

32 (5) Participate with the staff of the ~~Department~~ division in  
33 determining the need for educational programs to serve gifted and talented  
34 children to be operated by the ~~department~~ division, in selecting the sites  
35 for educational programs, in establishing student selection criteria for  
36 participation in the programs, in selecting students to participate in the

1 programs, and in selecting faculty and staff for the programs; and

2  
3 SECTION 772. Arkansas Code § 6-42-104(h)(6)(B), concerning the  
4 creation of the Advisory Council for the Education of Gifted and Talented  
5 Children, is amended to read as follows:

6 (B) The programs so recognized shall be eligible to  
7 receive an award of not more than three thousand dollars (\$3,000) from funds  
8 appropriated to the ~~Department~~ division for the purpose of making awards to  
9 outstanding educational programs.

10  
11 SECTION 773. Arkansas Code § 6-42-106(a)(1) and (2), concerning the  
12 funding and eligibility of gifted and talented programs, is amended to read  
13 as follows:

14 (a)(1) Appropriations made by the General Assembly to the Public  
15 School Fund for the purposes of this subchapter shall be disbursed by the  
16 ~~Department of Education~~ Division of Elementary and Secondary Education in  
17 accordance with regulations promulgated by the State Board of Education.

18 (2) Such funds may be used to provide financial assistance to  
19 school districts operating programs for gifted and talented children and to  
20 fund supplemental programs for gifted and talented children operated by the  
21 ~~Department~~ division directly or through contract with other public or private  
22 agencies.

23  
24 SECTION 774. Arkansas Code § 6-42-108 is amended to read as follows:  
25 6-42-108. Summer residential and day programs.

26 (a) The ~~Department of Education~~ Division of Elementary and Secondary  
27 Education is authorized to establish annual summer residential and day  
28 programs to provide enriched educational offerings for junior high and high  
29 school students who have demonstrated exceptional abilities in a specific  
30 subject area.

31 (b) Each program shall offer instruction in subject areas to be  
32 designated annually by the ~~Department~~ division from the subject areas of  
33 science, mathematics, computer science, social studies, arts and music,  
34 literature and communication, and foreign languages.

35 (c) The summer educational programs established pursuant to the  
36 authority of this section shall be operated by the ~~Department~~ division

1 directly or by contract with other public or private agencies and shall be  
 2 funded from the appropriation to the ~~Department~~ division for the operation of  
 3 programs for the education of gifted and talented students.

4  
 5 SECTION 775. Arkansas Code § 6-42-109, concerning school district  
 6 reports, is amended to read as follows:

7 6-42-109. Reports by school districts.

8 Each school district shall report annually to the ~~Department of~~  
 9 ~~Education~~ Division of Elementary and Secondary Education, at a prescribed due  
 10 date, the extent to which it is providing educational opportunities  
 11 specifically designed to meet the educational needs of gifted and talented  
 12 children.

13  
 14 SECTION 776. Arkansas Code § 6-42-303(b)(3)(A), concerning the  
 15 creation of the Board of Visitors for the Arkansas School for Mathematics,  
 16 Sciences, and the Arts, is amended to read as follows:

17 (3)(A) In addition to appointed members of the Board of Visitors  
 18 for the Arkansas School for Mathematics, Sciences, and the Arts, six (6) ex  
 19 officio nonvoting members shall also serve on the Board of Visitors for the  
 20 Arkansas School for Mathematics, Sciences, and the Arts as follows:

21 (i) The Commissioner of Elementary and Secondary  
 22 Education;

23 (ii) The Director of the ~~Department~~ Division of  
 24 Higher Education;

25 (iii) The ~~Executive~~ Director of the Arkansas  
 26 Economic Development Commission or his or her designee;

27 (iv) The Director of the ~~Department~~ division of  
 28 Arkansas Heritage;

29 (v) The president of the parent association of the  
 30 school; and

31 (vi) The president of the student government of the  
 32 school.

33  
 34 SECTION 777. Arkansas Code § 6-42-306 is amended to read as follows:

35 6-42-306. ~~Department of Education~~ Division of Elementary and Secondary  
 36 Education regulations.

1 All ~~Department of Education~~ Division of Elementary and Secondary  
2 Education regulations shall apply to the Arkansas School for Mathematics,  
3 Sciences, and the Arts unless the ~~Department~~ division determines otherwise or  
4 unless the regulations conflict with governance of the school by the Board of  
5 Trustees of the University of Arkansas and the purposes and intent of this  
6 subchapter.

7  
8 SECTION 778. Arkansas Code § 6-43-102(b)(2), concerning the powers and  
9 duties of the board of the Arkansas School for the Blind and the Arkansas  
10 School for the Deaf, is amended to read as follows:

11 (2) The board of trustees, in consultation with the Secretary of  
12 the Department of Education, shall fix the salaries of officers and employees  
13 not already fixed by law.

14  
15 SECTION 779. Arkansas Code § 6-43-103(b), concerning superintendents  
16 of the Arkansas School for the Blind and the Arkansas School for the Deaf, is  
17 amended to read as follows:

18 (b) The Board of Trustees of the Arkansas School for the Blind and the  
19 Arkansas School for the Deaf, in consultation with the Secretary of the  
20 Department of Education, shall select the superintendents of the institutions  
21 committed to its care.

22  
23 SECTION 780. Arkansas Code § 6-43-104 is amended to read as follows:  
24 6-43-104. Employees generally.

25 (a) The superintendents shall have power to select and engage all  
26 employees of the schools at salaries fixed by the Board of Trustees of the  
27 Arkansas School for the Blind and the Arkansas School for the Deaf in  
28 consultation with the Secretary of the Department of Education, reporting the  
29 same for approval to the board at the next regular meeting thereof.

30 (b) The superintendents shall have the ~~sole~~ power to remove employees  
31 of the respective schools and may remove any employee at any time in their  
32 discretion for cause, but, in case of removal, the superintendent shall  
33 report the removal and the ground therefor to the board of trustees and the  
34 Secretary of the Department of Education.

35  
36 SECTION 781. Arkansas Code § 6-43-305(b), concerning teachers for the

1 Arkansas School for the Deaf, is amended to read as follows:

2 (b) Teachers for the sensory impaired shall be eligible for an  
3 additional step increase after being certified in teaching the vision or  
4 hearing impaired by the ~~Department of Education~~ Division of Elementary and  
5 Secondary Education.

6  
7 SECTION 782. Arkansas Code § 6-43-308 is amended to read as follows:  
8 6-43-308. Custodian of funds – Payment of bills, warrants, etc.

9 (a) The Treasurer of State, in consultation with the Secretary of the  
10 Department of Education, shall have the custody of all moneys, notes,  
11 securities, and other obligations belonging to the Arkansas School for the  
12 Deaf and shall be responsible for them under his or her bond and oath as the  
13 Treasurer of State.

14 (b) The Treasurer of State, in consultation with the secretary, shall  
15 pay all the expenses of the school out of the funds appropriated for the use  
16 of the school, upon warrants drawn by the Auditor of State in favor of the  
17 Board of Trustees of the Arkansas School for the Deaf, who shall issue his or  
18 her warrants upon orders signed by the President of the Board of Trustees of  
19 the Arkansas School for the Deaf and at least two (2) members of the board of  
20 trustees, except as herein otherwise provided.

21  
22 SECTION 783. Arkansas Code § 6-45-103(1), concerning the definition of  
23 "appropriate early childhood program" under the Arkansas Better Chance  
24 Program Act, is amended to read as follows:

25 (1) "Appropriate early childhood program" means a  
26 developmentally appropriate program for young children, birth through five  
27 (5) years of age, approved by the ~~Department of Education~~ Division of  
28 Elementary and Secondary Education as complying with the regulatory  
29 guidelines of the early childhood state accreditation by the Department of  
30 Human Services and Arkansas Better Chance Core Quality Approval Standards of  
31 the ~~Department of Education~~ Division of Elementary and Secondary Education to  
32 be issued by the ~~Department of Education~~ Division of Elementary and Secondary  
33 Education pursuant to this chapter;

34  
35 SECTION 784. Arkansas Code § 6-45-103(3), concerning the definition of  
36 "Arkansas Early Childhood Commission" under the Arkansas Better Chance

1 Program Act, is amended to read as follows:

2 (3) "Arkansas Early Childhood Commission" or "commission" means  
3 a twenty-five-member advisory body appointed by the Governor to perform  
4 certain duties and responsibilities relating to the development, expansion,  
5 and coordination of early childhood programs, including, but not limited to,  
6 serving as the advisory body to the ~~Department of Education~~ Division of  
7 Elementary and Secondary Education on early childhood program issues;

8  
9 SECTION 785. Arkansas Code § 6-45-103(5), concerning the definition of  
10 "Department" under the Arkansas Better Chance Program Act, is amended to read  
11 as follows:

12 (5) "~~Department~~ Division" means the ~~Department of Education~~  
13 Division of Elementary and Secondary Education or its authorized agents.

14  
15 SECTION 786. Arkansas Code § 6-45-104(a)(2), concerning the  
16 construction of the laws governing the Arkansas Better Chance Program, is  
17 amended to read as follows:

18 (2) A local school is required to work with the ~~Department of~~  
19 ~~Education~~ Division of Elementary and Secondary Education and its local  
20 community to establish, promote, and assist in the development of a program  
21 under the Arkansas Better Chance for School Success Program to serve all  
22 children in the school as provided in § 6-45-108, if:

23 (A) The school has had seventy-five percent (75%) or more  
24 students scoring below proficiency on the Elementary benchmark exams or other  
25 exams designated by the ~~Department~~ division in the preceding two (2) school  
26 years; or

27 (B) The school has been designated by the ~~department~~  
28 division as being in school improvement status under § 6-15-425 [repealed] or  
29 is located in a school district in academic distress.

30  
31 SECTION 787. Arkansas Code § 6-45-105 is amended to read as follows:

32 6-45-105. Establishment of Arkansas Better Chance Program.

33 (a)(1)(A) The ~~Department of Education~~ Division of Elementary and  
34 Secondary Education shall establish the Arkansas Better Chance Program to  
35 assist in the establishment and funding of the appropriate early childhood  
36 programs for children from birth through five (5) years of age.

1 (B) Within the Arkansas Better Chance Program there is  
2 established the Arkansas Better Chance for School Success Program for  
3 providing appropriate early care and education programs for children three  
4 (3) years of age and four (4) years of age as identified under § 6-45-108(a).

5 (2)(A) ~~Beginning with the 1991-1992 school year, the Department~~  
6 The Division of Elementary and Secondary Education shall award grants or  
7 contracts to appropriate early childhood programs selected by the ~~Department~~  
8 Division of Elementary and Secondary Education in accordance with specified  
9 programmatic standards.

10 (B)(i) These standards will be developed by the ~~department~~  
11 Division of Elementary and Secondary Education, with the advice and  
12 assistance of the Arkansas Early Childhood Commission.

13 (ii) Standards for funding the Home Instruction for  
14 Parents of Preschool Youngsters will be developed in conjunction with the  
15 Arkansas HIPPY Advisory Board.

16 (C) The Home Instruction for Parents of Preschool  
17 Youngsters Regional Technical Assistance and Training Center shall be defined  
18 and funded as an integral part of the Home Instruction for Parents of  
19 Preschool Youngsters to provide necessary training, technical assistance, and  
20 program support to program sites in Arkansas.

21 (b) The programmatic standards and other rules and regulations  
22 necessary for the implementation of the Arkansas Better Chance Program shall  
23 be adopted by the State Board of Education in accordance with the provisions  
24 of the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

25 (c)(1) The ~~Department~~ Division of Elementary and Secondary Education  
26 may expend a maximum of two percent (2%) of available funds to administer the  
27 Arkansas Better Chance Program and to monitor Arkansas Better Chance Program  
28 grantees to ensure compliance with programmatic standards.

29 (2) The ~~Department~~ Division of Elementary and Secondary  
30 Education may contract with the Division of Child Care and Early Childhood  
31 Education of the Department of Human Services to administer the Arkansas  
32 Better Chance Program.

33  
34 SECTION 788. Arkansas Code § 6-45-106(a)(1)(A)(i), concerning the  
35 application process and allocation of funding for the Arkansas Better Chance  
36 Program, is amended to read as follows:



1 (a)(1)(A)(i) Any early childhood program accredited and quality-  
2 approved by the Department of Human Services according to standards approved  
3 by the ~~Department of Education~~ Division of Elementary and Secondary Education  
4 may apply for funding, regardless of the sponsorship of the program.

5  
6 SECTION 789. Arkansas Code § 6-45-106(a)(2)(A)(i), concerning the  
7 application process and allocation of funding for the Arkansas Better Chance  
8 Program, is amended to read as follows:

9 (i) The school is in a district that has been  
10 designated by the ~~Department of Education~~ Division of Elementary and  
11 Secondary Education as being in academic distress; and

12  
13 SECTION 790. Arkansas Code § 6-45-106(b), concerning the application  
14 process and allocation of funding for the Arkansas Better Chance Program, is  
15 amended to read as follows:

16 (b) In order to be considered, an application must contain all  
17 information required by the ~~Department of Education's~~ Division of Elementary  
18 and Secondary Education's regulatory guidelines.

19  
20 SECTION 791. Arkansas Code § 6-45-106(c)(1), concerning the  
21 application process and allocation of funding for the Arkansas Better Chance  
22 Program, is amended to read as follows:

23 (c)(1) In allocating funding for the Arkansas Better Chance for School  
24 Success Program, priority consideration shall be given to:

25 (A) Schools that have seventy-five percent (75%) or more  
26 students scoring below proficiency on the Elementary benchmark exams or other  
27 exams designated by the ~~Department of Education~~ Division of Elementary and  
28 Secondary Education in the preceding two (2) school years; and

29 (B) Schools that have been designated by the ~~Department of~~  
30 Education Division of Elementary and Secondary Education as being in school  
31 improvement status under § 6-15-425 [repealed] or are located in a school  
32 district in academic distress.

33  
34 SECTION 792. Arkansas Code § 6-45-107 is amended to read as follows:  
35 6-45-107. Publication of funding availability and program criteria.  
36 The ~~Department of Education~~ Division of Elementary and Secondary

1 Education shall annually provide notification to school districts and to  
 2 other appropriate providers of the availability of funds under the Arkansas  
 3 Better Chance Program and shall include in such notification the programmatic  
 4 standards and criteria for determination of eligibility for funding under the  
 5 program.

6  
 7 SECTION 793. Arkansas Code § 6-45-108 is amended to read as follows:  
 8 6-45-108. Criteria for determining need.

9 (a)(1) All children three (3) years of age and four (4) years of age  
 10 who are members of a family with a gross family income not exceeding two  
 11 hundred percent (200%) of the federal poverty guidelines are eligible to  
 12 attend an Arkansas Better Chance for School Success Program if there is a  
 13 program available in the school district where the child resides and if there  
 14 is available space for the child to attend the program.

15 (2) The ~~Department of Education~~ Division of Elementary and  
 16 Secondary Education and the Division of Child Care and Early Childhood  
 17 Education may develop a fee schedule and establish eligibility based on  
 18 family income for children who are not eligible under subdivision (a)(1) of  
 19 this section, but priority enrollment shall be allowed to children eligible  
 20 under subdivision (a)(1) of this section.

21 (b) The ~~Department~~ Division of Elementary and Secondary Education and  
 22 the ~~division~~ Division of Child Care and Early Childhood Education shall  
 23 review various criteria for identifying and targeting the areas of the state  
 24 with the greatest need for early childhood programs.

25 (c) The State Board of Education, with the advice and assistance of  
 26 the ~~division~~ Division of Child Care and Early Childhood Education, shall  
 27 adopt the appropriate criteria for identifying Arkansas children with the  
 28 greatest need to participate in Arkansas Better Chance for School Success  
 29 Program-funded early childhood programs.

30  
 31 SECTION 794. Arkansas Code § 6-45-109(b), concerning the certification  
 32 by the Division of Child Care and Early Childhood Education regarding the  
 33 Arkansas Better Chance Program, is amended to read as follows:

34 (b) Upon certification of the child care facilities, the ~~division~~  
 35 Division of Child Care and Early Childhood Education shall provide a listing  
 36 of all certified facilities and their certification numbers to the ~~Director~~

1 Secretary of the Department of Finance and Administration for the purpose of  
2 the income tax credit or refund provided for in §§ 26-51-502 and 26-51-507.

3  
4 SECTION 795. Arkansas Code § 6-45-110(a)(2)(B), concerning the  
5 assessment of children enrolled in the Arkansas Better Chance Program, is  
6 amended to read as follows:

7 (B) The ~~division~~ Division of Child Care and Early  
8 Childhood Education and the ~~Department of Education~~ Division of Elementary  
9 and Secondary Education shall work cooperatively to ensure that the  
10 assessments are conducted as required by this section.

11  
12 SECTION 796. Arkansas Code § 6-46-101(c), concerning the creation of  
13 the Arkansas High Technology Training Center, is amended to read as follows:

14 (c) The center shall also offer courses to adults to enhance their  
15 competencies and capabilities in high-technology careers in coordination with  
16 the Adult Education Section of the ~~Department of Career Education~~ Department  
17 of Workforce Services .

18  
19 SECTION 797. Arkansas Code § 6-46-202 is amended to read as follows:  
20 6-46-202. Funding.

21 The Arkansas High Technology Training Center shall be funded by moneys  
22 appropriated by the General Assembly for the operation of the center and by  
23 such grants, contributions, or donations that may be received by the  
24 ~~Department~~ Division of Career and Technical Education for the support of the  
25 center.

26  
27 SECTION 798. Arkansas Code § 6-46-302 is amended to read as follows:  
28 6-46-302. Rules and regulations – Administration generally.

29 (a) The ~~Department~~ Division of Career and Technical Education shall  
30 supervise the Arkansas High Technology Training Center and is hereby  
31 authorized and empowered to promulgate rules and regulations that may be  
32 necessary to carry out the provisions of this chapter.

33 (b) The ~~Department~~ division shall develop a plan for the structure,  
34 operation, and funding of the center.

35  
36 SECTION 799. Arkansas Code § 6-46-303 is amended to read as follows:

1           6-46-303. Budget.

2           (a) The ~~Department~~ Division of Career and Technical Education shall  
3 prepare the fiscal year budget request for the Arkansas High Technology  
4 Training Center's operation, which shall be submitted to the Career Education  
5 and Workforce Development Board for inclusion in the fiscal year budget  
6 request of the ~~Department~~ Division of Elementary and Secondary Education for  
7 funding programs from the ~~Department~~ Division of Career and Technical  
8 Education Fund Account.

9           (b) The ~~Department~~ Division of Elementary and Secondary Education is  
10 authorized and empowered to receive contributions, donations, gifts, bequests  
11 of money, other forms of financial assistance, and property, equipment,  
12 materials, or personnel, from persons, foundations, trust funds,  
13 corporations, organizations, and other sources, private or public, to be  
14 expended and utilized for the operation of the center.

15  
16           SECTION 800. Arkansas Code § 6-46-304 is amended to read as follows:

17           6-46-304. Training contracts.

18           The ~~Department~~ Division of Career and Technical Education may contract  
19 with private or public business enterprises or other government agencies to  
20 perform customized high technology training for the benefit of those  
21 contracting parties.

22  
23           SECTION 801. Arkansas Code § 6-46-401 is amended to read as follows:

24           6-46-401. Chief administrative officer.

25           (a) The Director of the ~~Department~~ Division of Career and Technical  
26 Education shall employ an administrator for the Arkansas High Technology  
27 Training Center, who shall serve at the pleasure of the director.

28           (b) The administrator shall be the chief administrative officer of the  
29 center and shall administer the center in accordance with the policies  
30 established by the ~~Department~~ Division of Career and Technical Education.

31  
32           SECTION 802. Arkansas Code § 6-46-402 is amended to read as follows:

33           6-46-402. Other employees.

34           (a) The administrator and other personnel employed for the operation  
35 of the Arkansas High Technology Training Center shall be employees of the  
36 State of Arkansas, and the Department of Education.

1 (b) Faculty members and other personnel required for operation of the  
2 center shall be recommended for employment by the administrator and shall be  
3 employed by annual contract by the ~~Department~~ Division of Career and  
4 Technical Education.

5 (c) Teachers and administrators so employed shall be eligible for  
6 membership in the Arkansas Teacher Retirement System and earn credited  
7 service for such employment.

8 (d) Noneducational personnel employed by the ~~Department~~ division shall  
9 be eligible for membership in the Arkansas Public Employees' Retirement  
10 System and earn credited service for such employment.

11  
12 SECTION 803. Arkansas Code § 6-46-501 is amended to read as follows:  
13 6-46-501. Technical assistance.

14 The ~~Department~~ Division of Career and Technical Education, the  
15 ~~Department~~ Division of Higher Education, the Arkansas Economic Development  
16 Council, and the Arkansas Economic Development Commission shall provide  
17 technical assistance to the Arkansas High Technology Training Center.

18  
19 SECTION 804. Arkansas Code § 6-46-502 is amended to read as follows:  
20 6-46-502. Operation contracts.

21 The ~~Department~~ Division of Career and Technical Education shall also be  
22 authorized to contract with other agencies and private research centers as it  
23 may deem necessary to carry out its responsibilities for the operation of the  
24 Arkansas High Technology Training Center.

25  
26 SECTION 805. Arkansas Code § 6-47-202 is amended to read as follows:  
27 6-47-202. Administration in two-year colleges.

28 (a) The ~~Department~~ Division of Higher Education shall oversee and  
29 coordinate the implementation of distance learning in two-year colleges,  
30 four-year institutions of higher education, and universities in the state.

31 (b) The ~~Department~~ Division of Career and Technical Education shall  
32 cooperate with the ~~Department~~ Division of Higher Education in implementing  
33 the provisions of this section.

34  
35 SECTION 806. Arkansas Code § 6-47-203 is amended to read as follows:  
36 6-47-203. ~~Department of Education~~ Division of Elementary and Secondary

1 Education and ~~Department~~ Division of Higher Education – Cooperation, report,  
2 and implementation.

3 (a) The ~~Department of Education~~ Division of Elementary and Secondary  
4 Education and the ~~Department~~ Division of Higher Education shall work together  
5 to implement distance learning throughout the state.

6 (b) The ~~Department of Education~~ Division of Elementary and Secondary  
7 Education and the ~~Department~~ Division of Higher Education shall present a  
8 report to the House Committee on Education and the Senate Committee on  
9 Education by December 31, 1999, reporting the status and progress of distance  
10 learning in Arkansas.

11 (c) The ~~Department of Education~~ Division of Elementary and Secondary  
12 Education and the ~~Department~~ Division of Higher Education shall not be  
13 required to implement the provisions of this subchapter if funds are not made  
14 available.

15  
16 SECTION 807. Arkansas Code § 6-47-302 is amended to read as follows:

17 6-47-302. Implementation in elementary and secondary schools – Courses  
18 offered.

19 (a) The ~~Department of Education~~ Division of Elementary and Secondary  
20 Education shall plan for the statewide implementation of distance learning in  
21 elementary and secondary public schools in the state.

22 (b)(1) The elementary or secondary school may utilize courses from  
23 outside the state if the out-of-state course provider is approved by the  
24 ~~Department of Education~~ Division of Elementary and Secondary Education or the  
25 ~~Department~~ Division of Career and Technical Education before the school  
26 offers the courses through distance learning.

27 (2) A course offered through an approved out-of-state course  
28 provider under this subsection shall follow ~~Department of Education~~ Division  
29 of Elementary and Secondary Education course frameworks.

30 (c) The courses offered through distance learning may include college  
31 preparatory courses, advanced mathematics and science courses, and  
32 technological courses.

33 (d) The ~~Department of Education~~ Division of Elementary and Secondary  
34 Education shall work with the Arkansas School for Mathematics, Sciences, and  
35 the Arts, the Arkansas Educational Television Commission, the education  
36 service cooperatives, the Arkansas State Library, and other state agencies

1 involved in distance learning.

2  
3 SECTION 808. Arkansas Code § 6-47-303 is amended to read as follows:  
4 6-47-303. Coordination at institutions of higher education.

5 The ~~Department~~ Division of Higher Education shall coordinate the  
6 implementation of distance learning at the state's public institutions of  
7 higher education.

8  
9 SECTION 809. Arkansas Code § 6-47-304 is amended to read as follows:  
10 6-47-304. ~~Department~~ Division of Career and Technical Education to  
11 cooperate with ~~Department of Education~~ Division of Elementary and Secondary  
12 Education and ~~Department~~ Division of Higher Education.

13 The ~~Department~~ Division of Career and Technical Education shall  
14 cooperate with the ~~Department of Education~~ Division of Elementary and  
15 Secondary Education and the ~~Department~~ Division of Higher Education to  
16 implement distance learning throughout the state.

17  
18 SECTION 810. Arkansas Code § 6-47-403(2) and (3), concerning the  
19 definitions of "commission" and "department" under the laws governing  
20 distance learning, are amended to read as follows:

21 (2) "Commissioner" means the Commissioner of Elementary and  
22 Secondary Education;

23 (3) "~~Department~~ Division" means the ~~Department of Education~~  
24 Division of Elementary and Secondary Education;

25  
26 SECTION 811. Arkansas Code § 6-47-404(a), concerning the creation and  
27 implementation of the Arkansas Distance Learning Development Program, is  
28 amended to read as follows:

29 (a) There is established the Arkansas Distance Learning Development  
30 Program, which shall be conducted by the ~~Department of Education~~ Division of  
31 Elementary and Secondary Education and administered through the Commissioner  
32 of Elementary and Secondary Education.

33  
34 SECTION 812. Arkansas Code § 6-47-404(c)(3)(A), concerning the  
35 creation and implementation of the Arkansas Distance Learning Development  
36 Program, is amended to read as follows:

1           (3)(A) All donations, grants, and appropriations received shall  
2 be accounted for by the ~~department~~ division.

3  
4           SECTION 813. Arkansas Code § 6-47-406(a)(3), concerning the public  
5 school district and the charter school distance learning program, is amended  
6 to read as follows:

7           (3) The public school or open-enrollment public charter school  
8 teaches or offers a distance learning course that has been approved by or  
9 otherwise complies with ~~Department of Education~~ Division of Elementary and  
10 Secondary Education rules and standards governing distance learning courses.

11  
12           SECTION 814. Arkansas Code § 6-47-406(b), concerning the public school  
13 district and the charter school distance learning program, is amended to read  
14 as follows:

15           (b) The State Board of Education shall adopt rules to allow the  
16 Commissioner of Elementary and Secondary Education to waive the requirements  
17 under subdivisions (a)(1) and (2) of this section on an individual basis for  
18 a student who is unable to attend due to conditions that prevent the child  
19 from physically attending a public school or an open-enrollment public  
20 charter school.

21  
22           SECTION 815. Arkansas Code § 6-47-406(f), concerning the public school  
23 district and the charter school distance learning program, is amended to read  
24 as follows:

25           (f)(1) Before a public school district or open-enrollment public  
26 charter school offers or teaches to public school students, home-schooled  
27 students, or private school students distance learning courses that are not  
28 part of the curriculum required by the Standards for Accreditation of  
29 Arkansas Public Schools and School Districts established by the state board,  
30 the open-enrollment public school district or public charter school first  
31 shall obtain approval of the distance learning courses by the ~~department~~  
32 division.

33           (2) A course offered under this subsection shall follow  
34 ~~Department~~ division course frameworks.

35  
36           SECTION 816. Arkansas Code § 6-47-502 is amended to read as follows:



1 6-47-502. Distance learning grants.

2 (a)(1) The ~~Department of Education~~ Division of Elementary and  
3 Secondary Education shall develop grant standards and provide grants to  
4 education service cooperatives for acquiring equipment and receiving  
5 telecommunications services necessary for each school district to have  
6 distance learning availability.

7 (2) The grants shall be used to assist school districts that do  
8 not have distance learning capabilities and to assist school districts in  
9 upgrading existing distance learning capabilities.

10 (3) The grants shall also be used by the education service  
11 cooperatives to provide technical assistance to the school districts in  
12 implementing and maintaining distance learning as an educational tool.

13 (b)(1) The ~~Department of Education~~ Division of Elementary and  
14 Secondary Education shall:

15 (A) Establish, by rule, standards for eligible equipment  
16 and telecommunications services; and

17 (B) Oversee the efficient operation and use of the system  
18 pursuant to law.

19 (2) Each school district shall have adequate connectivity to  
20 provide quality of service for distance learning.

21 (3) The distance learning technical protocol or protocols shall  
22 be in alignment with technical standards set by the Director of the  
23 ~~Department~~ Division of Information Systems.

24 (c) Education service cooperatives and school districts shall  
25 coordinate with the ~~Department~~ Division of Elementary and Secondary Education  
26 to seek to obtain the benefits of the Federal Communications Commission's E-  
27 rate program.

28  
29 SECTION 817. Arkansas Code § 6-48-101 is amended to read as follows:

30 6-48-101. Definitions.

31 As used in this chapter:

32 (1)(A)(i) "Alternative learning environment" means an alternate  
33 class or program within a public school or school district that affords all  
34 students an environment that seeks to eliminate barriers to learning for any  
35 student whose academic and social progress is negatively affected by the  
36 student's personal characteristics or situation.

1 (ii) The ~~Department of Education~~ Division of  
2 Elementary and Secondary Education shall by rule more fully define the  
3 student's personal characteristics and situations applicable under this  
4 chapter.

5 (B) An alternative learning environment is not a punitive  
6 environment but one that is conducive to learning.

7 (C) An alternative learning environment is not a separate  
8 school for the purposes of this title even if the ~~Department of Education~~  
9 Division of Elementary and Secondary Education assigns the alternative  
10 learning environment a separate local education agency number; and

11 (2) "Intervention services" means activities within or outside a  
12 school that will eliminate traditional barriers to learning.

13  
14 SECTION 818. Arkansas Code § 6-48-102(a)(1), concerning the  
15 requirement for alternative learning environments and reporting, is amended  
16 to read as follows:

17 (a)(1) A school district shall provide one (1) or more alternative  
18 learning environments for all students who meet the minimum criteria  
19 established by the ~~Department of Education~~ Division of Elementary and  
20 Secondary Education.

21  
22 SECTION 819. Arkansas Code § 6-48-102(b), concerning the requirement  
23 for alternative learning environments and reporting, is amended to read as  
24 follows:

25 (b) Annually, a school district shall submit to the ~~department~~  
26 division:

27 (1) Information on race and gender of the students educated in  
28 the alternative learning environment;

29 (2) Any other information regarding students educated in  
30 alternative learning environments that the ~~Department~~ division requires by  
31 rule; and

32 (3) An assurance statement that the school district is in  
33 compliance with this chapter.

34  
35 SECTION 820. Arkansas Code § 6-48-104 is amended to read as follows:

36 6-48-104. ~~Department of Education~~ Division of Elementary and Secondary

1 Education responsibilities.

2 (a) The ~~Department of Education~~ Division of Elementary and Secondary  
3 Education shall promulgate rules to implement this chapter, including without  
4 limitation rules that establish:

5 (1)(A) The criteria for distributing state funding for  
6 alternative learning environment programs.

7 (B) The criteria shall identify the characteristics of  
8 students who may be counted for the purpose of funding an alternative  
9 learning environment program including without limitation that a student is  
10 educated in the alternative learning environment for a minimum of twenty (20)  
11 consecutive days.

12 (C) If a student is educated in the alternative learning  
13 environment for fewer than twenty (20) days, the ~~Department~~ division may  
14 provide funding to a school district based on the actual number of days the  
15 student is educated in the alternative learning environment if the student:

16 (i) Leaves the school district to transfer to  
17 another alternative learning environment; or

18 (ii) Is placed in a residential treatment program;

19 (2)(A) The criteria for teacher training for teachers in  
20 alternative learning environments, including without limitation:

21 (i) In-service training in classroom management; and

22 (ii) Training in additional areas related to the  
23 specific needs and characteristics of students who are educated in  
24 alternative learning environments.

25 (B) The ~~Department~~ division shall award professional  
26 development credit for the training under this subdivision (a)(2); and

27 (3) Measures of effectiveness for alternative learning  
28 environments that measure:

29 (A) For the students educated in the alternative learning  
30 environment the effect on the students':

31 (i) School performance;

32 (ii) Need for intervention; and

33 (iii) School attendance and dropout rate; and

34 (B) Any other characteristic of alternative learning  
35 environments deemed necessary by the ~~department~~ division.

36 (b)(1) As part of the ~~department's~~ division's accreditation review of

1 a school district under § 6-15-202, the ~~Department~~ division shall evaluate  
2 each alternative learning environment to ensure that the alternative learning  
3 environment is:

4 (A) Established and operated in compliance with this  
5 chapter; and

6 (B) Effective under the measurements established by the  
7 ~~Department~~ division under this section.

8 (2) The ~~Department~~ division shall identify a school district's  
9 noncompliance with this chapter on the school district's annual report card.

10 (c) The ~~Department~~ division shall identify information concerning best  
11 practices for educating students in alternative learning environments and  
12 disseminate that information to teachers and administrators working in  
13 alternative learning environments.

14 (d) Annually by September 15, the ~~Department~~ division shall provide to  
15 the House Committee on Education and the Senate Committee on Education a  
16 report on:

17 (1) The information reported to it under § 6-48-102; and

18 (2) The effectiveness of alternative learning environments  
19 evaluated under this chapter.

20  
21 SECTION 821. Arkansas Code § 6-50-101 is amended to read as follows:

22 6-50-101. Contracts with private organizations.

23 The Director of the ~~Department~~ Division of Career and Technical  
24 Education is hereby authorized to enter into contracts with private  
25 organizations licensed by the State Board of ~~Career~~ Education in order to  
26 provide vocational-technical training to citizens of the State of Arkansas.

27  
28 SECTION 822. Arkansas Code § 6-50-103(a)(1), concerning participation  
29 in vocational student organizations, is amended to read as follows:

30 (a)(1) The ~~Department~~ Division of Career and Technical Education may  
31 reimburse secondary vocational centers and other public schools in Arkansas  
32 for dues, membership fees, supplies, travel, lodging, and other expenses  
33 related to a student's participation in vocational student organizations.

34  
35 SECTION 823. Arkansas Code § 6-50-201(a), concerning the creation of  
36 the Arkansas Technical Careers Student Loan Forgiveness Program, is amended

1 to read as follows:

2 (a) There is hereby established a program to be known as the Arkansas  
3 Technical Careers Student Loan Forgiveness Program, to be administered by the  
4 State Board of ~~Career~~ Education through the ~~Department~~ Division of Career and  
5 Technical Education.

6  
7 SECTION 824. The introductory language of Arkansas Code § 6-50-203,  
8 concerning the administration of the Arkansas Technical Careers Student Loan  
9 Forgiveness Program, is amended to read as follows:

10 The State Board of ~~Career~~ Education through the ~~Department~~ Division of  
11 Career and Technical Education shall administer the Arkansas Technical  
12 Careers Student Loan Forgiveness Program and shall have the following  
13 authority with respect to the program:

14  
15 SECTION 825. Arkansas Code § 6-50-204 is amended to read as follows:  
16 6-50-204. Institutional eligibility.

17 The institution to be attended under the loan forgiveness program must  
18 be approved by the ~~Career Education and Workforce Development Board~~ State  
19 Board of Education, the Arkansas Higher Education Coordinating Board, or the  
20 ~~Department~~ Division of Higher Education to offer training in the technical  
21 field chosen by the applicant.

22  
23 SECTION 826. Arkansas Code § 6-50-205(a), concerning the approval and  
24 priorities of educational programs for the Arkansas Technical Careers Student  
25 Loan Forgiveness Program, is amended to read as follows:

26 (a) The State Board of ~~Career~~ Education shall consider comments and  
27 suggestions from the ~~Department~~ Division of Higher Education, the Arkansas  
28 Higher Education Coordinating Board, the Arkansas Economic Development  
29 Council, the ~~Department~~ Division of Workforce Services, the Arkansas State  
30 Chamber of Commerce, and other appropriate entities annually to develop and  
31 publish a list of technical education programs that are approved for this  
32 program.

33  
34 SECTION 827. Arkansas Code § 6-50-207(c), concerning the amount of  
35 loan forgiveness, is amended to read as follows:

36 (c) With input from the ~~Department~~ Division of Higher Education and

1 other appropriate entities, the State Board of ~~Career~~ Education shall  
2 establish through rules and regulations loan forgiveness amounts for approved  
3 technical education programs for students enrolled on a less than full-time  
4 basis.

5  
6 SECTION 828. Arkansas Code § 6-50-503(a), concerning the establishment  
7 of a youth apprenticeship/work-based learning program, is amended to read as  
8 follows:

9 (a) The ~~Department~~ Division of Career and Technical Education is  
10 hereby authorized and directed to develop and implement a youth  
11 apprenticeship/work-based learning program to provide additional educational  
12 and training opportunities for noncollege-bound Arkansas high school  
13 students.

14  
15 SECTION 829. Arkansas Code § 6-50-504(a), concerning demonstration  
16 youth apprenticeship programs, is amended to read as follows:

17 (a) The ~~Department~~ Division of Career and Technical Education shall  
18 implement during the 1991-1993 biennium at least five (5) demonstration youth  
19 apprenticeship programs.

20  
21 SECTION 830. Arkansas Code § 6-50-702(6), concerning the definition of  
22 "governing council" under the Arkansas Existing Workforce Training Act of  
23 1995, is amended to read as follows:

24 (6) "Governing council" means the directors of the Arkansas  
25 Economic Development Commission, the ~~Department~~ Division of Higher Education,  
26 and the ~~Department~~ Division of Career and Technical Education or their  
27 designees;

28  
29 SECTION 831. Arkansas Code § 6-50-703(a), concerning the creation and  
30 purpose of the Arkansas Existing Workforce Training Program, is amended to  
31 read as follows:

32 (a) There is hereby created the Arkansas Existing Workforce Training  
33 Program, to be administered by a governing council composed of equal  
34 representation from the ~~Department~~ Division of Higher Education, the  
35 ~~Department~~ Division of Career and Technical Education, and the Arkansas  
36 Economic Development Commission.

1  
2 SECTION 832. Arkansas Code § 6-51-205(b), concerning the Career  
3 Education and Workforce Development Board's responsibility for school  
4 operation, personnel, and equipment, is amended to read as follows:

5 (b) The ~~state~~ board is authorized to employ personnel to set salaries  
6 which shall be comparable to those received by other similarly positioned  
7 personnel in the ~~Department of Education~~ Division of Elementary and Secondary  
8 Education, and to negotiate leases or purchases with any and all agencies of  
9 the government of the United States for the lease or purchase of suitable  
10 facilities, equipment, machinery, and supplies to be used for the purposes  
11 authorized by this section and §§ 6-51-201 – 6-51-203, 6-51-207, 6-51-208(a)-  
12 (c), 6-51-209, and 6-51-210.

13  
14 SECTION 833. Arkansas Code § 6-51-208(d), concerning student fees, is  
15 amended to read as follows:

16 (d) No secondary student or school shall be made to pay a tuition  
17 charge as a condition of his or her enrollment in any vocational program  
18 funded by the ~~Department of Education~~ Division of Elementary and Secondary  
19 Education while enrolled in a regular high school program.

20  
21 SECTION 834. Arkansas Code § 6-51-213(c)(1), concerning the  
22 administration of certain federal and state vocational education laws, is  
23 amended to read as follows:

24 (c)(1) The Director of the ~~Department~~ Division of Career and Technical  
25 Education, as executive officer of the board for the purpose of administering  
26 the federal act and this act, shall, by and with the advice and consent of  
27 the board, designate assistants as may be necessary to carry out properly the  
28 provisions hereof.

29  
30 SECTION 835. Arkansas Code § 6-51-401(b), concerning the course of  
31 instruction for vocational-technical training, is amended to read as follows:

32 (b) A prescribed course of study will be set up by the ~~Department~~  
33 Division of Career and Technical Education in conjunction with the Plumbing  
34 and Natural Gas Section of the Department of Health and the local training  
35 committee.

36

1 SECTION 836. Arkansas Code § 6-51-501(c)(1), concerning the creation  
2 of state-supported technical institutes offering courses in building trades,  
3 is amended to read as follows:

4 (c)(1) As used in this subchapter, "secondary area technical center"  
5 means a secondary area vocational center established under § 6-13-801 et seq.  
6 or as defined by the ~~Department~~ Division of Career and Technical Education.  
7

8 SECTION 837. Arkansas Code § 6-51-502(b), concerning the approval,  
9 notification, requirements, and advance of funds for state-supported  
10 technical institutes or secondary area technical centers, is amended to read  
11 as follows:

12 (b) Upon receipt of written approval, the technical institute or  
13 secondary area technical center shall notify the ~~Department~~ Division of  
14 Career and Technical Education of its intent to undertake the construction of  
15 a single family dwelling unit or other building project under the program  
16 established in this subchapter.  
17

18 SECTION 838. Arkansas Code § 6-51-503 is amended to read as follows:  
19 6-51-503. Procedure for purchase of lot.

20 When a technical institute is advanced funds from the Building Trades  
21 Revolving Fund by the ~~Department~~ Division of Career and Technical Education  
22 as provided in this subchapter, the technical institute shall, if it proposes  
23 to purchase a lot on which to build the dwelling unit or other building  
24 project, cause notice of the proposed purchase to be published in a newspaper  
25 of general circulation in the area where it proposes to purchase the lot in  
26 order to give persons in the area an opportunity to offer lots for sale to  
27 the school for the construction of the dwelling unit or other building  
28 project.  
29

30 SECTION 839. Arkansas Code § 6-51-504(a), concerning dwelling unit  
31 construction, restrictions, and exemptions, is amended to read as follows:

32 (a) The ~~Department~~ Division of Career and Technical Education shall  
33 not advance funds to a technical institute from the Building Trades Revolving  
34 Fund created in this subchapter for the construction of more than one (1)  
35 dwelling unit or other building project at any one (1) time or more than one  
36 (1) dwelling unit or other building project in any twelve-month period.



1  
2 SECTION 840. Arkansas Code § 6-51-508(a), concerning the remittance of  
3 proceeds, is amended to read as follows:

4 (a) All funds derived from reimbursement by a state agency or from the  
5 sale of a dwelling unit or other building project constructed under the  
6 provisions of this subchapter by a technical institute after deducting the  
7 cost of the sale shall be remitted to the ~~Department~~ Division of Career and  
8 Technical Education for deposit in the Building Trades Revolving Fund created  
9 in this subchapter.

10 (b) Upon the sale of a dwelling unit or other building project  
11 constructed under the provisions of this subchapter by a secondary area  
12 technical center:

13 (1)(A) The secondary area technical center shall remit to the  
14 ~~department~~ division the full amount of funds advanced for the project.

15 (B) The ~~department~~ division shall deposit the funds into  
16 the Building Trades Revolving Fund created in this subchapter; and

17 (2) The remaining proceeds, if any, shall be retained or any  
18 loss absorbed by the secondary area technical center.

19  
20 SECTION 841. Arkansas Code § 6-51-509, concerning the uses for the  
21 Building Trades Revolving Fund, is amended to read as follows:

22 6-51-509. Uses for Building Trades Revolving Fund.

23 All funds appropriated for the program established in this subchapter  
24 together with funds derived from the sale of property and remitted to the  
25 ~~Department~~ Division of Career and Technical Education and deposited in the  
26 Building Trades Revolving Fund shall be used exclusively for the purpose of  
27 making advances to area vocational schools for the purchase of lots, building  
28 materials, supplies, and fixtures necessary to construct dwellings or other  
29 building projects on the lots and to otherwise carry out the purposes of this  
30 subchapter.

31  
32 SECTION 842. Arkansas Code § 6-51-510 is amended to read as follows:

33 6-51-510. Disbursing officer.

34 The disbursing officer for the ~~Department~~ Division of Career and  
35 Technical Education shall be disbursing officer for funds in the Building  
36 Trades Revolving Fund.

1  
2 SECTION 843. Arkansas Code § 6-51-604 is amended to read as follows:

3 6-51-604. Notice of possible violations – Responses – Injunctions.

4 (a) In consultation with the State Board of Private Career Education  
5 or its director acting for the board, if the ~~Department~~ Division of Higher  
6 Education has probable cause to believe that a person, agent, group, or  
7 entity has committed any acts that would be in violation of this subchapter  
8 such as fraud, misrepresentation, or unethical practices, the ~~department~~  
9 division shall first give notice in writing by certified mail or in person to  
10 the agency or entity affected.

11 (b) The person, agent, or entity will have ten (10) days in which to  
12 respond to the notice of violation, unless the ~~department~~ division deems an  
13 emergency exists, in which case the entity will have up to twenty-four (24)  
14 hours in which to respond.

15 (c)(1) If action on the part of the person, agent, or entity in  
16 response to a notice is to seek to eliminate the violation, a further  
17 extension of time may be granted by the ~~department~~ division.

18 (2) Otherwise, the ~~department~~ division may order a cease and  
19 desist of such acts after a formal hearing, or the ~~department~~ division shall  
20 have the duty to request the Attorney General or district prosecuting  
21 attorney in the county where the offense was committed to seek in a court of  
22 competent jurisdiction an injunction restraining the commission of such acts.  
23

24 SECTION 844. Arkansas Code § 6-51-605 is amended to read as follows:

25 6-51-605. State Board of Private Career Education.

26 (a)(1)(A) The Governor shall appoint a State Board of Private Career  
27 Education of seven (7) members who shall serve for terms of seven (7) years.

28 (B) The Governor shall make appointments or reappointments  
29 to the board to provide membership of three (3) persons associated with  
30 schools and four (4) persons from the general public.

31 (2) The Director of the ~~Department~~ Division of Higher Education  
32 and the Director of the ~~Department~~ Division of Career and Technical Education  
33 or their designees shall serve as nonvoting, ex officio members of the board.

34 (b) The board may elect the necessary officers, acting by and through  
35 the Director of the ~~Department~~ Division of Higher Education. In consultation  
36 with the board, the ~~Department~~ Division of Higher Education shall have the

1 sole authority to:

2 (1) Approve all schools offering programs of study leading to or  
3 enhancing an occupational objective;

4 (2) Administer and enforce this subchapter; and

5 (3) Issue licenses to schools that have met the standards set  
6 forth for the purposes of this subchapter by the ~~Department~~ Division of  
7 Higher Education, including without limitation programs of study, adequate  
8 facilities, financial stability, qualified personnel, and legitimate  
9 operating practices.

10 (c) Upon approval by the ~~Department~~ Division of Higher Education, any  
11 such school may issue certificates or diplomas.

12 (d) The ~~Department~~ Division of Higher Education shall:

13 (1) Formulate the criteria and the standards evolved for the  
14 approval of such licensed schools;

15 (2) Provide for adequate investigation of all schools applying  
16 for a license;

17 (3) Issue licenses to those applicants meeting the standards  
18 fixed by the ~~Department~~ Division of Higher Education; and

19 (4) Maintain a list of schools approved under the provisions of  
20 this subchapter.

21 (e) The ~~Department~~ Division of Higher Education shall formulate the  
22 standards evolved under this subchapter for the approval of admissions  
23 representatives of such licensed schools and issue licenses to those  
24 applicants meeting the standards fixed by the ~~Department~~ Division of Higher  
25 Education.

26 (f) In consultation with the board, the ~~Department~~ Division of Higher  
27 Education shall promulgate standards and rules to be prescribed for the  
28 administration of this subchapter and the management and operation of the  
29 schools and admissions representatives, subject to the provisions of this  
30 subchapter.

31 (g) The ~~Department~~ Division of Higher Education shall participate in  
32 the hearings provided to schools and admissions representatives in cases of  
33 revocation or denial of licensure.

34 (h) Official meetings of the board may be called by the chair as  
35 necessary, but meetings shall be held at least four (4) times a year.

36 (i) A majority of favorable votes by the board members at an official

1 meeting is required for adoption of a recommendation.

2 (j) Board members may be reimbursed for expenses in accordance with §  
3 25-16-901 and stipends according to § 25-16-903.

4 (k) The board may adopt and use a seal, which may be used for the  
5 authentication of the recommendations of the board.

6 (l) The board shall employ a director who reports to the board.

7 (m)(1) The ~~Department~~ Division of Higher Education shall annually  
8 require background investigations for all partners or shareholders with ten  
9 percent (10%) or more ownership interest in a school when the school seeks an  
10 original license.

11 (2) The ~~Department~~ Division of Higher Education may establish a  
12 schedule for periodic background checks for partners or shareholders with ten  
13 percent (10%) or more ownership interest in a school when seeking renewal of  
14 a school license.

15 (n)(1) The partners or shareholders shall apply to the Identification  
16 Bureau of the ~~Department~~ Division of Arkansas State Police for a state and  
17 national criminal background check to be conducted by the Federal Bureau of  
18 Investigation.

19 (2) The check shall conform to the applicable federal standards  
20 and shall include the taking of fingerprints.

21 (3) The applicant shall sign a release of information to the  
22 board and shall be responsible to the ~~Department~~ Division of Arkansas State  
23 Police for the payment of any fee associated with the criminal background  
24 check.

25 (4) Upon completion of the criminal background check, the  
26 Identification Bureau of the ~~Department~~ Division of Arkansas State Police  
27 shall forward to the ~~Department~~ Division of Higher Education all information  
28 obtained concerning the person in the commission of any offense listed in §  
29 6-51-606(h)(3).

30 (5)(A) The ~~Department~~ Division of Higher Education may issue a  
31 nonrenewable temporary license pending the results of the criminal background  
32 check.

33 (B) The license shall be valid for no more than six (6)  
34 months.

35 (C) Upon receipt of information from the Identification  
36 Bureau of the ~~Department~~ Division of Arkansas State Police that only one (1)

1 of the partners or shareholders of the school holding the license has been  
2 convicted of any offense listed in § 6-51-606(h)(3), the ~~Department~~ Division  
3 of Higher Education shall revoke the license.

4 (o)(1) The provisions of § 6-51-606(h) may be waived by the ~~Department~~  
5 Division of Higher Education upon the request of:

6 (A) An affected applicant for licensure; or

7 (B) The partners or shareholders of a school holding a  
8 license subject to revocation.

9 (2) Circumstances for which a waiver may be granted shall  
10 include, but not be limited to, the following:

11 (A) The age at which the crime was committed;

12 (B) The circumstances surrounding the crime;

13 (C) The length of time since the crime;

14 (D) Subsequent work history;

15 (E) Employment references;

16 (F) Character references; and

17 (G) Other evidence demonstrating that the applicant does  
18 not pose a threat.

19 (p)(1) Any information received by the ~~Department~~ Division of Higher  
20 Education from the Identification Bureau of the ~~Department~~ Division of  
21 Arkansas State Police under this section shall not be available for  
22 examination except by:

23 (A) The affected applicant for licensure or his or her  
24 authorized representative; or

25 (B) The person whose license is subject to revocation or  
26 his or her authorized representative.

27 (2) No record, file, or document shall be removed from the  
28 custody of the ~~Department~~ Division of Arkansas State Police.

29 (q) Any information made available to the affected applicant for  
30 licensure or the person whose license is subject to revocation shall be  
31 information pertaining to that person only.

32 (r) Rights of privilege and confidentiality established in this  
33 section shall not extend to any document created for purposes other than the  
34 background check required by this section.

35 (s) In consultation with the board, the ~~Department~~ Division of Higher  
36 Education shall adopt the necessary rules to fully implement the provisions

1 of this section.

2

3 SECTION 845. Arkansas Code § 6-51-606(a), concerning school licenses,  
4 is amended to read as follows:

5 (a) No persons shall operate, conduct, maintain, or offer to operate  
6 in this state a school as defined in this subchapter, or solicit the  
7 enrollment of students residing in the state, unless a license is first  
8 secured from the ~~Department~~ Division of Higher Education issued in accordance  
9 with the provisions of this subchapter and the rules promulgated by the  
10 ~~department~~ division in consultation with the State Board of Private Career  
11 Education.

12

13 SECTION 846. Arkansas Code § 6-51-606(b)(1), concerning school  
14 licenses, is amended to read as follows:

15 (b)(1) Application for a license shall be filed in the manner and upon  
16 the forms prescribed and furnished by the ~~department~~ division for that  
17 purpose.

18

19 SECTION 847. Arkansas Code § 6-51-606(d), concerning school licenses,  
20 is amended to read as follows:

21 (d) The license shall remain the property of the State of Arkansas and  
22 shall be returned to the ~~department~~ division upon cause.

23

24 SECTION 848. Arkansas Code § 6-51-606(e)(1), concerning school  
25 licenses, is amended to read as follows:

26 (e)(1) If the ~~department~~ division, after evaluating the school as to  
27 kind and type, is unable to make a determination regarding initial approval  
28 of a licensure application within sixty (60) days of receipt of the  
29 application and required documentation, it shall issue a temporary license  
30 valid for a period of not more than six (6) months, pending an investigation.

31

32 SECTION 849. Arkansas Code § 6-51-606(f), concerning school licenses,  
33 is amended to read as follows:

34 (f) After a license is issued to any school by the ~~department~~ division  
35 on the basis of its application, it shall be the responsibility of the school  
36 to notify immediately the ~~department~~ division of any changes in the

1 ownership, administration, location, faculty, or programs of study on the  
2 forms and in the manner prescribed by the ~~department~~ division.

3  
4 SECTION 850. Arkansas Code § 6-51-606(h)-(1), concerning school  
5 licenses, is amended to read as follows:

6 (h) The ~~department~~ division shall have the power to deny issuing a new  
7 or renewal license, to revoke an existing license, or to place a licensee on  
8 probation, if in its discretion it determines that:

9 (1) The licensee has violated any of the provisions of this  
10 subchapter or any of the rules of the ~~department~~ division;

11 (2) The applicant or licensee has knowingly presented to the  
12 ~~department~~ division incomplete or misleading information relating to  
13 licensure;

14 (3) The applicant or licensee has pleaded guilty, entered a plea  
15 of nolo contendere, or has been found guilty in a criminal proceeding,  
16 regardless of whether or not the adjudication of guilt or sentence is  
17 withheld, deferred, or suspended by a court of this state, another state, or  
18 the federal government, of:

19 (A) Any felony; or

20 (B) Any act involving moral turpitude, gross immorality,  
21 or which is related to the qualifications, functions, and duties of a  
22 licensee;

23 (4) The applicant or licensee has intentionally failed or  
24 refused to permit the ~~department~~ division or its representatives to inspect  
25 the school or classes or has intentionally failed or refused to make  
26 available to the ~~department~~ division, at any time when requested to do so,  
27 full information pertaining to any or all items of information contained in  
28 an application for license or pertaining to the operation of the school;

29 (5) The applicant has failed or refused to submit to the  
30 ~~department~~ division an application for license or renewal in the manner and  
31 on the forms prescribed;

32 (6) A licensed admissions representative has failed or refused  
33 to display or produce his or her license when requested to do so by  
34 prospective students or designated officials of the ~~department~~ division;

35 (7) The applicant or licensee has failed to provide or maintain  
36 premises, equipment, materials, supplies, or conditions in accordance with

1 minimum standards as established by rules;

2 (8) The licensee has been found by the ~~department~~ division or a  
3 court of law to have perpetrated fraud or deceit in advertising of the school  
4 or programs of study or in presenting to prospective students information  
5 relating to the school, programs of study, employment opportunities, or  
6 opportunities for enrollment in institutions of higher education;

7 (9) The licensee has in its employ admissions representatives  
8 who have not been licensed but are actively engaged in the practice of  
9 attempting to enroll students;

10 (10) The licensee has failed to provide and maintain standards  
11 of instruction or qualified administrative, supervisory, or instructional  
12 staff as established by rules;

13 (11) The applicant or licensee is unable to provide and maintain  
14 financial resources in sufficient amount to equip and maintain the school or  
15 classes;

16 (12) The licensee has moved the school into new premises or  
17 facilities without first notifying the ~~department~~ division;

18 (13) The licensee has offered training or instruction in  
19 programs of study which have not been approved and authorized in accordance  
20 with rules;

21 (14) A licensed admissions representative has solicited  
22 prospective students to enroll in a school which has not been licensed by the  
23 ~~department~~ division or which is not listed on his or her license;

24 (15) There was a change in the ownership of the school without  
25 proper notification to and approval from the ~~department~~ division;

26 (16) The licensee has failed to notify the ~~department~~ division  
27 or to provide written documentation as to the cause that the license of a  
28 school has been suspended or revoked or the school has been placed on  
29 probation or a show cause issued in another state or by another regulatory  
30 agency;

31 (17) The licensee has failed to notify the ~~department~~ division  
32 of legal actions initiated by or against the school; or

33 (18) The licensee fails to make tuition refunds to the students  
34 or their lenders in compliance with current rules.

