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4

A Bill

DRAFT CLR/KFW
SENATE BILL

5 By: Senator <NA>
6

For An Act To Be Entitled

8 AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 6 OF
9 THE ARKANSAS CODE, CONCERNING EDUCATION LAW; AND FOR
10 OTHER PURPOSES.
11

Subtitle

12
13 AN ACT TO MAKE TECHNICAL CORRECTIONS TO
14 TITLE 6 OF THE ARKANSAS CODE, CONCERNING
15 EDUCATION LAW.
16

17
18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code § 6-5-307(a), concerning teacher salary
22 increases, is amended to correct references to licensed public school
23 personnel to read as follows:

24 (a) Any increase in Educational Excellence Trust Fund funds allocated
25 for teacher salaries shall be used by school districts to provide salary
26 increases for current ~~certified~~ licensed personnel positions and for no other
27 purpose, except that required social security and teacher retirement matching
28 required to be paid by the school districts for ~~certified~~ licensed personnel
29 may be paid from the funds.
30

31 SECTION 2. Arkansas Code § 6-10-106(b), concerning employment
32 contracts for school district employees, is amended to correct references to
33 licensed and nonlicensed school district employees to read as follows:

34 (b) Contracts of employment for ~~certified~~ licensed and ~~noncertified~~
35 nonlicensed employees of school districts may require school district
36 employees to begin performance under their contract of employment prior to

1 the first day of student attendance.

2
3 SECTION 3. Arkansas Code § 6-10-114(b)(2), concerning license
4 suspension for teachers, is amended to correct a reference to a person
5 licensed by the State Board of Education to read as follows:

6 (2) If the State Board of Education determines that a person
7 ~~eertified~~ licensed by the State Board of Education knowingly violated this
8 section, the State Board of Education shall suspend the person's
9 ~~eertification~~ license for a period not to exceed one (1) year.

10
11 SECTION 4. Arkansas Code § 6-11-102(c)(1)(D), concerning
12 qualifications for the Commissioner, is amended to correct a reference to a
13 teacher's license to read as follows:

14 (D) Hold a valid state teacher's ~~certificate~~ license.

15
16 SECTION 5. Arkansas Code § 6-11-105(a)(4), concerning duties of the
17 State Board of Education, is amended to correct references to public school
18 teaching licenses to read as follows:

19 (4) Issue ~~certificates~~ licenses based upon credentials presented
20 by applicants for ~~certificates~~ licenses to teach in the public schools of the
21 state;

22
23 SECTION 6. Arkansas Code § 6-11-105(a)(9)(B), concerning duties of the
24 State Board of Education, is amended as follows to correct references to
25 public school teaching licenses to read as follows:

26 (B) However, nothing in this act shall prohibit the state
27 board and the Department of Education from issuing teachers' ~~certificates~~
28 licenses upon the results of teachers' examinations as now provided by law;

29
30 SECTION 7. Arkansas Code § 6-13-1010(b)(1), concerning qualifications
31 of a director of an education service cooperative, is amended to correct a
32 reference to a public school administrator's license to read as follows:

33 (1) Hold an administrator's ~~certificate~~ license and meet all
34 requirements to serve as a superintendent of schools in the State of
35 Arkansas; or

36

1 SECTION 8. Arkansas Code § 6-13-1011(b), concerning personnel
2 requirements for employees of an education service cooperative, is amended to
3 correct a reference to the teaching license of an education service
4 cooperative employee to read as follows:

5 (b) ~~Certificate~~ License requirements shall be the same as those
6 expected of persons holding similar positions in local school districts.
7

8 SECTION 9. Arkansas Code § 6-13-1302(1) and (2), concerning
9 definitions, are amended to correct references to licensed and nonlicensed
10 public school employees to read as follows:

11 (1) "~~Certified~~ Licensed employee" means any person for whom
12 ~~certification licensure~~ licensure is required as the basis of employment in the public
13 schools of the state;

14 (2) "~~Classified~~ Nonlicensed employee" means any person for whom
15 ~~certification licensure~~ licensure is not required as the basis of employment in the
16 public schools of the state;
17

18 SECTION 10. Arkansas Code § 6-13-1303(a), concerning a vote to
19 implement site-based decision making, is amended to correct a reference to
20 licensed public school employees and make technical corrections to read as
21 follows:

22 (a) Following a secret ballot vote by two-thirds (2/3) of the
23 ~~certified licensed~~ employees in a local building site to implement site-based
24 decision making, the local school district board of directors may adopt a
25 policy for implementing site-based decision making in the school district, to
26 include, but not be limited to, a description of how school district policies
27 have been amended to allow school employees at the local school building site
28 to be involved in the decision-making process as they work to meet
29 educational goals.
30

31 SECTION 11. Arkansas Code § 6-13-1304 is amended to correctly
32 subdivide the section and correct references to licensed and nonlicensed
33 public school employees to read as follows:

34 6-13-1304. School council established – Members.

35 The school district policy adopted by the board of directors and
36 ~~certified licensed~~ faculty of a local school district shall require the

1 following when any local school building site elects to implement site-based
2 decision making under the provisions of this subchapter:

3 (1)(A)(i) A school council shall be established, composed of
4 teachers, ~~classified~~ nonlicensed employees, and the building principal or
5 administrator.

6 (ii) A majority of the council shall be made up of
7 teachers.

8 (B)(i) The teacher representatives on the council shall be
9 elected by a majority of the teachers in a secret ballot election conducted
10 by the teachers in the building.

11 (ii) The ~~classified~~ nonlicensed employee
12 representatives shall be elected by a majority of the ~~classified~~ nonlicensed
13 employees in a secret ballot election conducted by the ~~classified~~ nonlicensed
14 employees-;

15 (2)(A) The school council may include parent representatives if
16 two-thirds (2/3) of the parents present at a meeting called for that purpose
17 vote to participate in site-based decision making.

18 (B) The parent representatives on the council shall be
19 elected by the parents at a meeting called for that purpose and shall not be
20 relatives of any employee of the school or any board member-; and

21 (3) Members of the school council shall elect a chair, vice
22 chair, and secretary.

23
24 SECTION 12. Arkansas Code § 6-13-1309(b)(2), concerning applications
25 for approval of a model to implement site-based decision making, is amended
26 to correct a reference to licensed public school employees to read as
27 follows:

28 (2) The application for approval of the model shall show
29 evidence that it has been developed by representatives of the parents,
30 students, and employees of the school and that two-thirds (2/3) of the
31 ~~certified~~ licensed employees voting in a secret ballot election have agreed
32 to the model.

33
34 SECTION 13. Arkansas Code § 6-15-101(2), concerning academic
35 standards, is amended to correct a grammatical error to read as follows:

36 (2) Require that the academic standards and expected outcomes be

1 adopted by local school ~~board~~ boards of directors; and

2
3 SECTION 14. Arkansas Code § 6-15-102(f)(5), concerning
4 responsibilities of the Division of Public School Accountability, is amended
5 to correct a reference to public school teacher licensure to read as follows:

6 (5) To work with program approval and ~~certification~~ licensure
7 sections of the Department of Education, the Department of Higher Education,
8 the Department of Career Education, and the individual colleges to provide
9 information that will contribute to reasonable, equitable, and excellent
10 preparation of ~~certified~~ licensed personnel in public and private
11 institutions of higher education.