35 (i) The ~~department~~ division shall have the power to revoke a license  
36 if in its discretion it determines that:



1           (1) The licensee has failed to cure a deficiency leading to a  
2 license probation within the time as may be reasonably prescribed by the  
3 ~~department~~ division;

4           (2) The licensee while on probation has been found by the  
5 ~~department~~ division to have incurred an additional infraction of this  
6 subchapter; or

7           (3) The licensee has closed a school without first having  
8 completed the training of all students currently enrolled or having made  
9 tuition refunds to students or their lenders.

10          (j) The ~~department~~ division may impose sanctions under § 25-15-217.

11          (k)(1) Unless directed to do so by court order, the ~~department~~  
12 division shall not, for a period of five (5) years following revocation,  
13 reinstate the license of a school or allow an owner of any such school to  
14 seek licensure of another school.

15                 (2) Upon expiration of licensure status, the school must apply  
16 for an original license in accordance with the provisions of this subchapter.

17          (1)(1) Upon closure of a school located in Arkansas and licensed under  
18 any provision of this subchapter, whether for license revocation or any other  
19 cause, all student financial aid records for the previous three (3) years and  
20 all student transcripts regardless of age must be delivered to the ~~department~~  
21 division.

22                 (2) Delivered records shall be arranged in alphabetical order  
23 and stored in boxes or in data format at the discretion of the ~~department~~  
24 division.

25                 (3) The ~~department~~ division shall be responsible for the proper  
26 security, storage, and maintenance of all such records.

27  
28          SECTION 851. Arkansas Code § 6-51-607(a)(1) and (2), concerning the  
29 Private Career School Student Protection Trust Fund, is amended to read as  
30 follows:

31          (a)(1) Each school licensed under this subchapter shall pay annually a  
32 fee to be set by the ~~Department~~ Division of Higher Education in consultation  
33 with the State Board of Private Career Education.

34                 (2) The fee shall be set at the amount the ~~department~~ division  
35 deems necessary to establish the Private Career School Student Protection  
36 Trust Fund and to maintain the ~~Private Career School Student Protection Trust~~

1 ~~Fund~~ fund as necessary.

2 (3) For a renewing school, the fee shall be based on the  
3 enrollment of Arkansas residents in the preceding twelve (12) months of July  
4 1 through June 30.

5 (4)(A) For an original license, the fee shall be a percentage as  
6 determined by the ~~department~~ division of the sum of the tuitions for each  
7 program offered.

8 (B) Additionally, during the first twelve (12) months of  
9 licensure, the same percentage shall be paid to the Private Career School  
10 Student Protection Trust Fund on additional new programs of study.

11  
12 SECTION 852. Arkansas Code § 6-51-607(c)(2)(A), concerning the Private  
13 Career School Student Protection Trust Fund, is amended to read as follows:

14 (2)(A) However, regardless of the balance in the ~~Private Career~~  
15 ~~School Student Protection Trust Fund~~ fund, a fee, as set by the ~~department~~  
16 division, will be assessed newly licensed schools.

17  
18 SECTION 853. Arkansas Code § 6-51-607(d)(1), concerning the Private  
19 Career School Student Protection Trust Fund, is amended to read as follows:

20 (d)(1) The assets of the ~~Private Career School Student Protection~~  
21 ~~Trust Fund~~ fund may be invested and reinvested as the ~~department~~ division may  
22 determine.

23  
24 SECTION 854. The introductory language of Arkansas Code § 6-51-607(e),  
25 concerning the Private Career School Student Protection Trust Fund, is  
26 amended to read as follows:

27 (e) The ~~department~~ division may use any amounts in the ~~Private Career~~  
28 ~~School Student Protection Trust Fund~~ fund, including accumulated interest,  
29 to:

30  
31 SECTION 855. The introductory language of Arkansas Code § 6-51-607(f),  
32 concerning the Private Career School Student Protection Trust Fund, is  
33 amended to read as follows:

34 (f) Any amounts in the ~~Private Career School Student Protection Trust~~  
35 ~~Fund~~ fund above the required five hundred thousand dollars (\$500,000) may be  
36 used with the approval of the Director of the ~~Department~~ Division of Higher

1 Education to:

2  
3 SECTION 856. Arkansas Code § 6-51-607(g)(1) and (2), concerning the  
4 Private Career School Student Protection Trust Fund, are amended to read as  
5 follows:

6 (g)(1) If a school closes, the ~~department~~ division shall attempt to  
7 place each student of the school in another school.

8 (2) If the student cannot be placed in another school, the  
9 student's tuition for which education has not been received may be refunded  
10 on a prorated basis in the manner prescribed by the ~~department~~ division.

11  
12 SECTION 857. Arkansas Code § 6-51-608(a)(1), concerning extension  
13 course sites, satellite schools, and additional school licenses, is amended  
14 to read as follows:

15 (a)(1) Any school licensed under this subchapter shall make  
16 application to the ~~Department~~ Division of Higher Education to offer a course  
17 or courses at an extension course site or satellite school.

18  
19 SECTION 858. Arkansas Code § 6-51-608(b), concerning extension course  
20 sites, satellite schools, and additional school licenses, is amended to read  
21 as follows:

22 (b) The school will be assessed a fee as set by the ~~department~~  
23 division to be deposited in the Private Career School Student Protection  
24 Trust Fund.

25  
26 SECTION 859. Arkansas Code § 6-51-609(a), concerning an admissions  
27 representative's license, is amended to read as follows:

28 (a) A person representing a resident, distance education, or  
29 combination school shall not solicit or sell in Arkansas any program of study  
30 for consideration or remuneration unless the admissions representative first  
31 secures a license from the ~~Department~~ Division of Higher Education.

32  
33 SECTION 860. Arkansas Code § 6-51-609(c)(2), concerning an admissions  
34 representative's license, is amended to read as follows:

35 (2)(A) The license shall be endorsed by the Director of the  
36 ~~Department~~ Division of Higher Education.

1 (B) The license shall remain the property of the State of  
2 Arkansas and shall be returned to the ~~Department~~ Division of Higher Education  
3 upon cause.

4  
5 SECTION 861. Arkansas Code § 6-51-609(d)(6), concerning an admissions  
6 representative's license, is amended to read as follows:

7 (6) Be in compliance with any other reasonable qualifications  
8 that the ~~Department~~ Division of Higher Education may fix by rule.

9  
10 SECTION 862. Arkansas Code § 6-51-609(e)(1), concerning an admissions  
11 representative's license, is amended to read as follows:

12 (e)(1) An applicant for an admissions representative's license shall  
13 apply to the Identification Bureau of the ~~Department~~ Division of Arkansas  
14 State Police for a state and national criminal background check to be  
15 conducted by the Federal Bureau of Investigation.

16  
17 SECTION 863. Arkansas Code § 6-51-609(e)(3), concerning an admissions  
18 representative's license, is amended to read as follows:

19 (3) The applicant shall sign a release of information to the  
20 ~~Department~~ Division of Higher Education and shall be responsible to the  
21 ~~Department~~ Division of Arkansas State Police for the payment of any fee  
22 associated with the criminal background check.

23  
24 SECTION 864. Arkansas Code § 6-51-609(f)(1)(A), concerning an  
25 admissions representative's license, is amended to read as follows:

26 (f)(1)(A) The ~~Department~~ Division of Higher Education may issue a  
27 nonrenewable temporary license pending the results of the criminal background  
28 check.

29  
30 SECTION 865. Arkansas Code § 6-51-609(f)(2), concerning an admissions  
31 representative's license, is amended to read as follows:

32 (2) Upon receipt of information from the Identification Bureau  
33 of the ~~Department~~ Division of Arkansas State Police that the person holding  
34 the temporary license has been convicted of a felony, Class A misdemeanor, or  
35 a crime involving an act of violence for which a pardon has not been granted,  
36 the ~~Department~~ Division of Higher Education shall immediately revoke the

1 temporary license.

2  
3 SECTION 866. The introductory language of Arkansas Code § 6-51-  
4 609(g)(1), concerning an admissions representative's license, is amended to  
5 read as follows:

6 (g)(1) The provisions of subdivision (d)(3) of this section may be  
7 waived by the ~~Department~~ Division of Higher Education upon the request of:

8  
9 SECTION 867. The introductory language of Arkansas Code § 6-51-  
10 609(h)(1), concerning an admissions representative's license, is amended to  
11 read as follows:

12 (h)(1) Any information received by the ~~Department~~ Division of Higher  
13 Education from the Identification Bureau of the ~~Department~~ Division of  
14 Arkansas State Police under this section shall not be available for  
15 examination except by:

16  
17 SECTION 868. Arkansas Code § 6-51-609(h)(2), concerning an admissions  
18 representative's license, is amended to read as follows:

19 (2) A record, file, or document shall not be removed from the  
20 custody of the ~~Department~~ Division of Arkansas State Police.

21  
22 SECTION 869. Arkansas Code § 6-51-609(k), concerning an admissions  
23 representative's license, is amended to read as follows:

24 (k) In consultation with the State Board of Private Career Education,  
25 the ~~Department~~ Division of Higher Education shall adopt the necessary rules  
26 to fully implement the provisions of this section.

27  
28 SECTION 870. Arkansas Code § 6-51-610(a), concerning fees for schools  
29 and admission representatives, is amended to read as follows:

30 (a) In consultation with the State Board of Private Career Education,  
31 the ~~Department~~ Division of Higher Education shall set fees for schools and  
32 admissions representatives.

33  
34 SECTION 871. Arkansas Code § 6-51-611(b), concerning school license  
35 renewal, is amended to read as follows:

36 (b) The licensing period shall be determined by the ~~Department~~

1 Division of Higher Education.

2  
3 SECTION 872. Arkansas Code § 6-51-611(c)(1), concerning license  
4 renewal, is amended to read as follows:

5 (c)(1) Application for renewal of a school license is to be provided  
6 in the form and manner prescribed by the ~~department~~ division.

7  
8 SECTION 873. Arkansas Code § 6-51-611(d), concerning license renewal,  
9 is amended to read as follows:

10 (d) An application for renewal of an admissions representative's  
11 license shall be made on the forms and in the manner prescribed by the  
12 ~~department~~ division.

13  
14 SECTION 874. Arkansas Code § 6-51-614(a), concerning denial,  
15 probation, revocation, and review of school licenses, is amended to read as  
16 follows:

17 (a) The ~~Department~~ Division of Higher Education shall have the  
18 authority to refuse to issue a school license, to place on probation, or to  
19 revoke a school license theretofore issued.

20  
21 SECTION 875. Arkansas Code § 6-51-615(b), concerning denial,  
22 suspension, review, and penalties regarding admissions representative's  
23 licenses, is amended to read as follows:

24 (b) The Director of the ~~Department~~ Division of Higher Education, upon  
25 receipt of information considered dependable which indicates fraud,  
26 misrepresentation, or unethical practices on the part of an applicant, may  
27 deny issuance of a license applied for or may suspend immediately a license  
28 already issued pending a review by the ~~Department~~ Division of Higher  
29 Education.

30  
31 SECTION 876. Arkansas Code § 6-51-617(b)(1), concerning the Private  
32 Career Education Arbitration Panel, is amended to read as follows:

33 (b)(1) In consultation with the State Board of Private Career  
34 Education, the Director of the ~~Department~~ Division of Higher Education shall  
35 appoint the arbitration panel, which shall be composed of three (3) members.  
36 One (1) member shall be from the school sector, and two (2) members shall be

1 from the general public.

2  
3 SECTION 877. Arkansas Code § 6-51-618 is amended to read as follows:  
4 6-51-618. Fines.

5 (a) When the ~~Department~~ Division of Higher Education finds that a  
6 school is guilty of a violation of this subchapter or the rules of the  
7 ~~department~~ division, it shall have the power and authority to impose a  
8 penalty on the school.

9 (b) Prior to the imposition of any penalty, the ~~department~~ division  
10 shall hold an investigation and hearing after notice to the school.

11 (c)(1) Upon imposition of a penalty, the ~~department~~ division shall  
12 have the power and authority to require that the school pay a penalty to the  
13 ~~department~~ division with regard to the violation, with the sanction that the  
14 license may be suspended until the penalty is paid.

15 (2) No penalty imposed by the ~~department~~ division may exceed  
16 five hundred dollars (\$500) per violation.

17 (d) Any school dissatisfied with the penalties imposed may seek  
18 judicial review, provided the school files notice of appeal in Pulaski County  
19 Circuit Court within fifteen (15) calendar days immediately following the  
20 date of notification of this action by the Director of the ~~Department~~  
21 Division of Higher Education.

22 (e) The power and authority of the ~~department~~ division to impose these  
23 penalties shall not be affected by any other civil or criminal proceeding  
24 concerning the same violation.

25  
26 SECTION 878. Arkansas Code § 6-51-619 is amended to read as follows:  
27 6-51-619. Subpoenas and subpoenas duces tecum.

28 (a) The ~~Department~~ Division of Higher Education shall have the power  
29 to issue subpoenas and subpoenas duces tecum in connection with both its  
30 investigations and hearings.

31 (b) A subpoena duces tecum may require any book, writing, document, or  
32 other paper or thing which is germane to an investigation or hearing  
33 conducted by the ~~department~~ division.

34 (c)(1) Service of a subpoena shall be as provided by law for the  
35 service of subpoenas in civil cases in the circuit courts of this state, and  
36 the fees and mileage of officers serving the subpoenas and of witnesses

1 appearing in answer to the subpoenas shall be the same as provided by law for  
2 proceedings in civil cases in the circuit courts of this state.

3 (2)(A) The ~~department~~ division shall issue a subpoena or  
4 subpoena duces tecum upon the request of any party to a hearing before the  
5 ~~department~~ division.

6 (B) The fees and mileage of the officers serving the  
7 subpoena and of the witness shall be paid by the party at whose request a  
8 witness is subpoenaed.

9 (d)(1) In the event a person shall have been served with a subpoena or  
10 subpoena duces tecum as provided in this section and fails to comply  
11 therewith, the ~~department~~ division may apply to the circuit court of the  
12 county in which the ~~department~~ division is conducting its investigation or  
13 hearing for an order causing the arrest of the person and directing that the  
14 person be brought before the court.

15 (2) The court shall have the power to punish the disobedient  
16 person for contempt as provided by law in the trial of civil cases in the  
17 circuit courts of this state.

18  
19 SECTION 879. Arkansas Code § 6-51-620(a)(2), concerning the  
20 requirement of a school to maintain a surety bond while licensed, is amended  
21 to read as follows:

22 (2) The surety bond shall be submitted to the ~~Department~~  
23 Division of Higher Education on or before the expiration date of the bond.

24  
25 SECTION 880. Arkansas Code § 6-51-620(a)(4)(A)(i), concerning the  
26 requirement of a school to maintain a surety bond while licensed, is amended  
27 to read as follows:

28 (i) A violation of a provision of this subchapter or  
29 any rule of the ~~department~~ division by the school or its officers, admissions  
30 representatives, or employees;

31  
32 SECTION 881. Arkansas Code § 6-51-620(a)(4)(C)(ii), concerning the  
33 requirement of a school to maintain a surety bond while licensed, is amended  
34 to read as follows:

35 (ii) The ~~department~~ division shall notify the school  
36 in writing at least ten (10) days prior to release of the surety or sureties



1 that the license is suspended until another surety bond is filed in the  
2 manner and amount required under this ~~chapter~~ subchapter.

3  
4 SECTION 882. Arkansas Code § 6-51-620(a)(5)(A), concerning the  
5 requirement of a school to maintain a surety bond while licensed, is amended  
6 to read as follows:

7 (5)(A) The bond shall be based on gross tuition, meaning the  
8 total amount collected by a school during the most recently completed twelve-  
9 month fiscal year, reduced only by the amount of refunds paid during the  
10 fiscal year, for tuition, application fees, registration fees, and those  
11 other fees deemed appropriate by rule of the ~~department~~ division;

12  
13 SECTION 883. The introductory language of Arkansas Code § 6-51-  
14 620(a)(6), concerning the requirement of a school to maintain a surety bond  
15 while licensed, is amended to read as follows:

16 (6) The ~~department~~ division shall determine the sum of each  
17 surety bond based upon the following guidelines:

18  
19 SECTION 884. The introductory language of Arkansas Code § 6-51-  
20 620(a)(6)(A), concerning the requirement of a school to maintain a surety  
21 bond while licensed, is amended to read as follows:

22 (A) Except as provided in subdivisions (a)(6)(B) and (C)  
23 of this section, a school shall procure and maintain a bond equal to ten  
24 percent (10%) of the gross tuition with a minimum bond amount of five  
25 thousand dollars (\$5,000) with the maximum bond amount to be determined by  
26 the ~~department~~ division;

27  
28 SECTION 885. The introductory language of Arkansas Code § 6-51-620(b),  
29 concerning the requirement of a school to maintain a surety bond while  
30 licensed, is amended to read as follows:

31 (b) A surety bond is not required for licensees approved by the  
32 ~~department~~ division on April 10, 1995, that maintain continuous licensure.

33  
34 SECTION 886. Arkansas Code § 6-51-622(d), concerning noncommercial  
35 driver training instruction, is amended to read as follows:

36 (d)(1) In consultation with the State Board of Private Career

1 Education, the ~~Department~~ Division of Higher Education may promulgate  
2 reasonable rules to implement, enforce, and administer this section.

3 (2) The rules of the ~~department~~ division shall be issued in  
4 accordance with the Arkansas Administrative Procedure Act, § 25-15-201 et  
5 seq.

6  
7 SECTION 887. Arkansas Code § 6-51-623 is amended to read as follows:  
8 6-51-623. Defensive driving instruction.

9 A person shall not be required to obtain a license from the ~~Department~~  
10 Division of Higher Education as a requirement for teaching or providing a  
11 course in defensive driving under a court-mandated defensive driving class.  
12

13 SECTION 888. Arkansas Code § 6-51-701(a), concerning the establishment  
14 of an Associate of Applied Science Degree in Nursing Program, is amended to  
15 read as follows:

16 (a) The ~~Department of Career Education~~ Division of Higher Education is  
17 hereby authorized to establish for the technical institutes or vocational-  
18 technical schools of this state an Associate of Applied Science Degree in  
19 Nursing Program.  
20

21 SECTION 889. Arkansas Code § 6-51-701(b)(1), concerning the  
22 establishment of an Associate of Applied Science Degree in Nursing Program,  
23 is amended to read as follows:

24 (b)(1) A nursing program shall be established by the ~~department~~  
25 division. The nursing program shall be in accordance with the standards  
26 established by the Arkansas State Board of Nursing.  
27

28 SECTION 890. Arkansas Code § 6-51-902(a), concerning accountability  
29 measures and performance indicators, is amended to read as follows:

30 (a)(1) All postsecondary vocational-technical schools, technical  
31 institutes, and comprehensive lifelong learning centers within the State of  
32 Arkansas shall present to the ~~State Board of Career Education~~ Higher  
33 Education Coordinating Board and the ~~Department of Career Education~~ Division  
34 of Higher Education a report reflecting a satisfactory level of performance-  
35 based system of accountability measures and performance indicators as defined  
36 in this section.

1           (2) The report shall be filed with the ~~State Board of Career~~  
2 ~~Education~~ Higher Education Coordinating Board and the ~~Department~~ division  
3 annually.

4  
5           SECTION 891. Arkansas Code § 6-52-201(8), concerning apprenticeship  
6 training programs and the definition of "vo-tech", is repealed.

7           ~~(8) "Vo-Tech" means the Department of Career Education.~~

8  
9  
10          SECTION 892. Arkansas Code § 6-53-206 is amended to read as follows:  
11          6-53-206. Equipment pool.

12          The ~~Department~~ Division of Higher Education, in coordination with the  
13 institutions, shall develop an effective means of pooling surplus equipment  
14 for redistribution to other institutions. Such equipment pool arrangement may  
15 include the crediting of equipment values to the institution for equipment  
16 acquired from a source other than the state.

17  
18          SECTION 893. Arkansas Code § 6-53-301(f)(2), concerning the Arkansas  
19 Technical and Community College System, is amended to read as follows:

20           (2) All records, personnel, property, unexpended balances of  
21 appropriations, allocations, or other funds of the technical college shall be  
22 transferred to the ~~Department~~ Division of Higher Education.

23  
24          SECTION 894. Arkansas Code § 6-53-302(i), concerning the local  
25 administration of technical colleges, is amended to read as follows:

26           (i) The local board may contract with the ~~Department~~ Division of  
27 Career and Technical Education, with a nonprofit organization, or with a  
28 local school board within its service area to offer secondary level general  
29 academic and vocational and technical courses and programs or adult literacy  
30 courses, or both.

31  
32          SECTION 895. Arkansas Code § 6-53-306 is amended to read as follows:  
33          6-53-306. Coordination with secondary vocational-technical education  
34 and literacy programs.

35          Upon the approval of the Arkansas Higher Education Coordinating Board,  
36 the local board may contract with the ~~Department~~ Division of Career and

1 Technical Education, a nonprofit organization, or a local school district  
2 board of directors within its service area to offer secondary-level  
3 vocational and technical courses and programs, adult literacy courses, and  
4 industry training.

5  
6 SECTION 896. Arkansas Code § 6-53-402(g)(2), concerning the conversion  
7 of two-year branches into technical colleges, is amended to read as follows:

8 (2) All records, personnel, property, unexpended balances of  
9 appropriations, allocations, or other funds of the technical college shall be  
10 transferred to the ~~Department~~ Division of Higher Education.

11  
12 SECTION 897. Arkansas Code § 6-53-403(j)(2), concerning the conversion  
13 of technical colleges and two-year branches into community colleges, is  
14 amended to read as follows:

15 (2) All records, personnel, property, unexpended balances of  
16 appropriations, allocations, or other funds of the community college shall be  
17 transferred to the ~~Department~~ Division of Higher Education.

18  
19 SECTION 898. Arkansas Code § 6-53-404(h)(2), concerning technical  
20 colleges and acceptance as branch campus of community college, is amended to  
21 read as follows:

22 (2) All records, personnel, property, unexpended balances of  
23 appropriations, allocations, or other funds of the satellite campus shall be  
24 transferred to the ~~Department~~ Division of Higher Education.

25  
26 SECTION 899. Arkansas Code § 6-54-105, concerning accreditation and  
27 abolishment of technical colleges, is amended to read as follows:

28 6-54-105. Accreditation – Abolishment.

29 If the technical college fails to achieve such accreditation within  
30 eight (8) years following the date of transfer under § 6-54-104(d), the  
31 technical college shall be abolished by the Arkansas Higher Education  
32 Coordinating Board. All records, personnel, property, unexpended balances of  
33 appropriations, allocations, or other funds of the technical college shall be  
34 transferred to the ~~Department~~ Division of Higher Education.

35  
36 SECTION 900. Arkansas Code § 6-58-112 is amended to read as follows:

1           6-58-112. Conversion of positions and maximum salaries for Quapaw  
2 Technical Institute.

3           The maximum salaries as authorized for the positions in the  
4 appropriations act for Quapaw Technical Institute shall be converted to the  
5 maximum salaries for the equivalent or similar positions as authorized in the  
6 appropriations act for ~~Garland County Community College~~ National Park  
7 College. The conversion of the maximum salaries shall be approved by the  
8 ~~Department~~ Division of Higher Education for line item salaries or by the  
9 Department of Finance and Administration for classified salaries and be  
10 reported to the Legislative Council.

11  
12           SECTION 901. Arkansas Code § 6-59-101(1), concerning the definition of  
13 "adult education program" under Arkansas Northeastern College, is amended to  
14 read as follows:

15           (1) "Adult education program" means any classes designed to  
16 assist students in preparing for a high school equivalency test and any class  
17 designed to improve performance in general basic skills, parenting, English  
18 proficiency, or other areas funded by the Adult Education Section of the  
19 Department of ~~Career Education~~ Workforce Services; and

20  
21           SECTION 902. Arkansas Code § 6-60-105(a)(1), concerning employment and  
22 earning outcomes and reporting by the Department of Workforce Services, is  
23 amended to read as follows:

24           (a)(1) Annually, beginning June 30, 2016, the ~~Department~~ Division of  
25 Workforce Services shall prepare or contract with an entity to prepare an  
26 economic security report of employment and earning outcomes for degrees and  
27 certificates earned at state-supported institutions of higher education.

28  
29           SECTION 903. Arkansas Code § 6-60-105(a)(3)(B), concerning employment  
30 and earning outcomes and reporting by the Department of Workforce Services,  
31 is amended to read as follows:

32           (B) Use data available to the ~~Department~~ Division of  
33 Higher Education relating to the employment and earnings of graduates of  
34 degree or certificate programs from a state-supported institution of higher  
35 education;

36

1 SECTION 904. Arkansas Code § 6-60-105(b), concerning employment and  
2 earning outcomes and reporting by the Department of Workforce Services, is  
3 amended to read as follows:

4 (b) Annually, beginning July 1, 2016, a four-year state-supported  
5 institution of higher education and a two-year state-supported institution of  
6 higher education shall provide an enrolled student with electronic access to  
7 the economic security report of employment and earnings outcomes prepared by  
8 the ~~Department~~ Division of Workforce Services before the student registers  
9 for classes.

10  
11 SECTION 905. Arkansas Code § 6-60-105(d), concerning employment and  
12 earning outcomes and reporting by the Department of Workforce Services, is  
13 amended to read as follows:

14 (d) Annually, beginning August 1, 2016, a public school student in  
15 grade seven through grade twelve (7-12) or the student's parent or guardian  
16 shall receive a two-page summary of and electronic access to the ~~Department~~  
17 Division of Workforce Service's economic security report of employment and  
18 earnings outcomes prepared under this section.

19  
20 SECTION 906. Arkansas Code § 6-60-107 is amended to read as follows:

21 6-60-107. Workforce initiative funding.

22 (a)(1) The ~~Department~~ Division of Higher Education shall act as the  
23 disbursing entity for all funds for the Workforce Initiative Act of 2015.

24 (2) The ~~Department~~ Division of Higher Education shall establish  
25 procedures for the request for proposals under subdivision (b)(2) of this  
26 section that shall:

27 (A) Be approved by the Governor;

28 (B) Include input from the ~~Department of Education~~  
29 Division of Elementary and Secondary Education, the ~~Department~~ Division of  
30 Workforce Services, the Arkansas Economic Development Commission, and the  
31 ~~Department~~ Division of Career and Technical Education; and

32 (C) Be reported to the Legislative Council.

33 (3) The ~~Department~~ Division of Higher Education shall establish  
34 a grant application review and award process under this section that shall:

35 (A) Be approved by the Governor; and

36 (B) Include recommendations from the ~~Department of~~

1 ~~Education~~ Division of Elementary and Secondary Education, the ~~Department~~  
2 Division of Workforce Services, the Arkansas Economic Development Commission,  
3 and the ~~Department~~ Division of Career and Technical Education.

4 (b)(1) The ~~Department~~ Division of Higher Education shall set funding  
5 priorities in three (3) phases.

6 (2)(A)(i) Phase one shall seek requests for proposals from  
7 alliances consisting of technical institutes, community colleges,  
8 universities, the kindergarten through grade twelve (K-12) education system,  
9 educational cooperatives, or employers, with input from local workforce  
10 investment boards, to receive planning grants of up to one hundred thousand  
11 dollars (\$100,000).

12 (ii)(a) The local workforce investment boards shall  
13 identify the industry sectors for each of their ten (10) areas.

14 (b) The identification process shall include a  
15 comprehensive data analysis of employer skill requirements in each sector in  
16 each region.

17 (c) The identified industry sectors and  
18 employment skills shall serve as the basis for an application to a request  
19 for proposal from the ~~Department~~ Division of Higher Education.

20 (B) A request for proposal shall include an education and  
21 employer alignment plan that includes state-approved, employer-driven career  
22 pathways that are supported by a secondary center that awards concurrent  
23 credit courses that can be applied to a certificate of proficiency, technical  
24 certificate, Associate of Applied Science degree, or Bachelor of Applied  
25 Science degree or a similarly designed bachelor's degree.

26 (C) Recognizing the limited state resources, the priority  
27 for planning grants shall be given to the applicants that best enhance  
28 regional efforts, including collaboration between community colleges,  
29 universities, public schools, education service cooperatives, the local  
30 workforce investment boards, career and technical education programs,  
31 multidistrict vocational centers, and private partnerships with clearly  
32 defined and measurable performance and effectiveness objectives.

33 (3)(A) Phase two shall provide implementation grants in an  
34 amount necessary to provide the resources to implement approved projects  
35 concluded and approved by the ~~Department~~ Division of Higher Education from  
36 phase one.

1 (B) Implementation grants shall include clearly defined  
2 outcome measures and last for up to two (2) years.

3 (4)(A) Phase three shall provide continuation grants for phase  
4 two recipients that meet or exceed the outcome measures.

5 (B) Continuation grants shall be used to align the  
6 performance and relevance of programs to ever changing workforce training  
7 needs.

8  
9 SECTION 907. Arkansas Code § 6-60-203 is amended to read as follows:  
10 6-60-203. Off-campus enrollments.

11 In order to provide needed off-campus services to Arkansas citizens who  
12 do not happen to reside in the location of the main campus of a college or  
13 university, the ~~Department~~ Division of Higher Education is instructed to  
14 count and otherwise treat off-campus class enrollments consistent with the  
15 enrollments for those same classes on the main campus of the institution.

16  
17 SECTION 908. Arkansas Code § 6-60-204(b), concerning the waiver of  
18 general student fee charges for senior citizens, is amended to read as  
19 follows:

20 (b) Fees will be waived only for courses organized to grant credit  
21 and recognized by the ~~Department~~ Division of Higher Education for credit.

22  
23 SECTION 909. Arkansas Code § 6-60-208(d)(1), concerning the  
24 requirements for academic clemency, is amended to read as follows:

25 (d)(1) Conditional admissions standards for nontraditional students  
26 shall be based on the student's score on the American College Test composite  
27 or its equivalent as defined by the ~~Department~~ Division of Higher Education,  
28 which shall issue guidelines to assist two-year and four-year institutions of  
29 higher education in developing conditional admissions standards.

30  
31 SECTION 910. Arkansas Code § 6-60-214(h), concerning tuition benefits  
32 for soldiers and airmen of the Arkansas National Guard, is amended to read as  
33 follows:

34 (h)(1) The Adjutant General, in coordination with the ~~Department~~  
35 Division of Higher Education, shall promulgate rules for the implementation  
36 of this section, including without limitation rules for the eligibility of



1 soldiers and airmen.

2 (2) The ~~State Military~~ Department of the Military and the  
3 ~~Department~~ Division of Higher Education shall meet regularly to monitor and  
4 measure the success of this section, including without limitation to assess  
5 graduation rates of the soldiers and airmen under this section.

6

7 SECTION 911. Arkansas Code § 6-60-303(c) and (d), concerning the  
8 Higher Education Tuition Adjustment Fund, are amended to read as follows:

9 (c) Tracking and Reporting.

10 (1) Furthermore, the ~~Department~~ Division of Higher Education  
11 will require each institution to track and report the number of qualifying  
12 students each year.

13 (2)(A) A list of students who benefit from the out-of-state  
14 tuition waiver, including their social security numbers or their Arkansas  
15 taxpaying parents' or guardians' names and social security numbers, will be  
16 furnished by the ~~Department~~ Division of Higher Education to the Department of  
17 Finance and Administration for confirmation that they or their parents are  
18 employed in Arkansas at a wage in excess of five thousand five hundred  
19 dollars (\$5,500) per annum.

20 (B) Documentation should be either an official W-2 form  
21 from an Arkansas employer reflecting wages of at least five thousand five  
22 hundred dollars (\$5,500) in the tax year prior to enrollment in college or  
23 official employer verification of a current year salary minimum of at least  
24 five thousand five hundred dollars (\$5,500), which the college will keep on  
25 file for enrollment audit purposes.

26 (d) Appropriation Transfer Procedures.

27 (1) The Director of the ~~Department~~ Division of Higher Education  
28 shall determine the difference between the amount of tuition revenue which  
29 would have been generated by charging the Arkansas Higher Education  
30 Coordinating Board-approved out-of-state tuition rate to the students as  
31 compared to the approved in-state or out-of-district rate.

32 (2) Upon the determination, the director shall certify to the  
33 Chief Fiscal Officer of the State and the Treasurer of State those amounts  
34 that are required to be transferred from the ~~fund~~ Higher Education Tuition  
35 Adjustment Fund.

36 (3) Upon receiving the certification, the Chief Fiscal Officer

1 of the State and the Treasurer of State shall cause to be transferred the  
2 necessary funds and appropriation to the fund account of the institution  
3 receiving certification from the director.

4 (4) In order to provide funding for the appropriation set out in  
5 the line item entitled Tuition Adjustment in the biennial operations  
6 appropriation act for the ~~Department~~ Division of Higher Education, the Chief  
7 Fiscal Officer of the State shall transfer to the Higher Education Tuition  
8 Adjustment Fund from the Higher Education Grants Fund Account three hundred  
9 fifty thousand dollars (\$350,000) for each year of the biennium.

10  
11 SECTION 912. Arkansas Code § 6-60-703(a), concerning the Comprehensive  
12 Arkansas Higher Education Annual Report, is amended to read as follows:

13 (a)(1) The Comprehensive Arkansas Higher Education Annual Report shall  
14 be submitted by the ~~Department~~ Division of Higher Education to the House  
15 Committee on Education and the Senate Committee on Education, the President  
16 Pro Tempore of the Senate, the Speaker of the House of Representatives, and  
17 the Governor no later than December 15, 2011, and each year thereafter.

18 (2) The Comprehensive Arkansas Higher Education Annual Report  
19 shall be posted on the ~~department~~ division website for public inspection no  
20 later than January 1, 2012, and each year thereafter.

21  
22 SECTION 913. Arkansas Code § 6-60-703(d)(2), concerning the  
23 Comprehensive Arkansas Higher Education Annual Report, is amended to read as  
24 follows:

25 (2) Include a fiscal impact on administrative costs to the  
26 ~~department~~ division.

27  
28 SECTION 914. Arkansas Code § 6-60-704 is amended to read as follows:

29 6-60-704. Information submitted to the ~~Department~~ Division of Higher  
30 Education for inclusion in the report.

31 (a) All higher education reports submitted to the General Assembly or  
32 other governmental bodies by individual colleges and universities, agencies,  
33 boards, or commissions shall be submitted directly to the ~~Department~~ Division  
34 of Higher Education no later than November 1, 2011, and each year thereafter  
35 for inclusion in the Comprehensive Arkansas Higher Education Annual Report.

36 (b) If an institution of higher education fails to submit the required

1 reports to the ~~Department~~ division by November 15, the institutions shall  
 2 appear before the House Committee on Education and the Senate Committee on  
 3 Education to explain why they failed to meet the submission deadline.

4 (c) Financial information provided by an institution of higher  
 5 education is subject to review by ~~the Division of~~ Arkansas Legislative Audit,  
 6 and any adjustments made to previously submitted financial information during  
 7 the course of a financial audit may be revised based upon recommendations  
 8 made by ~~the division~~ Arkansas Legislative Audit.

9  
 10 SECTION 915. Arkansas Code § 6-60-705 is amended to read as follows:  
 11 6-60-705. Limitations.

12 (a) This subchapter does not limit the authority of the General  
 13 Assembly to request additional interim reports and supplemental information  
 14 from the ~~Department~~ Division of Higher Education, colleges and universities,  
 15 or other entities as needed.

16 (b) The Comprehensive Arkansas Higher Education Annual Report shall  
 17 take priority for the ~~department~~ division staff over a report requested under  
 18 subsection (a) of this section.

19  
 20 SECTION 916. Arkansas Code § 6-60-806(b), concerning the rules,  
 21 promulgation, and authority of the Arkansas Higher Education Coordinating  
 22 Board, is amended to read as follows:

23 (b)(1) The ~~Department~~ Division of Higher Education may enforce  
 24 compliance with this subchapter and any rules promulgated under this  
 25 subchapter by the board.

26 (2) Under the rules of the board, the ~~department~~ division may  
 27 enter upon and inspect a campus at any reasonable time and in a reasonable  
 28 manner.

29  
 30 SECTION 917. Arkansas Code § 6-60-901(1), concerning the definition of  
 31 "Arkansas Higher Education Information System" under the laws governing the  
 32 Arkansas Higher Education Information System, is amended to read as follows:

33 (1) "Arkansas Higher Education Information System" means the  
 34 database maintained by the ~~Department~~ Division of Higher Education containing  
 35 student data files that the ~~department~~ division and institutions of higher  
 36 education in Arkansas are required to collect under §§ 6-85-214, 6-85-216,

1 and 6-85-217, other state law, and federal law; and

2  
3 SECTION 918. Arkansas Code § 6-60-902 is amended to read as follows:  
4 6-60-902. Arkansas Higher Education Information System.

5 (a) The ~~Department~~ Division of Higher Education shall develop and  
6 maintain the Arkansas Higher Education Information System.

7 (b)(1) By December 31, 2011, the ~~Department~~ Division of Higher  
8 Education shall provide the Bureau of Legislative Research with direct read-  
9 and-report-only access to the data warehouse of the system concerning student  
10 academic data, financial aid data, and related records.

11 (2)(A) In providing the bureau with the direct read-and-report-  
12 only access required under subdivision (b)(1) of this section, the ~~Department~~  
13 Division of Higher Education shall take reasonable precautions, including  
14 electronic blocking or redacting, to prevent the disclosure of:

15 (i) Personally identifiable information of a  
16 student, unless the parent or guardian of a minor student or a student who is  
17 no longer a minor consents in writing to the disclosure of personally  
18 identifiable information about that student; or

19 (ii) Information that would cause the ~~Department~~  
20 Division of Higher Education to lose funding under 20 U.S.C. § 1232g, as it  
21 existed on January 1, 2011.

22 (B) The ~~Department~~ Division of Higher Education shall:

23 (i) Work with the ~~Department of Education~~ Division  
24 of Elementary and Secondary Education to develop the method of redaction to  
25 be used with the system based on the standards used by the ~~Department of~~  
26 ~~Education~~ Division of Elementary and Secondary Education; and

27 (ii) Disclose to the bureau and to the Legislative  
28 Council the method of electronic blocking or redaction the ~~Department~~  
29 Division of Higher Education will use under this subsection.

30 (3)(A) The ~~Department~~ Division of Higher Education shall make  
31 its staff reasonably accessible for consultation with bureau staff in  
32 developing and responding appropriately to bureau requests under this  
33 section.

34 (B)(i) The bureau staff shall inform the ~~Department~~  
35 Division of Higher Education of any warehouse data used in the preparation of  
36 reports and provide the ~~Department~~ Division of Higher Education at least one

1 (1) working day to review any student-related warehouse data used in  
2 preparation of reports before publicly releasing that student-related data  
3 without personally identifiable information of a student.

4 (ii) This subdivision (b)(3)(B) does not waive the  
5 confidentiality of a request of a member of the General Assembly under § 10-  
6 2-129.

7 (c) The ~~Department~~ Division of Higher Education shall provide other  
8 information and records requested by the bureau as soon as possible and in  
9 whatever reasonable form requested.

10 (d) To the extent possible, the ~~Department~~ Division of Higher  
11 Education, in cooperation with the ~~Department of Education~~ Division of  
12 Elementary and Secondary Education, shall maintain the system in a manner  
13 that ultimately will be compatible with implementing a P-20W student data  
14 system for the state.

15  
16 SECTION 919. Arkansas Code § 6-60-903(a)(2), concerning compliance by  
17 institutions of higher education regarding providing required data, is  
18 amended to read as follows:

19 (2) Published from time to time by the ~~department~~ Division of  
20 Higher Education.

21  
22 SECTION 920. The introductory language of Arkansas Code § 6-60-903(b),  
23 concerning compliance by institutions of higher education regarding providing  
24 required data, is amended to read as follows:

25 (b) Within two (2) weeks of an institution of higher education's  
26 failure to comply with the requirements for submission of data published by  
27 the ~~department~~ division, the ~~department~~ division shall report to the  
28 Legislative Council:

29  
30 SECTION 921. Arkansas Code § 6-61-105(b), concerning the requirement  
31 of a course in American history or civil government, is amended to read as  
32 follows:

33 (b) The ~~Department~~ Division of Higher Education shall see to the  
34 strict carrying out of this section and may take such steps and measures as  
35 may be necessary to effectuate its provisions.

36

1 SECTION 922. Arkansas Code § 6-61-112(f)(2), concerning a student or  
2 student's spouse being called into military service, is amended to read as  
3 follows:

4 (2) The ~~Department~~ Division of Higher Education shall adopt the  
5 necessary rules to ensure that state-supported scholarship, grant, and loan  
6 programs comply with the provisions of this section.

7  
8 SECTION 923. Arkansas Code § 6-61-112(g), concerning a student or  
9 student's spouse being called into military service, is amended to read as  
10 follows:

11 (g)(1) For each fiscal year, each state-supported institution of  
12 higher education in the state shall report the type and amount of  
13 compensatory options provided under this section to the ~~department~~ division.

14 (2) The ~~department~~ division shall report to the House Committee  
15 on Aging, Children and Youth, Legislative and Military Affairs and the Senate  
16 Interim Committee on Children and Youth regarding the type and amount of  
17 compensatory options provided under this section by each state-supported  
18 institution of higher education no later than October 1 of each year  
19 beginning in 2006 and each year thereafter.

20  
21 SECTION 924. The introductory language of Arkansas Code § 6-61-  
22 124(b)(1), concerning the reporting of minority students who complete an  
23 education program, is amended to read as follows:

24 (b)(1) All state-supported colleges and universities in Arkansas shall  
25 report to the ~~Department of Education~~ Division of Elementary and Secondary  
26 Education as soon as possible after each semester a list of each minority  
27 student who:

28  
29 SECTION 925. Arkansas Code § 6-61-124(b)(1)(B), concerning the  
30 reporting of minority students who complete an education program, is amended  
31 to read as follows:

32 (B) Has signed a consent form authorizing the college or  
33 university to report such information to the ~~department~~ division.

34  
35 SECTION 926. Arkansas Code § 6-61-124(c)(1), concerning the reporting  
36 of minority students who complete an education program, is amended to read as

1 follows:

2 (c)(1) The ~~department~~ division shall maintain a database based upon  
3 the reports provided by each college and university under subsection (b) of  
4 this section.

5

6 SECTION 927. Arkansas Code § 6-61-127(a)(1), concerning the creation  
7 of the Arkansas Higher Education Performance Reporting System, is amended to  
8 read as follows:

9 (a)(1) The ~~Department~~ Division of Higher Education, in consultation  
10 with the institutions of higher education, shall develop an Arkansas Higher  
11 Education Performance Reporting System.

12

13 SECTION 928. Arkansas Code § 6-61-127(b) and (c), concerning the  
14 creation of the Arkansas Higher Education Performance Reporting System, are  
15 amended to read as follows:

16 (b) To the extent possible, the Arkansas Higher Education Performance  
17 Reporting System will utilize information from an accrediting agency  
18 recognized by the United States Department of Education's assessment outcomes  
19 measures which are required for reaffirmation of accreditation, federal  
20 Integrated Postsecondary Education Data System report data, and data  
21 collected annually through the ~~Department~~ Division of Higher Education's  
22 Statewide Information System.

23 (c) In developing the Arkansas Higher Education Performance Reporting  
24 System, the ~~Department~~ Division of Higher Education will review and analyze  
25 higher education performance reporting systems used in other states to  
26 incorporate the best aspects of those plans.

27

28 SECTION 929. Arkansas Code § 6-61-129(c)(2)(A), concerning the  
29 creation of centers of excellence, is amended to read as follows:

30 (2)(A) Institutions of higher education may submit proposals to  
31 the ~~Department~~ Division of Higher Education to become centers of excellence.

32

33 SECTION 930. Arkansas Code § 6-61-129(d)(1), concerning the creation  
34 of centers of excellence, is amended to read as follows:

35 (d)(1) Two (2) representatives of the ~~Department~~ Division of Higher  
36 Education as designated by the Director of the ~~Department~~ Division of Higher

1 Education, and one (1) representative of the Arkansas Economic Development  
2 Commission shall meet as needed to review applications jointly.

3  
4 SECTION 931. The introductory language of Arkansas Code § 6-61-  
5 129(d)(2), concerning the creation of centers of excellence, is amended to  
6 read as follows:

7 (2) The ~~Department~~ Division of Higher Education and the Arkansas  
8 Economic Development Commission shall jointly make a recommendation to the  
9 board regarding which institutions shall be acknowledged as centers of  
10 excellence in a particular program or field of study based on factors,  
11 including, but not limited to:

12  
13 SECTION 932. Arkansas Code § 6-61-131(b)(2)(A), concerning student  
14 accounts receivable policies at two-year institutions of higher education, is  
15 amended to read as follows:

16 (2)(A) Review its policies and practices to ensure its  
17 compliance with census reporting guidelines promulgated by the ~~Department~~  
18 Division of Higher Education.

19  
20 SECTION 933. Arkansas Code § 6-61-131(c)(3), concerning student  
21 accounts receivable policies at two-year institutions of higher education, is  
22 amended to read as follows:

23 (3) Filed with the ~~department~~ division no later than thirty (30)  
24 days after the adoption of the policy.

25  
26 SECTION 934. Arkansas Code § 6-61-133(b), concerning professional  
27 development for mandated reporters and licensed elementary and secondary  
28 public school personnel, is amended to read as follows:

29 (b) For each degree program at an institution of higher education in  
30 this state that is a prerequisite for licensure or certification in a  
31 profession in which the professional is a child maltreatment mandated  
32 reporter under the Child Maltreatment Act, § 12-18-101 et seq., the  
33 ~~Department~~ Division of Higher Education shall coordinate with all the  
34 institutions of higher education to ensure that before receiving a degree,  
35 each graduate receives the professional development identified in subdivision  
36 (d)(1) of this section.



1  
2 SECTION 935. Arkansas Code § 6-61-134(a)(3)(B), concerning  
3 amathematics requirement for an associate of applied science degree, is  
4 amended to read as follows:

5 (B) ~~Department~~ Division of Higher Education.  
6

7 SECTION 936. Arkansas Code § 6-61-137(d), concerning the presentation  
8 of expenditure data by state-supported institutions of higher education, is  
9 amended to read as follows:

10 (d)(1) The ~~Department~~ Division of Higher Education:

11 (A) May promulgate rules necessary to implement this  
12 section; and

13 (B) Shall develop internal guidelines necessary to  
14 implement this section.

15 (2) The ~~department~~ division shall consult with the state-  
16 supported institutions of higher education in developing rules and internal  
17 guidelines necessary to implement this section.  
18

19 SECTION 937. Arkansas Code § 6-61-203 is amended to read as follows:  
20 6-61-203. Director and staff – Funds – Central office.

21 (a)(1)(A) The Arkansas Higher Education Coordinating Board shall  
22 appoint a director through a search and selection process that includes  
23 substantial input, review, and recommendation from the Presidents Council, in  
24 consultation with the Secretary of the Department of Education, subject to  
25 confirmation by the Governor.

26 (B) The director shall serve at the pleasure of the  
27 Governor and the Secretary of the Department of Education.

28 ~~(2) The director shall serve as a member of the Governor's~~  
29 ~~cabinet as the advocate for higher education.~~

30 ~~(3)~~(A) The director and other staff employed by the board shall  
31 demonstrate competence in the field of institutional management or agency  
32 management, institutional finance, financial aid, or institutional research.

33 (B) The director shall exhibit advanced coordination and  
34 communication skills.

35 (b) The salary of the director and other members of the staff employed  
36 by the board or the Department of Education shall be comparable to the

1 positions requiring similar qualifications and experience.

2 (c) The staff of the board shall be under the direction and  
3 supervision of the director.

4 (d) The board shall be provided sufficient operating funds to enable  
5 it to carry out adequately the programs and functions assigned to the  
6 ~~Department~~ Division of Higher Education.

7 (e) The central office of the ~~department~~ division shall be maintained  
8 in Little Rock.

9 (f)(1) The board shall evaluate the director annually.

10 (2) The council shall provide an evaluation report of the  
11 ~~department~~ division and the director to the board at least annually.

12  
13 SECTION 938. Arkansas Code § 6-61-204(d)(3), concerning advisory  
14 committees and councils, is amended to read as follows:

15 (3) The ~~Department~~ Division of Higher Education employees shall  
16 staff each committee.

17  
18 SECTION 939. Arkansas Code § 6-61-207(b) and (c), concerning role and  
19 scope designations of the Arkansas Higher Education Coordinating Board, is  
20 amended to read as follows:

21 (b) To assist the board and the ~~Department~~ Division of Higher  
22 Education in their effort to promote a coordinated system of higher education  
23 in Arkansas that addresses and responds to the changing economic needs of the  
24 state and the new economy, the Arkansas Economic Development Commission shall  
25 provide the ~~Department of Higher Education~~ division a list of the state's  
26 overall and regional economic development goals within ten (10) days of  
27 August 12, 2005, and by September 1 of each year thereafter.

28 (c)(1) The ~~Department of Higher Education~~ division may retain the  
29 services of consultants or other experts as may be necessary to carry out the  
30 review, and the ~~Department of Higher Education~~ division staff shall work  
31 directly with the consultants to handle the logistics of needed discussion  
32 groups, meeting minutes, and recommendation dissemination.

33 (2) The review process shall include an opportunity for  
34 institutions to provide input, as well as a time for public and business  
35 comment.

36 (3) Upon completion of the review, the ~~Department of Higher~~

1 ~~Education~~ division shall provide a report regarding its findings to the  
2 board, the Governor, the cochairs of the Legislative Council, and the  
3 Director of the Bureau of Legislative Research.

4 (4) The requirements for a review under this section shall be  
5 contingent upon the appropriation and availability of funding for that  
6 purpose.

7  
8 SECTION 940. Arkansas Code § 6-61-215 is amended to read as follows:

9 6-61-215. Student tuition and fees – Reporting.

10 Annually, by July 1, the ~~Department~~ Division of Higher Education shall  
11 report the tuition and mandatory fees charged to students, including all  
12 changes to tuition and mandatory fees, for each state-supported institution  
13 of higher education to the House Committee on Education and the Senate  
14 Committee on Education.

15  
16 SECTION 941. Arkansas Code § 6-61-220(b) and (c), concerning retention  
17 and graduation rate information, are amended to read as follows:

18 (b)(1)(A) The ~~Department~~ Division of Higher Education, in consultation  
19 with the colleges and universities, shall recommend a system for the  
20 collection of information as to the retention and graduation rates of  
21 students at state-supported colleges and universities to the board, the  
22 Governor, the House Committee on Education, the Senate Committee on  
23 Education, and the colleges and universities.

24 (B) In addition to retention and graduation rates for all  
25 students, the report shall also include the retention and graduation rates of  
26 all students who participate in intercollegiate athletics.

27 (2) Except as provided in subsection (c) of this section,  
28 officials of state colleges and universities shall provide to the ~~department~~  
29 division the information requested by the ~~department~~ division by December 1  
30 of each year, beginning in 2000.

31 (3)(A) For the purpose of analysis by the Bureau of Legislative  
32 Research to guide the General Assembly's evaluation of the need for  
33 adjustments to eligibility and funding levels for state-supported student  
34 financial assistance, the Office of Accountability of the ~~Department of~~  
35 Education Division of Elementary and Secondary Education shall provide  
36 annually to the bureau all individual student demographic and test result

1 data on ACT or ACT equivalent college placement exams.

2 (B) The office shall provide the data in a database or  
3 spreadsheet format that omits personally identifiable information.

4 (c)(1) Subject to an adequate appropriation for the personnel and  
5 equipment necessary to implement the system recommended under subdivision  
6 (b)(1) of this section, the ~~department~~ division shall collect the information  
7 described in subdivision (b)(1) of this section and report its findings to  
8 the board, the Governor, the committees, and the colleges and universities by  
9 May 1 of each year, beginning in 2000.

10 (2) Notwithstanding the provisions of subdivision (c)(1) of this  
11 section, colleges and universities shall commence the collection of  
12 information as to the retention and graduation rates of all students who  
13 participate in intercollegiate athletics beginning in the fall semester of  
14 1989 and shall report this information to the ~~department~~ division by December  
15 1 of each year, beginning in 2000.

16  
17 SECTION 942. Arkansas Code § 6-61-221 is amended to read as follows:  
18 6-61-221. Reporting of graduates requiring postsecondary remediation.

19 (a)(1) The ~~Department~~ Division of Higher Education shall collect  
20 information necessary to prepare reports of college achievement of high  
21 school graduates from each state-supported institution of higher education.

22 (2) The ~~Department~~ Division of Higher Education may contract  
23 with appropriate organizations for the preparation of the reports.

24 (b) The ~~Department~~ Division of Higher Education and the Office of  
25 Accountability of the ~~Department of Education~~ Division of Elementary and  
26 Secondary Education shall work together to develop a compatible system of  
27 reporting the number of:

28 (1) Students who required remediation during their first year of  
29 enrollment in a state-supported institution of higher education if the  
30 enrollment occurred within two (2) years of graduation from a secondary  
31 school in this state;

32 (2) Students who required remediation and who graduated:

33 (A) With a 3.0 or higher grade point average on a 4.0  
34 scale; and

35 (B) From a public high school after completing the:

36 (i) Program of the minimum core of high school

1 courses recommended for preparation for postsecondary education by the  
 2 Arkansas Higher Education Coordinating Board and the State Board of Education  
 3 pursuant to § 6-61-217 known as Smart Core; or

4 (ii) Non-Smart Core curriculum; and

5 (3) Attempts it takes a student to pass a postsecondary remedial  
 6 course, beginning in the 2011-2012 school year.