12
13 SECTION 15. Arkansas Code § 6-15-202(f)(27), concerning superintendent
14 written statements, is amended to correct a reference to public school
15 teacher licensure to read as follows:

16 (27) § 6-17-309 concerning ~~certification~~ licensure;

17
18 SECTION 16. Arkansas Code § 6-15-202(f)(30), concerning superintendent
19 written statements, is amended to correct a reference to another section of
20 the Arkansas Code to read as follows:

21 (30) ~~§ 6-17-2402~~ § 6-17-2403 concerning teacher compensation;

22
23 SECTION 17. Arkansas Code § 6-15-213(a)(3), concerning requirements
24 for a course to be considered taught, is amended to correct a reference to a
25 licensed public school teacher to read as follows:

26 (3) The school district provides written proof, as required by
27 the department, that the school district had a properly ~~certified~~ licensed
28 teacher employed and able to teach the required course during the entire time
29 the course was required to be taught and the course was listed on the school
30 district's master course schedule;

31
32 SECTION 18. Arkansas Code § 6-15-1004(c)(2)(A)(ii), concerning
33 professional development, is amended to correct a reference to teacher
34 licensure to read as follows:

35 (ii) Part of the requirements for the teacher to
36 obtain additional ~~certification~~ licensure in a subject matter that has been

1 designated by the Department of Education as having a critical shortage of
2 teachers; or

3
4 SECTION 19. Arkansas Code § 6-15-1004(c)(2)(C), concerning
5 professional development, is amended to correct a reference to licensed
6 public school personnel to read as follows:

7 (C) For purposes of the requirement for continuing
8 education and professional development under this section, each hour of
9 training received by ~~certified~~ licensed personnel related to teaching an
10 advanced placement class for a subject covered by the College Board and
11 Educational Testing Service shall be counted as professional development up
12 to a maximum of thirty (30) hours.

13
14 SECTION 20. Arkansas Code § 6-15-1402(b)(2)(B)(ii), concerning school
15 performance reports, is amended to correct a reference to nonlicensed public
16 school employees to read as follows:

17 (ii) The school's teachers, administrators,
18 ~~classified nonlicensed~~ school employees, and volunteers have been provided
19 with appropriate student discipline training; and

20
21 SECTION 21. Arkansas Code § 6-15-1702(c), concerning parent
22 facilitators, is amended to correct a reference to licensed public school
23 personnel to read as follows:

24 (c)(1) The principal of each school in a school district shall
25 designate one (1) ~~certified~~ licensed staff member who is willing to serve as
26 a parent facilitator to:

27 (A) Help organize meaningful training for staff and
28 parents;

29 (B) Promote and encourage a welcoming atmosphere to foster
30 parental involvement in the school; and

31 (C) Undertake efforts to ensure that parental
32 participation is recognized as an asset to the school.

33 (2) The ~~certified~~ licensed staff member serving as a parental
34 facilitator shall receive supplemental pay for the assigned duties as
35 required by law.

36

1 SECTION 22. Arkansas Code § 6-15-1901(b)(4), concerning the Arkansas
2 Teacher Corps, is amended to correct a reference to licensed public school
3 teachers to read as follows:

4 (4) Development of an Arkansas Teacher Corps to increase the
5 number of new and ~~eertified~~ licensed teachers;

6
7 SECTION 23. Acts 2011, No. 989, § 23, is repealed to effectuate the
8 intent of the General Assembly in enacting legislation that revised this
9 entire subchapter under Acts 2011, No. 879.

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

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

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

19 ~~(3) If a school district has available capacity after all
20 students who have completed the eleventh grade and all high school graduates
21 have been given the opportunity to participate in the program, the department
22 may permit a student who has completed the tenth grade to enroll in the
23 program.~~

24
25 SECTION 24. Arkansas Code § 6-16-127(b)(2) – (4), concerning the
26 purpose of the Arkansas Foreign Language Teacher Training, are amended to
27 correct references to licensed foreign language teachers and licensure of
28 foreign language teachers to read as follows:

29 (2) Encourage currently ~~eertified~~ licensed foreign language
30 teachers to pursue additional training or an advanced degree in a foreign
31 language;

32 (3) Encourage ~~eertified~~ licensed personnel to add foreign
33 language to their areas of ~~eertification~~ licensure; and

34 (4) Encourage individuals to seek ~~eertification~~ licensure as a
35 foreign language teacher in grades kindergarten through eight (K-8).

36

1 SECTION 25. Arkansas Code § 6-16-130(a)(3), concerning instruction in
2 visual art or music, is amended to correct a reference to a licensed public
3 school teacher to read as follows:

4 (3) Prior to June 1, 2005, the instruction required by this
5 subsection may be provided by a volunteer or by a ~~certified~~ licensed teacher.
6

7 SECTION 26. Arkansas Code § 6-16-130(b)(3), concerning instruction in
8 visual art or music, is amended to correct a reference to a licensed public
9 school teacher to read as follows:

10 (3) The instruction required by subdivision (b)(1) of this
11 section shall be provided by a ~~licensed~~ teacher ~~certified~~ licensed to teach
12 art or music, as applicable.
13

14 SECTION 27. Arkansas Code § 6-16-132(e), concerning physical
15 education, is amended to correct a reference to a licensed public school
16 teacher to read as follows:

17 (e) Nothing in this section shall be construed to require any school
18 or school district to hire personnel ~~certified~~ licensed in physical
19 education.
20

21 SECTION 28. Arkansas Code § 6-16-137(f)(2), concerning a statement of
22 assurance, is amended to correct a reference to licensed public school
23 personnel to read as follows:

24 (2) If it is determined by the department that a superintendent
25 or chief academic officer or any other ~~certified~~ licensed personnel has
26 knowingly provided false or misleading information in the statement of
27 assurance required under this section, the state board may take appropriate
28 action on the license of that individual pursuant to § 6-17-410.
29

30 SECTION 29. Arkansas Code § 6-16-313(a), concerning rules for
31 kindergarten programs, is amended to correct a reference to public school
32 teacher licensure to read as follows:

33 (a) The State Board of Education shall promulgate and adopt such rules
34 and regulations as it deems appropriate providing minimum standards,
35 including program standards and teacher ~~certification~~ licensure standards,
36 for the conduct of public school kindergarten programs.

1
2 SECTION 30. Arkansas Code § 6-16-702(a)(2)(A), concerning optional
3 summer school programs, is amended to correct a reference to public school
4 teacher licensure to read as follows:

5 (A) The teachers shall meet ~~certification~~ licensure
6 requirements for the courses taught; and
7

8 SECTION 31. Arkansas Code § 6-17-111(b), concerning lunch room
9 supervisors, is amended to correct a reference to nonlicensed public school
10 personnel to read as follows:

11 (b) Lunchroom supervisors who have been in-serviced may be volunteers,
12 ~~noncertified~~ nonlicensed personnel, or aides.
13

14 SECTION 32. Arkansas Code § 6-17-119(a) and (b)(1) - (3)(B),
15 concerning an alternative pay program, are amended to correct references to
16 licensed and nonlicensed school employees to read as follows:

17 (a) As used in this section:

18 (1) "Alternative pay" means a salary amount that is part of the
19 ~~certified~~ licensed employee's or ~~classified~~ nonlicensed employee's total
20 compensation for additional responsibilities, mastery of new knowledge and
21 skills, advanced career opportunities, increased student achievement,
22 attracting highly qualified teachers, or professional development exceeding
23 state minimums;

24 (2) "~~Certified~~ Licensed employee" means a person employed by a
25 public school who is required to hold a license issued by the Department of
26 Education;

27 (3) "~~Classified~~ Nonlicensed employee" means a person employed by
28 a public school district under a written annual contract who is not required
29 to have a teaching ~~certificate~~ license issued by the department as a
30 condition of employment; and

31 (4) "Teacher" means:

32 (A) Any person who is:

33 (i) Required to hold a teaching license from the
34 department; and

35 (ii) Is engaged directly in instruction with
36 students in a classroom setting for more than seventy percent (70%) of the

1 individual's contracted time;

2 (B) A guidance counselor; or

3 (C) A librarian.

4 (b) A public school district may offer or participate in an
5 alternative pay program for its ~~certified~~ licensed employees, ~~classified~~
6 nonlicensed employees, or both employee groups if:

7 (1) The program is implemented school district-wide or on a
8 school-by-school basis;

9 (2) Every eligible ~~certified~~ licensed employee or ~~classified~~
10 nonlicensed employee may participate in the program;

11 (3)(A) The program from the beginning is a collaborative effort
12 among the participating school board of directors, administrators, teachers,
13 ~~classified~~ nonlicensed employees, association representatives, and parents
14 with children attending the school district.

15 (B) The school board of directors, administrators,
16 teachers, and ~~classified~~ nonlicensed employees shall each approve a show of
17 interest resolution in the program by at least seventy percent (70%) or
18 another percentage established by a majority vote of the teachers and
19 approved by the local school board of directors.

20
21 SECTION 33. Arkansas Code § 6-17-119(b)(8), concerning alternative pay
22 programs, is amended to correct references to licensed and nonlicensed school
23 employees to read as follows:

24 (8) The program is part of a larger set of reforms rather than
25 an isolated approach to improving performance or rewarding certain ~~certified~~
26 licensed or ~~classified~~ nonlicensed employees;

27
28 SECTION 34. Arkansas Code § 6-17-119(b)(10)(A), concerning alternative
29 pay programs, is amended to correct a reference to nonlicensed school
30 employees to read as follows:

31 (10)(A) The program respects the right of any teacher or
32 ~~classified~~ nonlicensed employee to elect not to participate in the program.

33
34 SECTION 35. Arkansas Code § 6-17-306 is amended to correct references
35 to nonlicensed school employees to read as follows:

36 6-17-306. Leaves of absence.

1 (a) As used in this section:

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

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

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

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

12 (b)(1) A teacher, administrator, or ~~noncertified~~ nonlicensed personnel
13 who is employed by a public school in this state is entitled to a leave of
14 absence for fifteen (15) days plus necessary travel time in any fiscal year
15 for the purpose of participating in:

16 (A) Military training programs or other official duties
17 made available by the armed forces of this state or any other state,
18 including without limitation the National Guard or a reserve component of the
19 armed forces; or

20 (B) The civil defense and public health training programs
21 made available by the United States Public Health Service.

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

25 (c)(1) When a licensed employee or a ~~classified~~ nonlicensed employee
26 is granted a leave of absence under this section, he or she shall be entitled
27 to his or her regular salary during the time he or she is away from his or
28 her duties during such leave of absence.

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

31 (d)(1) A licensed employee or a ~~classified~~ nonlicensed employee who is
32 called to duty in an emergency situation by the Governor or by the President
33 shall be granted leave with pay not to exceed thirty (30) working days, after
34 which leave without pay will be granted.

35 (2) This leave shall be granted in addition to all other leave
36 to which the licensed employee or ~~certified~~ nonlicensed employee is entitled.

1 (e)(1) During a leave of absence, a licensed employee or a ~~classified~~
2 nonlicensed employee is entitled to preserve all seniority rights, efficiency
3 or performance ratings, promotional status, retirement privileges, life and
4 disability insurance benefits, and any other rights, privileges, and benefits
5 to which he or she has become entitled.

6 (2) The period of military service shall, for purposes of
7 computations to determine whether the licensed employee or the ~~classified~~
8 nonlicensed employee is entitled to retirement under the laws of the State of
9 Arkansas, be deemed continuous service, and the licensed employee or the
10 ~~classified~~ nonlicensed employee shall not be required to make contributions
11 to any retirement fund.

12 (3) The school district shall continue to contribute its portion
13 of any life and disability insurance premiums during the leave of absence on
14 behalf of the licensed employee or the ~~classified~~ nonlicensed employee, if
15 requested, so that continuous coverage may be maintained.

16 (f) When a licensed employee or a ~~classified~~ nonlicensed employee is
17 granted military leave for a period of fifteen (15) days per calendar year or
18 fiscal year under this section, the military leave will accumulate for use in
19 succeeding calendar years or fiscal years until it totals fifteen (15) days
20 at the beginning of the calendar year or fiscal year, for a maximum number of
21 military leave days available in any one (1) calendar year or fiscal year to
22 be thirty (30) days.

23
24 SECTION 36. The section heading of Arkansas Code § 6-17-309 is amended
25 to correct a reference to public school teacher licensure to read as follows:

26 6-17-309. ~~Certification~~ Licensure -- Waiver.

27
28 SECTION 37. Arkansas Code § 6-17-421(a)(2), concerning the definition
29 of "fiscal officer", is amended to correct a reference to a nonlicensed
30 public school employee to read as follows:

31 (2) "Fiscal officer" means any licensed or ~~classified~~
32 nonlicensed employee of a school district or education service cooperative
33 who has any right, duty, or responsibility to access funds of a school
34 district in excess of five thousand dollars (\$5,000), specifically including,
35 but not limited to, superintendents, fiscal officers, and bookkeepers; and

36

1 SECTION 38. Arkansas Code § 6-17-425(a)(3)(C)(ii), concerning
2 providing testimony to the Professional Licensure Standards Board or the
3 State Board of Education, is amended to correct a reference to the board
4 issuing a subpoena to read as follows:

5 (ii) The manner of providing testimony under the
6 subpoena shall be conducted by video conference testimony unless another
7 manner is agreed upon by the board ~~or commission~~ hearing the proceeding and
8 the person who is the subject of the subpoena.

9
10 SECTION 39. Arkansas Code § 6-17-704(a), concerning the definition of
11 "professional development", is amended to correct a reference to nonlicensed
12 public school employees to read as follows:

13 (a) As used in this section, "professional development" means a
14 coordinated set of planned learning activities for teachers, administrators,
15 and ~~classified~~ nonlicensed employees that are standards-based and continuous.

16
17 SECTION 40. Arkansas Code § 6-17-704(c)(1) and (2)(A), concerning
18 professional development plans, are amended to remove outdated language and
19 to correct a reference to nonlicensed public school employees to read as
20 follows:

21 (c)(1) ~~Beginning with school year 2004-2005, each~~ Each school district
22 shall prepare a professional development plan.

23 (2)(A) Teachers, administrators, and ~~classified~~ nonlicensed
24 school employees shall be involved in the design, implementation, and
25 evaluation of their respective professional development offerings under the
26 plan.

27
28 SECTION 41. Arkansas Code § 6-17-707(b), concerning teacher
29 professional development, is amended to correct a reference to licensed
30 public school personnel to read as follows:

31 (b) Under the initiative, the Commissioner of Education shall identify
32 teacher professional development needs in the state and prioritize the needs
33 based on the areas of professional development most needed to improve
34 academic and teaching knowledge and skills of ~~certified~~ licensed personnel.

35
36 SECTION 42. Arkansas Code § 6-17-805 is amended to correct references

1 to nonlicensed public school employees to read as follows:

2 6-17-805. Deduction for professional membership dues.

3 (a) Upon the written request of any teacher or ~~classified~~ nonlicensed
4 employee, the board of directors of any school district of the state shall
5 deduct from the salary of that teacher or ~~classified~~ nonlicensed employee
6 such sums as the teacher or ~~classified~~ nonlicensed employee shall specify for
7 the payment of membership dues in any bona fide teacher's or employee's
8 educational professional organization designated by the teacher or ~~classified~~
9 nonlicensed employee in the request.

10 (b) The teacher or ~~classified~~ nonlicensed employee may request a lump-
11 sum deduction or have the sum to be deducted spread over the school year.