7 (c)(1) The compilation report generated by the ~~Department~~ Division of  
 8 Higher Education shall not include individual student information if the  
 9 information is reported in a manner that would identify a particular student.

10 (2) Any information gathered that identifies a particular  
 11 student shall be confidential.

12 (d)(1) The ~~Department~~ Division of Higher Education shall include the  
 13 reports developed under this section annually in the Comprehensive Arkansas  
 14 Higher Education Annual Report and provide an electronic copy to the:

15 (A) ~~Department of Education~~ Division of Elementary and  
 16 Secondary Education;

17 (B) ~~Department~~ Division of Career and Technical Education;

18 (C) Arkansas Higher Education Coordinating Board;

19 (D) Governor;

20 (E) House Committee on Education;

21 (F) Senate Committee on Education;

22 (G) State Board of Education; and

23 (H) School district administrators for each public high  
 24 school.

25 (2) The reports developed under this section shall be prepared  
 26 on or before October 1 each year and include the cost of remediation for each  
 27 state-supported institution of higher education, which shall be submitted to  
 28 the ~~Department~~ Division of Higher Education according to standards developed  
 29 by the ~~Department~~ Division of Higher Education and shall include for each  
 30 state-supported institution of higher education:

31 (A) The amount of institutional revenue spent on  
 32 remediation;

33 (B) The total general revenue subsidy spent on  
 34 remediation;

35 (C) The total institutional expenditure for remediation;

36 and

1 (D) The general revenue percentage of total expenditures  
2 for remediation.

3 (3) The report required under this subsection shall be separate  
4 from the uniform reporting standards report required under § 6-61-222.  
5

6 SECTION 943. Arkansas Code § 6-61-222(a)(3)(B), concerning uniform  
7 reporting standards, is amended to read as follows:

8 (B) "Academic program" means any program of study leading  
9 to a degree or certificate and any other program as defined by the ~~Department~~  
10 Division of Higher Education;  
11

12 SECTION 944. Arkansas Code § 6-61-226(b)(1)(A), concerning guidelines  
13 for course review, is amended to read as follows:

14 (b)(1)(A) The ~~Department~~ Division of Higher Education shall establish  
15 peer review project teams composed of faculty members of Arkansas  
16 universities and two-year colleges.  
17

18 SECTION 945. Arkansas Code § 6-61-226(b)(2)(A), concerning guidelines  
19 for course review, is amended to read as follows:

20 (2)(A) The peer review project team for each discipline shall  
21 review and recommend to the ~~department~~ division courses in the applicable  
22 discipline to be recommended to the board for inclusion in the curriculum.  
23

24 SECTION 946. Arkansas Code § 6-61-227 is amended to read as follows:  
25 6-61-227. Annual transfer credit report.

26 All public institutions of higher education and any participating  
27 private institutions of higher education shall file a report annually with  
28 the ~~Department~~ Division of Higher Education identifying the number of  
29 students who requested transfer credit for a completed course in the state  
30 minimum core curriculum but were not given credit.  
31

32 SECTION 947. The introductory language of Arkansas Code § 6-61-  
33 231(d)(1)(C)(i), concerning statewide transfer agreements, is amended to read  
34 as follows:

35 (C)(i) Policies and procedures for the ~~Department~~ Division  
36 of Higher Education to collect data from public institutions of higher

1 education to ensure that:

2  
3 SECTION 948. Arkansas Code § 6-61-231(d)(1)(C)(ii), concerning  
4 statewide transfer agreements, is amended to read as follows:

5 (ii) The ~~department~~ division shall determine  
6 annually the data to be collected and shall establish by rule the procedures  
7 for a public institution of higher education to provide the data requested.  
8

9 SECTION 949. Arkansas Code § 6-61-234(a)(1)(A), concerning the  
10 productivity-based funding model for state-supported institutions of higher  
11 education, is amended to read as follows:

12 (a)(1)(A) The Arkansas Higher Education Coordinating Board shall adopt  
13 policies developed by the ~~Department~~ Division of Higher Education necessary  
14 to implement a productivity-based funding model for state-supported  
15 institutions of higher education.  
16

17 SECTION 950. Arkansas Code § 6-61-234(d)-(f), concerning the  
18 productivity-based funding model for state-supported institutions of higher  
19 education, are amended to read as follows:

20 (d) Funds unallocated to state-supported institutions of higher  
21 education due to productivity declines shall be reserved by the ~~department~~  
22 division to address statewide needs in higher education.

23 (e) The ~~department~~ division shall review the policies every five (5)  
24 years to ensure the productivity-based funding model continues to respond to  
25 the needs and priorities of the state.

26 (f) In any fiscal year for which the aggregate general revenue funding  
27 forecast to be available for state-supported institutions of higher education  
28 is greater than two percent (2%) less than the amount provided for the  
29 immediate previous fiscal year, the ~~department~~ division shall not further  
30 implement the productivity-based funding model until the following fiscal  
31 year.  
32

33 SECTION 951. Arkansas Code § 6-61-301(a)(3), concerning incorporation  
34 of laws from the Arkansas Higher Education Coordinating Board, is amended to  
35 read as follows:

36 (3) Nonpublic, not-for-profit colleges and universities

1 currently incorporated, recognized by the Arkansas Higher Education  
2 Coordinating Board as Arkansas independent institutions of higher education,  
3 and operating under the applicable laws of this state shall not be required  
4 to receive certification from the Arkansas Higher Education Coordinating  
5 Board or to receive licensure from the ~~Department~~ Division of Higher  
6 Education under § 6-51-601 et seq.

7  
8 SECTION 952. Arkansas Code § 6-61-302(b)(4), concerning incorporation  
9 and certification advisory committee to the Arkansas Higher Education  
10 Coordinating Board, is amended to read as follows:

11 (4) The Director of the ~~Department~~ Division of Career and  
12 Technical Education or his or her designated representative; and  
13

14 SECTION 953. Arkansas Code § 6-61-304 is amended to read as follows:

15 6-61-304. Review of existing programs of higher education.

16 In order to provide for the orderly development, coordination,  
17 financing, and expansion of the higher education program of this state, the  
18 ~~Department~~ Division of Higher Education shall review the existing programs of  
19 higher education in this state and assist in the orderly development and  
20 expansion of higher education in this state in accordance with the procedures  
21 outlined in §§ 6-61-101 – 6-61-103, 6-61-201 – 6-61-209, 6-61-211 [repealed],  
22 6-61-212 – 6-61-216, 6-61-301 – 6-61-305, 6-61-306 [repealed], 6-61-401, 6-  
23 61-402, 6-61-501 – 6-61-524, 6-61-601 – 6-61-603 and 6-61-604 – 6-61-612  
24 [repealed].  
25

26 SECTION 954. Arkansas Code § 6-61-305 is amended to read as follows:

27 6-61-305. Encouragement of participation by private institutions.

28 The ~~Department~~ Division of Higher Education staff and the Arkansas  
29 Higher Education Coordinating Board shall invite and encourage the  
30 participation of private colleges and universities, proprietary schools, and  
31 all other postsecondary institutions in Arkansas in planning for the programs  
32 of education beyond high school.  
33

34 SECTION 955. Arkansas Code § 6-61-401(a), concerning the State Student  
35 Incentive Grant Program, is amended to read as follows:

36 (a) The ~~Department~~ Division of Higher Education, in accordance with



1 policy established by the Arkansas Higher Education Coordinating Board, shall  
2 administer the federal State Student Incentive Grant Program.

3  
4 SECTION 956. Arkansas Code § 6-61-402(c), concerning contracts and  
5 cooperation with the Southern Regional Education Board, is amended to read as  
6 follows:

7 (c) The ~~Department~~ Division of Higher Education staff, at the  
8 direction of the Arkansas Higher Education Coordinating Board, is empowered  
9 to conduct necessary administrative duties in connection with this program.

10  
11 SECTION 957. Arkansas Code § 6-61-504 is amended to read as follows:  
12 6-61-504. Division of Community Junior Colleges created.

13 The Director of the ~~Department~~ Division of Higher Education shall  
14 establish a separate Division of Community Junior Colleges within the  
15 ~~Department~~ Division of Higher Education.

16  
17 SECTION 958. Arkansas Code § 6-61-505(b), concerning the State  
18 Community College Board, is amended to read as follows:

19 (b) When the ~~board~~ Arkansas Higher Education Coordinating Board is  
20 acting as the State Community College Board, the Director of the ~~Department~~  
21 ~~of Education~~ Division of Elementary and Secondary Education shall be an ex  
22 officio nonvoting member of that ~~board~~ Arkansas Higher Education Coordinating  
23 Board.

24  
25 SECTION 959. Arkansas Code § 6-61-505(c)(8)(C), concerning the State  
26 Community College Board, is amended to read as follows:

27 (C) If it is determined that any community college is not  
28 adequately comprehensive and is not becoming adequately comprehensive, that  
29 institution shall not be eligible for state funds until it has corrected the  
30 deficiencies and has received a favorable determination by the board.

31  
32 SECTION 960. Arkansas Code § 6-61-803 is amended to read as follows:

33 6-61-803. Arkansas Research Development Program created –  
34 Administration.

35 There is created a program to be known as the Arkansas Research  
36 Development Program which shall be administered by the Director of the

1 ~~Department~~ Division of Higher Education.

2  
3 SECTION 961. Arkansas Code § 6-61-808(b)(1), concerning applications  
4 for funds for the Arkansas Research Development Program, is amended to read  
5 as follows:

6 (b)(1) The Director of the ~~Department~~ Division of Higher Education  
7 shall review the applications and shall approve applications in the amount he  
8 or she determines appropriate, after seeking the advice of the Legislative  
9 Council.

10  
11 SECTION 962. Arkansas Code § 6-61-901 is amended to read as follows:  
12 6-61-901. Purpose.

13 In order to enhance the public's access to performance indicators and  
14 to better measure the dividends paid on the increasing public investment in  
15 Arkansas's institutions of higher education, the General Assembly finds that  
16 a separate office of accountability should be established within the  
17 ~~Department~~ Division of Higher Education.

18  
19 SECTION 963. Arkansas Code § 6-61-902 is amended to read as follows:  
20 6-61-902. Office of Accountability within ~~Department~~ Division of  
21 Higher Education.

22 (a) There is created the Office of Accountability within the  
23 ~~Department~~ Division of Higher Education.

24 (b) The office is authorized and directed to collect and analyze  
25 information that may be required to meet any state or federal requirement.

26 (c) Under the direction of the Director of the ~~Department~~ Division of  
27 Higher Education, the staff of the office shall work cooperatively with and  
28 provide any necessary assistance to the House Committee on Education and the  
29 Senate Committee on Education.

30  
31 SECTION 964. Arkansas Code § 6-61-1303(4)(C), concerning definition of  
32 "full-time student" under the Productivity Enhancement for Undergraduate  
33 Higher Education Act, is amended to read as follows:

34 (C) Is enrolled in at least twelve (12) semester hours or  
35 some other reasonable academic equivalent as defined by the ~~Department~~  
36 Division of Higher Education;

1  
2 SECTION 965. Arkansas Code § 6-61-1403(a), concerning additions or  
3 alterations to the common course numbering system, is amended to read as  
4 follows:

5 (a) The Director of the ~~Department~~ Division of Higher Education shall  
6 recommend to the Arkansas Higher Education Coordinating Board any additions  
7 or alterations to the common course numbering system.

8  
9 SECTION 966. Arkansas Code § 6-61-1406 is amended to read as follows:  
10 6-61-1406. Courses review.

11 The ~~Department~~ Division of Higher Education shall:

- 12 (1) Regularly schedule reviews of courses that are listed in the  
13 common course numbering system;  
14 (2) Establish review procedures; and  
15 (3) Adopt policies to carry out this section.

16  
17 SECTION 967. Arkansas Code § 6-61-1407 is amended to read as follows:  
18 6-61-1407. Data collection.

19 (a) The ~~Department~~ Division of Higher Education shall adopt policies  
20 for the collection of data to ensure that all institutions of higher  
21 education that participate in the common course numbering system comply with  
22 this subchapter.

23 (b) The ~~department~~ division shall determine the data to be collected  
24 and annually notify each participating institution of higher education in a  
25 timely manner.

26  
27 SECTION 968. Arkansas Code § 6-61-1602(b), concerning the creation and  
28 purpose of the Institutional Energy Research Committee, is amended to read as  
29 follows:

30 (b) The ~~Department~~ Division of Higher Education, in collaboration with  
31 state-supported institutions of higher education that participate in energy  
32 research activities, shall appoint at least one (1) member of the research  
33 faculty at each state-supported institution of higher education that  
34 participates in energy research activities to serve on the Institutional  
35 Energy Research Committee.

36

1 SECTION 969. Arkansas Code § 6-62-105(a)(1), concerning private  
2 borrowing by institutions of higher education, is amended to read as follows:

3 (a)(1) Upon approval of the board of trustees of a state-supported  
4 institution of higher education, the ~~Department~~ Division of Higher Education,  
5 and the Chief Fiscal Officer of the State, a state-supported institution of  
6 higher education may borrow funds determined by the board to be necessary to  
7 continue the operation of the state-supported institution of higher education  
8 from a private financial institution if the Revolving Loan Fund is  
9 insufficient, as certified by the Chief Fiscal Officer of the State, for a  
10 state-supported institution of higher education to participate in the fund.  
11

12 SECTION 970. The introductory language of Arkansas Code § 6-62-  
13 105(c)(1), concerning private borrowing by institutions of higher education,  
14 is amended to read as follows:

15 (c)(1) Notwithstanding subsections (a) and (b) of this section or §  
16 19-4-705, the Chief Fiscal Officer of the State and the Director of the  
17 ~~Department~~ Division of Higher Education may authorize a state-supported  
18 institution of higher education to borrow funds from a private financial  
19 institution provided that the board certifies that borrowing funds from a  
20 private financial institution:  
21

22 SECTION 971. Arkansas Code § 6-62-726(a), concerning the rules and  
23 regulations for the Department of Higher Education appropriation for college  
24 savings bonds, is amended to read as follows:

25 (a) The ~~Department~~ Division of Higher Education or other agency to  
26 which the appropriation for college savings bonds is provided shall adopt  
27 rules and regulations for the allocation of the funds reappropriated for the  
28 development of projects at state institutions of higher education and the  
29 payment of project costs and expenses of the issuance of the bonds under this  
30 subchapter in order to ensure that funds are allocated and expended in a  
31 manner consistent with the applicable provisions of the Internal Revenue  
32 Code, 26 U.S.C. § 1 et seq.  
33

34 SECTION 972. Arkansas Code § 6-62-803(a) and (b), concerning limits on  
35 the funding amount to be budgeted of unrestricted educational and general  
36 funds for intercollegiate athletic programs at state-supported institutions

1 of higher education, is amended to read as follows:

2 (a) For the certification required under § 6-62-805, the amount  
3 allowed to be budgeted of unrestricted educational and general funds for  
4 intercollegiate athletic programs at state-supported institutions of higher  
5 education shall be limited to an amount established by the ~~Department~~  
6 Division of Higher Education for the fiscal year 2012-2013 or an amount of  
7 not more than two percent (2%) of the actual total unrestricted educational  
8 and general revenues of the previous fiscal year at institutions of higher  
9 education.

10 (b) The ~~department~~ division shall annually adjust the allowable  
11 transfer based upon the Consumer Price Index.

12

13 SECTION 973. Arkansas Code § 6-63-103(c), concerning affirmative  
14 action programs, plans, and annual reports, is amended to read as follows:

15 (c) Copies of the five-year plan and annual reports summaries of each  
16 institution of higher education shall be included in the Comprehensive  
17 Arkansas Higher Education Annual Report, filed with the Governor, the  
18 ~~Department~~ Division of Higher Education, the president and board of trustees  
19 of the institution, the board of visitors of the institution, if applicable,  
20 and the House Committee on Education and the Senate Committee on Education.

21

22 SECTION 974. Arkansas Code § 6-63-104(a), concerning faculty  
23 performance reviews, is amended to read as follows:

24 (a) The president and chancellor of each state-supported institution  
25 of higher education in Arkansas shall work with the campus faculties to  
26 develop a framework to review faculty performance, including post-tenure  
27 review. The framework should be used to develop processes and procedures at  
28 each institution to ensure a consistently high level of performance of the  
29 faculty at Arkansas' publicly supported institutions of higher education. The  
30 effects of the review process of faculty performance should include rewarding  
31 productive faculty, redirecting faculty efforts to improve or to increase  
32 productivity, and correcting instances of substandard performance. The  
33 framework developed by each institution shall be reported to the House  
34 Committee on Education and the Senate Committee on Education, the Joint  
35 Interim Oversight Committee on Education Reform, and the ~~Department~~ Division  
36 of Higher Education no later than December 1, 1998, and shall be implemented

1 on the respective campuses no later than January 1, 2001.

2  
3 SECTION 975. Arkansas Code § 6-63-104(d), concerning faculty  
4 performance reviews, is amended to read as follows:

5 (d) The ~~department~~ division shall be responsible for monitoring the  
6 evaluation process and shall report its findings to the Arkansas Higher  
7 Education Coordinating Board and to the Legislative Council by August 1 of  
8 each year.

9  
10 SECTION 976. Arkansas Code § 6-63-305(a)(1)(A) and (B), concerning new  
11 or additional positions for institutions of higher education, are amended to  
12 read as follows:

13 (A) A request for a specific nonclassified position,  
14 title, and salary has been requested by the institution of higher education,  
15 approved by the institution's board of trustees, recommended by the  
16 ~~Department~~ Division of Higher Education, and reported to the Legislative  
17 Council; or

18 (B) A request for a specific classified position will be  
19 assigned only after a specific position, class title, and grade are requested  
20 by the institution of higher education, approved by the institution's board,  
21 recommended by the ~~department~~ division and reported to the Legislative  
22 Council or, if the General Assembly is in session, the Joint Budget  
23 Committee; and

24  
25 SECTION 977. Arkansas Code § 6-63-305(a)(3), concerning new or  
26 additional positions for institutions of higher education, are amended to  
27 read as follows:

28 (3) The source of funding for the additional positions  
29 established under this subsection shall be reported to the ~~department~~  
30 division and the Legislative Council by the institution at the time of the  
31 request.

32  
33 SECTION 978. Arkansas Code § 6-63-307(a), concerning salary  
34 restrictions and penalties of institutes of higher education, is amended to  
35 read as follows:

36 (a) An employee drawing a salary or other form of compensation from an

1 institution of higher education shall not be paid an additional salary or  
2 receive additional compensation other than reimbursement for actual expenses  
3 from that institution or from any other agency or institution of higher  
4 education except upon written certification to and approval by the Director  
5 of the ~~Department~~ Division of Higher Education and by the head of each agency  
6 or institution that the work performed by the employee for the other agency  
7 or institution of higher education does not interfere with the proper and  
8 required performance of the employee's Elementary duties and that the  
9 combined salary payments from both agencies or institutions of higher  
10 education will not exceed the larger maximum annual salary of the line item  
11 position authorized for either agency from which the employee is to be paid.  
12

13 SECTION 979. Arkansas Code § 6-63-311(a)(3), concerning special  
14 authorization and contracts for the National Center for Toxicological  
15 Research, is amended to read as follows:

16 (3) The ~~Department~~ Division of Higher Education will be notified  
17 of when and in what amount the special allowance will be paid prior to  
18 activation of the special allowance.  
19

20 SECTION 980. Arkansas Code § 6-63-312 is amended to read as follows:

21 6-63-312. Contingency appropriations – Transfers and reports.

22 (a) Upon approval by the ~~Department~~ Division of Higher Education and  
23 the Chief Fiscal Officer of the State, institutions of higher education may  
24 transfer appropriation from the cash contingency appropriation to any other  
25 appropriation made to the institution from cash funds and institutions may  
26 transfer appropriation from the contingency appropriation made payable from  
27 each institution's State Treasury Fund to the state operations appropriation  
28 made payable from each institution's State Treasury Fund.

29 (b) The ~~department~~ division shall report monthly to the Legislative  
30 Council these appropriation transfers, and the report shall include, by  
31 institution, the amounts transferred, the reasons therefor, and the source of  
32 the funds.  
33

34 SECTION 981. Arkansas Code § 6-63-316(b), concerning reporting of  
35 salaries of administrators of state-supported institution of higher  
36 education, is amended to read as follows:

1 (b)(1) A state-supported institution of higher education shall submit  
2 a report listing each administrator at the state-supported institution of  
3 higher education who earns a salary of one hundred thousand dollars  
4 (\$100,000) or more to the Arkansas Higher Education Coordinating Board and  
5 the ~~Department~~ Division of Higher Education by July 1 each year, beginning  
6 July 1, 2010.

7 (2) The report shall be posted on the ~~department~~ division  
8 website no later than July 15 each year, beginning July 15, 2010.

9  
10 SECTION 982. Arkansas Code § 6-65-104(b)(2), concerning rural school  
11 teachers' training department, is amended to read as follows:

12 (2) These courses shall be outlined by a committee consisting of  
13 the principal of each of the agricultural schools, the President of the  
14 University of Central Arkansas, and the Director of the ~~Department of~~  
15 Education Division of Elementary and Secondary Education and the Director of  
16 the ~~Department~~ Division of Career and Technical Education.

17  
18 SECTION 983. Arkansas Code § 6-66-113(b), concerning the report by the  
19 Board of Trustees of Henderson State University, is amended to read as  
20 follows:

21 (b) The report shall be incorporated in the report of the Director of  
22 the ~~Department of Education~~ Division of Elementary and Secondary Education  
23 and shall set forth the financial and scholastic condition of Henderson State  
24 University, furnish such suggestions as in the judgment of the board are  
25 necessary for the improvement of the university, and make any further  
26 recommendations that may to the board seem wise and expedient.

27  
28 SECTION 984. Arkansas Code § 6-67-114(b), concerning the biennial  
29 report to the General Assembly of the Board of Trustees of the University of  
30 Central Arkansas, is amended to read as follows:

31 (b) The report shall be incorporated in the report of the Director of  
32 the ~~Department of Education~~ Division of Elementary and Secondary Education  
33 and shall set forth the financial and scholastic condition of the University  
34 of Central Arkansas, furnish such suggestions as in the board's judgment are  
35 necessary for the improvement of the university, and shall make any further  
36 recommendations that may seem wise and expedient to the board.



1  
2 SECTION 985. Arkansas Code § 6-68-102(4), concerning an electronic  
3 version of printed instructional material, is amended to read as follows:

4 (4) Is signed by the coordinator of services for students with  
5 disabilities at the institution of higher education and by an official  
6 responsible for monitoring compliance with the Americans with Disabilities  
7 Act of 1990, 42 U.S.C. § 12101 et seq. At the request of the institution of  
8 higher education, the Division of State Services for the Blind of the  
9 Department of Human Services or the ~~Department~~ Division of Career and  
10 Technical Education may prepare and sign the certification.

11  
12 SECTION 986. Arkansas Code § 6-80-102(a), concerning compliance with  
13 the Selective Service Act, is amended to read as follows:

14 (a) "Institution of higher education" has the meaning assigned by the  
15 ~~Department~~ Division of Higher Education.

16  
17 SECTION 987. Arkansas Code § 6-80-102(d), concerning compliance with  
18 the Selective Service Act, is amended to read as follows:

19 (d) The ~~department~~ division shall specify by rule the form of  
20 statements of selective service status and the supporting documents to be  
21 filed to be in compliance with this section. The ~~department~~ division shall  
22 distribute to each institution of higher education a copy of all rules  
23 adopted under this section.

24  
25 SECTION 988. Arkansas Code § 6-80-105(a)(1), concerning scholarship  
26 stacking and student financial aid, is amended to read as follows:

27 (1) "Cost of attendance" means the recognized cost of attendance  
28 of an institution of higher education calculated under rules established by  
29 the ~~Department~~ Division of Higher Education;

30  
31 SECTION 989. Arkansas Code § 6-80-105(a)(4), concerning scholarship  
32 stacking and student financial aid, is amended to read as follows:

33 (4) "State aid" means scholarships or grants awarded to a  
34 student from public funds, including without limitation the Arkansas Academic  
35 Challenge Scholarship under § 6-85-201 et seq., the ~~Department~~ Division of  
36 Higher Education scholarship and grant programs, state general revenues,

1 tuition, and local tax revenue; and

2  
3 SECTION 990. Arkansas Code § 6-80-105(c), concerning scholarship  
4 stacking and student financial aid, is amended to read as follows:

5 (c) A postsecondary institution shall report to the ~~department~~  
6 division the total amount of federal aid, state aid, and other aid a student  
7 receives if the student receives an award from a ~~department~~ division  
8 scholarship or grant program, including the Arkansas Academic Challenge  
9 Scholarship under § 6-85-201 et seq.

10  
11 SECTION 991. Arkansas Code § 6-80-105(d)(2), concerning scholarship  
12 stacking and student financial aid, is amended to read as follows:

13 (2) The ~~department~~ division shall credit the excess state aid  
14 funds to the appropriate ~~department~~ division fund or trust account.

15  
16 SECTION 992. Arkansas Code § 6-80-105(e)(1), concerning scholarship  
17 stacking and student financial aid, is amended to read as follows:

18 (1) The ~~department~~ division if the ~~department~~ division awards  
19 state aid to the student; and

20  
21 SECTION 993. Arkansas Code § 6-80-107 is amended to read as follows:  
22 6-80-107. Transcripts.

23 (a)(1) As used in this section, "electronic transcript" means a  
24 student transcript that is formatted and transmitted electronically in the  
25 uniform method prescribed by the ~~Department~~ Division of Higher Education and  
26 the ~~Department of Education~~ Division of Elementary and Secondary Education  
27 for use by public schools and institutions of higher education in this state.

28 (2) An Arkansas public school shall use an electronic transcript  
29 in lieu of a paper transcript to:

30 (A) Provide to the ~~Department~~ Division of Higher Education  
31 as necessary to process state financial aid applications for students in  
32 grades nine through twelve (9-12);

33 (B) Transmit a transcript between public high schools to  
34 correctly enroll and place students in grades nine through twelve (9-12)  
35 transferring between public high schools and school districts; and

36 (C) Transmit a transcript to the ~~Department of Education~~

1 Division of Elementary and Secondary Education.

2 (3) An institution of higher education in this state shall use  
3 an electronic transcript in lieu of a paper transcript:

4 (A) As the only method of accepting a transcript from an  
5 Arkansas public school;

6 (B) As the only method of accepting a transcript from or  
7 sending a transcript to another institution of higher education in this  
8 state;

9 (C) To provide to the ~~Department~~ Division of Higher  
10 Education as necessary to process state financial aid applications for higher  
11 education students; and

12 (D) To transmit a transcript to the ~~Department of~~  
13 Education Division of Elementary and Secondary Education.

14 (b)(1) Except as provided under subdivision (b)(2) of this section, an  
15 institution of higher education that does not comply with this section shall  
16 not receive state financial aid on behalf of students.

17 (2) An institution of higher education with less than ten (10)  
18 students who receive financial aid from a program administered by the  
19 ~~Department~~ Division of Higher Education is exempt from the requirements under  
20 subsection (a) of this section and the penalty under this subsection.

21 (c)(1) The ~~Department of Education~~ Division of Elementary and  
22 Secondary Education shall prescribe a uniform method of formatting and  
23 electronically transmitting transcripts, which shall be used by all  
24 kindergarten through grade eight (K-8) public elementary or middle schools in  
25 this state.

26 (2) A public elementary or middle school shall use an electronic  
27 transcript in lieu of a paper transcript to transmit a transcript:

28 (A) Between public schools as necessary to correctly  
29 enroll and place students transferring between schools and school districts;  
30 and

31 (B) To the ~~Department of Education~~ Division of Elementary  
32 and Secondary Education.

33  
34 SECTION 994. Arkansas Code § 6-81-603 is amended to read as follows:  
35 6-81-603. Administration.

36 (a) The Teacher Opportunity Program shall be administered by the

1 ~~Department~~ Division of Higher Education, which shall have the authority to  
2 establish necessary rules, regulations, procedures, and selection criteria  
3 for the administration of the program and to designate necessary forms and  
4 schedules.

5 (b) The ~~department~~ division may utilize an appropriate advisory  
6 committee to assist it in its responsibilities in this program.

7  
8 SECTION 995. Arkansas Code § 6-81-604 is amended to read as follows:  
9 6-81-604. Conditions.

10 The ~~Department~~ Division of Higher Education may make initial and  
11 continuing grants to students under the following conditions:

12 (1) Grant recipients shall be bona fide residents of the State  
13 of Arkansas, as defined by the ~~Department~~ Division of Higher Education;

14 (2) Grant recipients shall maintain current certification with  
15 the ~~Department of Education~~ Division of Elementary and Secondary Education,  
16 allowing them to be employed by the public schools in Arkansas;

17 (3) Grant recipients shall be currently employed as teachers or  
18 administrators in Arkansas and declare an intention to continue that  
19 employment in Arkansas;

20 (4) Grant recipients shall be enrolled in an eligible accredited  
21 college or university in Arkansas;

22 (5) Grant recipients shall be enrolled in college-level courses  
23 directly related to their employment as certified by the Commissioner of  
24 Elementary and Secondary Education; and

25 (6) Grant recipients shall maintain a grade point average in  
26 their college work of no less than 2.5 on a 4.0 scale or maintain an  
27 appropriate equivalent as determined by the ~~Department~~ Division of Higher  
28 Education.

29  
30 SECTION 996. Arkansas Code § 6-81-605(a)(2)(C), concerning the  
31 priority of grants under the Teacher Opportunity Program, is amended to read  
32 as follows:

33 (C) All other requirements established by the ~~Department~~  
34 Division of Higher Education are met.

35  
36 SECTION 997. Arkansas Code § 6-81-605(b), concerning the priority of

1 grants under the Teacher Opportunity Program, is amended to read as follows:

2 (b)(1) The ~~Department~~ Division of Higher Education shall determine  
3 priorities for awarding reimbursements if there are more applicants than  
4 funds available.

5 (2) Priorities shall be determined in coordination with the  
6 ~~Department of Education~~ Division of Elementary and Secondary Education and  
7 shall be based on the needs of the state.

8  
9 SECTION 998. The introductory language of Arkansas Code § 6-81-607(1),  
10 concerning the definition of "classroom teacher" under the Teacher  
11 Opportunity Program, is amended to read as follows:

12 (1) "Classroom teacher" means an individual who is required to  
13 hold a teaching license from the ~~Department of Education~~ Division of  
14 Elementary and Secondary Education and who is:

15  
16 SECTION 999. Arkansas Code § 6-81-608(b), concerning the Dual  
17 Licensure Incentive Program, is amended to read as follows:

18 (b) The program shall be administered by the ~~Department~~ Division of  
19 Higher Education.

20  
21 SECTION 1000. Arkansas Code § 6-81-609(a)(1)(A)(i), concerning dual  
22 licensure funding, is amended to read as follows:

23 (i) Declared to be a shortage area by the ~~Department~~  
24 ~~of Education~~ Division of Elementary and Secondary Education;

25  
26 SECTION 1001. Arkansas Code § 6-81-609(a)(1)(B)(ii), concerning dual  
27 licensure funding, is amended to read as follows:

28 (ii) The amount of the reimbursement and the number  
29 of reimbursement recipients selected by the ~~Department~~ Division of Higher  
30 Education is contingent on the appropriation and availability of funding for  
31 such a purpose.

32  
33 SECTION 1002. Arkansas Code § 6-81-609(a)(2)(B)(ii)(a), concerning  
34 dual licensure funding, is amended to read as follows:

35 (a) Has been identified as a subject area with  
36 a shortage of classroom teachers as declared by the ~~Department of Education~~

1 Division of Elementary and Secondary Education; or

2  
3 SECTION 1003. Arkansas Code § 6-81-1101(a) and (b), concerning tuition  
4 assistance for certain professional schools, is amended to read as follows:

5 (a) The ~~Department~~ Division of Higher Education shall institute a  
6 program of making grants for the benefit of Arkansas residents to assist in  
7 paying tuition for attending certain accredited schools of dentistry,  
8 optometry, veterinary medicine, podiatry, or chiropractic located outside the  
9 State of Arkansas but within the United States.

10 (b) In addition to the Southern Regional Education Compact program for  
11 which the Arkansas Higher Education Coordinating Board serves as agent for  
12 the state and for which the ~~department~~ division serves as disbursing agent  
13 pursuant to §§ 6-4-104 – 6-4-107, the Arkansas Higher Education Coordinating  
14 Board is authorized to enter into direct contracts with selected accredited  
15 schools of dentistry, optometry, veterinary medicine, podiatry, chiropractic,  
16 or osteopathy which do not participate in the program if the Arkansas Higher  
17 Education Coordinating Board determines that the needs of the state are not  
18 being met by institutions participating in the program.

19  
20 SECTION 1004. Arkansas Code § 6-81-1101(c)(2)(E), concerning tuition  
21 assistance for certain professional schools, is amended to read as follows:

22 (E) Is a party to a currently effective written agreement  
23 between the participating institution and the ~~department~~ division or the  
24 ~~Board of Control for Southern Regional Education~~ Southern Regional Education  
25 Board; and

26  
27 SECTION 1005. Arkansas Code § 6-81-1101(c)(3)(C), concerning tuition  
28 assistance for certain professional schools, is amended to read as follows:

29 (C) Has been certified under § 6-4-106 by the ~~department~~  
30 division as qualified to participate in the grant program authorized by this  
31 section and consistent with § 6-4-106.

32  
33 SECTION 1006. Arkansas Code § 6-81-1101(d)(2), concerning tuition  
34 assistance for certain professional schools, is amended to read as follows:

35 (2) For participating schools which charge the same amount of  
36 annual tuition for in-state and out-of-state students and such annual tuition

1 is extraordinary as determined by the ~~department~~ division, the amount shall  
2 not be less than five thousand dollars (\$5,000) per student.

3  
4 SECTION 1007. Arkansas Code § 6-81-1101(e), concerning tuition  
5 assistance for certain professional schools, is amended to read as follows:

6 (e)(1) The program shall be administered by the ~~department~~ division.

7 (2) The grants shall be made upon such terms and conditions as  
8 are prescribed by the ~~department~~ division.

9 (3) The ~~department~~ division shall promulgate such rules and  
10 regulations as are necessary to implement the provisions of this section.

11  
12 SECTION 1008. Arkansas Code § 6-81-1101(f), concerning tuition  
13 assistance for certain professional schools, is amended to read as follows:

14 (f)(1) The ~~department~~ division will allocate, based upon funds  
15 appropriated, the number of eligible grant recipients to receive funds at  
16 each participating institution for each applicable academic period.

17 (2) Each participating institution will select eligible grant  
18 recipients for each applicable academic period. In the event that the number  
19 of eligible students accepted for enrollment at such participating  
20 institution exceeds the number of eligible grant recipients for whom funds  
21 have been allocated by the ~~department~~ division from funds appropriated, such  
22 participating institution shall have sole discretion in selecting the  
23 eligible students to designate as eligible grant recipients.

24 (3) The ~~department~~ division shall make grants according to the  
25 allocations made by the ~~department~~ division and selections made by the  
26 participating institutions. The ~~department~~ division shall have no obligation  
27 to make any grants except to the extent that funds have been appropriated and  
28 funded for the program.

29  
30 SECTION 1009. Arkansas Code § 6-81-1103(a), concerning repayment of  
31 out-of-state tuition paid by the State of Arkansas, is amended to read as  
32 follows:

33 (a) The ~~Department~~ Division of Higher Education may provide loans from  
34 the Budget Stabilization Trust Fund in excess of the ~~Board of Control for~~  
35 ~~Southern Regional Education~~ Southern Regional Education Board grant funds to  
36 dental students enrolled in professional programs outside the state for whom

1 any part of the out-of-state tuition is paid by the State of Arkansas if the  
2 tuition paid to the out-of-state institution exceeds the board-contracted  
3 rate.

4  
5 SECTION 1010. Arkansas Code § 6-81-1103(e)(3), concerning repayment of  
6 out-of-state tuition paid by the State of Arkansas, is amended to read as  
7 follows:

8 (3) Extraordinary circumstances as determined by the ~~department~~  
9 division.

10  
11 SECTION 1011. Arkansas Code § 6-81-1103(f), concerning repayment of  
12 out-of-state tuition paid by the State of Arkansas, is amended to read as  
13 follows:

14 (f) The loans shall be made at a rate of interest determined by the  
15 ~~department~~ division but not to exceed four percent (4%).

16  
17 SECTION 1012. Arkansas Code § 6-81-1105(a)(6)(D), concerning  
18 veterinary medicine loans, is amended to read as follows:

19 (D) Has been certified under § 6-4-106 by the ~~Department~~  
20 Division of Higher Education as qualified to participate in the loan  
21 repayment program authorized by this section and consistent with § 6-4-106.

22  
23 SECTION 1013. The introductory language of Arkansas Code § 6-81-  
24 1105(b), concerning veterinary medicine loans, is amended to read as follows:

25 (b) The ~~department~~ division shall institute a loan repayment program  
26 to:

27  
28 SECTION 1014. Arkansas Code § 6-81-1105(c)(1), concerning veterinary  
29 medicine loans, is amended to read as follows:

30 (c)(1) The ~~department~~ division shall administer the program.

31  
32 SECTION 1015. Arkansas Code § 6-81-1105(c)(2)(A), concerning  
33 veterinary medicine loans, is amended to read as follows:

34 (2)(A) The ~~department~~ division shall adopt rules to implement  
35 this section and address the terms and conditions of loan repayments made  
36 under this section.



1  
2 SECTION 1016. The introductory language of Arkansas Code § 6-81-  
3 1105(d), concerning veterinary medicine loans, is amended to read as follows:

4 (d) The ~~department~~ division shall:

5  
6 SECTION 1017. Arkansas Code § 6-81-1105(d)(3), concerning veterinary  
7 medicine loans, is amended to read as follows:

8 (3)(A) Distribute loan repayments according to the allocations  
9 made by the ~~department~~ division.

10 (B) The ~~department~~ division shall not be obligated to make  
11 a loan repayment unless funds are appropriated.

12  
13 SECTION 1018. The introductory language of Arkansas Code § 6-81-  
14 1106(b), concerning student loan repayment, is amended to read as follows:

15 (b) The ~~Department~~ Division of Higher Education shall repay federal  
16 student loans yearly for a maximum of five (5) consecutive years if the  
17 recipient:

18  
19 SECTION 1019. Arkansas Code § 6-81-1106(d)(3), concerning student loan  
20 repayment, is amended to read as follows:

21 (3) Other period of postponement agreed to by the ~~department~~  
22 division.

23  
24 SECTION 1020. Arkansas Code § 6-81-1106(e), concerning student loan  
25 repayment, is amended to read as follows:

26 (e) The ~~department~~ division shall adopt rules to administer this  
27 section.

28  
29 SECTION 1021. Arkansas Code § 6-81-1301(a), concerning the  
30 administration and purpose of the University Assisted Teacher Recruitment and  
31 Retention Grant Program, is amended to read as follows:

32 (a) There is established the University Assisted Teacher Recruitment  
33 and Retention Grant Program within the ~~Department~~ Division of Higher  
34 Education.

35  
36 SECTION 1022. Arkansas Code § 6-81-1301(c), concerning the

1 administration and purpose of the University Assisted Teacher Recruitment and  
2 Retention Grant Program, is amended to read as follows:

3 (c)(1) Any institution of higher education in the State of Arkansas  
4 which offers a Master of Education degree may apply to the ~~Department~~  
5 Division of Higher Education for participation in the program.

6 (2) Under the program, participating institutions shall  
7 collaborate with the ~~Department of Education~~ Division of Elementary and  
8 Secondary Education to identify, recruit, and place teacher education  
9 graduates, from both within the state and out of state, in school districts  
10 situated within those areas of the state where there exists a critical  
11 shortage of teachers, as designated by the ~~Department of Education~~ Division  
12 of Elementary and Secondary Education.

13  
14 SECTION 1023. Arkansas Code § 6-81-1301(d)(1), concerning the  
15 administration and purpose of the University Assisted Teacher Recruitment and  
16 Retention Grant Program, is amended to read as follows:

17 (d)(1) The ~~Department~~ Division of Higher Education shall provide funds  
18 to participating institutions of higher learning for the purpose of awarding  
19 scholarships to qualified persons pursuing a Master of Education degree at  
20 participating institutions while rendering service to the state as a licensed  
21 teacher in a school district in a geographical area of the state where there  
22 exists a critical shortage of teachers, as approved by the State Board of  
23 Education.

24  
25 SECTION 1024. Arkansas Code § 6-81-1301(h)(2), concerning the  
26 administration and purpose of the University Assisted Teacher Recruitment and  
27 Retention Grant Program, is amended to read as follows:

28 (2) The ~~Department~~ Division of Higher Education shall promulgate  
29 rules and regulations necessary for the administration of the relocation  
30 expense reimbursement component of the program.

31  
32 SECTION 1025. Arkansas Code § 6-81-1301(l)(1), concerning the  
33 administration and purpose of the University Assisted Teacher Recruitment and  
34 Retention Grant Program, is amended to read as follows:

35 (l)(1)(A) Students receiving an award from the program shall execute a  
36 note made payable to the ~~Department~~ Division of Higher Education for an

1 amount equal to the award each semester that shall bear interest at the rate  
 2 of ten percent (10%) per year beginning September 1 after completion of the  
 3 program or immediately after termination of the student's participation in  
 4 the program, whichever is earlier.

5 (B) Students in the program who receive reimbursement for  
 6 moving expenses under subsection (h) of this section shall execute a note  
 7 made payable to the ~~Department of Education~~ Division of Elementary and  
 8 Secondary Education for an amount equal to the reimbursement that shall bear  
 9 interest at the rate of ten percent (10%) per year.

10  
 11 SECTION 1026. Arkansas Code § 6-81-1301(m)-(p), concerning the  
 12 administration and purpose of the University Assisted Teacher Recruitment and  
 13 Retention Grant Program, are amended to read as follows:

14 (m) All funds received by the ~~Department of Education~~ Division of  
 15 Elementary and Secondary Education from the repayment of scholarship awards  
 16 and relocation expenses by program participants shall be deposited in the  
 17 fund that provides funding for the program.

18 (n) The ~~Department~~ Division of Higher Education shall promulgate rules  
 19 and regulations necessary for the proper administration of the program.

20 (o) The requirements of this section are contingent on the funding  
 21 available for the program.

22 (p) The ~~Department~~ Division of Higher Education is authorized to  
 23 determine the necessary procedures for the awarding of grants should the  
 24 number of eligible applicants and recipients exceed the funds available.

25  
 26 SECTION 1027. Arkansas Code § 6-81-1602 is amended to read as follows:

27 6-81-1602. Definitions.

28 As used in this subchapter:

29 (1) "Approved institution" means a state-supported institution  
 30 of higher education, a nursing school, or a private nonprofit institution of  
 31 higher education that:

32 (A) Maintains its Elementary headquarters in the state;

33 (B) Is eligible to receive Title IV federal student aid  
 34 program funds; and

35 (C) Is approved by the ~~Department~~ Division of Higher  
 36 Education as eligible to participate in the State Teacher Education Program;

(2) "Eligible student" means a student who:

(A) Meets the criteria set out in this subchapter; and

(B) Is found to be eligible by rules promulgated by the ~~Department~~ Division of Higher Education; and

(3) "Teacher education program" means a program administered by the ~~Department~~ Division of Higher Education that provides loan repayments to a licensed teacher who teaches in a subject area or a geographic area with teacher shortage as determined by the ~~Department~~ Division of Higher Education in consultation with the ~~Department of Education~~ Division of Elementary and Secondary Education.

SECTION 1028. Arkansas Code § 6-81-1604 is amended to read as follows:  
6-81-1604. Administration of the program.

(a) The State Teacher Education Program shall be administered by the ~~Department~~ Division of Higher Education.

(b) The ~~department~~ division shall adopt standards for awarding the loan repayments to a public school teacher with an Arkansas teacher's license teaching in a:

(1) Subject area with a teacher shortage; or

(2) Geographic area with teacher shortage.

(c) The requirements of this subchapter are contingent on the funding available for the program.

(d) The ~~department~~ division may determine the necessary procedures for awarding the loan repayments if the number of eligible applicants and recipients exceeds available funding.

SECTION 1029. Arkansas Code § 6-81-1605 is amended to read as follows:  
6-81-1605. Eligibility.

To be eligible for the State Teacher Education Program, an applicant shall:

(1) Teach full-time at a public school district in a subject area or geographic area with a teacher shortage, as identified by the ~~Department~~ Division of Higher Education in consultation with the ~~Department of Education~~ Division of Elementary and Secondary Education;

(2) Hold a valid Arkansas teacher's license; and

(3) Meet additional continuing eligibility criteria established

1 by the ~~Department~~ Division of Higher Education.

2  
3 SECTION 1030. Arkansas Code § 6-81-1606 is amended to read as follows:  
4 6-81-1606. Duration – Amount.

5 (a) The State Teacher Education Program shall be used to provide a  
6 loan repayment for federal student loans in the amount of:

7 (1) Three thousand dollars (\$3,000) per year for a maximum of  
8 three (3) years for a licensed teacher who graduated from a teacher education  
9 program after April 2004 and teaches in a public school in this state:

10 (A) In a subject area designated by the ~~Department~~  
11 Division of Higher Education in consultation with the ~~Department of Education~~  
12 Division of Elementary and Secondary Education as having a critical shortage  
13 of teachers; or

14 (B) Located in a geographical area of the state designated  
15 by the ~~Department~~ Division of Higher Education in consultation with the  
16 ~~Department of Education~~ Division of Elementary and Secondary Education as  
17 having a critical shortage of teachers; and

18 (2) An additional one thousand dollars (\$1,000) per year for a  
19 maximum of three (3) years for a licensed teacher who is a minority and who  
20 graduated from a teacher education program after April 2004 and teaches in a  
21 public school in this state.

22 (b) The ~~Department~~ Division of Higher Education may spend no more than  
23 fifty thousand dollars (\$50,000) annually for costs associated with the  
24 administration of the program.

25 (c) The ~~Department~~ Division of Higher Education shall promulgate rules  
26 necessary for the implementation of this subchapter.

27  
28 SECTION 1031. Arkansas Code § 6-81-1701 is amended to read as follows:  
29 6-81-1701. Establishment – Administration.

30 There is established a Teacher Candidate Loan Forgiveness Program to be  
31 administered by the ~~Department~~ Division of Higher Education.

32  
33 SECTION 1032. Arkansas Code § 6-81-1702(a)(4) and (5), concerning  
34 eligibility for loan amounts and terms for financing the cost of attendance  
35 at an institution of higher education, is amended to read as follows:

36 (4) Is majoring in a degree program that will lead to the

1 individual's becoming eligible for licensure as a teacher in a high-needs  
 2 subject area as identified by the ~~Department of Education~~ Division of  
 3 Elementary and Secondary Education; and

4 (5) Has entered into a written agreement with the ~~Department~~  
 5 Division of Higher Education to:

6 (A) Teach for five (5) consecutive years in a school or  
 7 school district located in a geographic area identified by the ~~Department of~~  
 8 Education Division of Elementary and Secondary Education under § 6-15-403  
 9 [repealed] as a critical teacher shortage area beginning immediately upon  
 10 obtaining licensure; and

11 (B) Repay each loan at an interest rate and on a schedule  
 12 as determined by the ~~Department~~ Division of Higher Education if the  
 13 individual fails to meet the requirements under this subchapter.

14  
 15 SECTION 1033. Arkansas Code § 6-81-1702(b), concerning eligibility for  
 16 loan amounts and terms for financing the cost of attendance at an institution  
 17 of higher education, is amended to read as follows:

18 (b) If the amount of funds available for the Teacher Candidate Loan  
 19 Forgiveness Program is insufficient to award loans to all qualified  
 20 applicants under this subchapter, the ~~Department~~ Division of Higher Education  
 21 shall award the loans on a competitive basis as determined by the ~~Department~~  
 22 Division of Higher Education.

23  
 24 SECTION 1034. Arkansas Code § 6-81-1703(b)(2)(B), concerning loan  
 25 amounts, terms, and renewals, is amended to read as follows:

26 (B) Meets the satisfactory academic progress standards  
 27 required to receive other financial aid at the institution of higher  
 28 education where the individual is enrolled, as determined by the ~~Department~~  
 29 Division of Higher Education in conjunction with the institution of higher  
 30 education.

31  
 32 SECTION 1035. Arkansas Code § 6-81-1704 is amended to read as follows:

33 6-81-1704. Loan contract – Forgiveness.

34 (a) An individual who receives a loan under this subchapter shall  
 35 execute a written loan contract with the ~~Department~~ Division of Higher  
 36 Education for the repayment of the loan as provided in this subchapter.

1 (b) A loan contract executed under subsection (a) of this section  
 2 shall provide that the total amount of the loans awarded to the individual  
 3 under this subchapter, plus accrued interest, shall be forgiven at the rate  
 4 of twenty percent (20%) per year for each year that the individual teaches in  
 5 a school or school district located in a geographic area identified by the  
 6 ~~Department of Education~~ Division of Elementary and Secondary Education under  
 7 § 6-15-403 [repealed] as a critical teacher shortage area.

8  
 9 SECTION 1036. Arkansas Code § 6-81-1705 is amended to read as follows:  
 10 6-81-1705. Repayment – Deferment.

11 (a) An individual who receives a loan under this subchapter shall  
 12 immediately begin repayment of each loan the individual received, together  
 13 with interest as determined by the ~~Department~~ Division of Higher Education,  
 14 if the individual:

15 (1) Ceases to be enrolled in good standing at an institution of  
 16 higher education in this state, unless the individual has graduated and  
 17 received a degree;

18 (2) Does not obtain licensure as a teacher from the State Board  
 19 of Education within one (1) year of graduating and receiving a degree;

20 (3) Does not begin work as a licensed teacher in the academic  
 21 year immediately following becoming licensed;

22 (4) Does not teach in a school or school district located in a  
 23 geographic area identified by the ~~Department of Education~~ Division of  
 24 Elementary and Secondary Education under § 6-15-403 [repealed] as a critical  
 25 teacher shortage area in the individual's first year as a licensed teacher;  
 26 or

27 (5)(A) Does not teach in a school or school district located in  
 28 a geographic area identified by the ~~Department of Education~~ Division of  
 29 Elementary and Secondary Education under § 6-15-403 [repealed] as a critical  
 30 teacher shortage area for five (5) consecutive years beginning immediately  
 31 upon obtaining licensure.

32 (B) The total amount of the loans awarded to an individual  
 33 that are subject to repayment under subdivision (a)(5)(A) of this section  
 34 shall be reduced on a pro rata basis as required under § 6-81-1704(b).

35 (b)(1) The ~~Department~~ Division of Higher Education may defer the  
 36 requirements under subdivisions (a)(3)-(5) of this section if the ~~Department~~

1 Division of Higher Education, in consultation with the ~~Department of~~  
2 ~~Education~~ Division of Elementary and Secondary Education, determines that  
3 there was no employment position available that would reasonably enable the  
4 individual to meet the requirements.

5 (2) After the period of deferral, the individual shall begin or  
6 resume teaching in a school or school district located in a geographic area  
7 identified by the ~~Department of Education~~ Division of Elementary and  
8 Secondary Education under § 6-15-403 [repealed] as a critical teacher  
9 shortage area or become subject to repayment under subsection (a) of this  
10 section.

11  
12 SECTION 1037. Arkansas Code § 6-81-1706 is amended to read as follows:  
13 6-81-1706. Rules.

14 The ~~Department~~ Division of Higher Education shall promulgate rules to  
15 implement this subchapter.

16  
17 SECTION 1038. Arkansas Code § 6-82-102(a), concerning the annual  
18 review of minority scholarship or grant programs, is amended to read as  
19 follows:

20 (a) The Arkansas Higher Education Coordinating Board shall review  
21 annually all minority scholarship or grant programs administered by the  
22 ~~Department~~ Division of Higher Education in order to ensure that the programs  
23 are in compliance with federal regulations.

24  
25 SECTION 1039. The introductory language of Arkansas Code § 6-82-105,  
26 concerning the administration and authority of the Department of Higher  
27 Education, is amended to read as follows:

28 The ~~Department~~ Division of Higher Education shall administer all state  
29 college financial assistance programs provided by legislation or by law and  
30 in so doing shall have the following authority and responsibility with  
31 respect to state college financial assistance programs provided by  
32 legislation or by law to:

33  
34 SECTION 1040. Arkansas Code § 6-82-105(1), concerning the  
35 administration and authority of the Department of Higher Education, is  
36 amended to read as follows:



1           (1) Adopt such rules as the ~~department~~ division shall deem  
2 necessary or appropriate to carry out the purposes of this subchapter;

3  
4           SECTION 1041. Arkansas Code § 6-82-105(6), concerning the  
5 administration and authority of the Department of Higher Education, is  
6 amended to read as follows:

7           (6) Require applicants to file additional information with the  
8 ~~department~~ division as necessary and appropriate to carry out the purposes of  
9 this subchapter and to prevent fraud, misrepresentation, or misleading  
10 representation by applicants;

11  
12          SECTION 1042. Arkansas Code § 6-82-105(11), concerning the  
13 administration and authority of the Department of Higher Education, is  
14 amended to read as follows:

15          (11) Employ or engage such professional, administrative,  
16 clerical, and other employees as may be necessary to assist the ~~department~~  
17 division in the performance of its duties and responsibilities; and

18  
19          SECTION 1043. Arkansas Code § 6-82-106 is amended to read as follows:  
20          6-82-106. Scholarship awards.

21          (a) The ~~Department~~ Division of Higher Education is authorized to award  
22 scholarships to students who are accepted to a Washington, D.C. public policy  
23 academic internship, as determined by the ~~department~~ division, if funding is  
24 appropriated and available.

25          (b) The ~~department~~ division may promulgate rules to administer this  
26 section.