12 (c) The board of directors, or its authorized representative, shall
13 transmit the sum deducted to the organizations designated by the teacher or
14 ~~classified~~ nonlicensed employee in the request.

15 (d) All requests shall bear the manual signature of the teacher or
16 ~~classified~~ nonlicensed employee.

17 (e) The request shall be filed with the contract of the teacher or
18 ~~classified~~ nonlicensed employee and shall be subject to audit by the Division
19 of Legislative Audit.

20 (f) As used in this section:

21 (1) "~~Classified~~ Nonlicensed employee" means any person employed
22 by a school district under a written annual contract who is not required to
23 have a teaching ~~certificate~~ license issued by the Department of Education as
24 a condition of employment; and

25 (2) "Teacher" means any person holding a ~~certificate~~ license
26 issued by the State of Arkansas and employed by a school district in a
27 teaching, instructional, supervisory, administrative, or educational and
28 scientific capacity.

29
30 SECTION 43. Arkansas Code § 6-17-915 is amended to correct a reference
31 to nonlicensed public school personnel to read as follows:

32 6-17-915. Filing of personnel lists.

33 The ex officio financial secretary of each school district in the state
34 shall file on or before October 1 of each year a list of all licensed
35 personnel and all ~~classified~~ nonlicensed personnel employed by the school
36 district for the current year setting forth the annual salary of each and

1 such other information as the State Board of Education may prescribe.

2
3 SECTION 44. Arkansas Code § 6-17-1111 is amended to correctly
4 subdivide the section and to conform language to code style to read as
5 follows:

6 6-17-1111. Life and disability insurance -- Employee eligibility --
7 Allocation of costs.

8 (a) Eligible employees shall include:

9 (1) All licensed employees in public schools who are normally
10 expected to work nine hundred (900) hours or more per year, whose salaries
11 are paid from the school district's teacher salary fund, and all other
12 employees of public schools who are normally expected to work nine hundred
13 (900) hours or more per year and whose salaries are paid from the school
14 district's local or state revenue; and

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

19 (B) The employing school district is required to pay the
20 same amount per month for ~~these~~ the employees in subdivision (a)(2)(A) of
21 this section as the General Assembly appropriates for employees in
22 subdivision ~~(1)~~ (a)(1) of this section.

23 (C) The State and Public School Life and Health Insurance
24 Board may establish the manner in which this payment is to be made if the
25 manner of payment is not in violation of any other law, rule, or regulation
26 governing the school district.

27 ~~(3)(b) In the event that~~ If an employee ~~shall draw~~ draws part of his
28 or her salary from the school district's local or state revenue and part of
29 his or her salary from another fund administered by the school district, the
30 employer's share of the cost of his or her insurance shall be prorated
31 between the provisions of subdivisions (a)(1) and (a)(2) of this section.

32
33 SECTION 45. Arkansas Code § 6-17-1113(a)(1)(P), concerning a School
34 Worker Defense is amended to correct a reference to a public school teaching
35 license to read as follows:

36 (P) Each employee of the following who is required to hold

1 a teaching ~~certificate~~ license issued by the department:

2
3 SECTION 46. Arkansas Code § 6-17-1117(c)(2) and (3), concerning
4 employer contribution rates for health insurance, are amended to correct
5 references to public school licensed and nonlicensed employees to read as
6 follows:

7 (2) If a school district entered into a contract with a
8 superintendent, teacher, or other personnel prior to April 11, 2006, and the
9 contract provides for a higher employer contribution rate than is paid for a
10 majority of the ~~certified~~ licensed personnel in the school district, then the
11 school district may continue to pay the higher contribution rate as provided
12 under the existing contract but not under extensions, addendums, or new
13 contracts created after April 11, 2006, without increasing all other
14 employees to the same rate.

15 (3) Any school district that entered into contracts with
16 ~~classified nonlicensed~~ personnel prior to July 31, 2007, and the contracts
17 provided for a higher employer contribution funding amount than is paid for
18 ~~certified~~ licensed personnel in the school district shall freeze the employer
19 contribution funding amount for ~~classified nonlicensed~~ employees until such
20 time as the funding amount contributed for ~~certified~~ licensed personnel
21 equals or exceeds the funding amount provided for ~~classified nonlicensed~~
22 employees.

23
24 SECTION 47. Arkansas Code § 6-17-1302(3), concerning the definition of
25 "school employee", is amended to correct a reference to nonlicensed public
26 school employees and make technical corrections to read as follows:

27 (3) "School employee" ~~includes~~ means any employee of a school
28 district who works not less than twenty (20) hours per week and who is not
29 compelled by law to secure a teaching license from the State Board of
30 Education as a condition precedent to employment. This subchapter covers
31 those employees who are normally and usually designated as ~~noncertified~~
32 nonlicensed employees; and

33
34 SECTION 48. Arkansas Code § 6-17-1702(1), concerning the definition of
35 "employee", is amended to correct a reference to a teaching license and make
36 technical corrections to read as follows:

1 (1) "Employee" ~~shall mean~~ means any person employed by a school
2 district under a written annual contract, who is not required to have a
3 teaching ~~certificate~~ license issued by the Department of Education as a
4 condition of employment;

5
6 SECTION 49. Arkansas Code § 6-17-2201 is amended to correct a
7 reference to nonlicensed public school employees to read as follows:

8 6-17-2201. Title.

9 This subchapter shall be known and may be cited as the "~~Classified~~
10 Nonlicensed School Employee Minimum Salary Act".

11
12 SECTION 50. Arkansas Code § 6-17-2202 is amended to correct references
13 to nonlicensed public school employees to read as follows:

14 6-17-2202. Definitions.

15 As used in this subchapter, ~~unless the context otherwise requires:~~

16 (1) "~~Classified~~ Nonlicensed employee" means any employee of a public
17 school district in Arkansas who performs work for the school district and who
18 is not required to hold a valid teaching license issued by the State Board of
19 Education as a condition of employment; and

20 (2) "Full-time ~~classified~~ nonlicensed employee" means any ~~classified~~
21 nonlicensed employee who works twenty (20) or more hours per week for the
22 public school district.

23
24 SECTION 51. Arkansas Code § 6-17-2203 is amended to remove outdated
25 language and to correct references to nonlicensed public school employees to
26 read as follows:

27 6-17-2203. Minimum salary.

28 (a) A full-time ~~classified~~ nonlicensed employee shall not receive an
29 hourly rate of compensation less than six dollars twenty-five cents (\$6.25)
30 per hour.

31 (b) No ~~classified~~ nonlicensed employee's hourly rate of compensation
32 shall be reduced as a result of this subchapter.

33 (c) ~~Beginning July 1, 2003, and each year thereafter~~ Annually, the
34 minimum hourly rate provided in this subchapter shall be increased by a
35 percentage equal to the percentage increase of the ~~consumer price index~~
36 Consumer Price Index for All Urban Consumers.

1
2 SECTION 52. Arkansas Code § 6-17-2204 is amended to correct a
3 reference to a nonlicensed public school employee to read as follows:

4 6-17-2204. Rules and regulations.

5 The State Board of Education ~~is authorized to~~ may promulgate rules ~~and~~
6 ~~regulations~~ to establish a method of determining whether a ~~classified~~
7 nonlicensed employee shall be considered to work twenty (20) or more hours
8 per week.

9
10 SECTION 53. Arkansas Code § 6-17-2205 is amended to correct references
11 to nonlicensed public school employee to read as follows:

12 6-17-2205. Paid breaks for certain ~~classified~~ nonlicensed employees.