27  
28          SECTION 1044. Arkansas Code § 6-82-302(1), concerning the definition  
29 of "academic ability" under the laws governing the Arkansas Governor's  
30 Scholars Program, is amended to read as follows:

31          (1) "Academic ability" means the intellectual standing of a  
32 student. In determining superior academic ability, the ~~Department~~ Division of  
33 Higher Education shall examine the student's high school records, competitive  
34 examination scores, and demonstrated leadership capabilities;

35  
36          SECTION 1045. Arkansas Code § 6-82-302(4), concerning the definition

1 of "department" under the laws governing the Arkansas Governor's Scholars  
2 Program, is amended to read as follows:

3 (4) "~~Department~~ Division" means the ~~Department~~ Division of  
4 Higher Education;

5  
6 SECTION 1046. The introductory language of Arkansas Code § 6-82-  
7 302(5), concerning the definition of "eligible student" under the laws  
8 governing the Arkansas Governor's Scholars Program, is amended to read as  
9 follows:

10 (5) "Eligible student" means a resident of the State of Arkansas  
11 as defined by the ~~Department~~ Division of Higher Education who:

12  
13 SECTION 1047. Arkansas Code § 6-82-302(6)(B), concerning the  
14 definition of "extraordinary academic ability" under the laws governing the  
15 Arkansas Governor's Scholars Program, is amended to read as follows:

16 (B) For students graduating after December 31, 2001, the  
17 American College Test scores and Scholastic Aptitude Test scores shall be  
18 earned by December 31 prior to the application deadline in order for the  
19 scores to be considered by the ~~department~~ Division of Higher Education for a  
20 scholarship award;

21  
22 SECTION 1048. Arkansas Code § 6-82-302(7), concerning the definition  
23 of "full-time student" under the laws governing the Arkansas Governor's  
24 Scholars Program, is amended to read as follows:

25 (7) "Full-time student" means a resident of Arkansas who is in  
26 attendance at an approved private or public institution and who is enrolled  
27 in at least twelve (12) credit hours the first semester and fifteen (15)  
28 hours thereafter, or other reasonable academic equivalent as defined by the  
29 ~~department~~ Division of Higher Education;

30  
31 SECTION 1049. The introductory language of Arkansas Code § 6-82-304,  
32 concerning the administration and authority of the Department of Higher  
33 Education, is amended to read as follows:

34 The ~~Department~~ Division of Higher Education shall administer the  
35 Arkansas Governor's Scholars Program and shall have the following authority  
36 and responsibility with respect to the program to:

1  
2 SECTION 1050. Arkansas Code § 6-82-304(1), concerning the  
3 administration and authority of the Department of Higher Education, is  
4 amended to read as follows:

5 (1) Prepare application forms or such other forms as the  
6 ~~department~~ division shall deem necessary to properly administer and carry out  
7 the purposes of this subchapter;

8  
9 SECTION 1051. Arkansas Code § 6-82-304(8)(D)(iii), concerning the  
10 administration and authority of the Department of Higher Education, is  
11 amended to read as follows:

12 (iii) The ~~department~~ division shall release a  
13 scholarship hold if the ~~department~~ division determines that the student did  
14 not complete the commitment under the written agreement.

15  
16 SECTION 1052. Arkansas Code § 6-82-306(b)(2)(A), concerning  
17 eligibility to receive scholarships from the Arkansas Governor's Scholars  
18 Program, is amended to read as follows:

19 (2)(A) Is a bona fide resident of the state, as defined by the  
20 ~~Department~~ Division of Higher Education.

21  
22 SECTION 1053. Arkansas Code § 6-82-306(b)(5)(A), concerning  
23 eligibility to receive scholarships from the Arkansas Governor's Scholars  
24 Program, is amended to read as follows:

25 (5)(A) Demonstrates proficiency in the application of knowledge  
26 and skills in reading and writing literacy and mathematics by passing the  
27 end-of-course examination as may be developed by the ~~Department of Education~~  
28 Division of Elementary and Secondary Education and as may be designated by  
29 the ~~Department~~ Division of Higher Education for this purpose.

30  
31 SECTION 1054. The introductory language of Arkansas Code § 6-82-  
32 306(b)(6)(A), concerning eligibility to receive scholarships from the  
33 Arkansas Governor's Scholars Program, is amended to read as follows:

34 (6)(A) Satisfies the qualifications of superior academic ability  
35 as established by the ~~Department~~ Division of Higher Education with criteria  
36 consisting of value points for academic achievement and leadership, including

1 without limitation:

2  
3 SECTION 1055. Arkansas Code § 6-82-306(b)(6)(B), concerning  
4 eligibility to receive scholarships from the Arkansas Governor's Scholars  
5 Program, is amended to read as follows:

6 (B)(i) The ~~Department~~ Division of Higher Education may  
7 alter the weight assigned to the individual criterion to more appropriately  
8 meet the needs of the state as determined by the Arkansas Higher Education  
9 Coordinating Board.

10 (ii) The ~~Department~~ Division of Higher Education  
11 shall ensure that the weight assigned to each individual criterion under this  
12 subdivision (b)(6)(B) does not place a home-schooled, public school, or  
13 private school student at a disadvantage.

14 (iii)(a) After determining qualified recipients  
15 based on the qualifications under subdivision (b)(6)(A) of this section, the  
16 ~~Department~~ Division of Higher Education shall ensure that at least one (1)  
17 recipient is selected from each of the seventy-five (75) counties in  
18 Arkansas.

19 (b) If any of the seventy-five (75) counties  
20 is not represented, the ~~Department~~ Division of Higher Education shall select  
21 a student from each nonrepresented county with the highest qualifications  
22 under subdivision (b)(6)(A) of this section who was not initially qualified.  
23

24 SECTION 1056. Arkansas Code § 6-82-307 is amended to read as follows:  
25 6-82-307. Applicant's responsibilities.

26 Each applicant shall, in accordance with the provisions of this  
27 subchapter and the rules and regulations of the ~~Department~~ Division of Higher  
28 Education:

29 (1) Complete and file with the ~~department~~ division the  
30 appropriate application for the Arkansas Governor's Scholars Program and such  
31 other information and data as may be requested by the ~~department~~ division in  
32 determining the eligibility of the student;

33 (2) Furnish to the ~~department~~ division information regarding any  
34 change in status of the student or any other information that might have a  
35 direct bearing on the eligibility of the applicant; and

36 (3) Provide the ~~department~~ division with verification that the

1 scholarship was used in accordance with the purposes of this subchapter.

2  
3 SECTION 1057. Arkansas Code § 6-82-308(b)(2) and (3), concerning the  
4 number of scholarships available for the Arkansas Governor's Scholars  
5 Program, are amended to read as follows:

6 (2) Should a shortfall of funds be projected, the ~~Department~~  
7 Division of Higher Education shall promulgate rules for the priority funding  
8 of these scholarships and submit these proposed rules to the Arkansas Higher  
9 Education Coordinating Board for a public hearing and to the Administrative  
10 Rules and Regulations Subcommittee of the Legislative Council for review  
11 before implementing the rules.

12 (3) If there are more eligible applicants than available  
13 scholarships, the ~~department~~ division may determine a procedure for awarding  
14 additional scholarships while not exceeding available funds.

15  
16 SECTION 1058. Arkansas Code § 6-82-309 is amended to read as follows:  
17 6-82-309. Award of scholarship.

18 An Arkansas Governor's Scholarship or Arkansas Governor's Distinguished  
19 Scholarship will be awarded to a student in a manner to be determined by the  
20 ~~Department~~ Division of Higher Education.

21  
22 SECTION 1059. Arkansas Code § 6-82-311(c)(4), concerning the term,  
23 renewal, and allocation of scholarships for the Arkansas Governor's Scholars  
24 Program, is amended to read as follows:

25 (4) The recipient has met any other continuing eligibility  
26 criteria established by the ~~Department~~ Division of Higher Education.

27  
28 SECTION 1060. Arkansas Code § 6-82-314 is amended to read as follows:  
29 6-82-314. Withdrawal from school – Refund.

30 If a recipient of an Arkansas Governor's Scholarship or Arkansas  
31 Governor's Distinguished Scholarship withdraws from an approved private or  
32 public institution and under the policy of that institution the student is  
33 entitled to a refund of any tuition, fees, or other charges, the institution  
34 shall pay the refund to which the student may be entitled to the ~~Department~~  
35 Division of Higher Education to the extent of any amount the ~~department~~  
36 division has paid to the student for that academic year.

1  
2 SECTION 1061. Arkansas Code § 6-82-401(1)-(4), concerning the  
3 definitions under the Arkansas High Technology Scholarship Program, are  
4 amended to read as follows:

5 (1) "Academic ability" means the intellectual standing of a  
6 student. In determining superior academic ability, the ~~Department~~ Division of  
7 Career and Technical Education shall examine the student's high school  
8 records, competitive examination scores, and demonstrated leadership  
9 capabilities;

10 (2) "Approved high technology program" means a course of  
11 instruction in a highly technical field offered by any postsecondary  
12 educational institution which is approved by the ~~department~~ division;

13 (3) "Approved institution" means all postsecondary educational  
14 institutions offering high technology programs which are approved by the  
15 ~~department~~ division;

16 (4) "~~Department~~ Division" means the ~~Department~~ Division of  
17 Career and Technical Education;

18  
19 SECTION 1062. The introductory language of Arkansas Code § 6-82-403,  
20 concerning the administration and authority of the Department of Career  
21 Education, is amended to read as follows:

22 The ~~Department~~ Division of Career and Technical Education shall  
23 administer this subchapter and shall have the following authority and  
24 responsibility with respect thereto:

25  
26 SECTION 1063. Arkansas Code § 6-82-403(1), concerning the  
27 administration and authority of the Department of Career Education, is  
28 amended to read as follows:

29 (1) To prepare application forms or such other forms as the  
30 ~~department~~ division shall deem necessary to properly administer and carry out  
31 the purposes of this subchapter;

32  
33 SECTION 1064. Arkansas Code § 6-82-404(b)(4), concerning the  
34 eligibility and preferences regarding the rewarding of scholarships, is  
35 amended to read as follows:

36 (4) Satisfactorily meets the qualifications of superior academic

1 ability as established by the ~~Department~~ Division of Career and Technical  
2 Education.

3  
4 SECTION 1065. Arkansas Code § 6-82-405 is amended to read as follows:

5 6-82-405. Applicant's responsibilities.

6 Each applicant shall, in accordance with the provisions of this  
7 subchapter and the rules and regulations of the ~~Department~~ Division of Career  
8 and Technical Education:

9 (1) Complete and file with the ~~department~~ division the  
10 appropriate application for the scholarship and such other information and  
11 data as may be requested by the ~~department~~ division in determining the  
12 eligibility of the student;

13 (2) Furnish to the ~~department~~ division information regarding any  
14 change in status of the student or any other information that might have a  
15 direct bearing on the eligibility of the applicant; and

16 (3) Provide the ~~department~~ division with verification that the  
17 scholarship was used in accordance with the purposes of this subchapter.

18  
19 SECTION 1066. Arkansas Code § 6-82-406 is amended to read as follows:

20 6-82-406. Award of scholarship.

21 A scholarship shall be awarded to the student in a manner to be  
22 determined by the ~~Department~~ Division of Career and Technical Education.

23  
24 SECTION 1067. Arkansas Code § 6-82-409(c), concerning the term,  
25 allocation, and renewal of scholarships, is amended to read as follows:

26 (c) A scholarship shall be awarded for one (1) academic year and  
27 renewed annually for up to three (3) additional academic years if the student  
28 maintains not less than a 3.0 grade point average on a 4.0 scholastic grading  
29 scale, or an equivalent academic standing, and meets other criteria as  
30 established by the ~~Department~~ Division of Career and Technical Education.

31  
32 SECTION 1068. Arkansas Code § 6-82-410 is amended to read as follows:

33 6-82-410. Withdrawal from school – Refund.

34 If a recipient of a scholarship withdraws from an approved institution  
35 and under the policy of that institution the student is entitled to a refund  
36 of any tuition, fees, or other charges, the institution shall pay the refund

1 to which the student may be entitled to the ~~Department~~ Division of Career and  
2 Technical Education, to the extent of any amount the ~~department~~ division has  
3 paid to the student for that academic year.

4  
5 SECTION 1069. Arkansas Code § 6-82-506 is amended to read as follows:

6 6-82-506. Written application for benefits.

7 Any person claiming benefits awarded by the Arkansas State Claims  
8 Commission under the provisions of this subchapter shall make written  
9 application with the ~~Department~~ Division of Higher Education on forms  
10 provided by the ~~department~~ division.

11  
12 SECTION 1070. Arkansas Code § 6-82-507(2), concerning the renewal of a  
13 scholarship, is amended to read as follows:

14 (2) Meet any other continuing eligibility criteria established  
15 by the ~~Department~~ Division of Higher Education.

16  
17 SECTION 1071. Arkansas Code § 6-82-601(b), concerning the tuition  
18 waiver for dependents of certain veterans, is amended to read as follows:

19 (b) Each applicant must apply for the Survivors' and Dependents'  
20 Educational Assistance program (DEA) Chapter 35 of Title 38 of the United  
21 States Code with the United States Department of Veterans Affairs. The  
22 applicant must provide the ~~Arkansas Department~~ Division of Higher Education  
23 with proof of acceptance of DEA or non-eligibility into DEA upon application  
24 to this program.

25  
26 SECTION 1072. Arkansas Code § 6-82-601(f), concerning the tuition  
27 waiver for dependents of certain veterans, is amended to read as follows:

28 (f) An eligible recipient shall receive a scholarship for one (1)  
29 academic year, renewable for up to three (3) additional academic years if the  
30 recipient meets continuing eligibility criteria established by the ~~Department~~  
31 Division of Higher Education.

32  
33 SECTION 1073. Arkansas Code § 6-82-601(h), concerning tuition waiver  
34 for dependents of certain veterans, is amended to read as follows:

35 (h) In compliance with the ~~Department~~ Division of Higher Education's  
36 scholarship stacking policy, no student's total financial aid package, which



1 can include multiple scholarships, can exceed the recognized cost of  
2 attendance at a higher education institution.

3  
4 SECTION 1074. Arkansas Code § 6-82-1503(e)(3), concerning the  
5 eligibility for scholarships and the amount, is amended to read as follows:

6 (3) The maximum number of awards that may be made to students  
7 attending school on a part-time basis and the maximum time period for part-  
8 time students to complete the number of academic hours necessary to obtain a  
9 baccalaureate degree in education shall be established by rules and  
10 regulations jointly promulgated by the university and the ~~Department~~ Division  
11 of Higher Education.

12  
13 SECTION 1075. Arkansas Code § 6-82-1504(a), concerning the service  
14 requirement for scholarship recipients, is amended to read as follows:

15 (a) Except in those cases where employment positions may not be  
16 available upon completion of licensure requirements, at the beginning of the  
17 first school year in which a recipient of a Critical Needs Minority Teacher  
18 Scholarship is eligible for employment as a licensed teacher, that person  
19 shall begin to render service as a licensed teacher in a public school  
20 district in a geographical area of the state where there is a critical  
21 shortage of teachers or in the Delta, as designated by the ~~Department of~~  
22 Education Division of Elementary and Secondary Education.

23  
24 SECTION 1076. Arkansas Code § 6-82-1504(c), concerning the service  
25 requirement for scholarship recipients, is amended to read as follows:

26 (c) Students receiving a scholarship shall execute a note made payable  
27 to the university for an amount equal to the scholarship award each semester  
28 that shall bear interest at a rate to be determined by the ~~Department~~  
29 Division of Higher Education beginning September 1 after completion of the  
30 program or immediately after termination of the scholarship loan, whichever  
31 is earlier.

32  
33 SECTION 1077. Arkansas Code § 6-82-1505(a), concerning rules,  
34 regulations, administration, and reports regarding the Critical Needs  
35 Minority Teacher Scholarship Program, is amended to read as follows:

36 (a) The University of Arkansas at Pine Bluff and the ~~Department~~

1 Division of Higher Education shall jointly promulgate rules and regulations  
2 necessary for the proper administration of the Critical Needs Minority  
3 Teacher Scholarship Program.  
4

5 SECTION 1078. The introductory language of Arkansas Code § 6-82-  
6 1801(1), concerning the definition of "approved institution of higher  
7 education" under the laws governing the Arkansas Future Grant Program, is  
8 amended to read as follows:

9 (1) "Approved institution of higher education" means an  
10 institution of higher education approved by the ~~Department~~ Division of Higher  
11 Education to participate in the Arkansas Future Grant Program and that is:  
12

13 SECTION 1079. Arkansas Code § 6-82-1801(2)(E), concerning the  
14 definition of "approved state-supported school of nursing" under the laws  
15 governing the Arkansas Future Grant Program, is amended to read as follows:

16 (E) Has been approved by the ~~Department~~ Division of Higher  
17 Education as eligible to participate in the Arkansas Future Grant Program;  
18 and  
19

20 SECTION 1080. Arkansas Code § 6-82-1801(5)(A), concerning the  
21 definition of "state-supported student financial assistance" under the laws  
22 governing the Arkansas Future Grant Program, is amended to read as follows:

23 (A) The ~~Department~~ Division of Higher Education; or  
24

25 SECTION 1081. Arkansas Code § 6-82-1802(a), concerning the creation of  
26 and eligibility for the Arkansas Future Grant Program, is amended to read as  
27 follows:

28 (a) There is established the Arkansas Future Grant Program within the  
29 ~~Department~~ Division of Higher Education.  
30

31 SECTION 1082. Arkansas Code § 6-82-1802(b)(1)(A)(ii), concerning the  
32 creation of and eligibility for the Arkansas Future Grant Program, is amended  
33 to read as follows:

34 (ii) Received a high school equivalency diploma  
35 approved by the ~~Department of Career Education~~ Adult Education Section of the  
36 Department of Workforce Services; or

1  
2 SECTION 1083. Arkansas Code § 6-82-1803(b) and (c), concerning the  
3 Arkansas Future Grant, are amended to read as follows:

4 (b) The ~~Department~~ Division of Higher Education shall disburse the  
5 grant directly to the approved institution of higher education.

6 (c) The ~~department~~ division shall award grants under this subchapter  
7 in the order in which the ~~department~~ division receives applications from  
8 eligible students.

9  
10 SECTION 1084. Arkansas Code § 6-82-1804 is amended to read as follows:  
11 6-82-1804. Recipients.

12 (a) A student who receives an Arkansas Future Grant shall enter into a  
13 written agreement with the ~~Department~~ Division of Higher Education to:

14 (1)(A) Receive monthly mentoring from a mentor from an  
15 organization determined by the ~~Department~~ Division of Higher Education.

16 (B) A mentor under subdivision (a)(1)(A) of this section  
17 shall:

18 (i) Receive annual mentoring training:

19 (a) Developed by the ~~Department~~ Division of  
20 Higher Education; and

21 (b) Provided by a local volunteer group  
22 approved by the ~~Department~~ Division of Higher Education; and

23 (ii) Certify to the ~~Department~~ Division of Higher  
24 Education that at least one (1) time each calendar month the mentor has  
25 provided mentoring services by telephone, email, or in person to each student  
26 he or she is mentoring;

27 (2)(A) Complete at least fifteen (15) hours of community service  
28 each semester the student receives a grant.

29 (B)(i) A student may select a community service project  
30 that meets requirements developed by the ~~Department~~ Division of Higher  
31 Education.

32 (ii) An approved institution of higher education may  
33 provide community services opportunities designed to benefit the approved  
34 institution of higher education community or the broader local community.

35 (C) A student shall certify his or her community service  
36 to the approved institution of higher education by the last regular day of

1 the semester the student received the grant; and

2 (3)(A) Reside in this state for three (3) consecutive years and  
3 be employed beginning within six (6) months after receiving an associate  
4 degree or a certification.

5 (B) The ~~Department~~ Division of Higher Education may defer  
6 the requirement under subdivision (a)(3)(A) of this section if:

7 (i) The ~~Department~~ Division of Higher Education, in  
8 consultation with the ~~Department~~ Division of Workforce Services, determines  
9 that there was no employment position available that would reasonably enable  
10 the student to meet this requirement; or

11 (ii) Special circumstances as determined by the  
12 ~~Department~~ Division of Higher Education exist.

13 (C) After the period of deferral, the student shall begin  
14 or resume working in this state or become subject to repayment under  
15 subsection (b) of this section.

16 (b) The written agreement under subsection (a) of this section shall  
17 provide that the grant converts into a loan and the student shall repay the  
18 grant amount:

19 (1) On a pro rata basis at an interest rate and on a schedule as  
20 determined by the ~~Department~~ Division of Higher Education for each year the  
21 student does not reside in this state for three (3) consecutive years and  
22 become employed beginning within six (6) months after receiving an associate  
23 degree or a certification; or

24 (2) In its entirety at an interest rate and on a schedule as  
25 determined by the ~~Department~~ Division of Higher Education if the recipient  
26 does not comply with the written agreement under subsection (a) of this  
27 section.

28  
29 SECTION 1085. Arkansas Code § 6-82-1805 is amended to read as follows:  
30 6-82-1805. Rules.

31 The ~~Department~~ Division of Higher Education shall promulgate rules to  
32 implement this subchapter.

33  
34 SECTION 1086. Arkansas Code § 6-82-1901(b)(3), concerning scholarships  
35 for teachers in high-needs subject areas, is amended to read as follows:

36 (3)(A) Enter into a written agreement with the ~~Department~~

1 Division of Higher Education to teach at a public school for a minimum of  
 2 five (5) consecutive years in a high-needs subject area as determined under  
 3 subdivision (b)(3)(B) of this section.

4 (B) A recipient shall be deemed to be teaching in a high-  
 5 needs subject area if the subject area in which the recipient is employed to  
 6 teach was determined by the ~~Department of Education~~ Division of Elementary  
 7 and Secondary Education to be a high-needs subject area in:

8 (i) The year the recipient entered into the  
 9 agreement with the ~~Department~~ Division of Higher Education under subdivision  
 10 (b)(3)(A) of this section;

11 (ii) Any year the recipient received a scholarship  
 12 award under this subchapter; or

13 (iii) The year the recipient is licensed as a  
 14 teacher by the State Board of Education.

15  
 16 SECTION 1087. The introductory language of Arkansas Code § 6-82-  
 17 1901(c), concerning scholarships for teachers in high-needs subject areas, is  
 18 amended to read as follows:

19 (c) The written agreement entered into by the recipient and the  
 20 ~~Department~~ Division of Higher Education under subdivision (b)(3) of this  
 21 section shall provide that the recipient:

22  
 23 SECTION 1088. Arkansas Code § 6-82-1901(c)(2)(A), concerning  
 24 scholarships for teachers in high-needs subject areas, is amended to read as  
 25 follows:

26 (A) On a pro rata basis at an interest rate and on a  
 27 schedule as determined by the ~~Department~~ Division of Higher Education for  
 28 each year the recipient does not teach at a public school in a high-needs  
 29 subject area if the recipient does not teach at a public school in a high-  
 30 needs subject area as determined by the ~~Department of Education~~ Division of  
 31 Elementary and Secondary Education for five (5) consecutive years after first  
 32 becoming employed as a licensed teacher; or

33  
 34 SECTION 1089. The introductory language of Arkansas Code § 6-82-  
 35 1901(c)(2)(B), concerning scholarships for teachers in high-needs subject  
 36 areas, is amended to read as follows:

1 (B) In its entirety at an interest rate and on a schedule  
2 as determined by the ~~Department~~ Division of Higher Education if the recipient  
3 does not:  
4

5 SECTION 1090. Arkansas Code § 6-82-1901(c)(2)(B)(ii) and (iii),  
6 concerning scholarships for teachers in high-needs subject areas, are amended  
7 to read as follows:

8 (ii) Begin work at a public school as a licensed  
9 teacher in a high-needs subject area, as determined by the ~~Department of~~  
10 Education Division of Elementary and Secondary Education, in the academic  
11 year immediately following becoming licensed; or

12 (iii) Teach at a public school in a high-needs  
13 subject area as determined by the ~~Department of Education~~ Division of  
14 Elementary and Secondary Education in the recipient's first year as a  
15 licensed teacher.  
16

17 SECTION 1091. Arkansas Code § 6-82-1901(d)(1), concerning scholarships  
18 for teachers in high-needs subject areas, is amended to read as follows:

19 (d)(1) The ~~Department~~ Division of Higher Education may defer the  
20 requirements under subdivisions (c)(2)(B)(ii) and (iii) of this section if  
21 the ~~Department~~ Division of Higher Education, in consultation with the  
22 ~~Department of Education~~ Division of Elementary and Secondary Education,  
23 determines that there was no employment position available at a public school  
24 that would reasonably enable the recipient to meet the requirements.  
25

26 SECTION 1092. Arkansas Code § 6-82-1901(e)-(h), concerning  
27 scholarships for teachers in high-needs subject areas, are amended to read as  
28 follows:

29 (e)(1) By March 1 of each year, the ~~Department of Education~~ Division  
30 of Elementary and Secondary Education shall provide to the ~~Department~~  
31 Division of Higher Education a maximum on the number of scholarships that  
32 should be awarded under this subchapter for the following academic year based  
33 on the projected needs of licensed teachers at public schools in high-needs  
34 subject areas.

35 (2) The ~~Department~~ Division of Higher Education shall not award  
36 for an academic year more scholarships than the maximum number provided by

1 the ~~Department of Education~~ Division of Elementary and Secondary Education  
2 under subdivision (e)(1) of this section.

3 (f) If the ~~Department~~ Division of Higher Education receives  
4 applications from more qualified applicants than the number of scholarships  
5 available or if funds are not available to award scholarships to all  
6 qualified applicants, the ~~Department~~ Division of Higher Education shall award  
7 the scholarships on a competitive basis as determined by the ~~Department~~  
8 Division of Higher Education.

9 (g) If a recipient of a scholarship under this subchapter withdraws  
10 from an approved institution of higher education so that under the rules of  
11 that approved institution of higher education the recipient is entitled to a  
12 refund of any tuition, fees, or other charges, the approved institution of  
13 higher education shall pay the refund to which the recipient may be entitled  
14 to the ~~Department~~ Division of Higher Education to the extent of any amount  
15 the ~~Department~~ Division of Higher Education has paid to the recipient for  
16 that academic year.

17 (h) The ~~Department~~ Division of Higher Education shall promulgate rules  
18 to implement this subchapter.

19  
20 SECTION 1093. Arkansas Code § 6-84-104(b), concerning the creation of  
21 the Arkansas Tax-Deferred Tuition Savings Program Trust, is amended to read  
22 as follows:

23 (b) The co-trustees of the trust shall be the Director of the  
24 ~~Department~~ Division of Higher Education, the Executive Director of the  
25 Arkansas Teacher Retirement System, and the Treasurer of State.

26  
27 SECTION 1094. Arkansas Code § 6-84-105(a)(1), concerning the  
28 administration, authority, and powers of the Section 529 Plan Review  
29 Committee, is amended to read as follows:

30 (1) The Director of the ~~Department~~ Division of Higher Education;

31  
32 SECTION 1095. The introductory language of Arkansas Code § 6-85-  
33 104(1), concerning the definition of "approved institution" under the laws  
34 governing the Arkansas Academic Challenge Scholarship Program – Part 1, is  
35 amended to read as follows:

36 (1) "Approved institution" means an institution of higher

1 education approved by the ~~Department~~ Division of Higher Education to  
2 participate in the Arkansas Academic Challenge Scholarship Program that is:

3  
4 SECTION 1096. Arkansas Code § 6-85-104(2)(B), concerning the  
5 definition of "eligible student" under the laws governing the Arkansas  
6 Academic Challenge Scholarship Program, is amended to read as follows:

7 (B) Is deemed to be eligible by rules authorized by this  
8 subchapter and promulgated by the ~~Department~~ Division of Higher Education;

9  
10 SECTION 1097. Arkansas Code § 6-85-104(3), concerning the definition  
11 of "financial need" under the laws governing the Arkansas Academic Challenge  
12 Scholarship Program, is amended to read as follows:

13 (3) "Financial need" means the family income of program  
14 applicants as determined by the ~~Department~~ Division of Higher Education  
15 through evaluation of program applications and supporting documentation;

16  
17 SECTION 1098. Arkansas Code § 6-85-104(4)(A), concerning the  
18 definition of "full-time undergraduate student" under the laws governing the  
19 Arkansas Academic Challenge Scholarship Program, is amended to read as  
20 follows:

21 (4)(A) "Full-time undergraduate student" means a resident of  
22 Arkansas who attends an approved institution and who is enrolled for at least  
23 twelve (12) credit hours the first semester and fifteen (15) credit hours  
24 thereafter or the equivalent, as defined by the ~~Department~~ Division of Higher  
25 Education, in a program of study that leads to or is creditable toward a  
26 baccalaureate degree, an associate degree in nursing, or a nursing school  
27 diploma.

28  
29 SECTION 1099. Arkansas Code § 6-85-105 is amended to read as follows:  
30 6-85-105. Authority of ~~Department~~ Division of Higher Education.

31 (a) The ~~Department~~ Division of Higher Education is authorized by this  
32 subchapter to develop and promulgate rules for the administration of the  
33 Arkansas Academic Challenge Scholarship Program, consistent with the purposes  
34 and requirements of this subchapter.

35 (b) The rules shall include student eligibility criteria based on the  
36 provisions of this subchapter, the method for selecting scholarship



1 recipients, rules for determining continuing eligibility, procedures for  
2 making payment to recipients, and other administrative procedures that may be  
3 necessary for the implementation and operation of the program.

4 (c) Until the end of fiscal year 2011, the ~~Department~~ Division of  
5 Higher Education is authorized to expend each year for data processing and  
6 other administrative costs of this program up to one and five-tenths percent  
7 (1.5%) of the amount appropriated for the programs.

8 (d) Applicants must certify that they are drug-free and must pledge in  
9 writing on the application form to refrain from the use or abuse of illegal  
10 substances in order to maintain eligibility for this program.

11 (e)(1) The ~~Department of Education~~ Division of Elementary and  
12 Secondary Education and the ~~Department~~ Division of Higher Education are  
13 directed to develop appropriate informational materials on the Arkansas  
14 Academic Challenge Scholarship Program and to ensure their distribution to  
15 Arkansas students in grades seven through twelve (7-12) each year as part of  
16 the packet of materials on precollegiate preparation distributed by the  
17 ~~Department of Education~~ Division of Elementary and Secondary Education as  
18 mandated by § 6-61-217.

19 (2) The distribution of information shall be accomplished  
20 through the collaboration of school counselors and other appropriate school  
21 personnel.

22 (f) The Director of the ~~Department~~ Division of Higher Education is  
23 authorized to review and evaluate the operation of the program with regard to  
24 eligibility criteria and size of the scholarship award to ensure that the  
25 program's operation meets the intent of this subchapter.

26 (g) The ~~Department~~ Division of Higher Education is authorized to  
27 determine the necessary procedures for the awarding of scholarships should  
28 the number of eligible applicants exceed the funds available.

29 (h) The ~~Department~~ Division of Higher Education shall report to the  
30 General Assembly annually regarding the implementation of the provisions of  
31 this subchapter.

32  
33 SECTION 1100. Arkansas Code § 6-85-106(a), concerning eligibility for  
34 the Arkansas Academic Challenge Scholarship Program, is amended to read as  
35 follows:

36 (a) Eligibility for the Arkansas Academic Challenge Scholarship

1 Program is based on the criteria under this section and rules promulgated  
2 under this subchapter by the ~~Department~~ Division of Higher Education.

3  
4 SECTION 1101. Arkansas Code § 6-85-106(b)(4), concerning eligibility  
5 for the Arkansas Academic Challenge Scholarship Program, is amended to read  
6 as follows:

7 (4) The applicant is accepted for admission at an approved  
8 institution as a full-time first-time freshman as defined by the ~~Department~~  
9 Division of Higher Education and enrolls in an approved institution within  
10 twelve (12) months of the applicant's high school graduation;

11  
12 SECTION 1102. Arkansas Code § 6-85-106(b)(5)(B)(i) and (ii),  
13 concerning eligibility for the Arkansas Academic Challenge Scholarship  
14 Program, are amended to read as follows:

15 (i) Successfully completed the Smart Core curriculum  
16 as established by the ~~Department of Education~~ Division of Elementary and  
17 Secondary Education; and

18 (ii)(a) Demonstrated proficiency in the application  
19 of knowledge and skills in reading and writing literacy and mathematics by  
20 passing the end-of-course assessments developed by the ~~Department of~~  
21 Education Division of Elementary and Secondary Education.

22 (b) "End-of-course" assessments means those  
23 assessments defined in § 6-15-419.

24  
25 SECTION 1103. Arkansas Code § 6-85-106(b)(5)(C)(ii), concerning  
26 eligibility for the Arkansas Academic Challenge Scholarship Program, is  
27 amended to read as follows:

28 (ii) A minimum composite score of nineteen (19) or  
29 higher on the American College Test or the equivalent as defined by the  
30 ~~Department~~ Division of Higher Education.

31  
32 SECTION 1104. Arkansas Code § 6-85-106(b)(5)(D), concerning  
33 eligibility for the Arkansas Academic Challenge Scholarship Program, is  
34 amended to read as follows:

35 (D)(i) The grade point average requirements of subdivision  
36 (b)(5)(C) of this section may be reduced to no lower than a 2.5 on a 4.0

1 scale by a rules change by the ~~Department~~ Division of Higher Education if it  
2 is determined by the ~~Department~~ Division of Higher Education, based on the  
3 most recent evaluation of the program's operation, that the change to a 3.0  
4 or 2.75 grade point average on a 4.0 scale would unduly reduce the number of  
5 low-income or disadvantaged students who would otherwise be eligible for the  
6 program.

7 (ii) At the ~~Department~~ Division of Higher  
8 Education's discretion, the ~~Department~~ Division of Higher Education may make  
9 the reduction for admissions to institutions with a high percentage of  
10 students receiving full Pell Grants upon petition to the ~~Department~~ Division  
11 of Higher Education by the institution.

12  
13 SECTION 1105. Arkansas Code § 6-85-106(b)(5)(E)(i), concerning  
14 eligibility for the Arkansas Academic Challenge Scholarship Program, is  
15 amended to read as follows:

16 (E)(i) The ~~Department~~ Division of Higher Education may  
17 develop selection criteria through program rules that combine an applicant's  
18 American College Test or equivalent score and grade point average in the core  
19 curriculum into a selection index.

20  
21 SECTION 1106. Arkansas Code § 6-85-106(b)(6)(A), concerning  
22 eligibility for the Arkansas Academic Challenge Scholarship Program, is  
23 amended to read as follows:

24 (6)(A) An applicant shall demonstrate financial need as defined  
25 by the ~~Department~~ Division of Higher Education.

26  
27 SECTION 1107. The introductory language of Arkansas Code § 6-85-  
28 106(b)(6)(B), concerning eligibility for the Arkansas Academic Challenge  
29 Scholarship Program, is amended to read as follows:

30 (B) The ~~Department~~ Division of Higher Education shall use  
31 the following criteria in calculating financial need for applicants who  
32 graduated from an Arkansas high school after December 31, 2000, but before  
33 December 31, 2004:

34  
35 SECTION 1108. Arkansas Code § 6-85-106(b)(6)(B)(iv), concerning  
36 eligibility for the Arkansas Academic Challenge Scholarship Program, is

1 amended to read as follows:

2 (iv) Any applicant whose family includes more than  
3 one (1) unemancipated child enrolled full time at an approved institution  
4 shall be entitled to an additional ten thousand dollars (\$10,000) of adjusted  
5 gross income for each additional unemancipated child enrolled full time at an  
6 approved institution when the ~~Department~~ Division of Higher Education  
7 calculates financial need.

8

9 SECTION 1109. The introductory language of Arkansas Code § 6-85-  
10 106(b)(6)(C), concerning eligibility for the Arkansas Academic Challenge  
11 Scholarship Program, is amended to read as follows:

12 (C) In calculating financial need for applicants who  
13 graduate from an Arkansas high school after December 31, 2006, a Free  
14 Application for Federal Student Aid or a subsequent application required by  
15 the United States Department of Education for federal financial aid shall be  
16 filed by the applicant or other proof of family income as defined by the  
17 ~~Department~~ Division of Higher Education. The following criteria shall be  
18 used:

19

20 SECTION 1110. Arkansas Code § 6-85-106(b)(6)(C)(iv), concerning  
21 eligibility for the Arkansas Academic Challenge Scholarship Program, is  
22 amended to read as follows:

23 (iv) Any applicant whose family includes more than  
24 one (1) unemancipated child enrolled full time at an approved institution of  
25 higher education shall be entitled to an additional ten thousand dollars  
26 (\$10,000) of adjusted gross income for each additional unemancipated child  
27 enrolled full time at an approved institution of higher education when the  
28 ~~Department~~ Division of Higher Education calculates financial need.

29

30 SECTION 1111. Arkansas Code § 6-85-106(c)(2), concerning eligibility  
31 for the Arkansas Academic Challenge Scholarship Program, is amended to read  
32 as follows:

33 (2) Financial need criteria necessary for the selection of  
34 recipients, including those defined as emancipated or independent by federal  
35 student aid regulations, shall be established through rules issued by the  
36 ~~Department~~ Division of Higher Education.

1  
2 SECTION 1112. Arkansas Code § 6-85-106(e)(2)(C), concerning  
3 eligibility for the Arkansas Academic Challenge Scholarship Program, is  
4 amended to read as follows:

5 (C) Shall receive the prerequisite training in literacy  
6 and college readiness from an accredited Arkansas institution of higher  
7 education based on training modules developed by the ~~Department of Education~~  
8 Division of Elementary and Secondary Education; and

9  
10 SECTION 1113. Arkansas Code § 6-85-107(a)(3), concerning the duration  
11 and amount of the Arkansas Academic Challenge Scholarship Program, is amended  
12 to read as follows:

13 (3) The recipient meets any other continuing eligibility  
14 criteria established by the ~~Department~~ Division of Higher Education.

15  
16 SECTION 1114. Arkansas Code § 6-85-108 is amended to read as follows:  
17 6-85-108. Nursing school eligibility.

18 (a)(1) The General Assembly recognizes that the State of Arkansas is  
19 experiencing a critical shortage of nurses.

20 (2) It is the intent of this section to allow the ~~Department~~  
21 Division of Higher Education the opportunity to include associate degree  
22 granting and diploma schools of nursing in the Arkansas Academic Challenge  
23 Scholarship Program under specific circumstances.

24 (b) The ~~department~~ division shall make awards to applicants attending  
25 either an associate degree or diploma school preparing registered nurses that  
26 is approved by the Arkansas State Board of Nursing and which would not  
27 otherwise be an approved institution if:

28 (1) The nursing school is specifically recognized by the  
29 ~~department~~ division as a school of nursing eligible to participate in the  
30 Arkansas Academic Challenge Scholarship Program; and

31 (2) The recipient meets continuing eligibility requirements in §  
32 6-85-106.

33 (c) The scholarships awarded to recipients under this section shall be  
34 subject to § 6-85-105(g).

35 (d) The Arkansas Higher Education Coordinating Board and the  
36 ~~department~~ division shall promulgate rules necessary for the implementation

1 of this section.

2

3 SECTION 1115. Arkansas Code § 6-85-109 is amended to read as follows:

4 6-85-109. Priority for teaching commitment.

5 (a) During times of funding shortages under the Arkansas Academic  
6 Challenge Scholarship Program, the ~~Department~~ Division of Higher Education  
7 shall give a priority to awards to applicants meeting all eligibility  
8 requirements under the program who agree to accept a forgivable loan, as set  
9 forth in this section, in lieu of a scholarship and who agree to teach, as  
10 required under § 6-85-110, in a:

11 (1) Subject matter area designated by the ~~Department of~~  
12 Education Division of Elementary and Secondary Education as having a critical  
13 shortage of teachers; or

14 (2) Geographical area of the state designated by the ~~Department~~  
15 of Education Division of Elementary and Secondary Education as having a  
16 critical shortage of teachers.

17 (b) The ~~Department~~ Division of Higher Education shall make awards  
18 under this subchapter as follows:

19 (1) First, to applicants who agree to the provisions of this  
20 section; and

21 (2) Then to applicants eligible under § 6-85-106(b).

22 (c) Forgivable loans awarded under this section shall be paid from  
23 appropriations to the program.

24

25 SECTION 1116. Arkansas Code § 6-85-110(a)(1)(A) and (B), concerning  
26 teaching requirements, are amended to read as follows:

27 (A) In a subject matter area designated by the ~~Department~~  
28 of Education Division of Elementary and Secondary Education as having a  
29 critical shortage of teachers if the recipient's award was made under § 6-85-  
30 109(a)(1); or

31 (B) In a geographical area of the state designated by the  
32 ~~Department of Education~~ Division of Elementary and Secondary Education as  
33 having a critical shortage of teachers if the recipient's award was made  
34 under § 6-85-109(a)(2).

35

36 SECTION 1117. Arkansas Code § 6-85-110(a)(2)(B), concerning teaching

1 requirements, is amended to read as follows:

2 (B) Any person who received a forgivable loan under § 6-  
3 85-109 in an amount less than four (4) annual awards or the equivalent of  
4 four (4) annual awards shall render one (1) year's service as a licensed  
5 teacher for each year that the person received a full-time student forgivable  
6 loan or for the number of academic hours equivalent to one (1) school year,  
7 as determined by the ~~Department~~ Division of Higher Education, for which a  
8 part-time student received a forgivable loan.

9  
10 SECTION 1118. Arkansas Code § 6-85-110(b), concerning teaching  
11 requirements, is amended to read as follows:

12 (b) Any person receiving a forgivable loan shall execute a note made  
13 payable to the ~~Department~~ Division of Higher Education for an amount equal to  
14 the scholarship award each semester that shall bear interest at a rate to be  
15 determined by the ~~Department~~ Division of Higher Education and set forth in  
16 the note after completion of the program or immediately after termination of  
17 the forgivable loan, whichever is earlier.

18  
19 SECTION 1119. Arkansas Code § 6-85-110(d), concerning teaching  
20 requirements, is amended to read as follows:

21 (d)(1) Except as provided in subdivision (d)(2) of this section, any  
22 person failing to complete the teaching obligation as required by this  
23 subchapter shall become immediately liable to the ~~Department~~ Division of  
24 Higher Education for the sum of all forgivable loan awards made to that  
25 person less the corresponding amount of any awards for which service has been  
26 rendered according to the note's terms.

27 (2) The ~~Department~~ Division of Higher Education may defer  
28 payment on the note if an employment position is not immediately available  
29 upon a teacher's completion of licensure requirements or for other just cause  
30 as determined by the ~~Department of Education~~ Division of Elementary and  
31 Secondary Education.

32 (3) After the period of deferral, the person shall begin or  
33 resume teaching duties as required under this section or shall become liable  
34 to the ~~Department~~ Division of Higher Education under this section.

35  
36 SECTION 1120. Arkansas Code § 6-85-111 is amended to read as follows:

1           6-85-111. End-of-course assessment requirements.

2           The ~~Department~~ Division of Higher Education may recognize a sub-score  
3 of nineteen (19) or higher in the applicable subject area on the American  
4 College Test as meeting the requirements for passing end-of-course  
5 assessments under the Arkansas Academic Challenge Scholarship Program and the  
6 Arkansas Governor's Scholars Program for a student who:

7                   (1) Has not had an opportunity to take an end-of-course  
8 assessment;

9                   (2) Has not passed the end-of-course assessment; or

10                  (3) Is attending a private school or home school.

11  
12           SECTION 1121. Arkansas Code § 6-85-204(2), concerning the definition  
13 of "ACT equivalent" under the laws governing the Arkansas Academic Challenge  
14 Scholarship Program – Part 2, is amended to read as follows:

15                   (2) "ACT equivalent" means the Scholastic Aptitude Test (SAT),  
16 COMPASS, Accuplacer, or other nationally normed test that is correlated with  
17 the ACT and approved by the ~~Department~~ Division of Higher Education for use  
18 by institutions of higher education to assess a person's college readiness;

19  
20           SECTION 1122. The introductory language of Arkansas Code § 6-85-  
21 204(3), concerning the definition of "approved institution of higher  
22 education" under the laws governing the Arkansas Academic Challenge  
23 Scholarship Program, is amended to read as follows:

24                   (3) "Approved institution of higher education" means an  
25 institution of higher education approved by the ~~Department~~ Division of Higher  
26 Education to participate in the Arkansas Academic Challenge Scholarship  
27 Program – Part 2 and that is:

28  
29           SECTION 1123. Arkansas Code § 6-85-204(4)(E), concerning the  
30 definition of "approved school of nursing" under the laws governing the  
31 Arkansas Academic Challenge Scholarship Program, is amended to read as  
32 follows:

33                   (E) Has been approved by the ~~Department~~ Division of Higher  
34 Education as eligible to participate in the Arkansas Academic Challenge  
35 Scholarship Program; and

36



1 SECTION 1124. The introductory language of Arkansas Code § 6-85-  
2 204(5), concerning the definition of "Arkansas resident" under the laws  
3 governing the Arkansas Academic Challenge Scholarship Program, is amended to  
4 read as follows:

5 (5) "Arkansas resident" means a natural person who provides  
6 evidence deemed sufficient by the ~~Department~~ Division of Higher Education  
7 that:  
8

9 SECTION 1125. Arkansas Code § 6-85-204(20), concerning the definition  
10 of "scholarship hold" under the laws governing the Arkansas Academic  
11 Challenge Scholarship Program, is amended to read as follows:

12 (20) "Scholarship hold" means the temporary suspension of a  
13 scholarship award to a traditional student under this subchapter approved by  
14 the ~~Department~~ Division of Higher Education under § 6-85-221;  
15

16 SECTION 1126. The introductory language of Arkansas Code § 6-85-  
17 204(21), concerning the definition of "semester" under the laws governing the  
18 Arkansas Academic Challenge Scholarship Program, is amended to read as  
19 follows:

20 (21) "Semester" means one-half ( $\frac{1}{2}$ ) of a traditional academic  
21 year at an institution of higher education, or an equivalent approved by the  
22 ~~Department~~ Division of Higher Education, in which a student enrolls for not  
23 less than:  
24

25 SECTION 1127. Arkansas Code § 6-85-204(22)(B)(i), concerning the  
26 definition of "smart core" under the laws governing the Arkansas Academic  
27 Challenge Scholarship Program, is amended to read as follows:

28 (i) Established by rules of the ~~state board~~ State  
29 Board of Education in coordination with the ~~Department~~ Division of Higher  
30 Education; and  
31

32 SECTION 1128. Arkansas Code § 6-85-204(23)(A), concerning the  
33 definition of "state-supported student financial assistance" under the laws  
34 governing the Arkansas Academic Challenge Scholarship Program, is amended to  
35 read as follows:

36 (A) The ~~Department~~ Division of Higher Education; or

1  
2 SECTION 1129. Arkansas Code § 6-85-204(26)(B), concerning the  
3 definition of "traditional student" under the laws governing the Arkansas  
4 Academic Challenge Scholarship Program, is amended to read as follows:

5 (B) "Traditional student" includes a student who otherwise  
6 meets this definition but delays entering postsecondary education under a  
7 scholarship hold approved by the ~~Department~~ Division of Higher Education.  
8

9 SECTION 1130. Arkansas Code § 6-85-205 is amended to read as follows:  
10 6-85-205. Authority and duties of the ~~Department~~ Division of Higher  
11 Education.

12 (a) The ~~Department~~ Division of Higher Education shall develop and  
13 promulgate rules for the administration of the Arkansas Academic Challenge  
14 Scholarship Program consistent with the purposes and requirements of this  
15 subchapter.

16 (b) The rules developed and promulgated by the ~~Department~~ Division of  
17 Higher Education under this section shall pertain to:

- 18 (1) Student eligibility criteria based on this subchapter;  
19 (2) The method for selecting scholarship recipients and for  
20 determining continuing eligibility;  
21 (3) The procedures for making payment to an approved institution  
22 of higher education where the recipient is enrolled; and  
23 (4) Other administrative procedures that may be necessary for  
24 the implementation and operation of the program.

25 (c) The ~~Department~~ Division of Higher Education shall implement a  
26 complete financial aid management system that uses a single application form  
27 that may be accessed as a web-based application for all Arkansas state-  
28 supported student financial assistance administered by the ~~Department~~  
29 Division of Higher Education, including:

- 30 (1) Scholarships awarded under this subchapter or other state  
31 law that are funded with net proceeds from the state lottery; and  
32 (2) Scholarships, grants, or other financial assistance for  
33 higher education students funded with nonlottery state educational resources.

34 (d)(1) The ~~Department of Education~~ Division of Elementary and  
35 Secondary Education and the ~~Department~~ Division of Higher Education are  
36 directed to develop appropriate informational materials on the Arkansas

1 Academic Challenge Scholarship Program and to ensure distribution of the  
 2 materials to Arkansas students in grade seven through grade twelve (7-12)  
 3 each year as a part of the packet of materials on precollegiate preparation  
 4 distributed by the Arkansas Higher Education Coordinating Board under § 6-61-  
 5 217 and by the ~~Department of Education~~ Division of Elementary and Secondary  
 6 Education under the Higher Education Awareness Act of 1993, § 6-5-401 et seq.

7 (2) The distribution of informational materials under this  
 8 section shall be accomplished through the collaboration of school counselors  
 9 and other appropriate public school or ~~Department~~ Division of Higher  
 10 Education personnel.

11 (3) The ~~Department~~ Division of Higher Education shall provide a  
 12 copy of the informational materials developed under this section to the  
 13 Legislative Council for review.

14 (e) The Director of the ~~Department~~ Division of Higher Education shall  
 15 review and evaluate the operation of the program with regard to eligibility  
 16 criteria and size of the scholarship award to ensure that the program's  
 17 operation meets the intent of this subchapter.

18 (f) The ~~Department~~ Division of Higher Education may determine the  
 19 necessary procedures for the awarding of scholarships if the number of  
 20 eligible applicants exceeds the funds available based on the criteria under  
 21 this subchapter.

22 (g)(1)(A) By July 15 of each year, the Director of the ~~Department~~  
 23 Division of Higher Education shall provide a report to the Legislative  
 24 Council on:

- 25 (i) The implementation of this subchapter;
- 26 (ii) The number of recipients that either:
  - 27 (a) Dropped out during the academic year; or
  - 28 (b) Lost the scholarship during the academic
- 29 year; and
- 30 (iii) Any additional information requested by the
- 31 Legislative Council.

32 (B) The Legislative Council shall include the information  
 33 reported under this subsection in its annual report to the General Assembly  
 34 under § 6-85-220.

35 (2) By August 1 of each year, the ~~Department~~ Division of Higher  
 36 Education shall provide to the Legislative Council an unaudited financial

1 report on the administration of the Arkansas Academic Challenge Scholarship  
2 Program for the fiscal year just ended.

3  
4 SECTION 1131. Arkansas Code § 6-85-206(1)(C)(i), concerning basic  
5 eligibility requirements for an award from the Arkansas Academic Challenge  
6 Scholarship Program – Part 2, is amended to read as follows:

7 (C)(i) To be considered an Arkansas resident, an applicant  
8 shall demonstrate residency by evidence deemed sufficient to the ~~Department~~  
9 Division of Higher Education.

10  
11 SECTION 1132. The introductory language of Arkansas Code § 6-85-  
12 206(1)(D), concerning basic eligibility requirements for an award from the  
13 Arkansas Academic Challenge Scholarship Program – Part 2, is amended to read  
14 as follows:

15 (D) During the twelve (12) months immediately preceding  
16 the date an applicant will enroll in an approved institution of higher  
17 education if the person for whom the twelve-month period is calculated under  
18 subdivision (1)(A) or subdivision (1)(B) of this section is deployed outside  
19 of Arkansas under military orders, the ~~Department~~ Division of Higher  
20 Education shall calculate the twelve (12) months by:

21  
22 SECTION 1133. Arkansas Code § 6-85-206(3)(B) and (C), concerning basic  
23 eligibility requirements for an award from the Arkansas Academic Challenge  
24 Scholarship Program – Part 2 are amended to read as follows:

25 (B) A full-time student shall enroll in at least twenty-  
26 seven (27) semester hours the first academic year and thirty (30) semester  
27 hours per academic year thereafter or the equivalent, as described in this  
28 subchapter, or the equivalent as defined by the ~~Department~~ Division of Higher  
29 Education.

30 (C) A part-time student shall complete at least six (6)  
31 semester hours but less than the minimum number of semester hours for a full-  
32 time student, as defined by the ~~Department~~ Division of Higher Education;

33  
34 SECTION 1134. Arkansas Code § 6-85-207(3)(B), concerning additional  
35 eligibility requirements for traditional students, is amended to read as  
36 follows:

1                   (B) In the year in which the student would have been a  
2 junior or senior in high school, completed the requirements for high school  
3 graduation and obtained a high school equivalency diploma approved by the  
4 ~~Department of Career Education~~ Adult Education Section of the Department of  
5 Workforce Services instead of receiving a diploma; or  
6

7           SECTION 1135. Arkansas Code § 6-85-208(1)(B), concerning additional  
8 eligibility requirements for a nontraditional student, is amended to read as  
9 follows:

10                   (B) Graduated from an Arkansas public high school, a  
11 private high school, an out-of-state high school, a home school high school,  
12 or obtained a high school equivalency diploma approved by the ~~Department of~~  
13 ~~Career Education~~ Adult Education Section of the Department of Workforce  
14 Services and had a minimum composite score of nineteen (19) on the ACT or the  
15 equivalent score on an ACT equivalent; or  
16

17           SECTION 1136. Arkansas Code § 6-85-209(a)(2)(A)(ii), concerning  
18 additional eligibility requirements for a current achiever student, is  
19 amended to read as follows:

20                   (ii) In calculating continuous enrollment under this  
21 section, the ~~Department~~ Division of Higher Education may include one (1) or  
22 more courses taken during the summer that meet the criteria for a course  
23 under subdivision (a)(2)(B)(ii) of this section;  
24

25           SECTION 1137. Arkansas Code § 6-85-209(b), concerning additional  
26 eligibility requirements for a current achiever student, is amended to read  
27 as follows:

28                   (b) The ~~department~~ division may waive the requirements of subdivision  
29 (a)(1)(B) or subdivision (a)(2) of this section for eligibility under this  
30 section if an applicant does not meet those eligibility requirements due to  
31 the applicant's full-time duty in the active uniformed service of the United  
32 States, including members of the National Guard and reserve components of the  
33 United States Armed Forces on active duty orders.  
34

35           SECTION 1138. Arkansas Code § 6-85-210(b)(2)(A)(i), concerning  
36 continuing eligibility for scholarships, is amended to read as follows:

1           (2)(A)(i) A recipient shall meet the satisfactory academic  
2 progress standards required to receive other financial aid at the approved  
3 institution of higher education where the recipient is enrolled, as  
4 determined by the ~~Department~~ Division of Higher Education in conjunction with  
5 the institution of higher education where the recipient is enrolled.  
6

7           SECTION 1139. Arkansas Code § 6-85-210(b)(2)(A)(ii)(b), concerning  
8 continuing eligibility for scholarships, is amended to read as follows:

9                       (b) The ~~department~~ division shall notify the  
10 recipient of the loss of eligibility under this subdivision (b)(2)(A)(ii).  
11

12           SECTION 1140. The introductory language of Arkansas Code § 6-85-  
13 210(b)(2)(B), concerning continuing eligibility for scholarships, is amended  
14 to read as follows:

15                       (B) The ~~department~~ division may approve a leave of absence  
16 for a reason that includes without limitation:  
17

18           SECTION 1141. Arkansas Code § 6-85-210(b)(2)(B)(iv)(c), concerning  
19 continuing eligibility for scholarships, is amended to read as follows:

20                       (c) The ~~department~~ division shall release a  
21 scholarship hold if the ~~department~~ division determines that the student did  
22 not complete the commitment under the written agreement; or  
23

24           SECTION 1142. Arkansas Code § 6-85-210(b)(2)(B)(v), concerning  
25 continuing eligibility for scholarships, is amended to read as follows:

26                       (v) Any other reason approved by the ~~department~~  
27 division;  
28

29           SECTION 1143. Arkansas Code § 6-85-210(b)(6), concerning continuing  
30 eligibility for scholarships, is amended to read as follows:

31                       (6) A recipient shall meet any other continuing eligibility  
32 criteria established by the ~~department~~ division.  
33

34           SECTION 1144. Arkansas Code § 6-85-210(d), concerning continuing  
35 eligibility for scholarships, is amended to read as follows:

36                       (d) If a recipient is subject to losing a scholarship under subsection

1 (c) of this section due to a catastrophic event experienced by the recipient  
 2 or a family member of the recipient, the ~~department~~ division may waive the  
 3 requirements of this section and determine the appropriate requirements for  
 4 the recipient to either retain or regain the scholarship.

5  
 6 SECTION 1145. Arkansas Code § 6-85-211(b), concerning literacy  
 7 tutoring, is amended to read as follows:

8 (b) A recipient who agrees to volunteer as a literacy tutor under this  
 9 section shall receive the prerequisite training in literacy and college  
 10 readiness from an approved institution of higher education based on training  
 11 modules developed by the ~~Department of Education~~ Division of Elementary and  
 12 Secondary Education.

13  
 14 SECTION 1146. Arkansas Code § 6-85-212(e)(1)(B)-(D), concerning  
 15 scholarship award amounts, is amended to read as follows:

16 (B) The ~~Department~~ Division of Higher Education shall not  
 17 accept new applications for scholarships for current achiever students under  
 18 § 6-85-209 after June 1, 2012.

19 (C)(i) To determine the correct scholarship award amount  
 20 based on credit hours, a first-time recipient shall submit a current college  
 21 or university transcript if the first-time recipient has earned any semester  
 22 credit hours to the ~~Department~~ Division of Higher Education no later than a  
 23 date determined by the ~~Department~~ Division of Higher Education prior to the  
 24 academic year for which the first-time recipient will receive an initial  
 25 scholarship award.

26 (ii) A first-time recipient who does not submit a  
 27 transcript to the ~~Department~~ Division of Higher Education on or before June 1  
 28 shall receive the award amount under subdivision (e)(1)(A)(i) of this  
 29 section.

30 (D)(i) An applicant may elect for the earned semester  
 31 credit hours under subdivision (e)(1)(A) of this section to be only those  
 32 semester credit hours earned after graduating from high school or obtaining a  
 33 high school equivalency diploma approved by the ~~Department of Career~~  
 34 Education Adult Education Section of the Department of Workforce Services.

35 (ii) If an applicant makes the election under  
 36 subdivision (e)(1)(D)(i) of this section, any semester credit hours earned

1 through concurrent credit or any other method before graduating high school  
 2 or obtaining a high school equivalency diploma approved by the ~~Department of~~  
 3 ~~Career Education~~ Adult Education Section of the Department of Workforce  
 4 Services shall not be counted as earned semester credit hours for the  
 5 purposes of determining a recipient's scholarship award amount under  
 6 subdivision (e)(1)(A) of this section.

7  
 8 SECTION 1147. Arkansas Code § 6-85-212(e)(2) and (3), concerning  
 9 scholarship award amounts, is amended to read as follows:

10 (2)(A) The ~~Department~~ Division of Higher Education shall award  
 11 an aggregate amount of scholarship awards to nontraditional students  
 12 beginning with the 2017-2018 academic year of up to fifteen million dollars  
 13 (\$15,000,000).

14 (B)(i) The ~~Department~~ Division of Higher Education shall  
 15 return to the Office of the Arkansas Lottery the excess funding, if any, for  
 16 scholarship awards under this subchapter the ~~Department~~ Division of Higher  
 17 Education received under § 23-115-801.

18 (ii) The office shall deposit any funds received  
 19 from the ~~Department~~ Division of Higher Education under this subdivision  
 20 (e)(2)(B) into a trust account established under § 23-115-801(b).

21 (C) Priority for scholarships awarded to nontraditional  
 22 students and current achiever students is based on:

23 (i) The applicant's level of progress toward  
 24 completion of a certificate, an associate degree, a nursing diploma, a  
 25 baccalaureate degree, or a graduate-level or professional degree; or

26 (ii) Other criteria established by the ~~Department~~  
 27 Division of Higher Education.

28  
 29 SECTION 1148. The introductory language of Arkansas Code § 6-85-  
 30 212(e)(6), concerning scholarship award amounts, is amended to read as  
 31 follows:

32 (6) The ~~Department~~ Division of Higher Education shall give  
 33 priority for a scholarship award to a full-time or part-time student:

34  
 35 SECTION 1149. Arkansas Code § 6-85-212(i)(1), concerning scholarship  
 36 award amounts, is amended to read as follows:



1 (i)(1) If the ~~Department~~ Division of Higher Education has less than a  
2 sufficient amount from net proceeds from the state lottery to provide for the  
3 scholarship commitments under this subchapter, the ~~Department~~ Division of  
4 Higher Education shall give priority for continued financial support under  
5 this subchapter to a student with continuing eligibility superior to first-  
6 time applicants.

7  
8 SECTION 1150. The introductory language of Arkansas Code § 6-85-  
9 212(i)(2), concerning scholarship award amounts, is amended to read as  
10 follows:

11 (2) If the funding is insufficient to fully fund the  
12 scholarships for students with continuing eligibility created under this  
13 subchapter, the ~~Department~~ Division of Higher Education shall award  
14 scholarships based upon the following criteria to students with continuing  
15 eligibility as follows:

16  
17 SECTION 1151. Arkansas Code § 6-85-212(i)(2)(A)(i), concerning  
18 scholarship award amounts, is amended to read as follows:

19 (i) In an area of critical workforce need as  
20 determined by the ~~Department~~ Division of Higher Education; or  
21

22 SECTION 1152. Arkansas Code § 6-85-212(i)(3), concerning scholarship  
23 award amounts, is amended to read as follows:

24 (3)(A) If after funding all students with continuing eligibility  
25 under this section funding is insufficient to fund all qualified first-time  
26 applicants, the ~~Department~~ Division of Higher Education shall award  
27 scholarships to first-time applicants in order of priority based upon the  
28 applicants' highest ACT or ACT equivalent scores.

29 (B) If after prioritizing first-time applicants based upon  
30 the applicants' ACT or ACT equivalent scores funding is insufficient to fund  
31 all applicants with like ACT or ACT equivalent scores, the ~~Department~~  
32 Division of Higher Education shall determine who receives an award by random  
33 drawing.  
34

35 SECTION 1153. Arkansas Code § 6-85-213 is amended to read as follows:  
36 6-85-213. Nursing school eligibility.

1 (a)(1) The General Assembly recognizes that the State of Arkansas is  
2 experiencing a critical shortage of nurses.

3 (2) It is the intent of this section to allow the ~~Department~~  
4 Division of Higher Education the opportunity, under specific circumstances,  
5 to include an approved school of nursing that would not otherwise be an  
6 approved institution of higher education in the Arkansas Academic Challenge  
7 Scholarship Program.

8 (b) The ~~department~~ division shall make awards to applicants attending  
9 an approved school of nursing under this section if the recipient meets  
10 continuing eligibility requirements in § 6-85-210.

11 (c) The ~~department~~ division shall pay scholarship awards under this  
12 section only from nonlottery state educational resources.

13  
14 SECTION 1154. Arkansas Code § 6-85-216 is amended to read as follows:

15 6-85-216. Institution report to the ~~department~~ division.

16 (a)(1) An approved institution of higher education that enrolls  
17 students receiving scholarships under this subchapter annually shall provide  
18 information and semiannually provide updated information to the ~~Department~~  
19 Division of Higher Education regarding all state-supported student financial  
20 assistance whether or not the state-supported student financial assistance is  
21 awarded under this subchapter.

22 (2) The information shall be provided in the form of individual  
23 student records and shall include without limitation information regarding:

24 (A) State-supported student financial assistance;

25 (B) Demographic student data; and

26 (C) Disaggregated data on remedial courses.

27 (3)(A) An approved institution of higher education shall  
28 undertake the procedures necessary to ensure the collection and reporting of  
29 student information under this section.

30 (B) An approved institution of higher education may lose  
31 its approved status for receiving scholarship funds on behalf of a recipient  
32 under this subchapter if it fails to make a good-faith effort to comply with  
33 this section.

34 (C) In addition to the provisions of subdivision (a)(3)(B)  
35 of this section, an institution of higher education that does not comply with  
36 this section shall not be eligible to accept state aid from the Higher

1 Education Grants Fund Account on behalf of a student.

2 (b) The ~~department~~ division shall establish by rule the:

- 3 (1) Specific data required;
- 4 (2) Manner of reporting the information required; and
- 5 (3) Technology or software required for reporting.

6 (c) The ~~department~~ division shall use the information provided under  
 7 this section to conduct the research and analysis needed to support the  
 8 annual report of the Director of the ~~Department~~ Division of Higher Education  
 9 to the Legislative Council under § 6-85-205.

10  
 11 SECTION 1155. Arkansas Code § 6-85-217 is amended to read as follows:

12 6-85-217. Information provided to the Bureau of Legislative Research  
 13 by the ~~Department~~ Division of Higher Education.

14 The ~~Department~~ Division of Higher Education shall provide the following  
 15 data to the Bureau of Legislative Research through the Arkansas Higher  
 16 Education Information System under § 6-60-901 et seq., for the purpose of  
 17 assisting the General Assembly with evaluation and analysis under this  
 18 subchapter:

- 19 (1) Existing individual student data;
- 20 (2) Institutional data;
- 21 (3) Financial data;
- 22 (4) Aggregate student scholarship and grant application and  
 23 award data;
- 24 (5) Remedial course data; and
- 25 (6) Other data needed to track scholarship and grant students  
 26 receiving state-supported student financial assistance from year to year.

27  
 28 SECTION 1156. Arkansas Code § 6-85-219 is amended to read as follows:

29 6-85-219. Reports to legislative committees.

30 (a)(1) Annually by November 1, the ~~Department~~ Division of Higher  
 31 Education shall report to the Legislative Council in the manner and format  
 32 that the Legislative Council requires on all state-supported student  
 33 financial assistance awarded by the ~~department~~ division and awarded by  
 34 approved institutions of higher education.

- 35 (2) The information provided shall include without limitation:
- 36 (A) Current year expenditures for scholarships and grants

1 under the Arkansas Academic Challenge Scholarship Program – Part 2;

2 (B) Projected obligations for succeeding years from each  
3 scholarship or grant funding source;

4 (C) Fund balances for the:

5 (i) Higher Education Grants Fund Account; and

6 (ii) Trust accounts maintained by the Director of  
7 the ~~Department~~ Division of Higher Education to hold the net proceeds from the  
8 state lottery;

9 (D) An evaluation of whether the net proceeds from the  
10 state lottery available for the program supplement and do not supplant  
11 nonlottery state educational resources; and

12 (E) Other information that the Legislative Council or the  
13 General Assembly requests.

14 (b) Annually by December 1, the ~~department~~ division shall report to  
15 the Legislative Council its recommendations for changes to the program,  
16 including without limitation:

17 (1) Adjustments to the eligibility requirements of the program;  
18 and

19 (2) Increases or decreases in the amounts awarded for a  
20 scholarship under the program based on the amount of net proceeds from the  
21 state lottery available.

22 (c) Annually by December 31, the ~~department~~ division shall report to  
23 the Legislative Council the following information on recipients of the  
24 Arkansas Academic Challenge Scholarship Program – Part 2 who applied as of  
25 June 1:

26 (1) Race;

27 (2) Grade point average;

28 (3) Composite score on the ACT or the equivalent score on an ACT  
29 equivalent; and

30 (4) Family or individual income as reported on the student's  
31 Free Application for Federal Student Aid (FAFSA).

32  
33 SECTION 1157. Arkansas Code § 6-85-220(a)(4), concerning the annual  
34 report by the Legislative Council, is amended to read as follows:

35 (4) Review the annual report of the Director of the ~~Department~~  
36 Division of Higher Education under § 6-85-219;

1  
2 SECTION 1158. Arkansas Code § 6-85-221(a)(1), concerning a scholarship  
3 hold for a traditional student, is amended to read as follows:

4 (a)(1) The ~~Department~~ Division of Higher Education may approve a  
5 scholarship hold for a traditional student for a period of twenty-four (24)  
6 months or less.

7  
8 SECTION 1159. Arkansas Code § 6-85-221(a)(2)(D)(iii), concerning a  
9 scholarship hold for a traditional student, is amended to read as follows:

10 (iii) The ~~department~~ division shall release a  
11 scholarship hold if the ~~department~~ division determines that the student did  
12 not complete the commitment under the written agreement.

13  
14 SECTION 1160. The introductory language of Arkansas Code § 6-85-  
15 302(1), concerning the definition of "approved institution of higher  
16 education" under the laws governing the Arkansas Workforce Challenge  
17 Scholarship Program, is amended to read as follows:

18 (1) "Approved institution of higher education" means an  
19 institution of higher education approved by the ~~Department~~ Division of Higher  
20 Education to participate in the Arkansas Workforce Challenge Scholarship  
21 Program and that is:

22  
23 SECTION 1161. Arkansas Code § 6-85-303(a)(2)(A), concerning funding  
24 for Arkansas Workforce Challenge Scholarships, is amended to read as follows:

25 (A) Transfers the funds requested by the ~~Department~~  
26 Division of Higher Education under § 23-115-801(c)(2); and

27  
28 SECTION 1162. Arkansas Code § 6-85-303(b)(1)(B), concerning funding  
29 for Arkansas Workforce Challenge Scholarships, is amended to read as follows:

30 (B) The ~~department~~ division received a loan from the  
31 Scholarship Shortfall Reserve Trust Account under § 23-115-802 for the  
32 Arkansas Academic Challenge Scholarship Program – Part 2, § 6-85-201 et seq.,  
33 for the previous academic year.

34  
35 SECTION 1163. The introductory language of Arkansas Code § 6-85-  
36 304(a), concerning the eligibility of a student to receive an Arkansas

1 Workforce Challenge Scholarship, is amended to read as follows:

2 (a) A student is eligible to receive an Arkansas Workforce Challenge  
3 Scholarship for an academic year if the student applies to the ~~Department~~  
4 Division of Higher Education by a date determined by the ~~Department~~ Division  
5 of Higher Education preceding the academic year and:

6  
7 SECTION 1164. Arkansas Code § 6-85-304(a)(2)(B), concerning funding  
8 for Arkansas Workforce Challenge Scholarships, is amended to read as follows:

9 (B) Received a high school equivalency diploma approved by  
10 the ~~Department of Career Education~~ Adult Education Section of the Department  
11 of Workforce Services or another state;

12  
13 SECTION 1165. Arkansas Code § 6-85-304(a)(5)(A) and (B), concerning  
14 funding for Arkansas Workforce Challenge Scholarships, is amended to read as  
15 follows:

16 (5)(A) Whose program of study or certificate program will result  
17 in the student's being qualified to work in an occupation identified by the  
18 ~~Department~~ Division of Workforce Services under subdivision (a)(5)(B)(i) of  
19 this section.

20 (B)(i) The ~~Department~~ Division of Workforce Services shall  
21 provide annually to the ~~Department~~ Division of Higher Education by March 1 a  
22 list that identifies the five (5) most in-demand occupations in this state in  
23 each high-demand field under subdivision (a)(4) of this section that require  
24 the completion of a program of study that leads to an associate degree or a  
25 certificate program.

26 (ii) The ~~Department~~ Division of Workforce Services  
27 shall publish on its website the list under subdivision (a)(5)(B)(i) of this  
28 section and data supporting the list.

29  
30 SECTION 1166. Arkansas Code § 6-85-305 is amended to read as follows:

31 6-85-305. Distribution – Award amounts.

32 (a) If funds are available, the ~~Department~~ Division of Higher  
33 Education shall distribute Arkansas Workforce Challenge Scholarships to all  
34 students who meet the requirements under § 6-85-304.

35 (b)(1) The ~~department~~ division shall distribute scholarships from the  
36 funds available in an equal amount to every student eligible to receive a

1 scholarship under this subchapter.

2 (2) Except as provided in subsection (c) of this section, the  
3 maximum scholarship award a student may receive in an academic year shall be  
4 the lesser of:

5 (A) Eight hundred dollars (\$800); or

6 (B)(i) The cost of the certificate program or program of  
7 study.

8 (ii) The cost of a certificate program or program of  
9 study shall include:

10 (a) Tuition, fees, or other charges;

11 (b) Textbooks or other course materials; and

12 (c) Equipment needed for a course.

13 (3) The scholarship awards may be used for expenses included in  
14 the cost of the certificate program or program of study.

15 (4) A scholarship under this section shall be only for the  
16 academic year for which it is awarded.

17 (c)(1) If the ~~department~~ division has funds remaining after making the  
18 distributions under subsection (b) of this section, the ~~department~~ division  
19 shall distribute scholarships to students for the summer term of the academic  
20 year.

21 (2) If funds are available under subdivision (c)(1) of this  
22 section, a student shall apply for a scholarship for a summer term by a date  
23 determined by the ~~department~~ division preceding the summer term.

24 (3)(A) The ~~department~~ division shall distribute scholarships for  
25 a summer term in the same manner as under subsection (b) of this section.

26 (B) Scholarships for a summer term may be used in the same  
27 manner as under subsection (b) of this section.

28 (4) A student who received a scholarship under subsection (b) of  
29 this section may also receive a scholarship for a summer term.

30 (d) The ~~department~~ division shall disburse scholarship awards on  
31 behalf of an eligible student directly to the approved institution of higher  
32 education.

33  
34 SECTION 1167. Arkansas Code § 6-85-307 is amended to read as follows:  
35 6-85-307. Rules.

36 The ~~Department~~ Division of Higher Education shall promulgate rules to

1 implement this subchapter.

2  
3 SECTION 1168. Arkansas Code § 9-27-330(a)(4)(B)(i) and (ii),  
4 concerning the disposition, delinquency, and alternatives regarding a  
5 juvenile, are amended to read as follows:

6 (B)(i) In addition, the court shall have the right as a  
7 term of probation to require the juvenile to attend school or make  
8 satisfactory progress toward attaining a high school equivalency diploma  
9 approved by the ~~Department of Career Education~~ Adult Education Section of the  
10 Department of Workforce Services.

11 (ii) The court shall have the right to revoke  
12 probation if the juvenile fails to regularly attend school or if satisfactory  
13 progress toward attaining a high school equivalency diploma approved by the  
14 ~~Department of Career Education~~ Adult Education Section of the Department of  
15 Workforce Services is not being made;

16  
17 SECTION 1169. Arkansas Code § 9-27-332(a)(6)(A), concerning  
18 disposition and family in need services, is amended to read as follows:

19 (6)(A) Place the juvenile on supervision terms, including  
20 without limitation requiring the juvenile to attend school or make  
21 satisfactory progress toward attaining a high school equivalency diploma  
22 approved by the ~~Department of Career Education~~ Adult Education Section of the  
23 Department of Workforce Services, requiring the juvenile to observe a curfew,  
24 and prohibiting the juvenile from possessing or using any alcohol or illegal  
25 drugs.

26  
27 SECTION 1170. Arkansas Code § 9-28-113(a)(2)(A)(iii), concerning the  
28 continuity of educational services to foster children, is amended to read as  
29 follows:

30 (iii) The ~~Department of Education~~ Division of  
31 Elementary and Secondary Education;

32  
33 SECTION 1171. Arkansas Code § 9-28-113(c)(2), concerning the  
34 continuity of educational services to foster children, is amended to read as  
35 follows:

36 (2) Each school district shall forward the name of each foster



1 care liaison and the contact information to the Special Education Section of  
2 the ~~Department of Education~~ Division of Elementary and Secondary Education at  
3 the beginning of each school year.

4  
5 SECTION 1172. Arkansas Code § 9-28-113(c)(3)(C)(ii), concerning the  
6 continuity of educational services to foster children, is amended to read as  
7 follows:

8 (ii) When a foster child changes school placement,  
9 the foster care liaison in the new school district shall request the child's  
10 educational record, as defined by rule of the ~~Department of Education~~  
11 Division of Elementary and Secondary Education, from the foster care liaison  
12 in the child's previous school district within three (3) school days.

13  
14 SECTION 1173. Arkansas Code § 9-28-203(a)(10), concerning the powers  
15 and duties of the Division of Youth Services, is amended to read as follows:

16 (10) Provide a system of education in residential facilities  
17 operated by the ~~division~~ Division of Youth Services that conform to the  
18 guidelines established by the ~~Department of Education~~ Division of Elementary  
19 and Secondary Education and as set forth in § 9-28-205; and

20  
21 SECTION 1174. Arkansas Code § 9-28-205(c)(1) and (2), concerning youth  
22 services centers, are amended to read as follows:

23 (c)(1)(A) The ~~division~~ Division of Youth Services shall establish a  
24 system of education that shall conform to the guidelines established by the  
25 ~~Department of Education~~ Division of Elementary and Secondary Education.

26 (B) The ~~Department of Education~~ Division of Elementary and  
27 Secondary Education shall establish guidelines for the ~~division's~~ Division of  
28 Youth Services' system of education no later than July 1, 2009.

29 (C)(i) The ~~division~~ Division of Youth Services, with the  
30 support and assistance of the ~~Department of Education~~ Division of Elementary  
31 and Secondary Education, shall conduct an education program assessment of  
32 each ~~division~~ Division of Youth Services facility and provide a written  
33 report of assessment findings to the ~~division~~ Division of Youth Services no  
34 later than December 1, 2009.

35 (ii) The ~~division~~ Division of Youth Services, with  
36 the support and assistance of the ~~Department of Education~~ Division of

1 Elementary and Secondary Education, shall submit a corrective action plan for  
 2 each ~~division~~ Division of Youth Services facility to the Director of the  
 3 Division of Youth Services, if needed, ~~no later than December 1, 2009.~~

4 (iii) The ~~Department of Education~~ Division of  
 5 Elementary and Secondary Education shall monitor the ~~division's~~ Division of  
 6 Youth Services' system of education to ensure that the guidelines established  
 7 by the ~~Department of Education~~ Division of Elementary and Secondary Education  
 8 are satisfied by the ~~division's~~ Division of Youth Services' system of  
 9 education.

10 (2) A student enrolled in the ~~division's~~ Division of Youth  
 11 Services' system of education shall receive credit for courses that meet the  
 12 guidelines established by the ~~Department of Education~~ Division of Elementary  
 13 and Secondary Education.

14  
 15 SECTION 1175. Arkansas Code § 9-28-205(d)-(f), concerning the youth  
 16 services centers, is amended to read as follows:

17 (d) The ~~division~~ Division of Youth Services, the ~~Department of~~  
 18 ~~Education~~ Division of Elementary and Secondary Education, and the ~~Department~~  
 19 Division of Career and Technical Education shall work collaboratively to  
 20 prepare courses of study for the ~~division's~~ Division of Youth Services'  
 21 system of education, including courses in career and technical education  
 22 suited to the age and capacity of the youths.

23 (e) The Department of Human Services, the ~~Department of Education~~  
 24 Division of Elementary and Secondary Education, and the ~~Department~~ Division  
 25 of Career and Technical Education may promulgate rules as necessary to  
 26 administer the requirements of this section.

27 (f) The Department of Human Services and the ~~Department of Education~~  
 28 Division of Elementary and Secondary Education shall report annually,  
 29 beginning on March 1, 2010, to the House Committee on Aging, Children and  
 30 Youth, Legislative and Military Affairs and to the Senate Interim Committee  
 31 on Children and Youth on the state of the ~~division's~~ Division of Youth  
 32 Services' system of education.

33  
 34 SECTION 1176. Arkansas Code § 9-28-208(a)(4), concerning an order of  
 35 commitment to the Division of Youth Services, is amended to read as follows:

36 (4) The committed juvenile's school or current educational

1 setting shall transmit the education record, as defined by rule of the  
2 ~~Department of Education~~ Division of Elementary and Secondary Education, to  
3 the ~~division~~ Division of Youth Services within ten (10) school days from the  
4 request from the ~~division~~ Division of Youth Services.

5  
6 SECTION 1177. Arkansas Code § 9-28-402(5)(A), concerning the  
7 definition of "boarding school" under the Child Welfare Agency Licensing Act,  
8 is amended to read as follows:

9 (A) The institution is in operation for a period of time  
10 not to exceed the minimum number of weeks of classroom instruction required  
11 of schools accredited by the ~~Department of Education~~ Division of Elementary  
12 and Secondary Education;

13  
14 SECTION 1178. Arkansas Code § 9-28-402(12)(C), concerning the  
15 definition of "boarding school" under the Child Welfare Agency Licensing Act,  
16 is amended to read as follows:

17 (C) A facility or program owned or operated by or under  
18 contract with the ~~Department~~ Division of Correction;

19  
20 SECTION 1179. Arkansas Code § 9-28-407(a)(5)(A)(iv), concerning the  
21 requirement and issuance of a license for the operation of a child welfare  
22 agency, is amended to read as follows:

23 (iv) The licensee is operating a nontraditional  
24 program that is approved by the ~~Department of Education~~ Division of  
25 Elementary and Secondary Education.

26  
27 SECTION 1180. Arkansas Code § 9-28-407(h)(2)(E), concerning the  
28 requirement and issuance of a license for the operation of a child welfare  
29 agency, is amended to read as follows:

30 (E) To the Division of Children and Family Services of the  
31 Department of Human Services and the ~~Department of Education~~ Division of  
32 Elementary and Secondary Education, including child welfare agency licensing  
33 specialists;

34  
35 SECTION 1181. Arkansas Code § 9-28-1201(b)(2)(C), concerning the  
36 creation and membership of the Youth Justice Reform Board, is amended to read

1 as follows:

2 (C) Representatives from the ~~Department of Education~~  
3 Division of Elementary and Secondary Education, ~~Department Division~~ of  
4 Workforce Services, the Division of Children and Family Services of the  
5 Department of Human Services, and the Division of Aging, Adult, and  
6 Behavioral Health Services of the Department of Human Services;

7  
8 SECTION 1182. Arkansas Code § 10-2-127(a)(2), concerning a fiscal  
9 impact statement developed by the Office of Economic and Tax Policy, is  
10 amended to read as follows:

11 (2) The fiscal impact statement shall be developed by the Office  
12 of Economic and Tax Policy with the assistance of the ~~Department of Education~~  
13 Division of Elementary and Secondary Education within the guidelines adopted  
14 by the House Committee on Education and the Senate Committee on Education, as  
15 applicable.

16  
17 SECTION 1183. Arkansas Code § 10-3-317 is amended to read as follows:

18 10-3-317. Disclosure of school district information and records –  
19 Access to electronic databases of the ~~Department of Education~~ Division of  
20 Elementary and Secondary Education.

21 (a)(1) The ~~Department of Education~~ Division of Elementary and  
22 Secondary Education shall provide the Bureau of Legislative Research with  
23 direct read-and-report-only access to the ~~department's~~ division's data  
24 warehouse concerning school districts and related records.

25 (2) In providing the bureau with the direct read-and-report-only  
26 access required under subdivision (a)(1) of this section, the ~~department~~  
27 division shall take reasonable precautions, including electronic blocking or  
28 redacting, to prevent the disclosure of:

29 (A) Personally identifiable information of a student  
30 unless the parent or guardian of a minor student or a student who is no  
31 longer a minor consents in writing to the disclosure of personally  
32 identifiable information about that student; or

33 (B) Information that would cause the ~~department~~ division  
34 to lose funding under the provisions of 20 U.S.C. § 1232g, as it existed on  
35 January 1, 2007.

36 (3)(A) The ~~department~~ division shall make its staff reasonably

1 accessible for consultation with bureau staff in developing and responding  
2 appropriately to bureau requests under this section.

3 (B) The bureau staff shall inform the ~~department~~ division  
4 of any warehouse data used in the preparation of reports and provide the  
5 ~~department~~ division at least one (1) working day to review any student-  
6 related warehouse data used in preparation of reports prior to publicly  
7 releasing that student-related data without individually identifiable  
8 information.

9 (b) The ~~department~~ division shall provide other information and  
10 records requested by the bureau as soon as possible and in whatever  
11 reasonable form requested.

12  
13 SECTION 1184. Arkansas Code § 10-3-1003 is amended to read as follows:

14 10-3-1003. Routine collaboration with ~~Department of Education~~ Division  
15 of Elementary and Secondary Education, ~~Department~~ Division of Career and and  
16 Technical Education, and ~~Department~~ Division of Higher Education.

17 (a) The House Committee on Education and the Senate Committee on  
18 Education between legislative sessions shall continually and routinely:

19 (1) Assess the needs and problems of:

20 (A) The public school districts of this state;

21 (B) Technical institutes and vocational-technical schools;

22 and

23 (C) Institutions of higher education; and

24 (2) Engage in a constant dialogue with the:

25 (A) ~~Department of Education~~ Division of Elementary and  
26 Secondary Education;

27 (B) ~~Department~~ Division of Career and and Technical Education;

28 and

29 (C) ~~Department~~ Division of Higher Education.

30 (b) In order to assist the General Assembly, the ~~Department of~~  
31 Education Division of Elementary and Secondary Education, the ~~Department~~  
32 Division of Career and and Technical Education, and the ~~Department~~ Division of  
33 Higher Education shall not only respond to the inquiries of the House  
34 Committee on Education and the Senate Committee on Education, but shall of  
35 their own motion alert the membership of the House Committee on Education and  
36 the Senate Committee on Education to problems and needs of, and

1 recommendations concerning, all public education endeavors in Arkansas.

2  
 3 SECTION 1185. Arkansas Code § 10-3-1405(d), concerning  
 4 interdepartmental cooperation and assistance, is amended to read as follows:

5 (d)(1) The ~~Department of Education~~ Division of Elementary and  
 6 Secondary Education shall cooperate with and assist the office in carrying  
 7 out its responsibilities by providing:

8 (A) The office with information requested by the office;  
 9 and

10 (B) Assistance to the office as requested.

11 (2) The ~~Department of Education~~ Division of Elementary and  
 12 Secondary Education shall provide the office with any information regarding  
 13 changes in the calculation of state aid to public school districts within  
 14 seven (7) working days of a change.

15  
 16 SECTION 1186. Arkansas Code § 10-3-1602(2), concerning the duties of  
 17 the Joint Interim Oversight Committee on Education Reform, is amended to read  
 18 as follows:

19 (2) Reviewing policy issues affecting educational reform on or  
 20 before November 15 of the year preceding a regular session and making  
 21 recommendations concerning any necessary legislative changes proposed by  
 22 school districts, cooperatives, institutions of higher education, the  
 23 ~~Department of Education~~ Division of Elementary and Secondary Education, the  
 24 State Board of Education, the ~~Department~~ Division of Career and Technical  
 25 Education, the State Board of ~~Career~~ Education, the ~~Department~~ Division of  
 26 Higher Education, the Arkansas Higher Education Coordinating Board, the  
 27 Governor's office, and private institutions;

28  
 29 SECTION 1187. Arkansas Code § 10-3-1602(4), concerning the duties of  
 30 the Joint Interim Oversight Committee on Education Reform, is amended to read  
 31 as follows:

32 (4) Reviewing and assuring coordination between the school  
 33 districts, cooperatives, institutions of higher education, the ~~Department of~~  
 34 ~~Education~~ Division of Elementary and Secondary Education, the State Board of  
 35 Education, the ~~Department~~ Division of Career and Technical Education, the  
 36 State Board of ~~Career~~ Education, the ~~Department~~ Division of Higher Education,

1 the Arkansas Higher Education Coordinating Board, the Governor's office, and  
2 private institutions; and

3  
4 SECTION 1188. Arkansas Code § 10-3-2102(a)(4), concerning duties of  
5 the House Committee on Education and the Senate Committee on Education, is  
6 amended to read as follows:

7 (4) Evaluate the effectiveness of any program implemented by a  
8 school, a school district, an education service cooperative, the ~~Department~~  
9 ~~of Education~~ Division of Elementary and Secondary Education, or the State  
10 Board of Education and recommend necessary changes;

11  
12 SECTION 1189. Arkansas Code § 10-3-2102(c), concerning duties of the  
13 House Committee on Education and the Senate Committee on Education, is  
14 amended to read as follows:

15 (c) The ~~Department of Education~~ Division of Elementary and Secondary  
16 Education, the ~~Department~~ Division of Career and Technical Education, and the  
17 ~~Department~~ Division of Higher Education shall provide the House Committee on  
18 Education and the Senate Committee on Education with assistance and  
19 information as requested by the House Committee on Education and the Senate  
20 Committee on Education.

21  
22 SECTION 1190. Arkansas Code § 10-3-2102(f)(2), concerning duties of  
23 the House Committee on Education and the Senate Committee on Education, is  
24 amended to read as follows:

25 (2) Reviewing the Arkansas academic standards developed by the  
26 ~~Department of Education~~ Division of Elementary and Secondary Education;

27  
28 SECTION 1191. Arkansas Code § 10-3-2103(a)(5) and (6), concerning the  
29 authority to investigate by the House Committee on Education and the Senate  
30 Committee on Educations, are amended to read as follows:

31 (5) The ~~Department of Education~~ Division of Elementary and  
32 Secondary Education or its successors; or

33 (6) The State Board of Education or any ~~department~~ division  
34 under the board's authority.

35  
36 SECTION 1192. Arkansas Code § 10-3-2203(a), concerning assistance to

1 the Academic Facilities Oversight Committee, is amended to read as follows:

2 (a) The ~~Department of Education~~ Division of Elementary and Secondary  
3 Education, the ~~Department~~ Division of Career and Technical Education, the  
4 ~~Department~~ Division of Higher Education, the Division of Public School  
5 Academic Facilities and Transportation, and the Division of Public School  
6 Accountability shall provide the Academic Facilities Oversight Committee with  
7 assistance as requested by the Academic Facilities Oversight Committee.

8  
9 SECTION 1193. Arkansas Code § 10-3-2602(b)(7), concerning the creation  
10 of the Arkansas Legislative Task Force on Autism, is amended to read as  
11 follows:

12 (7) The Behavior Intervention Coordinator of the ~~Department of~~  
13 Education Division of Elementary and Secondary Education;

14  
15 SECTION 1194. Arkansas Code § 10-3-2602(b)(12) and (13), concerning  
16 the creation of the Arkansas Legislative Task Force on Autism, are amended to  
17 read as follows:

18 (12) The Behavior Intervention Services Coordinator for the  
19 ~~Department of Education~~ Division of Elementary and Secondary Education;

20 (13) The Associate Director of Special Education of the  
21 ~~Department of Education~~ Division of Elementary and Secondary Education;

22  
23 SECTION 1195. Arkansas Code § 11-6-109 is amended to read as follows:  
24 11-6-109. Children under age 16 years – Employment certificate  
25 required.

26 (a) No person, firm, or corporation shall employ or permit any child  
27 under sixteen (16) years to work in or in connection with any establishment  
28 or occupation unless the person, firm, or corporation employing the child  
29 procures and keeps on file, accessible to the ~~Department~~ Division of Labor  
30 and the ~~Department of Education~~ Division of Elementary and Secondary  
31 Education, or local school officials, an employment certificate as provided  
32 in this section.

33 (b)(1) The employment certificate shall be issued only by the Director  
34 of the ~~Department~~ Division of Labor.

35 (2) Application for an employment certificate shall be made on a  
36 form approved by the director and shall require submission of the following:



- 1 (A) Proof of age;
- 2 (B) A description of the work and work schedule; and
- 3 (C) Written consent of the parent or guardian.

4

5 SECTION 1196. Arkansas Code § 11-10-220(b)(2), concerning educational  
6 institutions, is amended to read as follows:

7 (2) Which is approved, licensed, or issued a permit to operate  
8 as a school by the ~~Department of Education~~ Division of Elementary and  
9 Secondary Education or other government agency that is authorized within the  
10 state to approve, license, or issue a permit for the operation of a school;

11

12 SECTION 1197. Arkansas Code § 12-18-909(d)(2) and (3), concerning the  
13 availability of true reports of child maltreatment from the central registry,  
14 is amended to read as follows:

15 (2) However, the person or agency is permitted to consult his or  
16 her or its own attorney regarding information provided by the Department of  
17 Human Services and the ~~Department~~ Division of Arkansas State Police.

18 (3) However, a local educational agency or a school counselor  
19 shall forward all true reports of child maltreatment received from the  
20 Department of Human Services and the ~~Department~~ Division of Arkansas State  
21 Police when a child transfers from one (1) local educational agency to  
22 another and shall notify the Department of Human Services and the ~~Department~~  
23 Division of Arkansas State Police of the child's new school and address, if  
24 known.

25

26 SECTION 1198. Arkansas Code § 12-18-909(d)(5), concerning the  
27 availability of true reports of child maltreatment from the central registry,  
28 is amended to read as follows:

29 (5) This section does not prohibit the disclosure and discussion  
30 of confidential data, records, reports, or documents created, collected, or  
31 compiled by or on behalf of the Department of Human Services, the ~~Department~~  
32 Division of Arkansas State Police, or other entity authorized under this  
33 chapter to perform investigations or provide services to children,  
34 individuals, or families in closed meetings conducted by the Child  
35 Maltreatment Investigations Oversight Committee under § 10-3-3201 et seq.

1 SECTION 1199. Arkansas Code § 12-18-909(e)(1), concerning the  
2 availability of true reports of child maltreatment from the central registry,  
3 is amended to read as follows:

4 (e)(1) The Department of Human Services and the ~~Department~~ Division of  
5 Arkansas State Police may provide information, including protected health  
6 information, to a person or agency that provides services such as medical  
7 examination of, an assessment interview with, or diagnosis of, care for,  
8 treatment of, or supervision of a victim of child maltreatment, a juvenile  
9 offender, or an underaged juvenile offender.

10  
11 SECTION 1200. Arkansas Code § 12-18-909(g)(6)(A), concerning the  
12 availability of true reports of child maltreatment from the central registry,  
13 is amended to read as follows:

14 (6)(A) A person, agency, or organization engaged in a bona fide  
15 research or evaluation project having value as determined by the Department  
16 of Human Services and the ~~Department~~ Division of Arkansas State Police in  
17 future planning for programs for maltreated children or in developing policy  
18 directions.

19  
20 SECTION 1201. Arkansas Code § 12-18-909(g)(23)(D), concerning the  
21 availability of true reports of child maltreatment from the central registry,  
22 is amended to read as follows:

23 (D) The ~~Department of Education~~ Division of Elementary and  
24 Secondary Education;

25  
26 SECTION 1202. Arkansas Code § 12-29-304 is amended to read as follows:  
27 12-29-304. Costs and funding.

28 (a) The cost of implementing and operating the Corrections School  
29 System shall be borne by the state and shall be paid from funds appropriated  
30 by the General Assembly from the general revenues of the state to the  
31 ~~Department~~ Division of Correction, the ~~Department~~ Division of Community  
32 Correction, and the ~~Department of Education~~ Division of Elementary and  
33 Secondary Education, together with any federal funds that may be available  
34 for that purpose and from any funds generated from the operations of the  
35 ~~Department~~ Division of Correction and the ~~Department~~ Division of Community  
36 Correction, in the following manner:

1 (1) The cost of facilities, equipment, and current operation in  
2 excess of the amount of grants and aids received from the ~~Department of~~  
3 ~~Education~~ Division of Elementary and Secondary Education shall be borne by  
4 the ~~Department~~ Division of Correction and the ~~Department~~ Division of  
5 Community Correction as approved by the Board of Corrections;

6 (2)(A) The system, as other school districts in the state, shall  
7 share in the distribution of grants and aids from the ~~Department of Education~~  
8 Division of Elementary and Secondary Education.

9 (B) However, in no case shall the moneys from the Public  
10 School Fund to the system be in excess of the line item appropriation  
11 provided to the system in the fund.

12 (b)(1) Recognizing that the Elementary roles, duties, and  
13 responsibilities of the ~~Department~~ Division of Correction and the ~~Department~~  
14 Division of Community Correction are to serve as penal and correctional  
15 institutions, the system shall be exempt from and shall not be penalized in  
16 any manner for not complying with:

17 (A) All of the following:

18 (i) The Quality Education Act of 2003, § 6-15-201 et  
19 seq.;

20 (ii) The Arkansas Comprehensive Testing, Assessment,  
21 and Accountability Program Act, § 6-15-401 et seq.;

22 (iii) Sections 6-15-901, 6-15-902, 6-15-2001 – 6-15-  
23 2008, 6-15-2101 – 6-15-2107, 6-15-2201, 6-15-2301, and 6-16-1201 – 6-16-1206;

24 (iv) The Arkansas Fiscal Assessment and  
25 Accountability Program, § 6-20-1901 et seq.; and

26 (v) The Arkansas Educational Financial Accounting  
27 and Reporting Act of 2004, § 6-20-2201 et seq.;

28 (B) Any state laws or rules adopted to comply with the  
29 federal Elementary and Secondary Education Act as reauthorized under the No  
30 Child Left Behind Act of 2001, 20 U.S.C. § 6301 et seq., as in existence on  
31 January 1, 2005; and

32 (C) Any rule of the State Board of Education related to  
33 the provisions listed in this subdivision (b)(1).

34 (2) The system's exemption from or noncompliance with the  
35 provisions under this subsection shall not affect the system's, the  
36 ~~Department~~ Division of Correction's, or the ~~Department~~ Division of Community

1 Correction's eligibility to apply for or receive state grants or aids for  
2 public school districts as authorized in this subchapter and related rules.

3  
4 SECTION 1203. Arkansas Code § 12-62-502(1), concerning the definition  
5 of "approved institution" under the Arkansas National Guard Student Loan  
6 Repayment Program, is amended to read as follows:

7 (1) "Approved institution" means an Arkansas public or private  
8 postsecondary institution that is accredited or has achieved candidacy status  
9 from the North Central Association's Commission on Institutions of Higher  
10 Education or is a technical institute or comprehensive lifelong learning  
11 center under the supervision of the ~~Department of Workforce Education~~  
12 Division of Higher Education;

13  
14 SECTION 1204. Arkansas Code § 12-62-502(4)(G), concerning the  
15 definition of "approved institution" under the Arkansas National Guard  
16 Student Loan Repayment Program, is amended to read as follows:

17 (G) Meets the current scholastic criteria of and is  
18 currently approved to receive a student loan under any state or federal  
19 program approved by the ~~Department~~ Division of Higher Education, and is, or  
20 will be upon approval of such loan, enrolled as a full-time student in good  
21 standing at an approved institution.

22  
23 SECTION 1205. Arkansas Code § 12-62-505(b) and (c), concerning  
24 regulations regarding the Arkansas National Guard Student Loan Repayment  
25 Program, are amended to read as follows:

26 (b) In establishing regulations relating to academic qualification,  
27 certification, recertification, and payment, the Adjutant General shall  
28 obtain the advice of the ~~Department~~ Division of Higher Education.

29 (c) To the extent possible, the ~~department~~ division shall include the  
30 program among other existing financial aid programs and shall monitor the  
31 program and enforce policies, as necessary, to conform with ~~department~~  
32 division regulations.

33  
34 SECTION 1206. Arkansas Code § 13-2-203(b), concerning the creation of  
35 the Arkansas State Library, is amended to read as follows:

36 (b) The library shall function within the Department of Education in

1 the same manner as provided by agencies transferred to the principal  
2 Department of government by a type 1 transfer under the provisions of § 25-2-  
3 ~~104~~ pursuant to a cabinet-level transfer under § 25-43-108 and which shall be  
4 adequately funded and properly housed in a designated building at the seat of  
5 state government.

6  
7 SECTION 1207. Arkansas Code § 13-2-204(a), concerning the  
8 qualifications of the State Librarian, is amended to read as follows:

9 (a) The Arkansas State Library shall be headed by the State Librarian,  
10 to be appointed by the State Library Board, in consultation with the  
11 Secretary of the Department of Education. The State Librarian shall serve for  
12 such time and for such terms as the board may prescribe.

13  
14 SECTION 1208. Arkansas Code § 13-2-206(d), concerning meetings of the  
15 State Library Board, is amended to read as follows:

16 (d) The State Librarian shall serve as ~~Executive Secretary~~ secretary  
17 of the State Library Board, but without a vote thereon, and shall attend all  
18 of the board meetings and keep records thereof.

19  
20 SECTION 1209. Arkansas Code § 13-2-207(8), concerning the powers and  
21 duties of the Arkansas State Library, is amended to read as follows:

22 (8) Cooperate with the ~~Department of Education~~ Division of  
23 Elementary and Secondary Education and the ~~Department~~ Division of Higher  
24 Education in devising plans for the development of libraries, in aiding  
25 librarians in their administration, in certification policies, and in  
26 formulating rules and regulations for the use of libraries;

27  
28 SECTION 1210. Arkansas Code § 13-2-1002 is amended to read as follows:  
29 13-2-1002. Creation.

30 (a)(1) The ~~Department~~ Division of Higher Education and the Arkansas  
31 State Library shall develop a digitized collection of information that  
32 includes information that is in the public domain, cleared for public  
33 distribution over the Internet, and to which students of public postsecondary  
34 schools in Arkansas have access.

35 (2) The digitized information under this subchapter shall be  
36 available for public access in at least one (1) location in each Arkansas

1 county.

2 (b)(1) The ~~department~~ division and the library shall develop criteria  
3 regarding the:

- 4 (A) Selection of materials to be digitized;
- 5 (B) Need for public access; and
- 6 (C) Means of cataloging or indexing the materials and  
7 digitizing them.

8 (2) Materials to be digitized may include:

- 9 (A) Print documents;
- 10 (B) Texts;
- 11 (C) Manuscripts;
- 12 (D) Photographs;
- 13 (E) Art reproductions;
- 14 (F) Postcards;
- 15 (G) Illustrations;
- 16 (H) Sound;
- 17 (I) Film; and
- 18 (J) Video.

19 (c) The ~~department~~ division shall make grants under this subchapter to  
20 assist public postsecondary institutions and other public or private entities  
21 in:

- 22 (1) Selecting and digitizing information; and
- 23 (2) Developing and providing access to the digital collection in  
24 at least one (1) location in each Arkansas county.

25 (d)(1) Each postsecondary public institution in Arkansas shall  
26 cooperate with the ~~department~~ division in developing the digitized collection  
27 under this subchapter.

28 (2) Each postsecondary public institution and any entity  
29 receiving a grant under this subchapter shall develop a plan to inform the  
30 public regarding the use of the resources made available under this  
31 subchapter.

32 (3) Funds made available under this subchapter may be used by  
33 the receiving entities to obtain matching funds from federal programs.  
34

35 SECTION 1211. Arkansas Code § 13-13-102(c)(4)(A) and (B), concerning  
36 the members of the Arkansas Civil War Sesquicentennial Commission, are

1 amended to read as follows:

2 (A) Director of the ~~Department~~ Division of Arkansas  
 3 Heritage;

4 (B) Director of the ~~Department~~ Division of ~~Arkansas Parks~~  
 5 ~~and~~ Tourism;

6  
 7 SECTION 1212. Arkansas Code § 14-14-904(b)(1)(B), concerning time and  
 8 place of the quorum court assembly, is amended to read as follows:

9 (B) The Director of the Assessment Coordination ~~Department~~  
 10 Division may authorize an extension of up to sixty (60) days of the date for  
 11 levy of taxes upon application by the county judge and county clerk of any  
 12 county for good cause shown resulting from reappraisal or rollback of taxes.  
 13

14 SECTION 1213. Arkansas Code § 14-14-904(b)(5), concerning time and  
 15 place of the quorum court assembly, is amended to read as follows:

16 (5) If a determination is made under this subchapter or § 26-80-  
 17 101 et seq. that the taxes levied by the quorum court are out of compliance  
 18 with Arkansas Constitution, Article 14, § 3, as amended by Arkansas  
 19 Constitution, Amendment 11, Arkansas Constitution, Amendment 40, and Arkansas  
 20 Constitution, Amendment 74, then upon notice from the Director of the  
 21 ~~Department of Education~~ Division of Elementary and Secondary Education, the  
 22 county court shall immediately issue an order directing the county clerk to  
 23 change the millage levy to bring the taxes levied into compliance with  
 24 Arkansas Constitution, Article 14, § 3, as amended by Arkansas Constitution,  
 25 Amendment 11, Arkansas Constitution, Amendment 40, and Arkansas Constitution,  
 26 Amendment 74.  
 27

28 SECTION 1214. Arkansas Code § 14-144-103(1), concerning the definition  
 29 of "accredited institution of higher education" under the Research Park  
 30 Authority Act, is amended to read as follows:

31 (1) "Accredited institution of higher education" means a four-  
 32 year public college or university that offers bachelor's degrees and is  
 33 recognized by the ~~Department~~ Division of Higher Education for credit;  
 34

35 SECTION 1215. The introductory language of Arkansas Code § 15-3-  
 36 104(c), concerning the members of the Executive Director of the Arkansas

1 Economic Development Commission, is amended to read as follows:

2 (c) The board shall consist of the Director of the ~~Department~~ Division  
3 of Higher Education or the Director of the ~~Department~~ Division of Higher  
4 Education's designee and thirteen (13) directors who shall be appointed by  
5 the Governor, subject to confirmation by the Senate, as follows:

6  
7 SECTION 1216. The introductory language of Arkansas Code § 15-3-  
8 132(a)(2), concerning the criteria and designation for centers for applied  
9 technology, is amended to read as follows:

10 (2) Establish, in consultation with the ~~Department~~ Division of  
11 Higher Education, criteria that must be satisfied for designation as a  
12 center, including, but not limited to:

13  
14  
15 SECTION 1217. Arkansas Code § 16-93-308(b)(2), concerning the  
16 revocation of probation, is amended to read as follows:

17 (2) If a defendant on probation is arrested by a probation  
18 officer employed by the ~~Department~~ Division of Community Correction for a  
19 violation of the defendant's probation and taken to a county jail for a  
20 reason listed under subdivision (b)(1)(B) of this section, the state shall  
21 reimburse the county for the costs of incarceration at the prevailing rate of  
22 reimbursement.

23  
24 SECTION 1218. Arkansas Code § 16-93-308(c)(1), concerning the  
25 revocation of probation, is amended to read as follows:

26 (c)(1) A defendant arrested for violation of suspension of sentence or  
27 probation shall be taken immediately before the court that suspended  
28 imposition of sentence or, if the defendant was placed on probation, before  
29 the court supervising the probation, or, if the defendant is subject to  
30 administrative probation sanction under § 16-93-306(d), to the appropriate  
31 authority in the ~~Department~~ Division of Community Correction if practicable  
32 or, if transport to an appropriate authority of the ~~Department~~ Division of  
33 Community Correction is not practicable, then to the county jail.

34  
35  
36 SECTION 1219. Arkansas Code § 16-93-308(i)(1)(B)(i) and (ii),



1 concerning the revocation of probation, are amended to read as follows:

2 (B)(i) A defendant on probation is subject to having his  
3 or her probation revoked and being sentenced to the ~~Department~~ Division of  
4 Correction or the ~~Department~~ Division of Community Correction for a  
5 subsequent violation of his or her probation if the defendant has been  
6 confined six (6) times under § 16-93-306(d).

7 (ii) After a defendant on probation has been  
8 confined two (2) times under either § 16-93-306(d) or § 16-93-309(a)(4) for  
9 any combination of a technical conditions violation or serious conditions  
10 violation for any period of time, the defendant on probation is subject to  
11 having his or her probation revoked and being sentenced to the ~~Department~~  
12 Division of Correction or the ~~Department~~ Division of Community Correction for  
13 a subsequent violation of his or her probation.

14  
15 SECTION 1220. Arkansas Code § 16-93-308(i)(2)(A), concerning the  
16 revocation of probation, are amended to read as follows:

17 (2)(A) A defendant is subject to having his or her probation  
18 revoked under this section for a technical conditions violation or a serious  
19 conditions violation without having been sanctioned for a period of  
20 confinement set out under § 16-93-306(d) or § 16-93-309(a)(4) if upon the  
21 filing of a petition in the court with jurisdiction the ~~Department~~ Division  
22 of Community Correction or the prosecuting attorney proves by a preponderance  
23 of the evidence that the defendant is engaging in or has engaged in behavior  
24 that poses a threat to the community.

25  
26 SECTION 1221. Arkansas Code § 16-98-303(a)(5), concerning the  
27 authorization of drug court programs, is amended to read as follows:

28 (5) As determined by the ~~Department~~ Division of Community  
29 Correction, an adult drug court program established under this section shall  
30 target high-risk offenders and medium-risk offenders.

31  
32 SECTION 1222. Arkansas Code § 16-98-303(b)(1), concerning the  
33 authorization of drug court programs, is amended to read as follows:

34 (b)(1) A drug court program shall incorporate services from the  
35 ~~Department~~ Division of Community Correction, the Department of Human  
36 Services, and the Administrative Office of the Courts.

1  
2 SECTION 1223. The introductory language of Arkansas Code § 16-98-  
3 303(b)(2), concerning the authorization of drug court programs, is amended to  
4 read as follows:

5 (2) Subject to an appropriation, funding, and position  
6 authorization, both programmatic and administrative, and subject to the  
7 requirements of eligibility as defined in § 16-93-1202, the ~~Department~~  
8 Division of Community Correction;

9  
10 SECTION 1224. Arkansas Code § 16-98-303(b)(4)(e)(iii), concerning the  
11 authorization of drug court programs, is amended to read as follows:

12 (iii) Existing drug treatment programs currently in  
13 place and operating through the courts, the county jail, or the ~~Department~~  
14 Division of Correction; and

15  
16 SECTION 1225. Arkansas Code § 16-98-303(e)(2)-(4), concerning the  
17 authorization of drug court programs, are amended to read as follows:

18 (2) ~~Department of Education~~ Division of Elementary and Secondary  
19 Education;

20 (3) Adult Education Section of the Department of Workforce  
21 Services;

22 (4) ~~Department~~ Division of Community Correction; and

23  
24 SECTION 1226. Arkansas Code § 16-98-303(f)(2), concerning the  
25 authorization of drug court programs, is amended to read as follows:

26 (2) Serve as a coordinator between drug court judges, the  
27 ~~Department~~ Division of Community Correction, the Division of Aging, Adult,  
28 and Behavioral Health Services of the Department of Human Services, private  
29 treatment provider representatives, and public health advocates;

30  
31 SECTION 1227. Arkansas Code § 17-26-403(b)(2), concerning an  
32 application to operate and license for a school of cosmetology, is amended to  
33 read as follows:

34 (2) The ~~Department of Education~~ Division of Elementary and  
35 Secondary Education shall not be required to apply to the Department of  
36 Health for approval.

1  
2 SECTION 1228. Arkansas Code § 17-27-103(b)(1), concerning exemptions  
3 regarding a licensed professional counselor, is amended to read as follows:

4 (1) The professional pursuits of administrators, teachers, and  
5 school counselors certified by the ~~Department of Education~~ Division of  
6 Elementary and Secondary Education within the scope of their duties in  
7 recognized public and private schools;

8  
9 SECTION 1229. Arkansas Code § 17-27-403(a)(1), concerning exemptions  
10 regarding licensed alcoholism and drug abuse counselors, is amended to read  
11 as follows:

12 (a)(1) Nothing contained in this subchapter shall be applicable to  
13 employees of the ~~Department of Education~~ Division of Elementary and Secondary  
14 Education or local boards of education who meet the certification as  
15 established or which may be established by the Career Education and Workforce  
16 Development Board.