13 For ~~those~~ a ~~classified~~ nonlicensed ~~employees~~ employee working more than
14 twenty (20) hours per week:

15 (1)(A) Each school district in the state shall provide no fewer
16 than two (2) paid fifteen-minute breaks during each regular workday for ~~each~~
17 a ~~classified~~ nonlicensed school employee.

18 (B) The contract day shall not be extended to provide for
19 this section; and

20 (2) Each school district shall file an affidavit for compliance
21 with the Department of Education regarding the Fair Labor Standards Act for
22 ~~classified~~ nonlicensed employees unless the school district policies or state
23 laws impose higher standards.

24
25 SECTION 54. Arkansas Code § 6-17-2301(a) - (d), are amended to correct
26 references to nonlicensed public school employees to read as follows:

27 (a) Each school district in the State of Arkansas shall have a set of
28 written personnel policies, including the salary schedule for ~~classified~~
29 nonlicensed employees.

30 (b) For the purposes of this subchapter, there shall be five (5)
31 classifications of ~~classified~~ nonlicensed employees as provided in § 6-17-
32 2303.

33 (c) Personnel policies of concern to the ~~classified~~ nonlicensed
34 personnel policies committee shall include, but are not limited to, the
35 following terms and conditions of employment:

36 (1) Salary schedule, fringe benefits, and other compensation

1 issues;

- 2 (2) Annual school calendar, including work days and holidays;
 3 (3) Evaluation procedures;
 4 (4) Leave;
 5 (5) Grievance procedures;
 6 (6) Termination, nonrenewal, or suspension;
 7 (7) Reduction in force; and
 8 (8) Assignments.

9 (d)(1) A school district shall not receive in any year any additional
 10 state funding from the Public School Fund until the school district has
 11 posted on the school district's website, in accordance with § 6-11-129, its
 12 current personnel policies for ~~classified~~ nonlicensed employees signed by the
 13 president of the school board, including any salary schedules as required by
 14 this subchapter.

15 (2) By September 15 of each year, a school district shall
 16 provide the Department of Education with the website address at which its
 17 current personnel policies for ~~classified~~ nonlicensed employees, including
 18 the salary schedule, may be found.

19

20 SECTION 55. Arkansas Code § 6-17-2302 is amended to correct references
 21 to nonlicensed public school employees to read as follows:

22 6-17-2302. Applicability.

23 (a) The provisions of this subchapter shall not apply if the school
 24 district chooses to officially recognize in its policies an organization
 25 representing the majority of the nonmanagement ~~classified~~ nonlicensed
 26 employees of the school district for the purpose of negotiating personnel
 27 policies, salaries, and educational matters of mutual concern under a written
 28 policy agreement.

29 (b)(1) "~~Classified~~ Nonlicensed employee" means any person employed by
 30 a school district under a written annual contract who is not required to have
 31 a teaching license issued by the Department of Education as a condition of
 32 employment.

33 (2) "~~Classified~~ Nonlicensed employee administrator" means any
 34 ~~classified~~ nonlicensed or licensed employee who evaluates nonmanagement
 35 ~~classified~~ nonlicensed employees and any ~~classified~~ nonlicensed employee who
 36 supervises but does not evaluate other ~~classified~~ nonlicensed employees if

1 the nonmanagement ~~classified~~ nonlicensed employees exclude them.

2 (3) "Nonmanagement ~~classified~~ nonlicensed employee" means any
3 ~~classified~~ nonlicensed employee who does not evaluate other ~~classified~~
4 nonlicensed employees. The nonmanagement ~~classified~~ nonlicensed employees in
5 a school district, at their discretion in an election conducted in accordance
6 with § 6-17-2303(c), include in this definition ~~classified~~ nonlicensed
7 employees who supervise but do not evaluate other ~~classified~~ nonlicensed
8 employees.

9
10 SECTION 56. Arkansas Code § 6-17-2203(a) - (d), concerning a school
11 district committee on personnel policies, are amended to correct references
12 to nonlicensed public school employees and make technical corrections to read
13 as follows:

14 (a)(1) Each school district shall have a committee on personnel
15 policies for ~~classified~~ nonlicensed employees ~~which consist~~ that consists of
16 at least one (1) nonmanagement ~~classified~~ nonlicensed representative from
17 each of the following five (5) classifications:

- 18 (A) Maintenance, operation, and custodians;
- 19 (B) Transportation;
- 20 (C) Food service;
- 21 (D) Secretary and clerk; and
- 22 (E) Aides and paraprofessionals.

23 (2) All other job classifications of ~~classified~~ nonlicensed
24 employees not identified in the five (5) classifications may be grouped
25 together and added as an at-large classification and shall have at least one
26 (1) nonmanagement ~~classified~~ nonlicensed representative on the committee on
27 ~~classified~~ nonlicensed personnel policies.

28 (b)(1) There shall be no more than three (3) ~~classified~~ nonlicensed
29 employee administrators on the committee, one (1) of whom may be the
30 superintendent of schools.

31 (2) The ~~classified~~ nonlicensed employee administrators on the
32 committee shall be appointed by the school board of directors or its
33 designee.

34 (c) The nonmanagement ~~classified~~ nonlicensed employee member of the
35 committee shall be elected by a majority of all nonmanagement ~~classified~~
36 nonlicensed employees voting by secret ballot.

1 (d) The election shall be conducted solely and exclusively by the
2 nonmanagement ~~classified~~ nonlicensed employees, including distribution of
3 ballots to all nonmanagement ~~classified~~ nonlicensed employees.
4

5 SECTION 57. Arkansas Code § 6-17-2304 is amended to correct references
6 to nonlicensed public school employees to read as follows:

7 6-17-2304. Incorporation into employee contracts.

8 (a) The personnel policies of each school district shall be considered
9 to be incorporated as terms of the ~~classified~~ nonlicensed employees'
10 contracts and shall be binding upon the ~~classified~~ nonlicensed employees and
11 the school district.

12 (b)(1) Any changes or additions to the personnel policies shall not be
13 considered a part of ~~classified~~ nonlicensed employee contracts until the next
14 fiscal year.

15 (2)(A) Any changes or additions to the personnel policies may
16 take effect before the next fiscal year only if the changes or additions are
17 approved by a majority of the ~~classified~~ nonlicensed employees employed by
18 the school district voting by secret ballot.

19 (B) The voting and counting of ballots shall be conducted
20 by the ~~classified~~ nonlicensed personnel policy committee.

21 (3) All changes or additions to the ~~classified~~ nonlicensed
22 personnel policies or new personnel policies shall be made in accordance with
23 this subchapter.
24

25 SECTION 58. Arkansas Code § 6-17-2305(a), concerning a school
26 district's committee on personnel policies, is amended to correct a reference
27 to nonlicensed public school employees to read as follows:

28 (a) The school district's committee on personnel policies for
29 ~~classified~~ nonlicensed employees shall organize itself in October, elect a
30 chair and secretary, and develop a calendar of meetings throughout the year
31 to review the school district's personnel policies to:

32 (1) Determine whether additional policies or amendments to
33 existing policies are needed;

34 (2) Review any policies or changes to policies proposed by the
35 board of directors; and

36 (3) Propose additional policies or amendments to existing

1 personnel policies to the board of directors.

2
3 SECTION 59. Arkansas Code § 6-17-2306(a) - (b)(1), concerning a school
4 district's personnel policies, and the section heading are amended to correct
5 references to nonlicensed public school employees to read as follows:

6 6-17-2306. Copies furnished ~~classified~~ to nonlicensed employees.

7 (a)(1) Each ~~classified~~ nonlicensed employee being employed by a school
8 district for the first time shall be given a copy of the school district's
9 personnel policies in effect at the time of his or her employment.

10 (2) A digital copy provided to an employee or an online copy
11 that is accessible by Internet or intranet will meet the requirements of
12 subdivision (a)(1) of this section.

13 (3) A hard copy of all ~~classified~~ nonlicensed employee policies
14 shall be available to review at each work location.

15 (4) The individual employee shall be offered the choice of a
16 hard copy or a digital copy.

17 (b)(1) Each ~~classified~~ nonlicensed employee shall be furnished a copy
18 of any amendments to the personnel policies within thirty (30) days after
19 approval of the amendments by the board of directors of the school district.

20
21 SECTION 60. Arkansas Code § 6-17-2403(b) - (f), concerning the Teacher
22 Compensation Program of 2003, is amended to repeal expired provisions and to
23 amend the remaining provisions as a result of the repeal to read as follows:

24 (b) ~~In school year 2007-2008, each school district in the state shall~~
25 ~~have in place a salary schedule with at least the following minimum levels of~~
26 ~~compensation for a basic contract:~~

Years of Experience	BA Degree Salary	MA Degree Salary
28 0	\$28,897	\$33,231
29 1	29,347	33,731
30 2	29,797	34,231
31 3	30,247	34,731
32 4	30,697	35,231
33 5	31,147	35,731
34 6	31,597	36,231
35 7	32,047	36,731

1	8	32,497	37,231
2	9	32,947	37,731
3	10	33,397	38,231
4	11	33,847	38,731
5	12	34,297	39,231
6	13	34,747	39,731
7	14	35,197	40,231
8	15	35,647	40,731

9

10 ~~(c) In school year 2008-2009 and each school year thereafter, each~~
 11 Each school district in the state shall have in place a salary schedule with
 12 at least the following minimum levels of compensation for a basic contract:
 13

14	Years of Experience	BA Degree Salary	MA Degree Salary
15	0	\$29,244	\$33,630
16	1	29,694	34,130
17	2	30,144	34,630
18	3	30,594	35,130
19	4	31,044	35,630
20	5	31,494	36,130
21	6	31,944	36,630
22	7	32,394	37,130
23	8	32,844	37,630
24	9	33,294	38,130
25	10	33,744	38,630
26	11	34,194	39,130
27	12	34,644	39,630
28	13	35,094	40,130
29	14	35,544	40,630
30	15	35,994	41,130

31

32 ~~(d)(1)(c)(1)~~ For purposes of the salary schedules described in this
 33 section, the teacher's experience is his or her total years' experience as a
 34 teacher with a valid Arkansas teaching license and teaching at any:

35 (A) Public school accredited by the Department of
 36 Education or a nationally recognized accrediting association;

1 (B) Private school within the State of Arkansas accredited
 2 by a nationally recognized accrediting association;

3 (C) Institution of higher education within the State of
 4 Arkansas accredited by a nationally recognized higher education institution
 5 accrediting association; or

6 (D) Any facility operated by the Division of Youth
 7 Services or any facility contracting with the division to provide care for
 8 juveniles committed to the division.

9 (2) A teacher's years of experience shall be based upon:

10 (A) The years in the school district in which the teacher
 11 is employed when the salary schedule in this section is considered; and

12 (B) The teacher's years of experience with a valid
 13 Arkansas teaching license at an institution in subdivision ~~(d)(1)~~ (c)(1) of
 14 this section.

15 (3) For purposes of this section, "years of service" means:

16 (A) Performing the full-time duties of a teacher for a
 17 full school year with a valid Arkansas teaching license;

18 (B) Years of employment with an Arkansas public school in
 19 a full-time position that requires that the teacher have an Arkansas teaching
 20 license; or

21 (C) Years of employment in an educational capacity with an
 22 institution in subdivision ~~(d)(1)(C)~~ (c)(1)(C) of this section with a valid
 23 Arkansas teaching license.

24 ~~(e)(1) A teacher is entitled to additional pay if the number of days
 25 in the teacher's contract for the 2005-2006 school year exceeds the number of
 26 days in the teacher's contract for the 2004-2005 school year.~~

27 ~~(2) The additional pay is at least equal to the number of
 28 additional contract days under subdivision (e)(1) of this section multiplied
 29 by the daily rate calculated using the teacher's 2004-2005 salary.~~

30 ~~(3) A teacher is entitled to additional pay if the number of
 31 days in the teacher's contract for the 2006-2007 school year exceeds the
 32 number of days in the teacher's contract for the 2005-2006 school year.~~

33 ~~(4) The additional pay is at least equal to the number of
 34 contract days for the 2006-2007 school year exceeding the number of days in
 35 the teacher's contract for the 2005-2006 school year multiplied by the daily
 36 rate calculated using the teacher's 2005-2006 salary.~~

1 ~~(f) For purposes of this section, “daily rate” means the teacher~~
 2 ~~contract salary divided by the number of days in the teacher contract.~~

3
 4 SECTION 61. Arkansas Code § 6-17-2405 is amended to correct references
 5 to interim committees and a reference to another section of the Arkansas Code
 6 to read as follows:

7 6-17-2405. Future adjustments of the compensation system.
 8 Each biennium, the interim House ~~Interim~~ Committee on Education and the
 9 interim Senate ~~Interim~~ Committee on Education shall analyze the compensation
 10 levels provided in this subchapter, review relevant data, and make
 11 recommendations to the General Assembly for any adjustments to the
 12 compensation levels as needed to further the objective provided in ~~§ 6-17-~~
 13 ~~2402~~ § 6-17-2403.

14
 15 SECTION 62. Arkansas Code § 6-17-2602 is amended to correct references
 16 to licensed public school employees to read as follows:

17 6-17-2602. Definitions.

18 As used in this subchapter:

19 (1) “Educational setting” means the employment setting where the
 20 ~~certified~~ licensed employee works, including without limitation:

- 21 (A) A public or private school;
- 22 (B) An institution of higher education;
- 23 (C) An education service cooperative;
- 24 (D) The Department of Education;
- 25 (E) An adult education setting; or
- 26 (F) Another agency or organization that employs licensed

27 teachers for educational purposes;

28 (2) “Professional development” means a coordinated set of
 29 planned, learning development activities for teachers that are standards-
 30 based and that meet the focus areas for professional development required by
 31 the department; and

32 (3) “Teaching experience” means the experience gained while
 33 working in an educational setting as a teacher, librarian, counselor,
 34 administrator, educational consultant, substitute teacher, or other ~~certified~~
 35 licensed employee.

1 SECTION 63. Arkansas Code § 6-17-2701(6), concerning findings of the
2 General Assembly, is amended to correct a reference to licensed public school
3 teachers to read as follows:

4 (6) Approximately four thousand (4,000) of the seven thousand
5 four hundred thirty-three (7,433) ~~certified~~ licensed teachers in Arkansas are
6 actively teaching science, technology, engineering, and math-related courses
7 and may qualify for the science, technology, engineering, and math
8 supplemental income grant; and

9
10 SECTION 64. Arkansas Code § 6-18-227(j)(4), concerning school district
11 reports on school choice, is amended to correct references to interim
12 committees to read as follows:

13 (4) A copy of the report shall be provided to the ~~Joint Interim~~
14 interim House Committee on Education and the interim Senate Committee on
15 Education.