17  
18  
19 SECTION 1230. Arkansas Code § 17-53-106(a)(5), concerning the  
20 construction and applicability of the Health Educator Practice Act, is  
21 amended to read as follows:

22 (5) A teacher of health education in an elementary or secondary  
23 school who meets the certification requirements as set forth by the  
24 ~~Department of Education~~ Division of Elementary and Secondary Education;

25  
26 SECTION 1231. Arkansas Code § 17-86-303(a)(4)(A), concerning licensing  
27 of a massage therapist, is amended to read as follows:

28 (4)(A) Present a high school diploma, high school equivalency  
29 diploma approved by the Adult Education Section of the Division of Workforce  
30 Services, or college transcript and credentials issued by a massage therapy  
31 school accepted by the Department of Health or a like institution with no  
32 less than five hundred (500) hours of in-classroom instruction.

33  
34 SECTION 1232. The introductory language of Arkansas Code § 17-87-  
35 402(b), concerning institutions of higher education, challenge examinations,  
36 and validation examinations, is amended to read as follows:

1 (b) The ~~Department~~ Division of Higher Education shall:

2  
3 SECTION 1233. Arkansas Code § 17-87-402(c), concerning institutions of  
4 higher education, challenge examinations, and validation examinations, is  
5 amended to read as follows:

6 (c) All institutions of higher education in this state shall use  
7 standardized validation and challenge examinations or devise their own. All  
8 challenge examinations and all validation examinations shall be submitted to  
9 the ~~department~~ division for its approval. Upon the successful passing of a  
10 validation examination or challenge examination, the examinee shall be given  
11 credit for the course which is the subject of the test.

12  
13 SECTION 1234. Arkansas Code § 17-90-111(a), concerning loans to  
14 optometry students, is amended to read as follows:

15 (a) The ~~Department~~ Division of Higher Education shall provide a loan  
16 from the Higher Education Grants Fund Account that is in excess of the  
17 Southern Regional Education Board grant funds to any optometry student:

18  
19 SECTION 1235. Arkansas Code § 17-90-111(b)(2)(B), concerning loans to  
20 optometry students, is amended to read as follows:

21 (B) At a rate of interest determined by the ~~department~~  
22 division, but not to exceed four percent (4%);

23  
24 SECTION 1236. Arkansas Code § 17-90-111(b)(4)(C), concerning loans to  
25 optometry students, is amended to read as follows:

26 (C) Extraordinary circumstances as determined by the  
27 ~~department~~ division; and

28  
29 SECTION 1237. Arkansas Code § 17-91-101(a)(5), concerning the  
30 licensing requirements of an Osteopathic physician, is amended to read as  
31 follows:

32 (5) Is a graduate of an osteopathic college of medicine whose  
33 course of study has been recognized by the ~~Department of Education~~ Division  
34 of Elementary and Secondary Education of the American Osteopathic  
35 Association; and

36

1 SECTION 1238. Arkansas Code § 17-97-307(b)(4)(A), concerning  
2 professional titles, is amended to read as follows:

3 (4)(A) Individuals who have been certified as school psychology  
4 specialists by the ~~Department of Education~~ Division of Elementary and  
5 Secondary Education shall be permitted to use the title “school psychology  
6 specialist”.

7  
8 SECTION 1239. Arkansas Code § 17-100-104(4)(A), concerning exemptions  
9 regarding the Licensure Act of Speech-Language Pathologists and Audiologists,  
10 is amended to read as follows:

11 (4)(A) A person from performing speech-language pathology or  
12 audiology services solely within the confines or under the jurisdiction of a  
13 public school system if that person holds a valid and current certificate as  
14 a speech therapist or speech-language pathologist issued by the ~~Department of~~  
15 Education Division of Elementary and Secondary Education.

16  
17 SECTION 1240. Arkansas Code § 19-1-701(b), concerning fiscal impact  
18 statements, is amended to read as follows:

19 (b) A fiscal impact statement shall be developed with the guidance of  
20 the Office of Economic and Tax Policy of the Bureau of Legislative Research  
21 and with the approval of the ~~Department of Education~~ Division of Elementary  
22 and Secondary Education.

23  
24 SECTION 1241. The introductory language of Arkansas Code § 19-4-  
25 604(d), concerning state-supported institutions of higher education, is  
26 amended to read as follows:

27 (d) The Chief Fiscal Officer of the State, with the advice and consent  
28 of the ~~Department~~ Division of Higher Education, shall approve requested  
29 revisions in the proposed quarterly allotments if he or she shall determine  
30 that:

31  
32 SECTION 1242. The introductory language of Arkansas Code § 19-4-  
33 604(i), concerning state-supported institutions of higher education, is  
34 amended to read as follows:

35 (i) The ~~Department~~ Division of Higher Education shall coordinate with  
36 the Chief Fiscal Officer of the State for administering the provisions of

1 this section.

2  
3 SECTION 1243. Arkansas Code § 19-4-1402 is amended to read as follows:  
4 19-4-1402. Contracts to be filed.

5 (a) Executed counterparts of all contracts entered into by any state  
6 agency with respect to proposed projects for new improvements or major  
7 repairs or additions to existing buildings and facilities shall be approved  
8 by and filed with the Building Authority Division ~~of the Department of~~  
9 ~~Finance and Administration~~ before the issuance of any vouchers making  
10 payments under the contract, unless the contract is exempted from the  
11 jurisdiction of the ~~division~~ Building Authority Division by a law or a  
12 regulation promulgated under the Arkansas Administrative Procedure Act, § 25-  
13 15-201 et seq.

14 (b)(1) The boards of trustees of the University of Arkansas, Arkansas  
15 State University, University of Central Arkansas, Henderson State University,  
16 Arkansas Tech University, and Southern Arkansas University, respectively, are  
17 exempt from the requirements of this section requiring the filing of the  
18 contracts with the ~~division~~ Building Authority Division.

19 (2) The governing boards of all other public institutions of  
20 higher education shall be exempt from the requirement for approval and filing  
21 of the contracts with the ~~division~~ Building Authority Division:

22 (A) Upon approval of the ~~Department~~ Division of Higher  
23 Education; and

24 (B) If, prior to granting approval, the ~~Department~~  
25 Division of Higher Education shall have reviewed and approved policies and  
26 procedures adopted by the governing boards of the public institutions of  
27 higher education with respect to bidding and construction of capital  
28 improvement projects.

29 (3) Nothing in this section shall prevent a public institution  
30 of higher education exempt under this subsection from entering into an  
31 agreement with the ~~division~~ Building Authority Division to file its contracts  
32 with the ~~division~~ Building Authority Division.

33 (c)(1) All contracts for new improvements or major repairs or  
34 additions to existing buildings and facilities under this subchapter shall  
35 include a project disclosure statement prepared by the agency, board,  
36 commission, or public institution of higher education.

1           (2) The disclosure statement shall provide the estimated  
2 timeline, scope, and cost of the total project.

3           (3) The disclosure statement shall not be construed as  
4 authorizing any:

5                   (A) Additional work which is beyond the scope of the bid  
6 documents; or

7                   (B) Payment exceeding the contract amount.

8           (d) Nothing in this section shall prohibit any agency, board,  
9 commission, or public institution of higher education from executing contract  
10 amendments.

11  
12           SECTION 1244. Arkansas Code § 19-4-1416(e), concerning job order  
13 contracting, is amended to read as follows:

14           (e)(1) Executed counterparts of a contract entered into by a state  
15 agency with respect to job order projects shall be approved by and filed with  
16 the Building Authority Division ~~of the Department of Finance and~~  
17 ~~Administration~~ before the issuance of any vouchers making payments under the  
18 contract.

19                   (2)(A) The boards of trustees of the University of Arkansas,  
20 Arkansas State University, University of Central Arkansas, Henderson State  
21 University, Arkansas Tech University, and Southern Arkansas University are  
22 exempt from the requirements of this section regarding the approval and  
23 filing of the contracts with the ~~division~~ Building Authority Division.

24                           (B)(i) With the exception of those boards of trustees  
25 listed in subdivision (e)(2)(A) of this section, the governing board of a  
26 public institution of higher education is exempt from filing the contracts  
27 with the ~~division~~ Building Authority Division if it receives the approval of  
28 the ~~Department~~ Division of Higher Education.

29                                   (ii) Before granting approval, the ~~department~~  
30 Division of Higher Education shall review and approve the policies and  
31 procedures regarding bidding and construction of capital improvement projects  
32 as adopted by the governing board of the public institution of higher  
33 education.

34           (3) A public institution of higher education that is exempt  
35 under this section may enter into an agreement with the ~~division~~ Building  
36 Authority Division to file its contracts with the ~~division~~ Building Authority

1 Division.

2  
3 SECTION 1245. The introductory language of Arkansas Code § 19-4-  
4 1604(c), concerning receiving a salary from two agencies, is amended to read  
5 as follows:

6 (c) A person drawing a salary or other compensation from a state  
7 agency or institution of higher education shall not be paid a salary or  
8 compensation from another institution of higher education except upon the  
9 written certification to and approval by the Director of the ~~Department~~  
10 Division of Higher Education that the:

11  
12 SECTION 1246. Arkansas Code § 19-4-1808 is amended to read as follows:  
13 19-4-1808. Federal funds for vocational schools.

14 Reimbursements of federal funds to the ~~Department~~ Division of Career  
15 and Technical Education Fund Account shall be construed to be income of the  
16 fiscal year in which the reimbursements were received.

17  
18 SECTION 1247. Arkansas Code § 19-5-304 is amended to read as follows:  
19 19-5-304. Education Fund.

20 The Education Fund shall consist of the following funds and fund  
21 accounts made available for the support of the ~~Department of Education~~  
22 Division of Elementary and Secondary Education ~~and the Department the~~  
23 Division of Career and Technical Education, the Adult Education Section of  
24 the Division of Workforce Services, and the Office of Skills Development, and  
25 shall be used for the same purposes as set out for the following fund  
26 accounts:

27 (1) ~~Department of Education~~ Division of Elementary and Secondary  
28 Education Fund Account.

29 (A) The ~~Department of Education~~ Division of Elementary and  
30 Secondary Education Fund Account shall be used to provide for the  
31 maintenance, operation, and improvement of the ~~Department of Education~~  
32 Division of Elementary and Secondary Education as created by § 6-10-101 et  
33 seq., and any other laws imposing functions, powers, and duties upon the  
34 State Board of Education, the ~~Department of Education~~ Division of Elementary  
35 and Secondary Education, and the Commissioner of Elementary and Secondary  
36 Education, including, but not necessarily limited to, history textbooks



1 expenses, the Publishing Revolving Account, audio-visual services, textbooks  
 2 operation, compact for education, including the state's membership, and the  
 3 state's contribution to the Southern Regional Education Board.

4 (B) The ~~Department of Education~~ Division of Elementary and  
 5 Secondary Education Fund Account shall consist of:

6 (i) Those general revenues as may be provided by the  
 7 Revenue Stabilization Law, § 19-5-101 et seq.; and

8 (ii) Nonrevenue income derived from services  
 9 provided by those programs supported from the ~~Department of Education~~  
 10 Division of Elementary and Secondary Education Fund Account, including any  
 11 rental property located on the State Capitol grounds owned by the ~~Department~~  
 12 of Education Division of Elementary and Secondary Education;

13 (2) ~~Department~~ Division of Career and Technical Education Fund  
 14 Account.

15 (A) The ~~Department~~ Division of Career and Technical  
 16 Education Fund Account shall be used to provide support for those programs  
 17 placed under the direction of the Director of the ~~Department~~ Division of  
 18 Career and Technical Education as authorized by §§ 6-11-101, 6-11-102, 25-6-  
 19 101, 25-6-102, and Acts 1981, No. 64, § 4, and any other laws imposing  
 20 functions, powers, and duties upon the Career Education and Workforce  
 21 Development Board, including without limitation the following:

22 (i) Vocational, technical, and adult education;

23 (ii) Adult basic education;

24 (iii) Manpower training;

25 (iv) Vocational standards;

26 (v) Industry training programs; and

27 (vi) Those functions, programs, and responsibilities  
 28 transferred to the ~~Department~~ Division of Career and Technical Education, the  
 29 Adult Education Section of the Division of Workforce Services, and the Office  
 30 of Skills Development, as authorized by these statutes.

31 (B) The ~~Department~~ Division of Career and Technical  
 32 Education Fund Account shall consist of those general revenues as may be  
 33 provided by the Revenue Stabilization Law, § 19-5-101 et seq.;

34 (3) Educational Television Fund Account.

35 (A) The Educational Television Fund Account shall be used  
 36 for the maintenance, operation, and improvement required by the Educational

1 Television Division of the ~~Department of Education~~ Division of Elementary and  
2 Secondary Education in carrying out those powers, functions, and duties of  
3 the Arkansas Educational Television Commission as set out in § 6-3-101 et  
4 seq. or other duties imposed by law upon the commission.

5 (B) The Educational Television Fund Account shall consist  
6 of those general revenues as may be provided by law and nonrevenue income  
7 derived from services provided by the Educational Television Division and any  
8 other nonfederal grant funds provided by law;

9 (4) State Library Fund Account.

10 (A) The State Library Fund Account shall be used for the  
11 maintenance, operation, and improvement required by the Library Division of  
12 the Department of Education in carrying out the powers, functions, and duties  
13 as set out in § 13-2-201 et seq. or any other duties imposed by law upon the  
14 State Library Commission, which were transferred to the Department of  
15 Education by §§ 6-11-101, 6-11-102, and 25-6-102.

16 (B) The State Library Fund Account shall consist of those  
17 general revenues as may be provided by law and nonrevenue income derived from  
18 services provided by the Library Division of the Department of Education and  
19 any other nonfederal grant funds provided by law;

20 (5) School for the Blind Fund Account.

21 (A) The School for the Blind Fund Account shall be used  
22 for the maintenance, operation, and improvement required by the Arkansas  
23 School for the Blind in carrying out those powers, functions, and duties as  
24 set out in § 6-43-101 et seq. and § 6-43-201 et seq.

25 (B) The School for the Blind Fund Account shall consist of  
26 those general revenues as may be provided by law and nonrevenue income  
27 derived from services provided by the Arkansas School for the Blind and any  
28 other nonfederal grant funds provided by law.

29 (C) Federal reimbursement funds received on account of  
30 vocational education programs conducted by the Arkansas School for the Blind  
31 shall not be deposited into the School for the Blind Fund Account;

32 (6) School for the Deaf Fund Account.

33 (A) The School for the Deaf Fund Account shall be used for  
34 the maintenance, operation, and improvement required by the Arkansas School  
35 for the Deaf in carrying out the powers, functions, and duties as set out in  
36 § 6-43-301 et seq. or other duties imposed by law upon the Arkansas School

1 for the Deaf, which were transferred to the Department of Education by §§ 6-  
2 11-101, 6-11-102, and 25-6-102.

3 (B) The School for the Deaf Fund Account shall consist of  
4 those general revenues as may be provided by law and nonrevenue income  
5 derived from services provided by the Arkansas School for the Deaf and any  
6 other nonfederal grant funds provided by law.

7 (C) Federal reimbursement funds received on account of  
8 vocational education programs conducted by the Arkansas School for the Deaf  
9 shall not be deposited into the School for the Deaf Fund Account;

10 (7) Rehabilitation Services Fund Account.

11 (A) The Rehabilitation Services Fund Account shall be used  
12 for the maintenance, operation, and improvement required by the Arkansas  
13 Rehabilitation Services of the ~~Department of Career Education~~ Division of  
14 Workforce Services in carrying out the powers, functions, and duties as set  
15 out in § 6-52-101 et seq., the Rehabilitation Act of Arkansas, § 20-79-201 et  
16 seq., and § 25-30-201 et seq., and for the adult handicapped program at the  
17 Arkansas Health Center.

18 (B) The Rehabilitation Services Fund Account shall consist  
19 of:

20 (i) Those general revenues as may be provided by  
21 law;

22 (ii) Nonrevenue income derived from services  
23 provided by rehabilitation programs of the Arkansas Rehabilitation Services  
24 of the ~~Department of Career Education~~ Division of Workforce Services; and

25 (iii) Any other nonfederal grant funds provided by  
26 law;

27 (8) Technical Institute and Other Education Fund Accounts.

28 (A) The Crowley's Ridge Technical Institute Fund Account  
29 shall be used for the maintenance, operation, and improvement of Crowley's  
30 Ridge Technical Institute. The Crowley's Ridge Technical Institute Fund  
31 Account shall consist of:

32 (i) Those general revenues as may be provided by  
33 law; and

34 (ii) Any other funds made available for the support  
35 of Crowley's Ridge Technical Institute which are required to be deposited  
36 into the State Treasury by law.

1 (B) The Northwest Technical Institute Fund Account shall  
 2 be used for the maintenance, operation, and improvement of Northwest  
 3 Technical Institute. The Northwest Technical Institute Fund Account shall  
 4 consist of:

5 (i) Those general revenues as may be provided by  
 6 law; and

7 (ii) Any other funds made available for the support  
 8 of Northwest Technical Institute which are required to be deposited into the  
 9 State Treasury by law.

10 (C) The Riverside Vocational Technical School Fund Account  
 11 shall be used for the maintenance, operation, and improvement of Riverside  
 12 Vocational and Technical School. The Riverside Vocational Technical School  
 13 Fund Account shall consist of:

14 (i) Those general revenues as may be provided by  
 15 law; and

16 (ii) Any other funds made available for the support  
 17 of Riverside Vocational Technical School which are required to be deposited  
 18 into the State Treasury by law;

19 (9) Educational Facilities Partnership Fund Account.

20 (A) The Educational Facilities Partnership Fund Account  
 21 shall be used for distribution of grants for programs providing academic  
 22 school facility and transportation assistance to the public school districts  
 23 as may be provided by law.

24 (B) The Educational Facilities Partnership Fund Account  
 25 shall consist of:

26 (i) Those general revenues as may be provided by  
 27 law;

28 (ii) Moneys transferred from the General Improvement  
 29 Fund; and

30 (iii) Any other moneys as may be provided by law;  
 31 and

32 (10) Division of Public School Academic Facilities and  
 33 Transportation Fund Account.

34 (A) The Division of Public School Academic Facilities and  
 35 Transportation Fund Account shall be used for the maintenance, operation, and  
 36 improvement required by the Division of Public School Academic Facilities and

1 Transportation of the ~~Department of Education~~ Division of Elementary and  
 2 Secondary Education as may be provided by law.

3 (B) The Division of Public School Academic Facilities and  
 4 Transportation Fund Account shall consist of:

5 (i) Those general revenues as may be provided by  
 6 law; and

7 (ii) Any other funds made available for the support  
 8 of the Division of Public School Academic Facilities and Transportation of  
 9 the ~~Department of Education~~ Division of Elementary and Secondary Education.

10  
 11 SECTION 1248. Arkansas Code § 19-5-305 is amended to read as follows:  
 12 19-5-305. Public School Fund.

13 (a) The Public School Fund shall consist of the following fund  
 14 accounts and funds made available for the support of the ~~Department of~~  
 15 ~~Education~~ Division of Elementary and Secondary Education, the Arkansas State  
 16 Library of the ~~Department of Education~~ Division of Elementary and Secondary  
 17 Education, and the ~~Department~~ Division of Career and Technical Education and  
 18 shall be used for the same purposes as set out for the following fund  
 19 accounts:

20 (1) ~~Department of Education~~ Division of Elementary and Secondary  
 21 Education Public School Fund Account. The ~~Department of Education~~ Division  
 22 of Elementary and Secondary Education Public School Fund Account shall be  
 23 used for grants and aids for the programs administered by the ~~Department of~~  
 24 ~~Education~~ Division of Elementary and Secondary Education as authorized by  
 25 law;

26 (2) ~~Department~~ Division of Career and Technical Education Public  
 27 School Fund Account. The ~~Department~~ Division of Career and Technical  
 28 Education Public School Fund Account shall be used for grants and aids for  
 29 the programs administered by the ~~Department~~ Division of Career and Technical  
 30 Education, Adult Education Section of the Division of Workforce Services,  
 31 Office of Skills Development, consisting of, but not limited to:

- 32 (A) General adult education grants;
- 33 (B) Adult basic education grants;
- 34 (C) Manpower development and training grants;
- 35 (D) Vocational-technical and adult education; and
- 36 (E) Such other grants and aids as may be authorized by law

1 for disbursement by the ~~Department~~ Division of Career and Technical  
2 Education, Adult Education Section of the Division of Workforce Services,  
3 Office of Skills Development; and

4 (3) State Library Public School Fund Account. The State Library  
5 Public School Fund Account shall be used for State Aid to Public Libraries as  
6 administered by the Arkansas State Library of the ~~Department of Education~~  
7 Division of Elementary and Secondary Education.

8 (b) The Public School Fund shall consist of those moneys as may be  
9 provided by:

10 (1) The Revenue Stabilization Law, § 19-5-101 et seq.;

11 (2) Any federal mineral leasing funds, federal forest reserve  
12 funds, federal flood control funds, or any other similar turnback funds in  
13 the State Treasury for which the eligible county or school district cannot be  
14 identified;

15 (3) Fines collected pursuant to § 6-21-410 under the Free  
16 Textbook Act of 1975, § 6-21-401 et seq.;

17 (4) Funds remitted by county treasurers for those school  
18 districts which have local revenue per student in excess of the local base  
19 per student, as set out in § 26-80-101(c);

20 (5) Amusement machine revenues up to and including thirty  
21 thousand dollars (\$30,000), as set out in § 26-57-407;

22 (6) Twenty-five percent (25%) of additional rental vehicle tax  
23 revenues under § 26-63-302, to be used exclusively for teacher salaries; and

24 (7) Such other funds as may be authorized by law.

25 (c)(1) There is authorized a transfer of up to two hundred thousand  
26 dollars (\$200,000) per year from the Public School Fund to the ~~Department of~~  
27 Education Division of Elementary and Secondary Education Fund Account or the  
28 ~~Department~~ Division of Career and Technical Education Fund Account, or a  
29 portion thereof to both, by the Treasurer of State and the Chief Fiscal  
30 Officer of the State, upon certification as to the amount required by the  
31 Commissioner of Elementary and Secondary Education or by the Director of the  
32 ~~Department~~ Division of Career and Technical Education, or both, to the Chief  
33 Fiscal Officer of the State.

34 (2) This transfer shall be used to provide additional support  
35 for the administration of the handicapped children program and the  
36 vocational-technical and adult education program.

1  
2 SECTION 1249. Arkansas Code § 19-5-306(9)(B)(iv), concerning the  
3 Department of Human Services Fund, is amended to read as follows:

4 (iv) Funds received from the ~~Department of Education~~  
5 Division of Elementary and Secondary Education for surplus commodities; and  
6

7 SECTION 1250. The introductory language of Arkansas Code § 19-5-  
8 501(b)(1)(E), concerning the Budget Stabilization Trust Fund, is amended to  
9 read as follows:

10 (E) Temporary loans may be made to the institutions of  
11 higher education for operational purposes. In making these loans, the  
12 following procedures shall be applicable. The institutions of higher  
13 education shall submit requests for loans to both the Director of the  
14 ~~Department~~ Division of Higher Education and the Chief Fiscal Officer of the  
15 State setting forth the need for the loan. The requests shall include at  
16 least the following:  
17

18 SECTION 1251. Arkansas Code § 19-5-501(b)(1)(F), concerning the Budget  
19 Stabilization Trust Fund, is amended to read as follows:

20 (F) The Chief Fiscal Officer of the State and the Director  
21 of the ~~Department~~ Division of Higher Education shall review the request for  
22 the loan. The Director of the ~~Department~~ Division of Higher Education shall  
23 recommend, in writing, the approval or disapproval of the loan and the  
24 reasons for the recommendation to the Chief Fiscal Officer of the State. The  
25 Chief Fiscal Officer of the State shall review the institution's request, the  
26 funds available in the Budget Stabilization Trust Fund, and the  
27 recommendation of the Director of the ~~Department~~ Division of Higher  
28 Education. The Chief Fiscal Officer of the State may request such additional  
29 information as is deemed necessary to make a determination as to whether the  
30 request should be approved. If the Chief Fiscal Officer of the State  
31 determines that the request is proper and necessary for the operation of the  
32 institution and that sufficient funds are available, the Chief Fiscal Officer  
33 of the State shall approve the request and establish a repayment schedule for  
34 the loan. If the Chief Fiscal Officer of the State determines that the loan  
35 is not necessary or required, or that funds are not available, the Chief  
36 Fiscal Officer of the State shall deny the request. The Chief Fiscal Officer

1 of the State shall communicate in writing to the institution and to the  
2 Director of the ~~Department~~ Division of Higher Education the reasons for  
3 disapproval of the requested loan. All loans made to the institutions of  
4 higher education under the provisions of this section shall be repaid in full  
5 by June 30 of the fiscal year in which the loan was made. In the event an  
6 agency or program is established by the General Assembly which is to be  
7 supported solely from other than general revenues or federal funds, the Chief  
8 Fiscal Officer of the State may make a temporary loan from the Budget  
9 Stabilization Trust Fund to the agency or program to the extent necessary for  
10 carrying out the intent of the enabling legislation. The amount of the loan  
11 shall be determined by the Chief Fiscal Officer of the State, and the loans  
12 shall be repaid in full by June 30 of the fiscal year in which the loan was  
13 made;

14  
15 SECTION 1252. Arkansas Code § 19-5-502(c), concerning loans from the  
16 Budget Stabilization Trust Fund, is amended to read as follows:

17 (c) The ~~Department of Education~~ Division of Elementary and Secondary  
18 Education shall have no authority to request loans from the Budget  
19 Stabilization Trust Fund to provide moneys for distribution to public school  
20 districts in this state, nor to write warrants payable from any funds  
21 borrowed from the Budget Stabilization Trust Fund, for making monthly  
22 payments to school districts in this state earlier than the fifth day prior  
23 to the end of the month.

24  
25 SECTION 1253. Arkansas Code § 19-5-907(b), concerning the Revolving  
26 Loan Fund, is amended to read as follows:

27 (b) The fund shall consist of the repayment of moneys loaned or  
28 invested through the Revolving Loan Program of the ~~Department of Education~~  
29 Division of Elementary and Secondary Education.

30  
31 SECTION 1254. Arkansas Code § 19-5-960(b), concerning the Private  
32 Career School Student Protection Trust Fund, is amended to read as follows:

33 (b) The fund shall consist of a fee to be set by the ~~Department~~  
34 Division of Higher Education in consultation with the State Board of Private  
35 Career Education as provided in § 6-51-607, there to be used for paying  
36 claims and other expenses as set out in § 6-51-607.



1  
2 SECTION 1255. Arkansas Code § 19-5-1004(c), concerning the General  
3 Revenue Allotment Reserve Fund, is amended to read as follows:

4 (c) Any funds that remain in the ~~Department~~ Division of Career and  
5 Technical Education Fund Account or the fund accounts created in § 19-5-  
6 304(8) at the end of a fiscal year due to the provisions of this section  
7 shall be transferred by the Chief Fiscal Officer of the State to the General  
8 Improvement Fund or its successor fund or fund accounts, there to be used  
9 exclusively to provide additional funding for appropriations for the  
10 applicable vocational and technical schools, technical institutes, or  
11 comprehensive lifelong learning centers, that are made payable from the  
12 General Improvement Fund or its successor fund or fund accounts.  
13

14 SECTION 1256. Arkansas Code § 19-5-1018(d), concerning the creation of  
15 the Higher Education Building Maintenance Fund, is amended to read as  
16 follows:

17 (d) Those funds accruing to the Higher Education Building Maintenance  
18 Fund under the provisions of this section shall be disbursed by the Director  
19 of the ~~Department~~ Division of Higher Education in accordance with the  
20 recommendations of the Arkansas Higher Education Coordinating Board, but only  
21 after the board shall determine the projects and priorities for which the  
22 funds shall be used, and after the board shall have sought the advice of the  
23 Legislative Council with respect to them.  
24

25 SECTION 1257. Arkansas Code § 19-5-1036(b), concerning the Research  
26 Development Fund, is amended to read as follows:

27 (b) The Research Development Fund shall consist of funds transferred  
28 from the Higher Education Building Maintenance Fund and any other moneys  
29 provided by the General Assembly, there to be used for the administration and  
30 operations of the Arkansas Research Development Program of the ~~Department~~  
31 Division of Higher Education, as set out in the Arkansas Research Development  
32 Act, § 6-61-801 et seq.  
33

34 SECTION 1258. Arkansas Code § 19-5-1076(c)(2) and (3), concerning the  
35 intent of the Higher Education Tuition Adjustment Fund, are amended to read  
36 as follows:

1           (2) Further, the ~~Department~~ Division of Higher Education will  
2 require each institution to track and report the number of qualifying  
3 students each year.

4           (3) A list of students who benefit from the out-of-state tuition  
5 waiver, including their Social Security number or their Arkansas taxpaying  
6 parents' or guardians' names and Social Security numbers, will be furnished  
7 by the ~~Department~~ Division of Higher Education to the Department of Finance  
8 and Administration for confirmation that they or their parents are employed  
9 in Arkansas at a wage in excess of five thousand five hundred dollars  
10 (\$5,500) per annum.

11  
12           SECTION 1259. Arkansas Code § 19-5-1076(d), concerning the Higher  
13 Education Tuition Adjustment Fund, is amended to read as follows:

14           (d)(1) The Director of the ~~Department~~ Division of Higher Education  
15 shall determine the difference between the amount of tuition revenue which  
16 would have been generated by charging the Arkansas Higher Education  
17 Coordinating Board-approved out-of-state tuition rate to said students as  
18 compared to approved in-state or out-of-district rates.

19           (2) Upon such determination, the Director of the ~~Department~~  
20 Division of Higher Education shall certify to the Chief Fiscal Officer of the  
21 State and the Treasurer of State such amounts as are required to be  
22 transferred from the Higher Education Tuition Adjustment Fund.

23           (3) Upon receiving such certification, the Chief Fiscal Officer  
24 of the State and the Treasurer of State shall cause to be transferred the  
25 necessary funds and appropriation to the fund account of the institution  
26 receiving such certification from the Director of the ~~Department~~ Division of  
27 Higher Education.

28  
29           SECTION 1260. Arkansas Code § 19-5-1114(b)(2), concerning the Arkansas  
30 Construction Industry Craft Training Trust Fund, is amended to read as  
31 follows:

32           (2) The fund shall be used to support training programs set out  
33 in the Arkansas Construction Industry Craft Training Act, § 6-55-101 et seq.,  
34 administered by the ~~Department~~ Division of Career and Technical Education and  
35 the State Apprenticeship Coordination Steering Committee.

36

1 SECTION 1261. Arkansas Code § 19-5-1227(c) and (d), concerning the  
2 Educational Adequacy Fund, are amended to read as follows:

3 (c)(1) The Chief Fiscal Officer of the State will determine, from time  
4 to time, the amount of funds required from the Educational Adequacy Fund  
5 which, when added to other resources available to the ~~Department of Education~~  
6 Division of Elementary and Secondary Education Public School Fund Account of  
7 the Public School Fund and the ~~Department of Education~~ Division of Elementary  
8 and Secondary Education Fund Account of the Education Fund, is needed to  
9 fulfill the financial obligation of the state to provide an adequate  
10 educational system as authorized by law and shall certify the amounts to the  
11 Treasurer of State.

12 (2) At the end of each month, the Treasurer of State shall  
13 transfer all moneys available from the Educational Adequacy Fund to the  
14 ~~Department of Education~~ Division of Elementary and Secondary Education Public  
15 School Fund Account of the Public School Fund and to the ~~Department of~~  
16 ~~Education~~ Division of Elementary and Secondary Education Fund Account of the  
17 Education Fund until the sum of all transfers from the Educational Adequacy  
18 Fund equals the amounts determined in subdivision (c)(1) of this section,  
19 there to be used as determined by law.

20 (d) In the event the Chief Fiscal Officer of the State determines that  
21 the transfers from the Educational Adequacy Fund, when added to the other  
22 resources available to the ~~Department of Education~~ Division of Elementary and  
23 Secondary Education Public School Fund Account of the Public School Fund, are  
24 not sufficient to meet the state's financial obligation to provide an  
25 adequate educational system as authorized by law, the additional amount  
26 required shall be transferred from the other funds and fund accounts, except  
27 the Educational Facilities Partnership Fund Account, within §§ 19-5-402 and  
28 19-5-404(a) [repealed] based upon the proportion that each of the remaining  
29 fund and fund accounts, excluding the Educational Facilities Partnership Fund  
30 Account, bears to the total of the remaining funds and fund accounts in §§  
31 19-5-402 and 19-5-404(a) [repealed].

32  
33 SECTION 1262. Arkansas Code § 19-5-1257(c), concerning the Workforce  
34 Initiative Act of 2015 Fund, is amended to read as follows:

35 (c) The fund shall be used by the ~~Department~~ Division of Higher  
36 Education for distributing grants to programs identified under § 6-60-107.

1  
2 SECTION 1263. Arkansas Code § 19-6-462 is amended to read as follows:  
3 19-6-462. Private Career Education Fund.

4 The Private Career Education Fund shall consist of those special  
5 revenues as specified in § 19-6-301(24), there to be used for the maintenance  
6 and operations of the ~~Department~~ Division of Higher Education concerning the  
7 State Board of Private Career Education in carrying out the functions,  
8 powers, and duties as set out in § 6-51-601 et seq.

9  
10 SECTION 1264. Arkansas Code § 19-7-103(b)(1) and (2), concerning the  
11 control of college study programs and basic educational grants, are amended  
12 to read as follows:

13 (b)(1) The ~~Department of Education~~ Division of Elementary and  
14 Secondary Education shall issue rules for the purpose of administering the  
15 funds received for college work-study programs and basic educational  
16 opportunity grants for the vocational-technical schools.

17 (2) The ~~Department~~ Division of Higher Education shall issue  
18 rules for the purpose of administering the funds received by state colleges  
19 and universities.

20  
21 SECTION 1265. Arkansas Code § 19-11-220(a)(37), concerning agency  
22 procurement officials, is amended to read as follows:

23 (37) ~~Department~~ Division of Higher Education.

24  
25 SECTION 1266. The introductory language of Arkansas Code § 19-11-605,  
26 concerning the authority to transfer excess military property to state and  
27 local agencies and service charges, is amended to read as follows:

28 The Law Enforcement Support Office of the ~~Department of Career~~  
29 ~~Education~~ Department of Public Safety may:

30  
31 SECTION 1267. Arkansas Code § 19-11-605(3), concerning the authority  
32 to transfer excess military property to state and local agencies and service  
33 charges, is amended to read as follows:

34 (3) Establish service charges in an amount necessary to cover  
35 the expenses of the ~~Department of Career Education~~ Department of Public  
36 Safety incurred in administering this section; and

1  
2 SECTION 1268. Arkansas Code § 19-11-1004(c)(3)(A), concerning the  
3 restrictions on contracts, is amended to read as follows:

4 (A) The institution of higher education requests and  
5 receives written approval from the Director of the ~~Department~~ Division of  
6 Higher Education concerning the amount of additional compensation to be paid  
7 to any employee; and

8  
9 SECTION 1269. Arkansas Code § 19-12-113(e)(1), resulting from  
10 Initiated Act 1 of 2000 and concerning the establishment and administration  
11 of prevention and cessation programs, is amended to read as follows:

12 (1) The Advisory Committee shall consist of eighteen (18)  
13 members; one (1) member to be appointed by the President Pro Tempore of the  
14 Senate, one (1) member to be appointed by the Speaker of the House of  
15 Representatives, and sixteen (16) members to be appointed by the Governor  
16 subject to confirmation by the Senate. The Governor shall consult each of the  
17 following designated groups before making an appointment, and shall consist  
18 of the following: one (1) member appointed to represent the Arkansas Medical  
19 Society, Inc.; one (1) member shall represent the Arkansas Hospital  
20 Association, Inc.; one (1) member shall represent the American Cancer  
21 Society; one (1) member shall represent the American Heart Association; one  
22 (1) member shall represent the American Lung Association; one (1) member  
23 shall represent the Coalition for a Tobacco-Free Arkansas; one (1) member  
24 shall represent Arkansans for Drug Free Youth; one (1) member shall represent  
25 the ~~Department of Education~~ Division of Elementary and Secondary Education;  
26 one (1) member shall represent the Arkansas Minority Health Commission; one  
27 (1) member shall represent the Arkansas Center for Health Improvement; one  
28 (1) member shall represent the Arkansas Association of Area Agencies on  
29 Aging; one (1) member shall represent the Arkansas Nurses Association; one  
30 (1) member shall represent the University of Arkansas Cooperative Extension  
31 Service; one (1) member shall represent the University of Arkansas at Pine  
32 Bluff; one (1) member shall represent the League of United Latin American  
33 Citizens; and one (1) member shall represent the Arkansas Medical, Dental,  
34 and Pharmaceutical Association, Inc. The Executive Committee of Arkansas  
35 Students Working Against Tobacco shall serve as youth advisors to this  
36 Advisory Committee. All members of this committee shall be residents of the

1 State of Arkansas.

2

3 SECTION 1270. Arkansas Code § 19-12-117(a)(2)-(5), resulting from  
 4 Initiated Act 1 of 2000 and concerning the creation of the Arkansas Tobacco  
 5 Settlement Commission, are amended to read as follows:

6 (2) The Director of the ~~Department of Education~~ Division of  
 7 Elementary and Secondary Education or his or her designee;

8 (3) The Director of the ~~Department~~ Division of Higher Education  
 9 or his or her designee;

10 (4) The ~~Director~~ Secretary of the Department of Human Services  
 11 or his or her designee;

12 (5) The ~~Director~~ Secretary of the Department of Health or his or  
 13 her designee;

14

15 SECTION 1271. The introductory language of Arkansas Code § 20-7-  
 16 133(b)(1), concerning the creation of the Child Health Advisory Committee,  
 17 is amended to read as follows:

18 (b)(1) The ~~Director~~ Secretary of the Department of Health shall  
 19 appoint:

20

21 SECTION 1272. The introductory language of Arkansas Code § 20-7-  
 22 133(b)(2), concerning the creation of the Child Health Advisory Committee,  
 23 is amended to read as follows:

24 (2) The Commissioner of Elementary and Secondary Education shall  
 25 appoint:

26

27 SECTION 1273. Arkansas Code § 20-7-133(b)(2)(A), concerning the  
 28 creation of the Child Health Advisory Committee, is amended to read as  
 29 follows:

30 (A) One (1) member to represent the ~~Department of~~  
 31 Education Division of Elementary and Secondary Education;

32

33 SECTION 1274. Arkansas Code § 20-7-134(c), concerning the powers and  
 34 duties of the Child Health Advisory Committee, is amended to read as follows:

35 (c) The committee shall examine the progress of the Arkansas  
 36 Coordinated School Health Program and make recommendations to the ~~Department~~

1 ~~of Education~~ Division of Elementary and Secondary Education and the  
 2 Department of Health concerning the implementation of the Arkansas  
 3 Coordinated School Health Program.

4  
 5 SECTION 1275. The introductory language of Arkansas Code § 20-7-  
 6 135(b), concerning the implementation of nutrition and physical activity  
 7 standards, is amended to read as follows:

8 (b) The Department of Health in consultation with the ~~Department of~~  
 9 ~~Education~~ Division of Elementary and Secondary Education shall:

10  
 11 SECTION 1276. Arkansas Code § 20-7-135(b)(2), concerning the  
 12 implementation of nutrition and physical activity standards, is amended to  
 13 read as follows:

14 (2) Employ one (1) statewide health promotion consultant to be  
 15 housed within the ~~Department of Education~~ Division of Elementary and  
 16 Secondary Education if funds are available;

17  
 18 SECTION 1277. The introductory language of Arkansas Code § 20-7-  
 19 135(d), concerning the implementation of nutrition and physical activity  
 20 standards, is amended to read as follows:

21 (d) The ~~Department of Education~~ Division of Elementary and Secondary  
 22 Education shall:

23  
 24 SECTION 1278. Arkansas Code § 20-7-135(d)(1), concerning the  
 25 implementation of nutrition and physical activity standards, is amended to  
 26 read as follows:

27 (1) Begin the implementation of standards developed by the  
 28 ~~committee~~ Child Health Advisory Committee and approved by the ~~Department of~~  
 29 ~~Education~~ Division of Elementary and Secondary Education; and

30  
 31 SECTION 1279. Arkansas Code § 20-7-135(e)(1)(B)(i), concerning the  
 32 implementation of nutrition and physical activity standards, is amended to  
 33 read as follows:

34 (i) Assisting with the implementation of nutrition  
 35 and physical activity standards developed by the school nutrition and  
 36 physical activity advisory committee with the approval of the ~~Department of~~

1 ~~Education~~ Division of Elementary and Secondary Education and the State Board  
2 of Health;

3  
4 SECTION 1280. Arkansas Code § 20-7-135(e)(2), concerning the  
5 implementation of nutrition and physical activity standards, is amended to  
6 read as follows:

7 (2) Begin the implementation of standards developed by the  
8 ~~committee~~ Child Health Advisory Committee with the approval of the ~~Department~~  
9 ~~of Education~~ Division of Elementary and Secondary Education and the State  
10 Board of Health; and

11  
12 SECTION 1281. The introductory language of Arkansas Code § 20-7-  
13 135(f)(1), concerning the implementation of nutrition and physical activity  
14 standards, is amended to read as follows:

15 (f)(1) The ~~Department of Education~~ Division of Elementary and  
16 Secondary Education and the Department of Health shall report annually on  
17 progress in implementing nutrition and physical education standards to the:

18  
19 SECTION 1282. Arkansas Code § 20-15-902 is amended to read as follows:  
20 20-15-902. Counseling – Seminars.

21 The ~~Department of Education~~ Division of Elementary and Secondary  
22 Education, the University of Arkansas for Medical Sciences, and the  
23 Department of Health shall jointly provide counseling and shall also conduct  
24 public seminars designed to educate the public regarding acquired immune  
25 deficiency syndrome (AIDS).

26  
27 SECTION 1283. Arkansas Code § 20-15-1106 is amended to read as  
28 follows:

29 20-15-1106. Coordination of services.

30 The Department of Health, the ~~Department of Education~~ Division of  
31 Elementary and Secondary Education, and the Department of Human Services  
32 shall work cooperatively and develop a plan to coordinate early educational  
33 and rehabilitative services for newborn infants identified as hearing  
34 impaired.

35  
36 SECTION 1284. Arkansas Code § 20-27-1501(3)(D), concerning body



1 piercing, branding, and tattooing, is amended to read as follows:

2 (D) Is a registered instructor for the specified field of  
3 body art with the ~~Department~~ Division of Higher Education;

4  
5 SECTION 1285. Arkansas Code § 20-27-1503(a)(2), concerning the powers  
6 of the Department of Health to license, regulate, and inspect for health  
7 hazards, is amended to read as follows:

8 (2) A body art training facility shall be licensed by the  
9 Department of Health as an establishment and by the ~~Department~~ Division of  
10 Higher Education as an approved body art training facility.

11  
12 SECTION 1286. Arkansas Code § 20-27-1507(a) and (b), concerning the  
13 education of an artist in training, are amended to read as follows:

14 (a) An artist trainer shall be a registered instructor in a school  
15 licensed by the ~~Department~~ Division of Higher Education under § 6-51-601 et  
16 seq.

17 (b) In consultation with the State Board of Private Career Education,  
18 the ~~Department~~ Division of Higher Education shall develop standards to  
19 determine:

20 (1) The maximum number of artists in training in a training  
21 facility at one time; and

22 (2) The length of the program in hours and across a range of  
23 months.

24  
25 SECTION 1287. Arkansas Code § 20-27-1507(c)(2)(A), concerning the  
26 education of an artist in training, is amended to read as follows:

27 (2)(A) The artist trainer shall maintain a training log of the  
28 clock hours completed by the artist in training on forms approved by the  
29 ~~Department~~ Division of Higher Education.

30  
31 SECTION 1288. Arkansas Code § 20-27-1507(e), concerning the education  
32 of an artist in training, is amended to read as follows:

33 (e) The ~~Department~~ Division of Higher Education shall adopt a minimum  
34 curriculum for each area of body art training that shall be followed by all  
35 artist trainers, artists in training, and body art training facilities.

36

1 SECTION 1289. Arkansas Code § 20-45-302(c)(3), concerning the creation  
2 and purpose of the Arkansas Suicide Prevention Council, is amended to read as  
3 follows:

4 (3) A representative of the ~~Department of Education~~ Division of  
5 Elementary and Secondary Education, to be designated by the Commissioner of  
6 Elementary and Secondary Education;

7  
8 SECTION 1290. Arkansas Code § 20-45-302(c)(6) and (7), concerning the  
9 creation and purpose of the Arkansas Suicide Prevention Council, are amended  
10 to read as follows:

11 (6) A representative of law enforcement, to be designated by the  
12 Director of the ~~Department~~ Division of Arkansas State Police;

13 (7) A representative from higher education, to be designated by  
14 the Director of the ~~Department~~ Division of Higher Education;

15  
16 SECTION 1291. The introductory language of Arkansas Code § 20-47-  
17 505(a)(2), concerning the creation of the Child and Adolescent Service System  
18 Program Coordinating Council, is amended to read as follows:

19 (2) The council shall include the following persons to be  
20 selected and appointed by the Commissioner of Elementary and Secondary  
21 Education and the ~~Director~~ Secretary of the Department of Human Services:

22  
23 SECTION 1292. Arkansas Code § 20-47-505(a)(2)(E)(i), concerning the  
24 creation of the Child and Adolescent Service System Program Coordinating  
25 Council, is amended to read as follows:

26 (E)(i) One (1) or more representatives from specific  
27 divisions or agencies in the Department of Human Services and the ~~Department~~  
28 ~~of Education~~ Division of Elementary and Secondary Education.

29  
30 SECTION 1293. Arkansas Code § 20-47-508(e), concerning the evaluation  
31 and treatment of children suspected of having emotional disturbances, is  
32 amended to read as follows:

33 (e) If after screening and assessment or collaborative evaluations it  
34 is determined that a child with emotional disturbance needs multiagency  
35 services, then initial and subsequent individualized multiagency service  
36 plans for the child and the child's family shall be jointly developed by the

1 appropriate local or regional representatives of the community mental health  
 2 centers, of the Department of Human Services county office, of the Department  
 3 of Health, of the Special Education Section of the ~~Department of Education~~  
 4 Division of Elementary and Secondary Education, of the local school district,  
 5 and of any other service provider identified to meet the needs of the child  
 6 and his or her family. The individualized service plan shall reflect an  
 7 integrated service delivery that specifies services or programs with funding  
 8 to be provided by each agency. The service plan shall also designate  
 9 responsibility for case management.

10  
 11 SECTION 1294. Arkansas Code § 20-64-704(3), concerning the powers and  
 12 duties of the Division of Aging, Adult, and Behavioral Health Services of the  
 13 Department of Human Services, is amended to read as follows:

14 (3) Promote or conduct educational programs on alcoholism,  
 15 purchase and provide books, films, and other educational material, furnish  
 16 funds or grants to the ~~Department of Education~~ Division of Elementary and  
 17 Secondary Education, institutions of higher education, and medical schools  
 18 for study and research, and modernize instruction regarding the problems of  
 19 alcoholism;

20  
 21 SECTION 1295. The introductory language of Arkansas Code § 20-64-  
 22 704(5), concerning the powers and duties of the Division of Aging, Adult, and  
 23 Behavioral Health Services, is amended to read as follows:

24 (5) While the ~~division~~ Division of Aging, Adult, and Behavioral  
 25 Health Services of the Department of Human Services necessarily must, and  
 26 does, have discretion as to proportions in which it allocates funds to the  
 27 various aspects of this problem, it is contemplated and intended that the  
 28 ~~division~~ Division of Aging, Adult, and Behavioral Health Services of the  
 29 Department of Human Services shall make every reasonable effort not to  
 30 concentrate too largely on any one (1) phase of the problem at the expense or  
 31 to the detriment of other phases. For example, but not limited to, the  
 32 following phases:

33  
 34 SECTION 1296. The introductory language of Arkansas Code § 20-76-  
 35 102(a), concerning the coordination of state agency service deliveries, are  
 36 amended to read as follows:

1 (a) To ensure that all available state government resources are used  
2 to help transitional employment assistance recipients make the transition  
3 from welfare to work, each of the following state agencies and organizations  
4 shall also be required to work with the ~~Department~~ Division of Workforce  
5 Services in providing transitional employment assistance services:  
6

7 SECTION 1297. Arkansas Code § 20-76-102(a)(2) and (3), concerning the  
8 coordination of state agency service deliveries, are amended to read as  
9 follows:

10 (2) The ~~Department~~ Division of Higher Education, including  
11 community colleges and the University of Arkansas Cooperative Extension  
12 Service;

13 (3) The ~~Department of Education~~ Division of Elementary and  
14 Secondary Education;

15  
16 SECTION 1298. Arkansas Code § 20-76-102(a)(9), concerning the  
17 coordination of state agency service deliveries, is amended to read as  
18 follows:

19 (9) The ~~Department of Career Education~~ Adult Education Section  
20 of the Division of Workforce Services; and  
21

22 SECTION 1299. Arkansas Code § 20-76-102(b), concerning the  
23 coordination of state agency service deliveries, is amended to read as  
24 follows:

25 (b) State agencies required under subsection (a) of this section to  
26 work with the ~~Department~~ Division of Workforce Services in providing  
27 transitional employment assistance services to recipients shall make every  
28 effort to use financial resources in their respective budgets and to seek  
29 additional funding sources, whether private or federal, to supplement the  
30 moneys allocated by the ~~Department~~ Division of Workforce Services for the  
31 Transitional Employment Assistance Program.  
32

33 SECTION 1300. Arkansas Code § 20-76-112 is amended to read as follows:  
34 20-76-112. Human Services Workers in the Schools Program.

35 (a) The Human Services Workers in the Schools Program is established  
36 as a collaborative effort among the Division of Children and Family Services

1 of the Department of Human Services, the Arkansas Workforce Development  
2 Board, the ~~Department of Education~~ Division of Elementary and Secondary  
3 Education, and local school districts. The Human Services Workers in the  
4 Schools Program is designed to help children and families by:

5 (1) Promoting safety of children and strengthening of families;

6 (2) Supporting the community's capacity to produce children who  
7 are healthy, children who are in supportive, nurturing, and healthy families,  
8 and children who succeed in school; and

9 (3) Promoting the ~~division's~~ Division of Children and Family  
10 Services' family preservation philosophy and family-centered practice.

11 (b) Upon approval of the board, the ~~division~~ Division of Children and  
12 Family Services shall enter into contracts with local school districts to  
13 provide funding for the maximum number of human services workers.

14 (c) A human services worker shall have a bachelor's degree or a  
15 master's degree in social work or a related field and shall provide the  
16 following services according to skills and training:

17 (1) Crisis intervention;

18 (2) School conferences and in-service training;

19 (3) Home visits;

20 (4) Transportation for family and student group counseling;

21 (5) Parent training and activities;

22 (6) Supportive service referrals;

23 (7) Individualized coping and conflict management skills; and

24 (8) Assessment of family and student needs.

25 (d)(1) Funding for human services workers shall be targeted to schools  
26 with eighty percent (80%) or more of their children eligible for the Free and  
27 Reduced Lunch Program under the National School Lunch Act, 42 U.S.C. § 1751  
28 et seq.

29 (2) The ~~Department of Education~~ Division of Elementary and  
30 Secondary Education and the ~~division~~ Division of Children and Family Services  
31 shall develop criteria to prioritize eligibility for the Human Services  
32 Workers in the Schools Program.

33 (e) The Coordinated Health Services Section of the ~~Department of~~  
34 Education Division of Elementary and Secondary Education shall evaluate the  
35 Human Services Workers in the Schools Program annually in coordination with  
36 the ~~division~~ Division of Children and Family Services, the board, and the

1 local school districts that hold contracts.

2 (f) A parent or a student has the option to refuse any services  
3 recommended under the Human Services Workers in the Schools Program.

4  
5 SECTION 1301. The introductory language of Arkansas Code § 20-76-  
6 402(a), concerning the work activities of the Department of Workforce  
7 Services, is amended to read as follows:

8 (a) The ~~Department~~ Division of Workforce Services shall develop and  
9 describe categories of approved work activities for transitional employment  
10 assistance recipients in accordance with this section. The rules shall be  
11 subject to review and recommendation by the Arkansas Workforce Development  
12 Board. Approved work activities may include unsubsidized employment,  
13 subsidized private sector employment, subsidized public sector employment,  
14 education or training, vocational educational training, skills training, job  
15 search and job readiness assistance, on-the-job training, micro enterprise,  
16 community service, and work experience. For purposes of this section:

17  
18 SECTION 1302. Arkansas Code § 20-76-402(a)(2)(A)(v), concerning the  
19 work activities of the Department of Workforce Services, is amended to read  
20 as follows:

21 (v) Weighting of incentive payments proportionally  
22 to the extent to which the recipient has limitations associated with the  
23 long-term receipt of welfare and difficulty in sustaining employment. In  
24 establishing incentive payments, the ~~Department~~ Division of Workforce  
25 Services shall consider the extent of the recipient's prior receipt of  
26 welfare, lack of employment experience, lack of education, lack of job  
27 skills, and other appropriate factors.