16
17 SECTION 65. Arkansas Code § 6-18-230(a), concerning the minimum age
18 for enrolling in prekindergarten, is amended to repeal expired provisions and
19 amend remaining provisions as a result of that repeal to read as follows:

20 (a)(1) ~~For the 2009-2010 school year:~~

21 ~~(A) A child may enter a prekindergarten program for~~
22 ~~children three (3) years of age if the child will attain three (3) years of~~
23 ~~age on or before August 1, 2009; and~~

24 ~~(B) A child may enter a prekindergarten program for~~
25 ~~children four (4) years of age if:~~

26 ~~(i) The child will attain four (4) years of age on~~
27 ~~or before August 15, 2009; or~~

28 ~~(ii) The child was enrolled in a prekindergarten~~
29 ~~program for children three (3) years of age for a minimum of one hundred~~
30 ~~(100) days during the 2008-2009 school year.~~

31 ~~(2) For the 2010-2011 school year and each school year~~
32 ~~thereafter:~~

33 ~~(A)~~ A child may enter a prekindergarten program for
34 children three (3) years of age if the child will attain three (3) years of
35 age on or before August 1 immediately preceding the beginning of the school
36 year; and

1 ~~(B)~~(2) A child may enter a prekindergarten program for children
2 four (4) years of age if the child will attain four (4) years of age on or
3 before August 1 immediately preceding the beginning of the school year.
4

5 SECTION 66. Arkansas Code § 6-18-501 is amended to correct references
6 to nonlicensed public school employees to read as follows:

7 6-18-501. Duty of teachers, ~~classified~~ nonlicensed school employees,
8 and volunteers.

9 (a) Every teacher shall seek to exercise wholesome discipline in his
10 or her school and endeavor by precept and otherwise to instill and cultivate
11 in the pupils good morals and gentle manners.

12 (b) ~~Classified~~ Nonlicensed school employees and volunteers shall have
13 as a minimum the responsibility to appropriately assist and support teachers
14 in these efforts.
15

16 SECTION 67. Arkansas Code § 6-18-502(f), concerning student discipline
17 training, is amended to correct a reference to a nonlicensed public school
18 employee to read as follows:

19 (f) Teachers and administrators, ~~classified~~ nonlicensed school
20 employees, and volunteers shall be provided with appropriate student
21 discipline training.
22

23 SECTION 68. Arkansas Code § 6-18-503(b)(2), concerning the definition
24 of "teachers and administrators", is amended to correct a reference to a
25 public school teaching license to read as follows:

26 (2) As used in this section, "teachers and administrators" means
27 those persons employed by a school district and required to have a state-
28 issued ~~certificate~~ license as a condition of their employment.
29

30 SECTION 69. Arkansas Code § 6-18-505(c)(2), concerning the definition
31 of "teachers and administrators", is amended to correct a reference to a
32 public school teaching license to read as follows:

33 (2) As used in subdivision (c)(1) of this section, "teachers and
34 administrators" means those persons employed by a school district and
35 required to have a state-issued ~~certificate~~ license as a condition of their
36 employment.

1
2 SECTION 70. Arkansas Code § 6-18-506(b), concerning school discipline
3 policies, is amended to correct a reference to nonlicensed public school
4 employees to read as follows:

5 (b) Every school district board of directors shall adopt and file with
6 the Department of Education written policies concerning the violation of
7 school standards such as disrespect for teachers and ~~classified~~ nonlicensed
8 school employees, vandalism, and other undesirable behavioral patterns.

9
10 SECTION 71. Arkansas Code § 6-20-2206(c)(4), concerning licensed
11 employee salary schedules, is amended to correct a reference to licensed
12 public school employees to read as follows:

13 (4) The school district, open-enrollment public charter school,
14 and education service cooperative shall file annually with the state board a
15 salary schedule for its ~~certified~~ licensed employees which recognizes a
16 minimum level of training and experience. This schedule shall reflect the
17 actual pay practices of the school district, open-enrollment public charter
18 school, or education service cooperative, including all fringe benefits and
19 supplemental salary schedules. Salary increments for experience or education,
20 or both, shall be identified on the schedule; and

21
22 SECTION 72. Arkansas Code § 6-20-2209, concerning the study of
23 improved reporting systems in public schools for which the time period
24 expired on November 1, 2006, is repealed.

25 ~~6-20-2209. Study of improved reporting systems.~~

26 ~~(a)(1) The General Assembly finds that ensuring the provision of an~~
27 ~~adequate and equitable education to the children of the State of Arkansas~~
28 ~~requires prompt and reliable information on school finances, including, but~~
29 ~~not limited to, reports on school district expenditures and school district~~
30 ~~fund balances and interfund transfers.~~

31 ~~(2) The General Assembly further finds that current financial~~
32 ~~accounting and reporting systems do not promptly provide the crucial~~
33 ~~information necessary to make informed decisions on matters pertaining to~~
34 ~~public education in this state.~~

35 ~~(b) On or before November 1, 2006, the House Interim Committee on~~
36 ~~Education, the Senate Interim Committee on Education, and the Department of~~

1 ~~Education shall jointly study potential upgrades in public school district~~
 2 ~~financial accounting and reporting systems that would result in the prompt~~
 3 ~~availability of crucial information, including, but not limited to:~~

4 ~~(1) The cost to the state of any potential upgrades;~~

5 ~~(2) The time necessary to implement any upgrades; and~~

6 ~~(3)(A) A definition of the term "unallocated balances" that will~~
 7 ~~ensure uniform treatment of fund balances throughout public school districts.~~

8 ~~(B) In studying possible definitions of the term~~
 9 ~~"unallocated balances", the House Interim Committee on Education and the~~
 10 ~~Senate Interim Committee on Education shall consider the amount, if any,~~
 11 ~~appropriate for a public school district to maintain as a fund balance for~~
 12 ~~future contingencies.~~

13 ~~(c) In conducting the study, the House Interim Committee on Education~~
 14 ~~and the Senate Interim Committee on Education shall seek the cooperation of~~
 15 ~~representatives from the Arkansas Association of Educational Administrators,~~
 16 ~~the Arkansas Association of School Business Officials, the Arkansas Education~~
 17 ~~Association, the education service cooperatives, and the Legislative Joint~~
 18 ~~Auditing Committee.~~

19 ~~(d) On or before December 1, 2006, the House Interim Committee on~~
 20 ~~Education and the Senate Interim Committee on Education shall issue a report~~
 21 ~~to the Speaker of the House of Representatives and the President Pro Tempore~~
 22 ~~of the Senate regarding the results of the study and the recommendations of~~
 23 ~~the committees.~~

24
 25 SECTION 73. Arkansas Code § 6-20-2303(9)(A), concerning the definition
 26 of "legal revenues", is amended to correct references to licensed public
 27 school personnel to read as follows:

28 (A)(i) The teacher's salary fund, which means the set of
 29 accounts used to record the receipts and expenditures for payment of salaries
 30 for ~~certified~~ licensed personnel, ~~certified~~ licensed substitutes, tuition,
 31 and fringe benefits as defined by § 6-17-908.

32 (ii) ~~Certified~~ Licensed personnel salaries from
 33 federal programs are excluded;

34
 35 SECTION 74. Arkansas Code § 6-20-2305(f)(4)(A), concerning licensed
 36 employee salary schedules, is amended to correct a reference to licensed

1 public school employees to read as follows:

2 (4)(A) Each school year the school district shall file with the
 3 State Board of Education a salary schedule for its ~~certified~~ licensed
 4 employees that recognizes a minimum level of training and experience.

5
 6 SECTION 75. Arkansas Code § 6-20-2504, concerning the Academic
 7 Facilities Immediate Repair Program which the Department of Education
 8 completed in 2010, is repealed.