28  
29 SECTION 1303. Arkansas Code § 20-76-402(a)(2)(B), concerning the work  
30 activities of the Department of Workforce Services, is amended to read as  
31 follows:

32 (B) The ~~Department~~ Division of Workforce Services may  
33 require an employer to repay some or all of a subsidy or incentive previously  
34 paid to an employer under the program unless the recipient is terminated for  
35 cause;

36

1 SECTION 1304. The introductory language of Arkansas Code § 20-76-  
2 402(a)(3)(A), concerning the work activities of the Department of Workforce  
3 Services, is amended to read as follows:

4 (3)(A) "Subsidized public sector employment" is employment by an  
5 agency of the federal, state, or local government which is directly  
6 supplemented by federal or state funds. A program recipient in subsidized  
7 public sector employment shall be eligible for the same benefits as a  
8 nonsubsidized employee who performs similar work. Before receiving any  
9 subsidy or incentive, an employer shall enter into a written contract with  
10 the ~~Department~~ Division of Workforce Services that may include, but not be  
11 limited to, provisions addressing any of the following:  
12

13 SECTION 1305. Arkansas Code § 20-76-402(a)(3)(A)(v), concerning the  
14 work activities of the Department of Workforce Services, is amended to read  
15 as follows:

16 (v) Weighting of incentive payments proportionally  
17 to the extent to which the recipient has limitations associated with the  
18 long-term receipt of welfare and difficulty in sustaining employment. In  
19 establishing incentive payments, the ~~Department~~ Division of Workforce  
20 Services shall consider the extent of the recipient's prior receipt of  
21 welfare, lack of employment experience, lack of education, lack of job  
22 skills, and other appropriate factors.  
23

24 SECTION 1306. Arkansas Code § 20-76-402(a)(3)(B), concerning the work  
25 activities of the Department of Workforce Services, is amended to read as  
26 follows:

27 (B) The ~~Department~~ Division of Workforce Services may  
28 require an employer to repay some or all of a subsidy and incentive  
29 previously paid to an employer under the program unless the recipient is  
30 terminated for cause;  
31

32 SECTION 1307. Arkansas Code § 20-76-402(b)(1), concerning the work  
33 activities of the Department of Workforce Services, is amended to read as  
34 follows:

35 (1) Be on the statewide or appropriate area list of occupations  
36 in the "Guide to Educational Training Programs for Demand Occupations"

1 published by the ~~Department~~ Division of Workforce Services;

2  
3 SECTION 1308. Arkansas Code § 20-76-402(d), concerning the work  
4 activities of the Department of Workforce Services, is amended to read as  
5 follows:

6 (d)(1) The ~~Department~~ Division of Workforce Services shall require  
7 participation in approved work activities to the maximum extent possible,  
8 subject to federal and state funding. If funds are projected to be  
9 insufficient to support full-time work activities by all program recipients  
10 who are required to participate in work activities, the ~~Department~~ Division  
11 of Workforce Services shall screen recipients and assign priority in  
12 accordance with the implementation plan.

13 (2) In accordance with the implementation plan, the ~~Department~~  
14 Division of Workforce Services may limit a recipient's weekly work  
15 requirement to the minimum required to meet federal work activity  
16 requirements and may develop screening and prioritization procedures within  
17 employment opportunity districts or within counties based on the allocation  
18 of resources, the availability of community resources, or the work activity  
19 needs of the employment opportunity district or county.

20  
21 SECTION 1309. Arkansas Code § 20-76-402(e)(3), concerning the work  
22 activities of the Department of Workforce Services, is amended to read as  
23 follows:

24 (3) The ~~Department~~ Division of Workforce Services shall  
25 establish and maintain a grievance procedure for resolving complaints of  
26 alleged violations of subdivision (e)(2) of this section.

27  
28 SECTION 1310. The introductory language of Arkansas Code § 20-76-  
29 402(f), concerning the work activities of the Department of Workforce  
30 Services, is amended to read as follows:

31 (f) The ~~Department~~ Division of Workforce Services, subject to review  
32 and recommendation by the ~~board~~ Arkansas Workforce Development Board, shall  
33 establish criteria to exempt or temporarily defer the following persons from  
34 any work activity requirement:

35  
36 SECTION 1311. Arkansas Code § 20-76-402(f)(1), concerning the work



1 activities of the Department of Workforce Services, is amended to read as  
2 follows:

3 (1) An individual required to care for a recipient child until  
4 the child reaches twelve (12) months of age, if the caregiver is an active  
5 participant in a home-based or part-time center-based quality-approved early  
6 learning program, where available, that requires parental involvement and is  
7 approved by the ~~Department of Education~~ Division of Elementary and Secondary  
8 Education under the Arkansas Better Chance Program Act, § 6-45-101 et seq.;

9

10 SECTION 1312. Arkansas Code § 20-76-402(f)(9), concerning the work  
11 activities of the Department of Workforce Services, is amended to read as  
12 follows:

13 (9) An individual who, as determined by a ~~Department~~ Division of  
14 Workforce Services case manager, is unable to participate in work activities  
15 due directly to the effects of domestic violence. All case manager  
16 determinations made under this subdivision (f)(9) shall be reviewed by a  
17 supervisor within five (5) days of such determination;

18

19 SECTION 1313. Arkansas Code § 20-76-404 is amended to read as follows:  
20 20-76-404. Duration of assistance – Extended support services.

21 (a)(1) Beginning July 1, 1998, the ~~Department~~ Division of Workforce  
22 Services shall not provide financial assistance to a family that includes an  
23 adult recipient who has received financial assistance for more than twenty-  
24 four (24) months, except as provided in subsection (c) of this section.

25 (2) The number of months need not be consecutive and shall  
26 include the time a recipient receives financial assistance from another  
27 state.

28 (3) The ~~Department~~ Division of Workforce Services may by  
29 regulation establish other limitations on the receipt of financial assistance  
30 not inconsistent with state or federal law.

31 (b)(1) The ~~Department~~ Division of Workforce Services shall certify to  
32 the Governor, the House Committee on Public Health, Welfare, and Labor, and  
33 the Senate Committee on Public Health, Welfare, and Labor when the support  
34 services necessary for program recipients to obtain employment or participate  
35 in allowable work activities are available.

36 (2) The ~~Department~~ Division of Workforce Services may certify

1 subsets of program recipients, including without limitation recipients in a  
2 certain geographical area or employment opportunity district or program  
3 recipients with a high school diploma or high school equivalency diploma  
4 approved by the ~~Department of Career Education~~ Adult Education Section of the  
5 Division of Workforce Services.

6 (3) Before implementing the twenty-four-month cumulative limit  
7 on financial assistance, the ~~Department~~ Division of Workforce Services shall  
8 notify program recipients by direct mail or contact and by other means  
9 reasonably calculated to reach to current and potential program recipients,  
10 including, but not limited to, the posting of notices in county offices.

11 (c) The ~~Department~~ Division of Workforce Services shall exempt or  
12 temporarily defer within thirty (30) calendar days the following persons from  
13 the twenty-four-month cumulative limit on financial assistance:

14 (1) An individual, as determined by a ~~Department~~ Division of  
15 Workforce Services case manager, who cooperated and participated in  
16 activities, but was unable to obtain employment because of circumstances or  
17 barriers beyond his or her control;

18 (2) Child-only cases;

19 (3) An individual unable to obtain employment because of the  
20 lack of support services necessary to overcome barriers to employment;

21 (4) A parent or caregiver over sixty (60) years of age;

22 (5) A parent or caregiver who is caring for a disabled child  
23 relative or disabled adult relative, based upon criteria set forth in  
24 ~~Department~~ Division of Workforce Services regulations;

25 (6) A disabled parent or caregiver, based upon criteria set  
26 forth in ~~Department~~ Division of Workforce Services regulations;

27 (7) A parent less than eighteen (18) years of age who resides in  
28 the home of a parent or in an approved adult-supervised setting and who  
29 participates in full-time education or training;

30 (8) An individual, who as determined by a ~~Department~~ Division of  
31 Workforce Services case manager, is unable to obtain employment due directly  
32 to the effects of domestic violence. All case manager determinations made  
33 under this subdivision (c)(8) shall be reviewed by a supervisor within five  
34 (5) days of the determination;

35 (9) Other individuals as determined by the ~~Department~~ Division  
36 of Workforce Services, including, but not limited to, a child when necessary

1 to protect the child from the risk of neglect, as defined by § 12-18-103(14);  
2 and

3 (10) Individuals participating in education and training  
4 activities who have reached the end of their twenty-four-month cumulative  
5 limit on financial assistance, have complied with all transitional employment  
6 assistance regulations, are making satisfactory academic progress as  
7 determined by the academic institution or training program in which the  
8 individual is currently enrolled, and are expected to complete the  
9 requirements for the education or training program within a reasonable period  
10 of time as defined in regulations issued by the ~~Department~~ Division of  
11 Workforce Services.

12 (d)(1) No months shall be counted toward a person's twenty-four-month  
13 cumulative limit on financial assistance while he or she is receiving a  
14 deferral or exemption.

15 (2) There shall be no limit on the length or the number of  
16 deferrals or exemptions granted each person as long as the person meets any  
17 of the criteria outlined in subsection (c) of this section.

18 (3) The ~~Department~~ Division of Workforce Services shall  
19 periodically review each case to determine whether the person still meets any  
20 of the criteria outlined in subsection (c) of this section.

21 (4)(A) The ~~Department~~ Division of Workforce Services shall carry  
22 out an enhanced review of all cases six (6) months before the expiration of  
23 the time limit.

24 (B) The review shall assess the barriers that remain to  
25 the adult or adults in the case obtaining employment, what enhanced services  
26 can be provided to enable him or her to obtain employment, and whether the  
27 case should be given a six-month extension or be exempted from the time  
28 limit.

29 (C) The ~~Department~~ Division of Workforce Services shall  
30 make every reasonable effort to deliver the available services identified in  
31 subdivision (d)(4)(B) of this section.

32 (D) The ~~Department~~ Division of Workforce Services shall  
33 grant an extension at the time for review if the client meets one (1) of the  
34 grounds for extension.

35 (E) The ~~Department~~ Division of Workforce Services shall  
36 carry out a further review at the end of the extension period.

1 (e)(1) A recipient who was eligible for Medicaid and loses his or her  
2 financial assistance due to earnings and whose income remains below one  
3 hundred eighty-five percent (185%) of the federal poverty level shall remain  
4 eligible for transitional Medicaid without reapplication during the  
5 immediately succeeding twelve-month period if private medical insurance is  
6 unavailable from the employer.

7 (2) A recipient who loses his or her financial assistance due to  
8 earnings and who is employed shall be eligible for:

9 (A) Childcare assistance at no cost and without  
10 reapplication for a cumulative period of twelve (12) months; and

11 (B) Twenty-four (24) additional months of childcare  
12 assistance provided on a sliding fee scale or other cost-sharing arrangement  
13 as determined by the ~~Department~~ Division of Workforce Services.

14 (3) The ~~Department~~ Division of Workforce Services may reduce the  
15 period of transitional childcare to a total of twenty-four (24) months for  
16 recipients who lose assistance at a specified date after the ~~Department~~  
17 Division of Workforce Services' decision to limit the assistance if the  
18 ~~Department~~ Division of Workforce Services certifies to the Governor and the  
19 Chief Fiscal Officer of the State that the reduction is necessary to avoid  
20 overspending the biennial budget for childcare.

21 (4) The transitional childcare assistance available to former  
22 recipients shall not exceed the cumulative number of months provided under  
23 subdivisions (e)(2) and (3) of this section, regardless of whether the former  
24 recipient reenters the Transitional Employment Assistance Program.

25 (f)(1) The ~~Department~~ Division of Workforce Services shall deny  
26 Medicaid, childcare, and transportation assistance during the twelve-month  
27 period for any month in which the recipient's family does not include a  
28 dependent child.

29 (2) The ~~Department~~ Division of Workforce Services shall notify  
30 the recipient of transitional Medicaid, childcare, and transportation  
31 assistance when the recipient is notified of the termination of cash  
32 assistance. The notice shall include a description of the circumstances in  
33 which the transitional Medicaid and childcare assistance may be terminated.

34 (g)(1) In order to assist current and former program recipients in  
35 continuing training and upgrading skills, transitional education or training  
36 may be provided to a recipient for up to one (1) year after the recipient is

1 no longer eligible to participate in the program due to employment earnings.

2 (2) Education or training resources available in the community  
3 at no additional cost to the ~~Department~~ Division of Workforce Services shall  
4 be used whenever possible.

5 (3) Transitional education or training shall be employment-  
6 related and may include education or training to improve a recipient's job  
7 skills in the recipient's existing area of employment or may include  
8 education or training to prepare a recipient for employment in another  
9 occupation.

10 (4) The ~~Department~~ Division of Workforce Services may enter into  
11 an agreement with an employer to share the costs relating to upgrading the  
12 skills of recipients hired by the employer.

13 (h) Other extended support services may be available to recipients no  
14 longer eligible for financial assistance under transitional employment  
15 assistance.

16 (i)(1) By August 1, 2001, the ~~Department~~ Division of Workforce  
17 Services shall develop a plan, subject to review and recommendation by the  
18 Arkansas Workforce Development Board, to monitor and protect the safety and  
19 well-being of the children within a family whose temporary assistance is  
20 terminated for any reason other than the family's successful transition to  
21 economic self-sufficiency.

22 (2)(A) Actions required by the plan shall include at least one  
23 (1) home visit with the parents and children.

24 (B) Every reasonable effort shall be made to make contact  
25 with all families, including visits during evenings and on weekends.

26 (C) The first home visit shall occur within six (6) months  
27 after the termination of cash assistance.

28 (D) The purposes of the home visits shall include checking  
29 on the well-being of children in those families and determining whether the  
30 families need available services.

31 (3) The ~~Department~~ Division of Workforce Services may contract  
32 with other state agencies, private companies, local government agencies, or  
33 community organizations for the conducting of these visits.

34 (4) The board shall submit a report to the Governor and the  
35 Chair of the House Committee on Public Health, Welfare, and Labor and the  
36 Chair of the Senate Committee on Public Health, Welfare, and Labor that

1 report on the outcomes of the home visits and provide separate information  
2 for families who left transitional assistance due to noncompliance and time  
3 limits.

4 (j) As part of the home visits, families shall be informed about the  
5 availability of Medicaid and ARKids First, food stamps, childcare, housing  
6 assistance, any other supportive services offered by the ~~Department~~ Division  
7 of Workforce Services or the Department of Health designed to help meet the  
8 basic needs and well-being of children, federal and state earned income tax  
9 credits, individual development accounts, employment counseling services, and  
10 education and training opportunities designed to increase the future earnings  
11 and employment prospects of clients.

12  
13 SECTION 1314. Arkansas Code § 20-76-437 is amended to read as follows:  
14 20-76-437. Reporting – Transitional employment assistance.

15 The Department of Human Services, the ~~Department~~ Division of Workforce  
16 Services, the Department of Health, the ~~Department of Education~~ Division of  
17 Elementary and Secondary Education, the ~~Department~~ Division of Higher  
18 Education, the ~~Department of Career Education~~ Adult Education Section of the  
19 Division of Workforce Services, the Arkansas Development Finance Authority,  
20 the Arkansas Economic Development Council, and the Arkansas Department of  
21 Transportation shall report periodically to the House Committee on Public  
22 Health, Welfare, and Labor and the Senate Committee on Public Health,  
23 Welfare, and Labor regarding the provision of services to Transitional  
24 Employment Assistance Program recipients.

25  
26 SECTION 1315. Arkansas Code § 20-76-443(a)(1) and (2), concerning the  
27 education and training of Transitional Employment Assistance Program  
28 recipients, are amended to read as follows:

29 (a)(1) The Department of Human Services and the ~~Department~~ Division of  
30 Workforce Services shall permit Transitional Employment Assistance Program  
31 recipients to obtain the education and training they need to obtain jobs that  
32 pay wages allowing them to be economically self-sufficient.

33 (2) Program recipients who are assessed as having basic  
34 education deficiencies shall be allowed to combine educational activities  
35 leading to a high school diploma or high school equivalency diploma approved  
36 by the ~~Department of Career Education~~ Adult Education Section of the Division

1 of Workforce Services and employment and work experience. Participants may be  
2 required to engage in internships, work experience, or employment. Work  
3 requirements shall not exceed fifteen (15) hours per week unless the  
4 Department of Human Services certifies that allowing education to count  
5 toward Transitional Employment Assistance Program recipients' required work  
6 activities would affect the state's ability to meet federal work  
7 participation rates. To the extent possible, educational activities shall  
8 take place in a work context.

9  
10 SECTION 1316. Arkansas Code § 20-76-443(d)(2), concerning the  
11 education and training of Transitional Employment Assistance Program  
12 recipients, is amended to read as follows:

13 (2) The ~~Department~~ Division of Workforce Services and the  
14 Arkansas Early Childhood Commission jointly shall promulgate rules to develop  
15 an evening childcare program with extended hours under subdivision (d)(1) of  
16 this section.

17  
18 SECTION 1317. Arkansas Code § 20-76-443(d)(2), concerning the  
19 education and training of Transitional Employment Assistance Program  
20 recipients, is amended to read as follows:

21 (2) The ~~Department~~ Division of Workforce Services and the  
22 Arkansas Early Childhood Commission jointly shall promulgate rules to develop  
23 an evening childcare program with extended hours under subdivision (d)(1) of  
24 this section.

25  
26 SECTION 1318. Arkansas Code § 20-76-445(b)(1)(A), concerning the  
27 findings regarding the Career Pathways Initiative, is amended to read as  
28 follows:

29 (b)(1)(A) The ~~Department~~ Division of Workforce Services, the  
30 ~~Department~~ Division of Higher Education, and the Arkansas Workforce  
31 Development Board shall work jointly to develop a plan for the Career  
32 Pathways Initiative.

33  
34 SECTION 1319. The introductory language of Arkansas Code § 20-76-  
35 445(d), concerning the findings regarding the Career Pathways Initiative, is  
36 amended to read as follows:

1 (d) Under the initiative, the ~~Department~~ Division of Higher Education  
2 shall contract to provide education and training that will result in job  
3 training certificates or higher education degrees for Transitional Employment  
4 Assistance Program participants and other low-income adults with:

5  
6 SECTION 1320. Arkansas Code § 20-76-445(e)(2), concerning the findings  
7 regarding the Career Pathways Initiative, is amended to read as follows:

8 (2) Applications shall be made to the ~~Department~~ Division of  
9 Higher Education.

10  
11 SECTION 1321. Arkansas Code § 20-76-445(f), concerning the findings  
12 regarding the Career Pathways Initiative, is amended to read as follows:

13 (f) The ~~Department~~ Division of Higher Education shall determine which  
14 two-year college proposals are funded under the initiative.

15  
16 SECTION 1322. Arkansas Code § 20-77-1604(c)(1)(A), concerning the  
17 creation of the Arkansas Youth Suicide Prevention Task Force, is amended to  
18 read as follows:

19 (c)(1)(A) The Governor shall consult the ~~Department of Education~~  
20 Division of Elementary and Secondary Education before appointing a student  
21 member.

22  
23 SECTION 1323. Arkansas Code § 20-77-1606(a)(2), concerning the  
24 Arkansas Youth Suicide Prevention Task Force meetings, is amended to read as  
25 follows:

26 (2) The Commissioner of Elementary and Secondary Education shall  
27 call the first meeting of the task force no later than thirty (30) days after  
28 all of the members are appointed to the task force.

29  
30 SECTION 1324. Arkansas Code § 20-77-1606(e)(1), concerning the  
31 Arkansas Youth Suicide Prevention Task Force meetings, is amended to read as  
32 follows:

33 (e)(1) The ~~Department of Education~~ Division of Elementary and  
34 Secondary Education shall provide staff and office space to the task force.

35  
36 SECTION 1325. The introductory language of Arkansas Code § 20-78-



1 205(a), concerning the creation of the Division of Child Care and Early  
2 Childhood Education, is amended to read as follows:

3 (a)(1) There is created the Division of Child Care and Early Childhood  
4 Education within the Department of Human Services. In creating the ~~division~~  
5 Division of Child Care and Early Childhood Education, the General Assembly  
6 intends for the following to be maintained and enhanced:

7  
8 SECTION 1326. The introductory language of Arkansas Code § 20-78-  
9 205(b), concerning the creation of the Division of Child Care and Early  
10 Childhood Education, is amended to read as follows:

11 (b) The ~~division~~ Division of Child Care and Early Childhood Education  
12 shall have the following duties:

13  
14 SECTION 1327. Arkansas Code § 20-78-205(b)(2), concerning the creation  
15 of the Division of Child Care and Early Childhood Education, is amended to  
16 read as follows:

17 (2) Administration of the Arkansas Better Chance Program, under  
18 interagency agreement with the ~~Department of Education~~ Division of Elementary  
19 and Secondary Education;

20  
21 SECTION 1328. Arkansas Code § 20-78-205(c)(1), concerning the creation  
22 of the Division of Child Care and Early Childhood Education, is amended to  
23 read as follows:

24 (c)(1) In addition to any other rights, powers, functions, and duties  
25 granted by law to the ~~division~~ Division of Child Care and Early Childhood  
26 Education, the Department of Human Services is hereby authorized to promote  
27 and cooperate in the establishment of a foundation under the Arkansas  
28 nonprofit corporation law and to accept support and assistance in the form of  
29 money, property, or otherwise from the foundation to be used to enhance  
30 quality, affordability, and availability of child care and early education  
31 for all children in the state.

32  
33 SECTION 1329. Arkansas Code § 20-78-502(a)(6), concerning the duties  
34 of the Arkansas Early Childhood Commission, is amended to read as follows:

35 (6) Advising the ~~Department of Education~~ Division of Elementary  
36 and Secondary Education and other appropriate state agencies on the

1 development of programmatic standards for early childhood programs to be  
2 funded with funds appropriated to the ~~department~~ Division of Elementary and  
3 Secondary Education or to such other state agencies as may receive  
4 appropriations for such purposes;

5  
6 SECTION 1330. Arkansas Code § 20-78-502(b), concerning the duties of  
7 the Arkansas Early Childhood Commission, is amended to read as follows:

8 (b) The ~~division~~ Division of Child Care and Early Childhood Education  
9 shall assist the commission in carrying out its duties and responsibilities.

10  
11  
12 SECTION 1331. Arkansas Code § 21-5-223(b)(1), concerning severance  
13 pay, is amended to read as follows:

14 (b)(1) If the head of an institution of higher education determines  
15 that it is necessary to implement the state workforce reduction policy due to  
16 institution organization structure change, budgetary reductions, abolishment  
17 of positions or duties, loss of functional responsibility by the institution,  
18 or the loss of federal funding, grants, or other special funds, the head of  
19 the institution, upon approval by the Director of the ~~Department~~ Division of  
20 Higher Education, may authorize the payment of funds on a regular payroll  
21 schedule as severance pay to full-time, part-time, and job sharing classified  
22 employees in regular positions affected by the workforce reduction on the  
23 basis of the following pro rata lump sum for completed years of service,  
24 including any formally implemented probationary period:

25 Over one (1) year up to five (5) years Eight hundred dollars (\$800)

26 Over five (5) years up to fifteen (15) years One thousand two hundred dollars  
27 (\$1,200)

28 Over fifteen (15) years One thousand six hundred dollars (\$1,600).

29  
30 SECTION 1332. Arkansas Code § 21-5-1001(b)(2), concerning the  
31 legislative intent regarding employee performance evaluations, is amended to  
32 read as follows:

33 (2) Institution of higher education employees shall be evaluated  
34 using an instrument approved by the ~~Department~~ Division of Higher Education.

35  
36 SECTION 1333. Arkansas Code § 21-5-1203(b), concerning the

1 compensation of public school district employees and emergency activities, is  
2 amended to read as follows:

3 (b) The ~~Department of Education~~ Division of Elementary and Secondary  
4 Education shall establish appropriate procedures for the administration of  
5 this section.

6  
7 SECTION 1334. The introductory language of Arkansas Code § 21-5-  
8 1402(7)(B), concerning the Higher Education Uniform Classification and  
9 Compensation Act, is amended to read as follows:

10 (B) The ~~Department~~ Division of Higher Education may  
11 authorize a temporary crossgrade through a change in the classification of a  
12 position from the classification authorized in an institution's appropriation  
13 act between legislative sessions to assure correct classification and for  
14 other purposes with the following restrictions:

15  
16 SECTION 1335. Arkansas Code § 21-5-1402(7)(B)(iii) and (iv),  
17 concerning the Higher Education Uniform Classification and Compensation Act,  
18 are amended to read as follows:

19 (iii) Positions that have been crossgraded may be  
20 restored to the original authorized class during the fiscal year with the  
21 approval of the ~~department~~ division for those positions within the same  
22 occupational group;

23 (iv) Position classifications may be crossgraded or  
24 restored to their original classifications only after the review and approval  
25 of the ~~department~~ division;

26  
27 SECTION 1336. Arkansas Code § 21-5-1402(13)(A)(ii), concerning the  
28 Higher Education Uniform Classification and Compensation Act, is amended to  
29 read as follows:

30 (ii) The ~~department~~ division may authorize job  
31 sharing for any regular full-time position.

32  
33 SECTION 1337. Arkansas Code § 21-5-1402(13)(B), concerning the Higher  
34 Education Uniform Classification and Compensation Act, is amended to read as  
35 follows:

36 (B) The Director of the ~~Department~~ Division of Higher

1 Education or his or her designee shall promulgate necessary rules to carry  
2 out this subdivision (13);

3  
4 SECTION 1338. Arkansas Code § 21-5-1402(20)(E), concerning the Higher  
5 Education Uniform Classification and Compensation Act, is amended to read as  
6 follows:

7 (E) Interim reclassifications approved by the ~~department~~  
8 division shall be implemented through the crossgrading of existing positions  
9 within an institution of higher education or through the acquisition of pool  
10 positions as authorized in § 21-5-1414(a)(1).

11  
12 SECTION 1339. The introductory language of Arkansas Code § 21-5-  
13 1405(a), concerning the duties of the Department of Higher Education, is  
14 amended to read as follows:

15 (a) The ~~Department~~ Division of Higher Education shall perform the  
16 following administrative duties with respect to the institution of higher  
17 education classification and compensation plan, subject to this subchapter:

18  
19 SECTION 1340. Arkansas Code § 21-5-1405(a)(3)(A), concerning the  
20 duties of the Department of Higher Education, is amended to read as follows:

21 (3)(A) Authorize the temporary reclassification of positions in  
22 an institution affected by this subchapter in cases in which it has been  
23 determined by the ~~department~~ division that there are material changes in the  
24 duties and responsibilities assigned to the position when there is no  
25 available vacant position having the proper classification and when it is  
26 impracticable to restructure the duties of the position to the proper  
27 classification.

28  
29 SECTION 1341. Arkansas Code § 21-5-1405(a)(4)(B), concerning the  
30 duties of the Department of Higher Education, is amended to read as follows:

31 (B) When necessary, the ~~department~~ division shall confer  
32 with the staff of the Legislative Council on the development of and revisions  
33 to uniform classification and compensation systems.

34  
35 SECTION 1342. Arkansas Code § 21-5-1405(a)(6)(C), concerning the  
36 duties of the Department of Higher Education, is amended to read as follows:

1 (C) The procedure under subdivision (a)(6)(A) of this  
2 section shall require the final approval of the Director of the ~~Department~~  
3 division of Higher Education, with the review of the Legislative Council or,  
4 if the General Assembly is in session, the Joint Budget Committee;

5  
6 SECTION 1343. The introductory language of Arkansas Code § 21-5-  
7 1405(a)(7)(B), concerning the duties of the Department of Higher Education,  
8 is amended to read as follows:

9 (B) Unqualified appointments shall be reported by the  
10 ~~department~~ division to the Legislative Council unless one (1) of the  
11 following actions is taken:

12  
13 SECTION 1344. The introductory language of Arkansas Code § 21-5-  
14 1405(b), concerning the duties of the Department of Higher Education, is  
15 amended to read as follows:

16 (b) To ensure and provide for the accuracy and efficiency of this  
17 subchapter and to provide for an efficient and equitable system of personnel  
18 management, the ~~department~~ division, with the review of the Legislative  
19 Council, shall:

20  
21 SECTION 1345. Arkansas Code § 21-5-1409(a), concerning the  
22 implementation procedure for grade changes and salary, is amended to read as  
23 follows:

24 (a) The ~~Department~~ Division of Higher Education has administrative  
25 responsibility for enforcing compliance by institutions of higher education  
26 affected by this subchapter in implementing classification and grade changes.

27  
28 SECTION 1346. Arkansas Code § 21-5-1409(b)(1)(A)(i), concerning the  
29 implementation procedure for grade changes and salary, is amended to read as  
30 follows:

31 (i) By a percentage up to two percent (2%) with  
32 written approval by the Director of the ~~Department~~ Division of Higher  
33 Education; or

34  
35 SECTION 1347. Arkansas Code § 21-5-1409(e), concerning the  
36 implementation procedure for grade changes and salary, is amended to read as

1 follows:

2 (e) All percentage calculations stipulated in this subchapter or any  
3 other law affecting salaries of employees of institutions of higher education  
4 may be rounded to the nearest even-dollar amount by the ~~Department~~ Division  
5 of Higher Education when making the increases to employee salaries as  
6 provided under subdivision (b)(1) of this section.

7

8 SECTION 1348. Arkansas Code § 21-5-1410(a)(1)(B)(i), concerning new  
9 appointment to positions in an institution of higher education and other  
10 compensation plan provisions, is amended to read as follows:

11 (B)(i) An institution may request a special rate of pay  
12 for a specific classification due to prevailing market rates of pay to hire a  
13 new employee up to the midpoint pay level of the appropriate grade of a  
14 classification on the appropriate pay plan with the written approval of the  
15 Director of the ~~Department~~ Division of Higher Education.

16

17 SECTION 1349. Arkansas Code § 21-5-1410(a)(1)(B)(iii) and (iv),  
18 concerning new appointment to positions in an institution of higher education  
19 and other compensation plan provisions, are amended to read as follows:

20 (iii) A special rate of pay shall not be approved  
21 under this section unless the classification is properly reviewed and the  
22 special rate of pay is approved as a market-rate classification for the grade  
23 and listed on a register of such pay levels by classification maintained by  
24 the ~~Department~~ Division of Higher Education.

25 (iv) The ~~department~~ division shall file a report of  
26 all such classifications with the Legislative Council, or if the General  
27 Assembly is in session, the Joint Budget Committee, within the month  
28 following the approval.

29

30 SECTION 1350. Arkansas Code § 21-5-1410(a)(1)(C)(ii), concerning new  
31 appointment to positions in an institution of higher education and other  
32 compensation plan provisions, is amended to read as follows:

33 (ii) The ~~department~~ division shall file a report of  
34 all the employee salary adjustments under subdivision (a)(1)(C)(i) of this  
35 section with the Legislative Council or, if the General Assembly is in  
36 session, the Joint Budget Committee, within the month following the approval;

1 or

2

3 SECTION 1351. Arkansas Code § 21-5-1410(c)(1), concerning new  
4 appointment to positions in an institution of higher education and other  
5 compensation plan provisions, is amended to read as follows:

6 (1) Employee meets or exceeds the eligibility requirements  
7 approved by the ~~department~~ division after review by the Legislative Council  
8 or, if the General Assembly is in session, the Joint Budget Committee, which  
9 shall include at a minimum:

10

11 SECTION 1352. Arkansas Code § 21-5-1410(f)(2), concerning new  
12 appointment to positions in an institution of higher education and other  
13 compensation plan provisions, is amended to read as follows:

14 (2) An employee who is placed in a lower-graded position on  
15 either compensation plan because the original position has expired due to  
16 lack of funding, program changes, or withdrawal of federal grant funds may  
17 continue to be paid at the same rate as the employee was being paid in the  
18 higher-graded position upon approval of the ~~department~~ Division after seeking  
19 the review of the Legislative Council or, if the General Assembly is in  
20 session, the Joint Budget Committee.

21

22 SECTION 1353. The introductory language of Arkansas Code § 21-5-  
23 1411(a)(1), concerning shift differentials, is amended to read as follows:

24 (a)(1) Upon the approval of the ~~Department~~ Division of Higher  
25 Education, an employee whose working hours do not conform to normal state  
26 business hours shall be eligible for additional compensation up to twelve  
27 percent (12%) of the hourly rate for which he or she is eligible under this  
28 subchapter as a shift differential if:

29

30 SECTION 1354. Arkansas Code § 21-5-1411(c)(3)(B), concerning shift  
31 differentials, is amended to read as follows:

32 (B) The shift schedule, classifications, positions, and  
33 the percentage of shift differential for which the class titles are eligible  
34 shall be submitted to the ~~department~~ division for approval by the Director of  
35 the ~~Department~~ Division of Higher Education.

36

1 SECTION 1355. Arkansas Code § 21-5-1411(e), concerning shift  
2 differentials, is amended to read as follows:

3 (e) The ~~department~~ division shall report all shift differential  
4 approvals to the Legislative Council or, if the General Assembly is in  
5 session, the Joint Budget Committee.

6  
7 SECTION 1356. Arkansas Code § 21-5-1412(b)(1)(D), concerning  
8 compensation differentials, is amended to read as follows:

9 (D) Compensation differential plan has been approved by  
10 the ~~Department~~ Division of Higher Education after review by the Legislative  
11 Council or, if the General Assembly is in session, the Joint Budget  
12 Committee.

13  
14 SECTION 1357. Arkansas Code § 21-5-1412(c)(2)(B) and (C), concerning  
15 compensation differentials, are amended to read as follows:

16 (B) The positions shall be certified by the head of the  
17 institution as having been assigned to a work environment that poses an  
18 increased risk of personal injury and shall be submitted as part of the plan  
19 for payment of hazardous duty differential to the ~~department~~ division for  
20 approval by the Director of the ~~Department~~ Division of Higher Education after  
21 review and approval of the Legislative Council or, if the General Assembly is  
22 in session, the Joint Budget Committee.

23 (C) Subsequent changes to the facility or unit, location,  
24 and eligible positions or classifications within the facility or unit on file  
25 with the ~~department~~ division shall receive prior approval by the director  
26 after review and approval of the Legislative Council or, if the General  
27 Assembly is in session, the Joint Budget Committee.

28  
29 SECTION 1358. Arkansas Code § 21-5-1413(a)(1)(D), concerning salary  
30 administration grids, is amended to read as follows:

31 (D) Salary administration grid has been approved by the  
32 Director of the ~~Department~~ Division of Higher Education after review by the  
33 Legislative Council or, if the General Assembly is in session, the Joint  
34 Budget Committee.

35  
36 SECTION 1359. Arkansas Code § 21-5-1413(a)(2)(E), concerning salary



1 administration grids, is amended to read as follows:

2 (E) A plan of implementation and salary progression shall  
3 be approved by the ~~Department~~ Division of Higher Education on a biennial  
4 basis.

5  
6 SECTION 1360. Arkansas Code § 21-5-1413(a)(3), concerning salary  
7 administration grids, is amended to read as follows:

8 (3) An approved salary administration grid may be amended only  
9 upon approval by the ~~department~~ division after review by the Legislative  
10 Council or, if the General Assembly is in session, the Joint Budget  
11 Committee.

12  
13 SECTION 1361. Arkansas Code § 21-5-1413(b)(3), concerning salary  
14 administration grids, is amended to read as follows:

15 (3) The ~~department~~ division shall promulgate rules regarding the  
16 implementation and use of a salary administration grid with the review of the  
17 Legislative Council or, if the General Assembly is in session, the Joint  
18 Budget Committee.

19  
20 SECTION 1362. Arkansas Code § 21-5-1415(a), concerning position pools  
21 to be established and maintained by the Department of Higher Education, is  
22 amended to read as follows:

23 (a) The ~~Department~~ Division of Higher Education shall establish and  
24 maintain a central pool of four hundred (400) positions to be used to  
25 establish additional positions in an institution of higher education when an  
26 institution does not have sufficient positions available to meet  
27 unanticipated enrollment growth, industry training demands, or its mandated  
28 responsibilities.

29  
30 SECTION 1363. Arkansas Code § 21-5-1415(d) and (e), concerning  
31 position pools to be established and maintained by the Department of Higher  
32 Education, are amended to read as follows:

33 (d) The institution shall provide justification to the ~~department~~  
34 division for the need to allocate positions from the central pool.

35 (e) Titles shall not be assigned to the institution from the central  
36 pool until specific positions are requested by the institution, recommended

1 by the ~~department~~ division, and reviewed by the Legislative Council or, if  
 2 the General Assembly is in session, the Joint Budget Committee.

3  
 4 SECTION 1364. Arkansas Code § 21-5-1416(b), concerning annual career  
 5 service recognition payments for employees of institutions of higher  
 6 education, is amended to read as follows:

7 (b) The ~~Department~~ Division of Higher Education shall establish and  
 8 publish policies and procedures for the administration of career service  
 9 recognition payments to employees of institutions upon a determination by the  
 10 Director of the ~~Department~~ Division of Higher Education that the respective  
 11 institution has sufficient funds available for that purpose.

12  
 13 SECTION 1365. Arkansas Code § 21-5-1417(a), concerning the Merit  
 14 Increase Pay System, is amended to read as follows:

15 (a) The ~~Department~~ Division of Higher Education may develop and  
 16 implement a merit increase pay system in accordance with the performance  
 17 evaluation process under § 21-5-1001 for the employees of all institutions  
 18 covered by this subchapter.

19  
 20 SECTION 1366. Arkansas Code § 21-5-1417(d), concerning the Merit  
 21 Increase Pay System, is amended to read as follows:

22 (d) Merit payments may be awarded to employees who satisfy performance  
 23 evaluation-based criteria developed by institutions in accordance with rules  
 24 and policies developed and approved by the ~~Department~~ Division of Higher  
 25 Education after review by the Legislative Council.

26  
 27 SECTION 1367. Arkansas Code § 21-6-406(a)(52), concerning clerks of  
 28 county courts and miscellaneous fees, is amended to read as follows:

29 (52) For each abstract forwarded to the Auditor of State and to  
 30 the Director of the ~~Department of Education~~ Division of Elementary and  
 31 Secondary Education 1.00

32  
 33 SECTION 1368. Arkansas Code § 22-2-113(a)(2), concerning the schedule  
 34 of supervision for type three cases when constructing public buildings or  
 35 capital improvements, is amended to read as follows:

36 (2) Assist the agency in reviewing architectural proposals and

1 advising the agency in the selection of persons to perform architectural and  
 2 engineering services, but the agency shall have the responsibility of  
 3 selecting those persons. However, nothing in this subdivision (a)(2) shall  
 4 affect the power and responsibility of the ~~division~~ Building Authority  
 5 Division to review and approve architectural and engineering design plans and  
 6 to negotiate contracts for architects' and engineers' services as otherwise  
 7 provided in this section;

8  
 9 SECTION 1369. Arkansas Code § 22-2-113(a)(6), concerning the schedule  
 10 of supervision for type three cases when constructing public buildings or  
 11 capital improvements, is amended to read as follows:

12 (6) Advise and assist the agency in the selection of persons to  
 13 perform construction services, but the agency shall have the responsibility  
 14 of selecting the persons to perform the services. However, nothing in this  
 15 subdivision (a)(6) shall affect the powers and responsibilities of the  
 16 ~~division~~ Building Authority Division consistent with subdivisions (a)(7) and  
 17 (8) of this section;

18  
 19 SECTION 1370. Arkansas Code § 22-2-113(a)(7)(B)(ii), concerning the  
 20 schedule of supervision for type three cases when constructing public  
 21 buildings or capital improvements, is amended to read as follows:

22 (ii) The State Parks, Recreation, and Travel  
 23 Commission shall ensure that an unpaved trail project created under this  
 24 subdivision (a)(7) meets the standards for observation by registered  
 25 professionals as established by the ~~division~~ Building Authority Division;

26  
 27 SECTION 1371. Arkansas Code § 22-2-113(b), concerning the schedule of  
 28 supervision for type three cases when constructing public buildings or  
 29 capital improvements, is amended to read as follows:

30 (b)(1) The boards of trustees of the University of Arkansas, Arkansas  
 31 State University, University of Central Arkansas, Henderson State University,  
 32 Arkansas Tech University, and Southern Arkansas University, respectively, are  
 33 exempt from review, consultation, assistance, advice, and approval by the  
 34 ~~division~~ Building Authority Division for those items listed in subsection (a)  
 35 of this section. Upon approval of the ~~Department~~ Division of Higher  
 36 Education, the governing boards of all other public institutions of higher

1 education shall be exempt from review and approval by the ~~division~~ Building  
2 Authority Division for those items listed in subsection (a) of this section.  
3 However, prior to granting such approval, the ~~Department~~ Division of Higher  
4 Education shall have reviewed and approved policies and procedures adopted by  
5 the governing board with respect to bidding and construction of capital  
6 improvement projects. Nothing in this subdivision (b)(1) shall prevent any of  
7 the foregoing institutions exempt from review and approval of the ~~division~~  
8 Building Authority Division from entering into an agreement with the ~~division~~  
9 Building Authority Division to provide reviews and approval of all items  
10 listed in subsection (a) of this section.

11 (2) However, any of the foregoing boards which are exempt as set  
12 forth in subdivision (b)(1) of this section and which do not enter into an  
13 agreement with the ~~division~~ Building Authority Division shall adopt policies  
14 and procedures involving the bidding and awarding of capital improvement  
15 contracts and shall furnish such policies and procedures to the ~~Department~~  
16 Division of Higher Education for its review and advice. It is the intention  
17 of this section that any and all adopted policies and procedures pertaining  
18 to the bidding and awarding of capital improvement contracts from public  
19 funds as stated herein shall provide a uniformity among the foregoing  
20 institutions with respect to the policies and procedures to be followed.

21  
22 SECTION 1372. Arkansas Code § 22-3-2011(b), concerning the  
23 applicability of energy conservation in public buildings, is amended to read  
24 as follows:

25 (b)(1) The board of trustees of any institution of higher education  
26 that is not included under subsection (a) of this section may be exempted  
27 from the provisions of this subchapter by the ~~Department~~ Division of Higher  
28 Education.

29 (2) Before granting an exemption to a board of trustees of an  
30 institution of higher education under subdivision (b)(1) of this section, the  
31 ~~department~~ Division of Higher Education shall review and approve the policies  
32 and procedures to meet the specific performance criteria and goals for a  
33 major facility or major renovation.

34  
35 SECTION 1373. Arkansas Code § 22-6-601(a)(1)(A), concerning the sale  
36 procedure for lands of state institutions, is amended to read as follows:

1           (a)(1)(A) The several state boards or commissions having supervision  
2 of the affairs of the charitable, penal, correctional, educational, and other  
3 institutions of the State of Arkansas and all other state boards and  
4 commissions, except the State Highway Commission, the Arkansas State Game and  
5 Fish Commission, the Arkansas Natural Heritage Commission, the State Parks,  
6 Recreation, and Travel Commission, the ~~Department~~ Division of Higher  
7 Education, and institutions of higher education, and the executive heads of  
8 all state offices, departments, and agencies, all referred to separately as  
9 “state agency”, may sell or purchase, for cash in hand and upon compliance  
10 with the provisions of this section, the lands, in whole or in part,  
11 belonging to or under the supervision or control of the respective state  
12 agency or belonging to the state and held for the use or benefit of the state  
13 agency.

14  
15           SECTION 1374. Arkansas Code § 22-6-601(a)(2)(D), concerning the sale  
16 procedure for lands of state institutions, is amended to read as follows:

17                   (D) The exchange of state lands for other lands which are  
18 suitable for state purposes if the ~~Director~~ Secretary of the Department of  
19 Finance and Administration has made a recommendation to the Governor that the  
20 exchange be made and if the Governor has approved the exchange.

21  
22           SECTION 1375. Arkansas Code § 22-6-601(b)(1), concerning the sale  
23 procedure for lands of state institutions, is amended to read as follows:

24                   (b)(1) State agencies may transfer lands in whole or in part to the  
25 Building Authority Division ~~of the Department of Finance and Administration~~  
26 for the use of that agency or other state agencies.

27  
28           SECTION 1376. Arkansas Code § 22-6-601(d), concerning the sale  
29 procedure for lands of state institutions, is amended to read as follows:

30                   (d)(1) The ~~Director~~ Secretary of the Department of Finance and  
31 Administration shall furnish to the Governor:

- 32                           (A) The appraisal;  
33                           (B) The agency proposal to sell or purchase; and  
34                           (C) The division’s recommendations.

35                   (2) The Governor, if he or she approves the proposed sale or  
36 purchase, shall endorse his or her approval of the proposal and transmit a

1 copy of the proposal to the ~~Director~~ Secretary of the Department of Finance  
2 and Administration.

3  
4 SECTION 1377. Arkansas Code § 22-6-601(h)(2)(A)(i)(a), concerning the  
5 sale procedure for lands of state institutions, is amended to read as  
6 follows:

7 (2)(A)(i)(a) Upon approval by the Governor, lands may be sold to  
8 the highest responsible bidder for less than the amount of the appraisal if  
9 the bid process has been utilized and it has been determined and recommended  
10 by the agency director and the ~~Director~~ Secretary of the Department of  
11 Finance and Administration that further solicitation of bids is unnecessary.

12  
13 SECTION 1378. Arkansas Code § 22-6-601(k)(2), concerning the sale  
14 procedure for lands of state institutions, is amended to read as follows:

15 (2) The ~~Director~~ Secretary of the Department of Finance and  
16 Administration shall forward a recommendation to the Governor.

17  
18 SECTION 1379. Arkansas Code § 23-115-103(11), concerning the  
19 definition of "lobbying" under the Arkansas Scholarship Lottery Act, is  
20 amended to read as follows:

21 (11) "Lobbying" means communicating directly or soliciting  
22 others to communicate with the Director of the Office of the Arkansas  
23 Lottery, the ~~Director~~ Secretary of the Department of Finance and  
24 Administration, any employee of the office, or a member of the Legislative  
25 Council with the purpose of influencing the actions of the office or the  
26 Legislative Council;

27  
28 SECTION 1380. The introductory language of Arkansas Code § 23-115-  
29 103(22)(I), concerning the definition of "operating expenses" under the  
30 Arkansas Scholarship Lottery Act, is amended to read as follows:

31 (I) Payments to the ~~Department~~ Division of Higher  
32 Education to:

33  
34 SECTION 1381. Arkansas Code § 23-115-103(22)(I)(i) and (ii),  
35 concerning the definition of "operating expenses" under the Arkansas  
36 Scholarship Lottery Act, are amended to read as follows:

1 (i) Reimburse the ~~Department~~ Division of Higher  
2 Education for the costs of administering scholarship awards funded with net  
3 proceeds; and

4 (ii) Replenish nonlottery state educational  
5 resources expended by the ~~Department~~ Division of Higher Education on  
6 scholarship awards otherwise funded with net proceeds;

7  
8 SECTION 1382. Arkansas Code § 23-115-103(22)(M), concerning the  
9 definition of "operating expenses" under the Arkansas Scholarship Lottery  
10 Act, is amended to read as follows:

11 (M) Management fees charged by a financial institution to  
12 manage a trust account or fund maintained by the ~~Department~~ Division of  
13 Higher Education or the office;

14  
15 SECTION 1383. Arkansas Code § 23-115-104(c)(2), concerning the  
16 requirement of a fiscal impact statement to accompany a proposed bill, is  
17 amended to read as follows:

18 (2) The ~~Department~~ Division of Higher Education or the office,  
19 as applicable, shall assist in the preparation of the fiscal impact  
20 statement.

21  
22 SECTION 1384. Arkansas Code § 23-115-205(a)(22)(B), concerning the  
23 powers of the Office of the Arkansas Lottery, is amended to read as follows:

24 (B) The office shall seek the advice of the ~~Department~~  
25 Division of Higher Education when advertising to promote scholarships and  
26 grants funded by net proceeds;

27  
28 SECTION 1385. Arkansas Code § 23-115-206(a)(8)(D)(ix)(a) and (b),  
29 concerning internal controls and an annual audit regarding the Office of the  
30 Arkansas Lottery, are amended to read as follows:

31 (a) Demographic reports from the ~~Department~~  
32 Division of Higher Education for each full semester during the fiscal year on  
33 accessibility to scholarships, award amounts for each approved institution of  
34 higher education; and

35 (b) The ~~Department~~ Division of Higher  
36 Education's report to the Legislative Council required by § 6-85-219;

1  
2 SECTION 1386. Arkansas Code § 23-115-206(b)(3), concerning internal  
3 controls and an annual audit regarding the Office of the Arkansas Lottery, is  
4 amended to read as follows:

5 (3)(A) If the office, the General Assembly, the Legislative  
6 Council, or the Legislative Joint Auditing Committee requests additional  
7 audits or performance reviews of the fiscal affairs or operations of the  
8 office to be conducted by a private certified public accountant or other  
9 consultant, the ~~Director~~ Secretary of the Department of Finance and  
10 Administration shall select and contract with appropriate certified public  
11 accountants or consultants to provide the services.

12 (B) The ~~Director~~ Secretary of the Department of Finance  
13 and Administration shall contract for the services which shall be paid  
14 directly to the contractor by the office.

15 (C) A copy of any report or management correspondence  
16 prepared by the certified public accountants or consultants shall be  
17 forwarded to Arkansas Legislative Audit, the ~~Director~~ Secretary of the  
18 Department of Finance and Administration, and the Legislative Council.  
19

20 SECTION 1387. Arkansas Code § 23-115-603(a)(3), concerning the  
21 fidelity fund, retailer fee, reserve account to cover losses, and a retailer  
22 bond, is amended to read as follows:

23 (3) At the end of each fiscal year, the office shall pay to the  
24 trust account managed and maintained by the ~~Department~~ Division of Higher  
25 Education any amount in the fidelity fund that exceeds five hundred thousand  
26 dollars (\$500,000), and the funds shall be considered net proceeds from a  
27 lottery.  
28

29 SECTION 1388. Arkansas Code § 23-115-801(b)(1)(B)(i)(b)(1), concerning  
30 lottery proceeds, is amended to read as follows:

31 (1) Transfers under subdivision (c)(2)  
32 of this section the funds requested by the ~~Department~~ Division of Higher  
33 Education; and  
34

35 SECTION 1389. Arkansas Code § 23-115-801(b)(1)(B)(iii), concerning  
36 lottery proceeds, is amended to read as follows:



1 (iii) Annually, the office shall transfer to the  
 2 ~~Department~~ Division of Higher Education the funds from the previous academic  
 3 year, if any, that were transferred by the office into the trust account for  
 4 the Arkansas Workforce Challenge Scholarship Program, § 6-85-301 et seq.,  
 5 under subdivision (b)(1)(B)(i) of this section for distribution of Arkansas  
 6 Workforce Challenge Scholarships.

7  
 8 SECTION 1390. Arkansas Code § 23-115-801(c) and (d), concerning  
 9 lottery proceeds, are amended to read as follows:

10 (c)(1) The Director of the ~~Department~~ Division of Higher Education  
 11 shall certify to the office the amount of net proceeds from the lottery  
 12 needed to fund the scholarships awarded to recipients under § 6-85-201 et  
 13 seq. for each semester of an academic year.

14 (2)(A) The office shall transfer the funds requested by the  
 15 Director of the ~~Department~~ Division of Higher Education under subdivision  
 16 (c)(1) of this section into one (1) or more trust accounts at one (1) or more  
 17 financial institutions meeting the requirements of subdivision (b)(2) of this  
 18 section maintained by the ~~Department~~ Division of Higher Education.

19 (B) The Director of the ~~Department~~ Division of Higher  
 20 Education shall disburse trust account funds only in the name of the  
 21 recipient:

22 (i) To an approved institution of higher education;  
 23 or

24 (ii) If a recipient transfers to another approved  
 25 institution of higher education, to the approved institution of higher  
 26 education where the recipient transferred.

27 (3) By August 1 of each year, the Director of the ~~Department~~  
 28 Division of Higher Education shall provide to the ~~Director~~ Secretary of the  
 29 Department of Finance and Administration and to the Legislative Council for  
 30 the academic year just ended an accounting of all trust accounts maintained  
 31 by the ~~Department~~ Division of Higher Education, including without limitation:

- 32 (A) Total deposits to all trust accounts;
- 33 (B) Total disbursements from the trust accounts; and
- 34 (C) The balance remaining in the trust accounts.

35 (d)(1) The General Assembly finds that:

- 36 (A) The administration of scholarships with proceeds from

1 the lottery are expenses of the office; and

2 (B) Because the ~~Department~~ Division of Higher Education  
3 has the expertise and experienced staff needed to efficiently and  
4 appropriately administer the scholarships, the office shall use the services  
5 of the ~~Department~~ Division of Higher Education to administer scholarships  
6 funded with net proceeds from the lottery.

7 (2)(A) Annually by April 1, the ~~Department~~ Division of Higher  
8 Education shall provide to the office and to the Legislative Council the  
9 ~~Department~~ Division of Higher Education's budget for the administrative  
10 expenditures allowed under this subsection.

11 (B) Annually by October 31, the ~~Department~~ Division of  
12 Higher Education shall provide an invoice to the office for reimbursement of  
13 the administrative expenditures allowed under this subsection, including  
14 without limitation:

15 (i) For each employee the:

16 (a) Type of position, whether full-time, part-  
17 time, permanent, or temporary; and

18 (b) Salary paid;

19 (ii) A description of other expenditures requested  
20 in the invoice; and

21 (iii) An explanation of the increase, if any, of  
22 actual expenditures over the budgeted expenditures.

23 (C) Only direct expenditures of the ~~department~~ division to  
24 administer scholarship funding with net proceeds from the lottery may be  
25 invoiced to the office under subdivision (d)(2)(B) of this section.

26 (3)(A) Annually by November 1, the office shall file a copy of  
27 the invoice with the Legislative Council for its review.

28 (B) The Legislative Council shall review the invoice and  
29 forward its comments, if any, to the office.

30 (C) The office shall reimburse the ~~Department~~ Division of  
31 Higher Education for the costs of administering the scholarship awards funded  
32 with net proceeds from the lottery after the Legislative Council's review  
33 under this subsection.

34  
35 SECTION 1391. Arkansas Code § 23-115-1101(a)(4), concerning the duties  
36 of the Legislative Council, is amended to read as follows:

1 (4) Review reports filed with the Legislative Council by the  
 2 ~~Department~~ Division of Higher Education, including without limitation reports  
 3 filed under §§ 6-85-205 and 6-85-220;

4  
 5 SECTION 1392. Arkansas Code § 23-4-805(b), concerning exemptions and  
 6 certain officials permitted to accept and use passes regarding railroads and  
 7 transportation companies, is amended to read as follows:

8 (b) The Commissioner of Elementary and Secondary Education and the  
 9 Director of the ~~Department~~ Division of Career and Technical Education and the  
 10 prosecuting attorneys and judges of the circuit courts of the several  
 11 judicial districts of this state shall be permitted to accept and use a free  
 12 pass on any railroad in this state without incurring any penalty prescribed  
 13 under § 23-4-803 [repealed].

14  
 15 SECTION 1393. Arkansas Code § 23-39-505(b)(2)(A), concerning  
 16 qualifications for licensure and issuance regarding the Fair Mortgage Lending  
 17 Act, is amended to read as follows:

18 (2)(A) Have received a high school diploma or a high school  
 19 equivalency diploma approved by the ~~Department of Career Education~~ Adult  
 20 Education Section of the Division of Workforce Services.

21  
 22 SECTION 1394. Arkansas Code § 23-64-607(a)(2), concerning the  
 23 qualifications of a counselors for licensure or certification and issuance of  
 24 license, is amended to read as follows:

25 (2) Have received a high school diploma or a high school  
 26 equivalency diploma approved by the ~~Department of Career Education~~ Adult  
 27 Education Section of the Division of Workforce Services;

28  
 29 SECTION 1395. Arkansas Code § 24-1-301(2)(F)(i) and (ii), concerning  
 30 the forfeiture of public retirement system benefits, are amended to read as  
 31 follows:

32 (i) A college, university, or the ~~Department~~  
 33 Division of Higher Education provided for under § 24-7-801 et seq.; and

34 (ii) A vocational-technical school or the ~~Department~~  
 35 Division of Career and Technical Education, Adult Education Section of the  
 36 Division of Workforce Services, and the Office of Skills Development,

1 provided for under § 24-7-901 et seq.;

2  
3 SECTION 1396. Arkansas Code § 24-2-302(2), concerning the  
4 classification of members in the Arkansas Public Employees' Retirement  
5 System, is amended to read as follows:

6 (2) All eligible employees of the ~~Department~~ Division of  
7 Arkansas State Police shall be members of the State Police Retirement System;

8  
9 SECTION 1397. Arkansas Code § 24-2-302(3)(D), concerning the  
10 classification of members in the Arkansas Public Employees' Retirement  
11 System, is amended to read as follows:

12 (D) Any person employed in a position requiring  
13 professional training or certification with an area vocational-technical  
14 school or employed by the Arkansas Educational Television Commission, except  
15 that employees of area vocational-technical schools and the ~~Department~~  
16 Division of Career and Technical Education, Adult Education Section of the  
17 Division of Workforce Services, and the Office of Skills Development, who  
18 have elected to participate in an alternate retirement plan established by §§  
19 24-7-901 and 24-7-903 – 24-7-908 shall be active members of the alternate  
20 retirement plan; and

21  
22 SECTION 1398. Arkansas Code § 24-2-302(3)(E)(i), concerning the  
23 classification of members in the Arkansas Public Employees' Retirement  
24 System, is amended to read as follows:

25 (E)(i) Any person employed in a position requiring  
26 professional training or certification with the Arkansas Rehabilitation  
27 Services of the ~~Department of Career Education~~ Division of Workforce  
28 Services, the Division of State Services for the Blind of the Department of  
29 Human Services, or the Division of Youth Services of the Department of Human  
30 Services except those employees who have elected coverage under § 24-4-101 et  
31 seq.

32  
33 SECTION 1399. Arkansas Code § 24-2-401(3)(F)(i) and (ii), concerning  
34 the Arkansas Public Employees' Retirement System, are amended to read as  
35 follows:

36 (i) A college, university, or the ~~Department~~

1 Division of Higher Education provided for under § 24-7-801 et seq.; or

2 (ii) A vocational-technical school or the ~~Department~~  
 3 Division of Career and Technical Education, Adult Education Section of the  
 4 Division of Workforce Services, and the Office of Skills Development,  
 5 provided for under § 24-7-901 et seq.; or

6  
 7 SECTION 1400. Arkansas Code § 24-2-401(4)(D)(i) and (ii), concerning  
 8 the Arkansas Public Employees' Retirement System, are amended to read as  
 9 follows:

10 (i) A college, university, or the ~~Department~~  
 11 Division of Higher Education whose employees are covered by an alternate  
 12 retirement plan provided for under § 24-7-801 et seq.; or

13 (ii) A vocational-technical school or the ~~Department~~  
 14 Division of Career and Technical Education, Adult Education Section of the  
 15 Division of Workforce Services, and the Office of Skills Development, whose  
 16 employees are covered by an alternate retirement plan provided for under §  
 17 24-7-901 et seq.

18  
 19 SECTION 1401. Arkansas Code § 24-2-703(b)(1), concerning tax  
 20 exemptions regarding the Arkansas Public Employees' Retirement System, is  
 21 amended to read as follows:

22 (b)(1) It is the purpose of this section to provide equitable tax  
 23 treatment to persons receiving benefits from alternate publicly supported  
 24 retirement or annuity plans of the state's colleges and universities and the  
 25 ~~Department~~ Division of Higher Education.

26  
 27 SECTION 1402. Arkansas Code § 24-4-101(17)(A)(i)(a), concerning the  
 28 Arkansas Public Employees' Retirement System, is amended to read as follows:

29 (17)(A)(i)(a) "Employees" means all officers and employees of  
 30 any office, agency, board, commission, including the ~~Department~~ Division of  
 31 Higher Education, or Department of a public employer whose compensations were  
 32 or are payable from funds appropriated by the public employer and all  
 33 otherwise eligible employees whose compensations were or are payable in whole  
 34 or part from federal funds, as well as the official court reporters and  
 35 stenographers of the circuit and chancery courts of the state and all of the  
 36 prosecuting attorneys of the judicial districts of Arkansas.

1  
2 SECTION 1403. Arkansas Code § 24-4-522(c)(2), concerning the  
3 applicability of benefit provisions of the Arkansas Public Employees'  
4 Retirement System, is amended to read as follows:

5 (2)(A) Employees of the Department of Human Services and  
6 employees of the Arkansas Rehabilitation Services of the ~~Department of Career~~  
7 ~~Education~~ Division of Workforce Services shall be entitled to the benefit  
8 amount computed by applying the benefit provisions prescribed by this chapter  
9 for all credited service rendered before and after January 1, 1978, except  
10 that benefit amounts based upon employment before January 1, 1978, shall not  
11 be less than benefit amounts computed in accordance with benefit provisions  
12 in effect December 31, 1977.

13 (B) On and after January 1, 1993, employees of the  
14 Arkansas Rehabilitation Services of the ~~Department of Career Education~~  
15 Division of Workforce Services who elected to be covered by the provisions of  
16 this subsection and who are still active employees on January 1, 1993, shall  
17 be entitled to the benefit amount computed by applying the benefit provisions  
18 prescribed by this chapter for all credited service rendered before and after  
19 January 1, 1978, except that benefit amounts based upon employment before  
20 January 1, 1978, shall be computed in accordance with current benefit  
21 provisions in effect for the Arkansas Teacher Retirement System at the time  
22 of their retirement.

23  
24 SECTION 1404. Arkansas Code § 24-4-901(d)(6), concerning credited  
25 service and reciprocity of the Arkansas Retirement Plan, is amended to read  
26 as follows:

27 (6) An alternate retirement plan for a college, university, or  
28 the ~~Department~~ Division of Higher Education provided for under § 24-8-101 et  
29 seq. or for a vocational-technical school or the , Adult Education Section of  
30 the Division of Workforce Services, and the Office of Skills Development,  
31 provided for under § 24-9-201 et seq.; and

32  
33 SECTION 1405. Arkansas Code § 24-7-202 (17)(B)(ii), concerning the  
34 definition of "employment with a school" under the laws governing the  
35 Arkansas Teacher Retirement System, is amended to read as follows:

36 (ii) Area vocational-technical schools, except those

1 employees of area vocational schools and the , Adult Education Section of the  
 2 Division of Workforce Services, and the Office of Skills Development, who  
 3 have elected to participate in an alternate retirement plan established by §§  
 4 24-7-901 and 24-7-903 – 24-7-908;

5  
 6 SECTION 1406. Arkansas Code § 24-7-202 (17)(C), concerning the  
 7 definition of "employment with a school" under the laws governing the  
 8 Arkansas Teacher Retirement System, is amended to read as follows:

9 (C) Employment by the Arkansas Rehabilitation Services of  
 10 the ~~Department of Career Education~~ Division of Workforce Services except  
 11 those employees who have elected to participate in the Arkansas Public  
 12 Employees' Retirement System;

13  
 14 SECTION 1407. Arkansas Code § 24-7-801(1), concerning the definition  
 15 of "alternate retirement plan" under the laws providing for an alternate  
 16 retirement plan for state colleges, is amended to read as follows:

17 (1) "Alternate retirement plan" means a retirement plan based on  
 18 the purchase of contracts providing retirement and death benefits for the  
 19 employees of Arkansas State University, the ~~department~~ Division of Higher  
 20 Education employees, and employees of Arkansas' state-supported universities,  
 21 colleges, or junior colleges that are not a part of the University of  
 22 Arkansas System;

23  
 24 SECTION 1408. Arkansas Code § 24-7-801(4), concerning the definition  
 25 of "department employees" under the laws providing for an alternate  
 26 retirement plan for state colleges, is amended to read as follows:

27 (4) "~~Department~~ Division employees" means the Director of the  
 28 ~~Department~~ Division of Higher Education and the professional education  
 29 employees of the ~~Department~~ Division of Higher Education;

30  
 31 SECTION 1409. Arkansas Code § 24-7-804 is amended to read as follows:  
 32 24-7-804. Establishment and administration of plan.

33 (a) The board of any college and the Arkansas Higher Education  
 34 Coordinating Board may establish and maintain an alternate retirement plan  
 35 which shall authorize the purchase of contracts providing retirement and  
 36 death benefits for staff members and employees of the ~~Department~~ Division of

1 Higher Education.

2 (b) Under the plan, staff members and ~~department~~ division employees  
 3 shall contribute, to the extent authorized or required, toward the purchase  
 4 of the contracts, which shall be issued to and become the property of the  
 5 participants.

6 (c) The board of any college which elects to establish and maintain an  
 7 alternate retirement plan and the Director of the ~~Department~~ Division of  
 8 Higher Education, if it elects to establish and maintain a plan, shall have  
 9 authority to administer the plan and to perform or authorize the performance  
 10 of all such functions as may be reasonably appropriate in its administration.  
 11

12 SECTION 1410. Arkansas Code § 24-7-805(b) and (c), concerning the  
 13 methods of providing benefits and an agent for service of process for the  
 14 alternate retirement plan for state colleges, are amended to read as follows:

15 (b) The benefits to be provided for or on behalf of staff members and  
 16 employees of the ~~Department~~ Division of Higher Education under an alternate  
 17 retirement plan may be provided through insurance policies and annuity  
 18 contracts, both fixed and variable in nature, or a combination thereof, as  
 19 specified in the plan, which insurance policies and annuity contracts may be  
 20 obtained from any insurance company authorized to do business in this state  
 21 or from any nonprofit company organized and operated exclusively for the  
 22 purpose of aiding and strengthening educational or scientific institutions by  
 23 issuing insurance or annuity contracts only to or for the benefit of such  
 24 institutions or individuals engaged in their services.

25 (c) In any action brought by a staff member or ~~department~~ division  
 26 employee on a policy or contract, any official of the college or the Director  
 27 of the ~~Department~~ Division of Higher Education shall be deemed to be the  
 28 agent of the nonprofit company only for the purpose of service of process on  
 29 the contract or policy, and for no other purpose.  
 30

31 SECTION 1411. Arkansas Code § 24-7-806(a), concerning the procedure  
 32 for designation of companies to provide benefit contracts for the alternate  
 33 plan for state colleges, is amended to read as follows:

34 (a) The board of each college or university, or the Arkansas Higher  
 35 Education Coordinating Board of the ~~Department~~ Division of Higher Education,  
 36 shall designate the companies from which contracts are to be purchased under



1 the alternate retirement plan and shall approve the form and contents of the  
2 contracts.

3  
4 SECTION 1412. Arkansas Code § 24-7-807(5)(A) and (B), concerning  
5 participation in an alternate retirement plan for state colleges, is amended  
6 to read as follows:

7 (5)(A)(i) Any ~~Department~~ Division of Higher Education employee  
8 who transferred from another state department or division covered by a state-  
9 supported retirement system may elect to participate in an alternate  
10 retirement plan.

11 (ii) The employee shall file written notice of his  
12 or her election with the Director of the ~~Department~~ Division of Higher  
13 Education.

14 (B)(i) Any ~~department~~ division employee with five (5) or  
15 more years of actual service who elects to participate only in the alternate  
16 retirement plan and who has left his or her contributions in the retirement  
17 system shall be eligible to receive an annuity on or after attaining the  
18 normal retirement age and on his or her retirement from covered employment.

19 (ii) The amount of the annuity shall be determined  
20 by the benefit formula of the retirement system at the time of his or her  
21 retirement.

22  
23 SECTION 1413. Arkansas Code § 24-7-808 is amended to read as follows:  
24 24-7-808. Contributions.

25 (a)(1) Any college or university which elects to establish and  
26 maintain an alternate retirement plan, and the Arkansas Higher Education  
27 Coordinating Board if it so elects, shall contribute to that plan on behalf  
28 of each staff member who elects to participate in the alternate retirement  
29 plan, or employee of the ~~Department~~ Division of Higher Education, six percent  
30 (6%) of his or her total regular compensation during the continuance of his  
31 or her employment.

32 (2) Each staff member who elects to participate in the alternate  
33 retirement plan, or ~~department~~ division employee, at the discretion of the  
34 college or university, shall also contribute thereto six percent (6%) of his  
35 or her total regular compensation.

36 (b)(1) At its discretion, the ~~department~~ division, college, or

1 university may contribute a minimum of an additional four percent (4%) of the  
2 staff member's total regular compensation.

3 (2) The ~~department~~ division, college, or university may  
4 contribute an amount so that the percentage rate in subdivision (a)(1) of  
5 this section plus the additional rate in subdivision (b)(1) of this section  
6 equals the total employer contribution rate under the Arkansas Teacher  
7 Retirement System if the college or university determines that sufficient  
8 funds are available to pay that contribution rate.

9 (3) Each staff member may be required to match that additional  
10 contribution by contributing a percentage of his or her total regular  
11 compensation as determined by the ~~department~~ division, college, or  
12 university.

13 (c) In addition to the contributions defined in subsections (a) and  
14 (b) of this section, the ~~department~~ division or any college or university  
15 which elects to establish and maintain an alternate retirement plan may  
16 permit a newly eligible employee who elects to establish and maintain an  
17 alternate retirement plan and may permit a newly eligible employee who elects  
18 to participate in an alternate retirement plan to make incremental increases  
19 in plan contributions to reach the required contribution level by completion  
20 of the fourth year of participation in the alternate retirement plan.

21 (d) Payment of contributions authorized by this section shall be made  
22 by the disbursing officer of the college or university and by the state  
23 official charged with the duty of paying salaries to ~~department~~ division  
24 employees to the designated companies in accordance with the provisions of  
25 this section.

26  
27 SECTION 1414. Arkansas Code § 24-7-907(4)(B), concerning participation  
28 in an alternate retirement plan for vocational-technical schools, is amended  
29 to read as follows:

30 (B) The notice of election shall be in writing on a form  
31 established by the division and filed with both the Director of the  
32 ~~Department of Career Education~~ Division of Higher Education and the  
33 retirement system.

34  
35 SECTION 1415. Arkansas Code § 24-7-1601(a)(2), concerning the Arkansas  
36 Teacher Retirement System, is amended to read as follows:

1           (2) Confusion about the intent of the General Assembly  
 2 concerning the coverage of employees of state-supported universities,  
 3 colleges, junior colleges, and vocational-technical schools, the Arkansas  
 4 Higher Education Coordinating Board, the ~~Arkansas Department~~ Division of  
 5 Career and Technical Education, Adult Education Section, Office of Skills  
 6 Development, and Arkansas Rehabilitation Services, and any other entity  
 7 offering both the Arkansas Teacher Retirement System retirement plan and an  
 8 alternate retirement plan create uncertainty in the administration of law,  
 9 and legislative clarification of the law is needed.

10  
 11           SECTION 1416. Arkansas Code § 25-1-120(c)(2)(C), concerning  
 12 comprehensive cross-sector collaboration, is amended to read as follows:

13                   (C) The ~~Arkansas Department~~ Division of Environmental  
 14 Quality;

15  
 16           SECTION 1417. Arkansas Code § 25-1-120(c)(2)(G), concerning  
 17 comprehensive cross-sector collaboration, is amended to read as follows:

18                   (G) ~~Department~~ Division of Higher Education;

19  
 20           SECTION 1418. Arkansas Code § 25-4-125(b)(1)(A), concerning the State  
 21 Broadband Manager, is amended to read as follows:

22                   (A) State agencies, boards, commissions, and  
 23 constitutional officers, including without limitation the Governor,  
 24 Department of Education, ~~Department of Higher Education~~, and Arkansas  
 25 Department of Transportation;

26  
 27           SECTION 1419. Arkansas Code § 25-4-127(a), concerning the creation and  
 28 duties of the Data and Transparency Panel, is amended to read as follows:

29                   (a) The Data and Transparency Panel is created within the ~~Department~~  
 30 Division of Information Systems.

31  
 32           SECTION 1420. Arkansas Code § 25-4-127(b)(3)(B)-(F), concerning the  
 33 creation and duties of the Data and Transparency Panel, are amended to read  
 34 as follows:

35                   (B) The ~~Department~~ Division of Arkansas State Police;

36                   (C) The ~~Department~~ Division of Career and Technical

1 Education;

2 (D) The ~~Department~~ Division of Community Correction;

3 (E) The ~~Department~~ Division of Correction;

4 (F) The ~~Department of Education~~ Division of Elementary and  
 5 Secondary Education;

6  
 7 SECTION 1421. Arkansas Code § 25-4-127(b)(3)(K) and (L), concerning  
 8 the creation and duties of the Data and Transparency Panel, are amended to  
 9 read as follows:

10 (K) The ~~Department~~ Division of Information Systems; and

11 (L) The ~~Department~~ Division of Labor;

12  
 13 SECTION 1422. Arkansas Code § 25-4-127(b)(4)(A) and (B), concerning  
 14 the creation and duties of the Data and Transparency Panel, are amended to  
 15 read as follows:

16 (4)(A) The Chief Data Officer of the ~~Department~~ Division of  
 17 Information Systems.

18 (B) The Chief Data Officer of the ~~Department~~ Division of  
 19 Information Systems shall be the Chair of the Data and Transparency Panel.

20  
 21 SECTION 1423. Arkansas Code § 25-4-127(b)(5), concerning the creation  
 22 and duties of the Data and Transparency Panel, is amended to read as follows:

23 (5) The Chief Privacy Officer of the ~~Department~~ Division of  
 24 Information Systems.

25  
 26 SECTION 1424. Arkansas Code § 25-4-127(c)(5), concerning the creation  
 27 and duties of the Data and Transparency Panel, is amended to read as follows:

28 (5) Evaluate and identify data that may be provided to the  
 29 public in accordance with data standards and specifications developed by the  
 30 ~~Department~~ Division of Information Systems; and

31  
 32 SECTION 1425. Arkansas Code § 25-6-101 is amended to read as follows:

33 25-6-101. Purpose.

34 It is intended that all authority and responsibility of the State Board  
 35 of Education be administered through the ~~Department of Education~~ Division of  
 36 Elementary and Secondary Education under the direction and supervision of the

1 Commissioner of Elementary and Secondary Education.

2  
3 SECTION 1426. Arkansas Code § 25-6-102(a), concerning the organization  
4 and Commissioner of the Department of Education, is amended to read as  
5 follows:

6 (a) The ~~Department of Education~~ Division of Elementary and Secondary  
7 Education shall consist of:

8 (1) The State Board of Education;

9 (2) The ~~Department of Education~~ Division of Elementary and  
10 Secondary Education under the direction and supervision of the Commissioner  
11 of Elementary and Secondary Education; and

12 (3) Any divisions or subdivisions as presently exist within the  
13 ~~Department of Education~~ Division of Elementary and Secondary Education or as  
14 may be created by the State Board of Education or as created by law and  
15 placed under the ~~Department of Education~~ Division of Elementary and Secondary  
16 Education.

17  
18 SECTION 1427. Arkansas Code § 25-6-107(a)(1), concerning the local  
19 education agency numbers, is amended to read as follows:

20 (a)(1) The ~~Department of Education~~ Division of Elementary and  
21 Secondary Education is the sole and official issuer of local education agency  
22 numbers to educational entities in the state.

23  
24 SECTION 1428. Arkansas Code § 25-7-101 is amended to read as follows:

25 25-7-101. Creation – Director – Organization – Personnel.

26 (a) There is created a ~~Department~~ Division of Higher Education.

27 (b)(1) The executive head of the ~~department~~ division shall be the  
28 Director of the ~~Department~~ Division of Higher Education.

29 (2) The director shall be appointed, in consultation with the  
30 Arkansas Higher Education Coordinating Board, by the Governor and shall serve  
31 at the pleasure of the Governor.

32 (c) The ~~Department~~ division shall consist of the Arkansas Higher  
33 Education Coordinating Board and any other divisions which may be created by  
34 law and placed under the ~~department~~ Division of Higher Education.

35 (d) The director, with the advice and consent of the Governor, and the  
36 Secretary of the Department of Education, shall appoint the heads of the

1 respective divisions. All of the personnel of the ~~department~~ Division of  
 2 Higher Education shall be employed by and serve at the pleasure of the  
 3 director. Provided, nothing in this section shall be so construed as to  
 4 reduce any right which an employee shall have under any civil service or  
 5 merit system.

6 (e) Each division of the ~~department~~ Division of Higher Education shall  
 7 be under the direction, control, and supervision of the director. The  
 8 director may delegate his or her functions, powers, and duties to various  
 9 divisions of the Department as he or she shall deem desirable or necessary  
 10 for the effective and efficient operation of the ~~department~~ Division of  
 11 Higher Education.

12 (f) The several institutions of higher education in this state shall  
 13 be requested to cooperate with the ~~department~~ Division of Higher Education in  
 14 an effort to coordinate their programs.

15  
 16 SECTION 1429. Arkansas Code § 25-24-103 is amended to read as follows:  
 17 25-24-103. Staff of commission.

18 (a)(1) The Governor shall appoint ~~an executive director~~ the Director  
 19 of the Martin Luther King Jr. Commission.

20 (2) The ~~executive~~ director shall serve at the pleasure of the  
 21 Governor.

22 (b) The ~~commission~~ Department of Education may employ staff and  
 23 consultants on behalf of the commission as authorized by law and fix their  
 24 compensation, duties, authority, and responsibilities.

25  
 26 SECTION 1430. Arkansas Code § 25-30-101(b)(2)(A) and (B), concerning  
 27 the creation and membership of the Career Education and Workforce Development  
 28 Board, are amended to read as follows:

29 (A) The Commissioner of Elementary and Secondary  
 30 Education;

31 (B) The Director of the ~~Department~~ Division of Higher  
 32 Education;

33  
 34 SECTION 1431. Arkansas Code § 25-30-101(b)(2)(E), concerning the  
 35 creation and membership of the Career Education and Workforce Development  
 36 Board, is amended to read as follows:

1 (E) The Director of the ~~Department~~ Division of  
 2 Workforce Services;

3  
 4 SECTION 1432. Arkansas Code § 25-30-102(a)(2), concerning the powers  
 5 and duties of the Career Education and Workforce Development Board, is  
 6 amended to read as follows:

7 (2) All policy issues affecting the public schools will be  
 8 developed by the ~~Career Education and Workforce Development Board after~~  
 9 ~~consultation with the~~ State Board of Education and implemented in  
 10 coordination with the ~~Department of Education~~ Division of Elementary and  
 11 Secondary Education or the education service cooperatives, or both.

12  
 13 SECTION 1433. Arkansas Code § 25-30-104 is amended to read as follows:  
 14 25-30-104. Coordination with State Board of Education and ~~Department~~  
 15 ~~of Education~~ Division of Elementary and Secondary Education.

16 The ~~Career Education and Workforce Development Board and the~~ State  
 17 Board of Education shall coordinate their activities to ensure that academic,  
 18 workplace, and technical skills create opportunities for a strong  
 19 comprehensive education regardless of the student's ultimate career choice.

20  
 21 SECTION 1434. Arkansas Code § 25-30-106 is amended to read as follows:  
 22 25-30-106. ~~Department~~ Division of Career and Technical Education.

23 (a) There is created the ~~Department~~ Division of Career and Technical  
 24 Education.

25 (b)(1) ~~The Arkansas Rehabilitation Services as an agency responsible~~  
 26 ~~to the Career Education and Workforce Development Board and as a part of the~~  
 27 ~~Department of Career Education shall function as an agency in accordance with~~  
 28 ~~§ 6-52-101 et seq. and § 25-30-201 et seq.~~

29 (2) ~~This subchapter shall assure that the Arkansas~~  
 30 ~~Rehabilitation Services functions organizationally at a level at least equal~~  
 31 ~~to that of any division or entity of the Department of Career Education.~~

32 (c) ~~The Governor shall appoint a director of the Department of Career~~  
 33 ~~Education who shall:~~

- 34 (1) ~~Be a member of the Governor's cabinet;~~
- 35 (2) ~~Be confirmed by the Governor; and~~
- 36 (3)(2) ~~Serve at the pleasure of the Governor.~~

1           ~~(d) The director shall devote all of his or her time to the duties of~~  
 2 ~~his or her office, shall act as agent of the board, and shall perform such~~  
 3 ~~other duties as are designated by the board or by statute.~~

4           ~~(e) The director shall serve as the ex officio secretary of the board~~  
 5 ~~without vote.~~

6           ~~(f) The person selected as director shall:~~

7                     ~~(1) Be of good moral character;~~

8                     ~~(2) Be recognized as a leader in the field of vocational or~~  
 9 ~~workforce education;~~

10                    ~~(3) Have a bachelor's degree from an accredited institution; and~~

11                    ~~(4) Be qualified technically and by experience to direct the~~  
 12 ~~work of the Department of Career Education.~~

13           ~~(g) No person who is related within the fourth degree of consanguinity~~  
 14 ~~or affinity to any member of the board shall be eligible to serve as director~~  
 15 ~~of the Department of Career Education.~~

16  
 17           SECTION 1435. Arkansas Code § 25-30-107 is amended to read as follows:

18           25-30-107. Powers and duties of the ~~Department~~ Division of Career and  
 19 Technical Education.

20           (a)(1) All personnel of the ~~Department~~ Division of Career and  
 21 Technical Education shall be employed by and serve at the pleasure of the  
 22 ~~Director of the Department of Career Education~~ Secretary of the Department of  
 23 Education.

24           (2) However, this section does not reduce any rights or benefits  
 25 of employees, including retirement benefits, that they had when employed by  
 26 the ~~Department~~ Division of Career and Technical Education.

27           (b)(1) The authority and responsibility of the ~~Career Education and~~  
 28 ~~Workforce Development Board~~ State Board of Education and the ~~department~~  
 29 division shall include general control and supervision of all programs of  
 30 vocational, technical, and occupational education in secondary institutions.

31           (2) This authority shall apply to programs in:

32                     ~~(A) State technical institutes;~~

33                     ~~(B) State postsecondary vocational schools;~~

34                     ~~(C)~~ (B) State area vocational high school centers;

35                     ~~(D)~~ (C) State public schools; and

36                     ~~(E)~~ (D) Any other public educational facility or



1 institution now in existence or hereafter established in the state with the  
2 exception of technical colleges, community colleges, universities, and  
3 colleges.

4  
5 SECTION 1436. Arkansas Code § 25-30-108 is repealed.

6 ~~25-30-108. Authority of Director of the Department of Career Education~~  
7 ~~to enter into contracts.~~

8 ~~The Director of the Department of Career Education may enter into~~  
9 ~~contracts with private organizations licensed by the State Board of Education~~  
10 ~~or the Department of Career Education in order to provide vocational-~~  
11 ~~technical training to needy citizens of the State of Arkansas.~~

12  
13  
14 SECTION 1437. Arkansas Code § 25-18-303(a), concerning records held by  
15 the Department of Finance and Administration, the confidentiality of those  
16 records, and privilege and exceptions, is amended to read as follows:

17 (a)(1) The ~~Director~~ Secretary of the Department of Finance and  
18 Administration is the official custodian of all records and files required by  
19 any state tax law to be filed with the ~~Director~~ Secretary of the Department  
20 of Finance and Administration and is required to take all steps necessary to  
21 maintain their confidentiality.

22 (2)(A)(i) Except as otherwise provided by this chapter, the  
23 records and files of the ~~Director~~ Secretary of the Department of Finance and  
24 Administration concerning the administration of any state tax law are  
25 confidential and privileged.

26 (ii) These records and files and any information  
27 obtained from these records or files or from any examination or inspection of  
28 the premises or property of any taxpayer shall not be divulged or disclosed  
29 by the ~~Director~~ Secretary of the Department of Finance and Administration or  
30 any other person who may have obtained these records and files.

31 (B) It is the specific intent of this chapter that all tax  
32 returns, audit reports, and information pertaining to any tax returns,  
33 whether filed by individuals, corporations, partnerships, or fiduciaries,  
34 shall not be subject to the provisions of the Freedom of Information Act of  
35 1967, § 25-19-101 et seq.

36

1 SECTION 1438. Arkansas Code § 26-18-303(b)(1)-(10), concerning records  
2 held by the Department of Finance and Administration, the confidentiality of  
3 those records, and privilege and exceptions, are amended to read as follows:

4 (1) Publication of statistics by the ~~Director~~ Secretary of the  
5 Department of Finance and Administration classified to prevent the  
6 identification of a particular taxpayer;

7 (2) Use of the information in records filed under any state tax  
8 law by the ~~Director~~ Secretary of the Department of Finance and Administration  
9 when conducting any audit or investigation of any taxpayer in regard to any  
10 state tax;

11 (3)(A) Disclosure of information to the Attorney General of this  
12 state, any prosecuting attorney, or any other individual who is empowered by  
13 law to prosecute criminal and civil violations of any state tax law when the  
14 ~~Director~~ Secretary of the Department of Finance and Administration initiates  
15 the investigation.

16 (B) If the prosecution is initiated by the Attorney  
17 General or a prosecuting attorney, the ~~Director~~ Secretary of the Department  
18 of Finance and Administration shall not disclose any information unless  
19 required by subpoena issued by a circuit court.

20 (C) Information may be introduced as evidence by the  
21 Attorney General, a prosecuting attorney, or other individual so empowered  
22 when the individual is prosecuting any civil or criminal violation of state  
23 tax law;

24 (4) Disclosure compelled by any Arkansas circuit court, the  
25 Supreme Court, the Court of Appeals, or by any federal court of information  
26 involved in any case or controversy before that court;

27 (5) Disclosure by the taxpayer or the taxpayer's authorized  
28 agent or by the ~~Director~~ Secretary of the Department of Finance and  
29 Administration, at the taxpayer's request, of any information which the  
30 ~~Director~~ Secretary of the Department of Finance and Administration has  
31 concerning that taxpayer;

32 (6) Disclosure by the ~~Director~~ Secretary of the Department of  
33 Finance and Administration, at the ~~Director~~ Secretary of the Department of  
34 Finance and Administration's discretion, of information from the records of  
35 any state tax law to comparable officials of any other state or the United  
36 States who are charged with the administration of a similar tax;

1 (7) Disclosure of motor vehicle titling and registration  
2 information, all licenses and permits issued to owners and operators of coin-  
3 operated amusement machines pursuant to §§ 26-57-402, 26-57-408 – 26-57-421,  
4 and 26-77-303, and tax records, files, and other information relating to  
5 sales of aviation fuel at airports and other aviation fuel outlets;

6 (8) Disclosure of information other than income tax information  
7 at an administrative hearing held regarding the issuance, cancellation,  
8 revocation, or suspension of licenses or permits issued by the ~~Director~~  
9 Secretary of the Department of Finance and Administration or any other state  
10 agency or department;

11 (9)(A) Disclosure to the Student Loan Authority Division of the  
12 Arkansas Development Finance Authority, the ~~Department~~ Division of Higher  
13 Education, the Student Loan Guarantee Foundation of Arkansas, or any Arkansas  
14 public institution of higher education of the last known address or  
15 whereabouts or the last known employer of any person from whom these agencies  
16 are charged with collecting a student loan or other student indebtedness.

17 (B) In providing such information, the ~~Director~~ Secretary  
18 of the Department of Finance and Administration shall not allow the Student  
19 Loan Authority Division of the Arkansas Development Finance Authority, the  
20 Student Loan Guarantee Foundation of Arkansas, the ~~Department~~ Division of  
21 Higher Education, or any Arkansas public institution of higher education to  
22 examine the tax return;

23 (10)(A) In order to ensure proper payment to vendors by all  
24 agencies of state government or by county governments or city governments,  
25 information about the receipt or nonreceipt of sales tax permits by vendors  
26 must be made available by the ~~Director~~ Secretary of the Department of Finance  
27 and Administration upon request by these agencies of state government or by  
28 county governments or city governments.

29 (B) Therefore, notwithstanding any provision of this  
30 chapter or any other law to the contrary, in instances when state agencies,  
31 boards, commissions, and other branches of state government or county  
32 governments or city governments identify to the ~~Director~~ Secretary of the  
33 Department of Finance and Administration the identity of vendors receiving  
34 payments and ask the ~~Director~~ Secretary of the Department of Finance and  
35 Administration whether these vendors have been issued sales tax permits, the  
36 ~~Director~~ Secretary of the Department of Finance and Administration shall

1 answer these inquiries;

2

3 SECTION 1439. Arkansas Code § 26-18-303(b)(16)(B) and (C), concerning  
4 records held by the Department of Finance and Administration, the  
5 confidentiality of those records, and privilege and exceptions, are amended  
6 to read as follows:

7 (B) This information may be released only following  
8 completion of an audit or investigation by the ~~Director~~ Secretary of the  
9 Department of Finance and Administration and following a determination by the  
10 ~~Director~~ Secretary of the Department of Finance and Administration that there  
11 is a strong possibility the taxpayer has failed to properly assess the  
12 taxpayer's personal property in the county.

13 (C) In providing this information, the ~~Director~~ Secretary  
14 of the Department of Finance and Administration shall not allow the county  
15 assessors to examine any tax returns or audit records;

16

17 SECTION 1440. Arkansas Code § 26-18-303(b)(21), concerning records  
18 held by the Department of Finance and Administration, the confidentiality of  
19 those records, and privilege and exceptions, is amended to read as follows:

20 (21)(A) To perform audit and compliance duties, disclosure to  
21 the ~~Department~~ Division of Workforce Services of withholding tax information  
22 reported by companies doing business in Arkansas, including without  
23 limitation taxpayer names, taxpayer addresses, tax identification numbers,  
24 and tax withholding information.

25 (B) Information received by the ~~Department~~ Division of  
26 Workforce Services under this section shall remain confidential and is not  
27 subject to disclosure except in accordance with this section;

28

29 SECTION 1441. Arkansas Code § 26-18-303(c), concerning records held by  
30 the Department of Finance and Administration, the confidentiality of those  
31 records, and privilege and exceptions, is amended to read as follows:

32 (c) The provisions of this section shall be strictly interpreted and  
33 shall not permit any other disclosure of tax information concerning a  
34 taxpayer, whether the taxpayer is an individual, a corporation, a  
35 partnership, or a fiduciary, that is contained in the records and files of  
36 the ~~Director~~ Secretary of the Department of Finance and Administration

1 relating to income tax or any other state tax administered under this  
2 chapter.

3  
4 SECTION 1442. Arkansas Code § 26-18-303(e) and (f), concerning records  
5 held by the Department of Finance and Administration, the confidentiality of  
6 those records, and privilege and exceptions, are amended to read as follows:

7 (e) Any person who knowingly obtains or attempts to obtain any of the  
8 confidential and privileged records and files of the ~~Director~~ Secretary of  
9 the Department of Finance and Administration who is not so permitted by law  
10 is guilty of a Class A misdemeanor.

11 (f) The ~~Director~~ Secretary of the Department of Finance and  
12 Administration shall report all violations of this section to the appropriate  
13 prosecuting attorney in this state.

14  
15 SECTION 1443. Arkansas Code § 26-18-303(g)(1), concerning records held  
16 by the Department of Finance and Administration, the confidentiality of those  
17 records, and privilege and exceptions, is amended to read as follows:

18 (g)(1) The ~~Director~~ Secretary of the Department of Finance and  
19 Administration shall promulgate such regulations as are necessary to  
20 establish a reasonable procedure for making requests for and release of  
21 information under subdivision (b)(11) of this section, for allowing a  
22 taxpayer reasonable notice in advance of the release of the requested  
23 information, for a period of time up to seven (7) days from the date a  
24 request for information is made to provide notice and make necessary  
25 determinations, and to provide the methods by which the ~~Director~~ Secretary of  
26 the Department of Finance and Administration shall determine if the  
27 information requested is subject to disclosure under Arkansas law.

28  
29 SECTION 1444. Arkansas Code § 26-18-303(h)(1), concerning records held  
30 by the Department of Finance and Administration, the confidentiality of those  
31 records, and privilege and exceptions, is amended to read as follows:

32 (h)(1) Upon the request of a county government or a city government,  
33 the ~~Director~~ Secretary of the Department of Finance and Administration shall  
34 provide a list of vendors within the requesting county or city who hold  
35 permits issued pursuant to the Arkansas Gross Receipts Act of 1941, § 26-52-  
36 101 et seq.

1  
2 SECTION 1445. The introductory language of Arkansas Code § 26-18-  
3 303(i)(1), concerning records held by the Department of Finance and  
4 Administration, the confidentiality of those records, and privilege and  
5 exceptions, is amended to read as follows:

6 (i)(1) The ~~Director~~ Secretary of the Department of Finance and  
7 Administration may disclose information from a return filed by a person,  
8 partnership, corporation, trust, or estate to any of the parties who signed  
9 the return:

10  
11 SECTION 1446. Arkansas Code § 26-18-303(i)(2) and (3), concerning  
12 records held by the Department of Finance and Administration, the  
13 confidentiality of those records, and privilege and exceptions, are amended  
14 to read as follows:

15 (2) The ~~Director~~ Secretary of the Department of Finance and  
16 Administration may also disclose all information concerning the collection  
17 activity related to a tax return to any party who signed the return.

18 (3) The ~~Director~~ Secretary of the Department of Finance and  
19 Administration shall promulgate such regulations as are necessary to  
20 establish a reasonable procedure for making requests for and for the release  
21 of information under this section.

22  
23 SECTION 1447. Arkansas Code § 26-18-303(j)(1)(C), concerning records  
24 held by the Department of Finance and Administration, the confidentiality of  
25 those records, and privilege and exceptions, is amended to read as follows:

26 (C) The sharing of documents and other information between  
27 the ~~Director~~ Secretary of the Department of Finance and Administration, the  
28 Attorney General, and the Director of Arkansas Tobacco Control will put the  
29 state in a better position to prevent tobacco diversion and prevent  
30 cigarettes from being sold to youth and an already addicted adult population.

31  
32 SECTION 1448. Arkansas Code § 26-18-303(j)(2), concerning records held  
33 by the Department of Finance and Administration, the confidentiality of those  
34 records, and privilege and exceptions, is amended to read as follows:

35 (2) The ~~Director~~ Secretary of the Department of Finance and  
36 Administration may disclose documents and other information submitted by

1 stamp deputies appointed under § 26-57-236 or those persons licensed or  
2 permitted under the terms of the Arkansas Tobacco Products Tax Act of 1977, §  
3 26-57-201 et seq., to the Attorney General or the Director of Arkansas  
4 Tobacco Control upon the request of the Attorney General or the Director of  
5 Arkansas Tobacco Control.

6  
7 SECTION 1449. Arkansas Code § 26-18-303(j)(4)(A), concerning records  
8 held by the Department of Finance and Administration, the confidentiality of  
9 those records, and privilege and exceptions, is amended to read as follows:

10 (4)(A) The Attorney General and the Director of Arkansas Tobacco  
11 Control may use the documents and other information provided under this  
12 subsection by the ~~Director~~ Secretary of the Department of Finance and  
13 Administration in proceedings before any court.

14  
15 SECTION 1450. Arkansas Code § 26-18-303(j)(4)(B)(i), concerning  
16 records held by the Department of Finance and Administration, the  
17 confidentiality of those records, and privilege and exceptions, is amended to  
18 read as follows:

19 (B)(i) However, the documents and other information shall  
20 not be presented in court except with the approval of the court in which the  
21 action is pending and after adequate notice to the person who initially  
22 furnished the documents or other information to the ~~Director~~ Secretary of the  
23 Department of Finance and Administration.

24  
25 SECTION 1451. Arkansas Code § 26-36-303(1)(A)(vi), concerning a setoff  
26 against state tax refunds, is amended to read as follows:

27 (vi) The ~~Department~~ Division of Higher Education;

28  
29 SECTION 1452. Arkansas Code § 26-36-303(1)(A)(xi), concerning a setoff  
30 against state tax refunds, is amended to read as follows:

31 (xi) The Office of Personnel Management ~~of the~~  
32 ~~Department of Finance and Administration;~~

33  
34 SECTION 1453. Arkansas Code § 26-36-303(4), concerning a setoff  
35 against state tax refunds, is repealed.

36 ~~(4) "Division" means the Revenue Division of the Department of~~

1 ~~Finance and Administration;~~

2  
3 SECTION 1454. Arkansas Code § 26-36-303(5), concerning a setoff  
4 against state tax refunds, is amended to read as follows:

5 (5) "Refund" means the Arkansas income tax refund that the  
6 ~~division~~ Revenue Division of the Department of Finance and Administration  
7 determines to be due any individual taxpayer less any amounts determined by  
8 the ~~division~~ Revenue Division of the Department of Finance and Administration  
9 to be due to the ~~division~~ Revenue Division of the Department of Finance and  
10 Administration for payment of any state tax as defined in the Arkansas Tax  
11 Procedure Act, § 26-18-101 et seq.; and

12  
13 SECTION 1455. Arkansas Code § 26-51-509(c)(1)(B), concerning youth  
14 apprenticeship programs, is amended to read as follows:

15 (B) If the apprentice is employed as described in  
16 subdivision (a)(2) of this section, the ~~Department of Career Education~~ Office  
17 of Skills Development.

18  
19 SECTION 1456. Arkansas Code § 26-51-509(g)(2), concerning youth  
20 apprenticeship programs, is amended to read as follows:

21 (2) The Department of Finance and Administration shall consult  
22 with the ~~office~~ United States Office of Apprenticeship and the ~~Department of~~  
23 ~~Career Education~~ Office of Skills Development during the promulgation of the  
24 rules.

25  
26 SECTION 1457. Arkansas Code § 26-51-813(b) and (c), concerning  
27 reports, returns, confidentiality, and exceptions regarding tax returns, are  
28 amended to read as follows:

29 (b) The ~~Director~~ Secretary of the Department of Finance and  
30 Administration may furnish a copy of any taxpayer's return to any official of  
31 the United States or of any state having duties to perform in respect to the  
32 assessment or collection of any tax imposed upon or measured by income if the  
33 taxpayer is required by the laws of the United States or of the state to make  
34 a return in the United States or that state and if the laws of the United  
35 States or of the state provide substantially for the same secrecy in respect  
36 to the information revealed by the taxpayer's return as is provided by



1 Arkansas laws.

2 (c) The ~~director~~ secretary and all other public officials and  
3 employees shall keep and maintain the same secrecy in respect to any  
4 information furnished by any department, commission, or official of the  
5 United States or of any other state in respect to the income of any person as  
6 is required by the Income Tax Act of 1929 in respect to information  
7 concerning the affairs of the taxpayer under the Income Tax Act of 1929.

8

9 SECTION 1458. Arkansas Code § 26-51-813(g), concerning reports,  
10 returns, confidentiality, and exceptions regarding tax returns, is amended to  
11 read as follows:

12 (g)(1) Nothing in this section shall be construed to prohibit the  
13 Department of Finance and Administration from disclosing from any return or  
14 other record maintained by the director to the ~~Department~~ Division of Higher  
15 Education or any Arkansas public institution of higher education the last  
16 known address or whereabouts or the last known employer of any person from  
17 whom these institutions are charged with collecting student indebtedness.

18 (2) In providing this information, the Department of Finance and  
19 Administration shall not allow the ~~Department~~ Division of Higher Education or  
20 the Arkansas public institutions of higher education to examine the tax  
21 return.

22

23 SECTION 1459. Arkansas Code § 26-51-1101(1), concerning the definition  
24 of "accredited institution of higher education" under the laws governing  
25 donations or sales of equipment to educational institutions, is amended to  
26 read as follows:

27 (1) "Accredited institution of higher education" means a four-  
28 year public college or university that offers bachelor's degrees and is  
29 recognized by the ~~Department~~ Division of Higher Education for credit;

30

31 SECTION 1460. Arkansas Code § 26-51-1101(5), concerning the definition  
32 of "qualified education program" under the laws governing donations or sales  
33 of equipment to educational institutions, is amended to read as follows:

34 (5) "Qualified education program" means a program conducted by a  
35 qualified educational institution under rules prescribed by the ~~Department~~  
36 Division of Higher Education for programs in colleges, universities, or

1 junior colleges, by the ~~Department of Workforce Education~~ Division of Career  
 2 and Technical Education for programs in vocational technical training schools  
 3 and by the ~~Department of Education~~ Division of Elementary and Secondary  
 4 Education for programs in elementary or secondary schools, all of which  
 5 programs are for the purpose of promoting the use of new machinery and  
 6 equipment for classroom, laboratory, and other educational instruction;

7  
 8 SECTION 1461. Arkansas Code § 26-51-1101(8), concerning the definition  
 9 of "qualified research program" under the laws governing donations or sales  
 10 of equipment to educational institutions, is amended to read as follows:

11 (8) "Qualified research program" means a program of applied or  
 12 basic research undertaken by a qualified educational institution pursuant to  
 13 rules jointly prescribed by the Division of Science and Technology of the  
 14 Arkansas Economic Development Commission and the ~~Department~~ Division of  
 15 Higher Education under § 15-3-110;

16  
 17 SECTION 1462. Arkansas Code § 26-51-1104(b) and (c), concerning the  
 18 requirement of documentation to claim a tax credit for the donation or sale  
 19 of equipment to educational institutions, are amended to read as follows:

20 (b) To claim the credit granted by § 26-51-1102, the taxpayer must  
 21 show that the Division of Science and Technology of the Arkansas Economic  
 22 Development Commission and the ~~Department~~ Division of Higher Education have  
 23 approved the qualified research expenditure as a part of a qualified research  
 24 program.

25 (c) Copies of each of the above documents shall be filed by the  
 26 taxpayer with his or her return as an attachment to the form prescribed by  
 27 the ~~Director~~ Secretary of the Department of Finance and Administration.

28  
 29 SECTION 1463. Arkansas Code § 26-51-1105 is amended to read as  
 30 follows:

31 26-51-1105. Rules and regulations.

32 The ~~Director~~ Secretary of the Department of Finance and Administration,  
 33 the Director of the ~~Department~~ Division of Higher Education, the Director of  
 34 the ~~Department~~ Division of Career and Technical Education, the ~~Director~~  
 35 ~~of the Department of Workforce Education~~ Commissioner of Elementary and  
 36 Secondary Education, and the Executive Director of the Arkansas Economic

1 Development Commission shall promulgate such reasonable rules as they shall  
2 deem necessary and appropriate to carry out the purposes of this subchapter.

3  
4 SECTION 1464. The introductory language of Arkansas Code § 26-52-  
5 317(a)(1), concerning food and food ingredients, is amended to read as  
6 follows:

7 (a)(1) The ~~Director~~ Secretary of the Department of Finance and  
8 Administration shall determine the following conditions:

9  
10 SECTION 1465. The introductory language of Arkansas Code § 26-53-  
11 145(a)(1), concerning food and food ingredients, is amended to read as  
12 follows:

13 (a)(1) The ~~Director~~ Secretary of the Department of Finance and  
14 Administration shall determine the following conditions:

15  
16 SECTION 1466. Arkansas Code § 26-53-145(a)(1)(C)(ii), concerning food  
17 and food ingredients, is amended to read as follows:

18 (ii) The ~~director~~ secretary shall make the  
19 determination under subdivision (a)(1)(C)(i) of this section on a monthly  
20 basis following the determination that the conditions under subdivision  
21 (a)(1)(A) of this section have been met.

22  
23 SECTION 1467. The introductory language of Arkansas Code § 26-53-  
24 145(a)(2)(A), concerning food and food ingredients, is amended to read as  
25 follows:

26 (2)(A) Beginning July 1, 2013, the ~~director~~ secretary shall make  
27 a monthly determination as to whether the aggregate amount of deductions from  
28 net general revenues attributable to the following during the most recently  
29 ended six-month consecutive period, as compared with the same six-month  
30 period in the prior year, has declined by thirty-five million dollars  
31 (\$35,000,000) or more:

32  
33 SECTION 1468. Arkansas Code § 26-53-145(a)(2)(B)(i), concerning food  
34 and food ingredients, is amended to read as follows:

35 (B)(i) In making the determination in this subdivision  
36 (a)(2), the ~~director~~ secretary shall consider all economic factors existing

1 at the time of the determination that could potentially affect the decline in  
2 the aggregate amount of deductions, including without limitation pending  
3 litigation.

4 (ii) If the consideration of additional economic  
5 factors under subdivision (a)(2)(B)(i) of this section results in a  
6 determination that the decline in the aggregate amount of deductions is not  
7 likely to remain at that reduced level, the ~~director~~ secretary shall conclude  
8 that the conditions in this subdivision (a)(2) have not been met.

9  
10 SECTION 1469. Arkansas Code § 26-53-145(a)(3), concerning food and  
11 food ingredients, is amended to read as follows:

12 (3) When the ~~director~~ secretary finds that all of the conditions  
13 in either subdivision (a)(1) or subdivision (a)(2) of this section have been  
14 met, then the compensating use taxes levied under subsection (c) of this  
15 section shall be levied at the rate of zero percent (0%) on the sale of food  
16 and food ingredients beginning on the first day of the calendar quarter that  
17 is at least thirty (30) days following the determination of the ~~director~~  
18 secretary.

19  
20 SECTION 1470. Arkansas Code § 26-53-145(c)(1)(B) and (C), concerning  
21 food and food ingredients, are amended to read as follows:

22 (B) Eight and five-tenths percent (8.5%) of the taxes,  
23 interest, penalties, and costs received by the ~~director~~ secretary under this  
24 subdivision (c)(1) shall be deposited into the Property Tax Relief Trust  
25 Fund; and

26 (C) Fourteen and nine-tenths percent (14.9%) of the taxes,  
27 interest, penalties, and costs received by the ~~director~~ secretary under this  
28 subdivision (c)(1) shall be deposited into the Educational Adequacy Fund.

29  
30 SECTION 1471. Arkansas Code § 26-63-302(b)(3)(A), concerning rental  
31 vehicle tax, is amended to read as follows:

32 (3)(A) The rental vehicle tax shall be remitted to the ~~Director~~  
33 Secretary of the Department of Finance and Administration and, except for the  
34 amount equal to any municipal or county taxes, shall be deposited into the  
35 State Treasury as general revenues.

36

1 SECTION 1472. Arkansas Code § 26-63-302(c)(2)(B), concerning rental  
2 vehicle tax, is amended to read as follows:

3 (B) The remaining twenty-five percent (25%) of the  
4 revenues shall be deposited into the ~~Department~~ Division of Elementary and  
5 Secondary Education Public School Fund Account to be used exclusively for  
6 teacher salaries.

7  
8 SECTION 1473. Arkansas Code § 26-80-101(b)(4)(A)(ii)(b), concerning a  
9 uniform rate of tax, is amended to read as follows:

10 (b) ~~Department~~ Division of Elementary and  
11 Secondary Education; and

12  
13 SECTION 1474. Arkansas Code § 26-80-101(b)(4)(A)(vi), concerning a  
14 uniform rate of tax, is amended to read as follows:

15 (vi) The ~~Department~~ Division of Elementary and  
16 Secondary Education shall notify the Assessment Coordination ~~Department~~  
17 Division if a county treasurer violates subdivision (b)(4)(A)(ii) of this  
18 section and withholding of reappraisal funding under this subdivision  
19 (b)(4)(A) is authorized.

20  
21 SECTION 1475. Arkansas Code § 26-80-102(a)(3)(B), concerning approval  
22 of taxes at elections, is amended to read as follows:

23 (B) However, if the rate approved has been modified  
24 pursuant to the uniform rate of tax calculated by the ~~Department~~ Division of  
25 Elementary and Secondary Education, then the tax shall be collected at the  
26 modified rate until another rate is approved.

27  
28 SECTION 1476. Arkansas Code § 26-80-403 is amended to read as follows:

29 26-80-403. Establishment of compliance.

30 Compliance with the uniform rate of tax shall be established by the  
31 ~~Department of Education~~ Division of Elementary and Secondary Education in  
32 coordination with the Assessment Coordination ~~Department~~ Division.

33  
34 SECTION 1477. Arkansas Code § 26-80-404 is amended to read as follows:

35 26-80-404. Calculation of compliance with the uniform rate of tax.

36 (a) On or before October 1 of each year, the ~~Department of Education~~

1 Division of Elementary and Secondary Education, in conjunction with the  
2 Assessment Coordination ~~Department~~ Division, shall monitor each school  
3 district's compliance with the uniform rate of tax.

4 (b)(1) The ~~Department of Education~~ Division of Elementary and  
5 Secondary Education and the Assessment Coordination ~~Department~~ Division  
6 shall determine compliance with the uniform rate of tax by analyzing the  
7 millage rate levied for maintenance and operation millage from the most  
8 recent school election in a school district in which the ad valorem tax rate  
9 was voted upon.

10 (2) If the millage rate levied for maintenance and operation  
11 millage is equal to or greater than twenty-five (25) mills, then the school  
12 district is in compliance with the uniform rate of tax and Arkansas  
13 Constitution, Amendment 74.

14  
15 SECTION 1478. Arkansas Code § 27-16-701(e), concerning an application  
16 for a commercial or noncommercial driver's license or instruction permit and  
17 restricted permits, is amended to read as follows:

18 (e) The ~~Department of Education~~ Division of Elementary and Secondary  
19 Education shall develop guidelines for use by school districts to provide a  
20 certified exemption from the "C" average requirement of subdivisions (d)(1)-  
21 (3) of this section to a student found to be performing at his or her fullest  
22 level of capability although that may be below a "C" average.

23  
24 SECTION 1479. Arkansas Code § 27-20-109 is amended to read as follows:  
25 27-20-109. Operator instruction.

26 (a) The ~~Department of Education~~ Division of Elementary and Secondary  
27 Education is authorized to prescribe and offer a course in motorcycle and  
28 motor-driven cycle operator instruction to be conducted as a part of the  
29 driver education program.

30 (b)(1) The course in motorcycle and motor-driven cycle operation may  
31 be conducted both at the elementary and high school levels.

32 (2) The course should include classroom instruction, actual  
33 operation of a motorcycle or motor-driven cycle, and other matters that the  
34 ~~Department~~ division may determine to be necessary to properly equip the  
35 student to safely operate a motorcycle.

36

1 SECTION 1480. Arkansas Code § 27-24-1102(4), concerning agriculture  
 2 education, is amended to read as follows:

3 (4) Certifies to the ~~Department~~ Division of Higher Education  
 4 that its students are accepted for transfer at institutions accredited by an  
 5 accrediting agency recognized by the ~~federal~~ United States Department of  
 6 Education; and

7  
 8 SECTION 1481. Arkansas Code § 27-24-1422(a)(1), concerning the Dr.  
 9 Martin Luther King, Jr. license plate, is amended to read as follows:

10 (a)(1) The ~~Director~~ Secretary of the Department of Finance and  
 11 Administration shall issue a special license plate in honor of Dr. Martin  
 12 Luther King, Jr. in the manner and subject to the conditions provided for  
 13 under this subchapter.

14  
 15 SECTION 1482. EMERGENCY CLAUSE. It is found and determined by the  
 16 General Assembly of the State of Arkansas that this act revises the duties of  
 17 certain state entities; that this act establishes new departments of the  
 18 state; that these revisions impact the expenses and operations of state  
 19 government; and that the provisions of this act should become effective at  
 20 the beginning of the fiscal year to allow for implementation of the new  
 21 provisions at the beginning of the fiscal year. Therefore, an emergency is  
 22 declared to exist, and this act being necessary for the preservation of the  
 23 public peace, health, and safety shall become effective on July 1, 2019.