9 ~~6-20-2504. Academic Facilities Immediate Repair Program.~~

10 ~~(a) There is established the Academic Facilities Immediate Repair
 11 Program under which the Division of Public School Academic Facilities and
 12 Transportation shall provide school districts with state financial
 13 participation for eligible repair projects based on the school district's
 14 academic facilities wealth index.~~

15 ~~(b) A school district may apply for state financial participation in
 16 an immediate repair project if:~~

17 ~~(1) The school district's application is received by the
 18 division no later than July 1, 2005;~~

19 ~~(2) The condition for which the repair is needed was in
 20 existence on January 1, 2005;~~

21 ~~(3) The facility condition index of the academic facility
 22 involved in the proposed repair project is less than a threshold amount
 23 determined by the division; and~~

24 ~~(4) The repair project involves one (1) or more of the
 25 following:~~

26 ~~(A) Heating, ventilation, and air conditioning systems;~~

27 ~~(B) Floors;~~

28 ~~(C) Roofs;~~

29 ~~(D) Sewage systems;~~

30 ~~(E) Water supplies;~~

31 ~~(F) Asbestos abatement;~~

32 ~~(G) Fire alarm systems;~~

33 ~~(H) Exterior doors;~~

34 ~~(I) Emergency exit or egress passageway lighting;~~

35 ~~(J) Academic program or facility accessibility for
 36 individuals with disabilities; and~~

1 ~~(K) Any other repair to a building system necessary to~~
2 ~~satisfy life safety code requirements as determined by the division.~~

3 ~~(e) As part of its application for state financial participation in an~~
4 ~~immediate repair project, a school district shall provide the division with~~
5 ~~evidence of:~~

6 ~~(1) The deficiency in need of correction and how it presents an~~
7 ~~immediate hazard to:~~

8 ~~(A) The health or safety of students, teachers,~~
9 ~~administrators, or staff of a school district;~~

10 ~~(B) The integrity of the public school academic facility~~
11 ~~with regard to meeting minimum health and safety standards; or~~

12 ~~(C) The extraordinary deterioration of the public school~~
13 ~~academic facility;~~

14 ~~(2) The estimated cost of the immediate repair project, which~~
15 ~~shall be a minimum of one hundred dollars (\$100) per student or fifty~~
16 ~~thousand dollars (\$50,000), whichever is less;~~

17 ~~(3) The availability of insurance and any other public or~~
18 ~~private emergency assistance to pay for the immediate repair project; and~~

19 ~~(4) Whether or not the academic facility is reasonably expected~~
20 ~~to close or be substantially replaced within three (3) years.~~

21 ~~(d)(1) The division shall evaluate a school district's immediate~~
22 ~~repair application and may conduct an on-site inspection prior to making a~~
23 ~~decision on the application as it deems necessary.~~

24 ~~(2) The division shall notify the school district of the~~
25 ~~division's decision on the application and, if applicable, the amount of~~
26 ~~state financial participation. The division shall base its decision on~~
27 ~~several factors, including, without limitation:~~

28 ~~(A) The seriousness of the deficiency that the immediate~~
29 ~~repair project is intended to correct;~~

30 ~~(B) Compliance with current academic facility standards,~~
31 ~~including, without limitation, appropriate space utilization;~~

32 ~~(C) The amount and availability of insurance and any other~~
33 ~~public or private emergency assistance;~~

34 ~~(D) Whether the academic facility is reasonably expected~~
35 ~~to close or be substantially replaced within three (3) years;~~

36 ~~(E) The academic facilities wealth index of the school~~

1 ~~district, and~~

2 ~~(F) The prudent and resourceful expenditure of state funds~~
3 ~~with regard to public school academic facilities.~~

4 ~~(e)(1)(A) If a school district qualifies for state financial~~
5 ~~participation under this section, the division shall certify the amount of~~
6 ~~state financial participation to the Commission for Arkansas Public School~~
7 ~~Academic Facilities and Transportation for oversight purposes.~~

8 ~~(B) The commission shall certify the amount to the~~
9 ~~Department of Education for payment.~~

10 ~~(2) For tracking purposes, the school district shall account for~~
11 ~~the funds received as state financial participation under this section as~~
12 ~~restricted funds and shall account for the funds in accordance with~~
13 ~~provisions of law, including, without limitation, the Arkansas Educational~~
14 ~~Financial Accounting and Reporting Act of 2004, § 6-20-2201 et seq., and~~
15 ~~rules established by the State Board of Education and the commission.~~

16 ~~(f) Every effort shall be made to conform an immediate repair project~~
17 ~~to current academic facilities standards, including, without limitation,~~
18 ~~appropriate space utilization requirements, unless in the judgment of the~~
19 ~~division it is impractical to conform the immediate repair project to current~~
20 ~~standards.~~

21 ~~(g) A school district shall use state financial participation in an~~
22 ~~immediate repair project to pay the cost of only the portion of an immediate~~
23 ~~repair project that is not covered by insurance or other public or private~~
24 ~~emergency assistance received by or payable to the school district.~~

25 ~~(h)(1) Within thirty (30) days after the completion of all approved~~
26 ~~immediate repair projects, the division shall certify to the commission that~~
27 ~~all approved immediate repair projects have been completed and all approved~~
28 ~~state financial participation under this section has been distributed.~~

29 ~~(2) Upon acceptance by the commission of the division's~~
30 ~~certification, the Academic Facilities Immediate Repair Program shall expire.~~

31 ~~(3) An approved project that is not verified as being complete~~
32 ~~by January 1, 2008, shall be declared canceled by the commission and program~~
33 ~~funds shall be reallocated as the commission directs.~~

34
35 SECTION 76. Arkansas Code § 6-20-2505, concerning the Academic
36 Equipment Program which the Department of Education completed in 2010, is

1 repealed.

2 ~~6-20-2505.—Academic Equipment Program.~~

3 ~~(a)—There is established the Academic Equipment Program under which~~
 4 ~~the Division of Public School Academic Facilities and Transportation shall~~
 5 ~~provide school districts with state financial participation to support the~~
 6 ~~purchase of eligible academic equipment based on the school district's~~
 7 ~~academic facilities wealth index.~~

8 ~~(b)—A school district may apply for state financial participation to~~
 9 ~~support the purchase of academic equipment if:~~

10 ~~(1)—The school district's application is received by the~~
 11 ~~division no later than July 1, 2005;~~

12 ~~(2)—The need for the academic equipment was in existence on~~
 13 ~~January 1, 2005; and~~

14 ~~(3)—The academic equipment supports an adequate education as~~
 15 ~~described in § 6-20-2302.~~

16 ~~(c)—As part of its application for state financial participation under~~
 17 ~~this section, a school district shall provide the division with evidence of:~~

18 ~~(1)—The need for the academic equipment;~~

19 ~~(2)—The estimated cost of the academic equipment; and~~

20 ~~(3)—Any additional information determined by the division to be~~
 21 ~~necessary to evaluate the school district's application.~~

22 ~~(d)—The division shall evaluate a school district's application and~~
 23 ~~notify the school district of the division's decision on the application and,~~
 24 ~~if applicable, the amount of state financial participation. The division~~
 25 ~~shall base its decision on several factors, including, without limitation:~~

26 ~~(1)—The nature of and need for the academic equipment;~~

27 ~~(2)—Consistency with current academic equipment standards and~~
 28 ~~sound educational practices;~~

29 ~~(3)—The academic facilities wealth index of the school district;~~
 30 ~~and~~

31 ~~(4)—The prudent and resourceful expenditure of state funds with~~
 32 ~~regard to public school academic facilities and equipment.~~

33 ~~(e)(1)(A)—If a school district qualifies for state financial~~
 34 ~~participation under this section, the division shall certify the amount of~~
 35 ~~state financial participation to the Commission for Arkansas Public School~~
 36 ~~Academic Facilities and Transportation for oversight purposes.~~

1 ~~(B) The commission shall certify the amount to the~~
2 ~~Department of Education for payment.~~

3 ~~(2) For tracking purposes, the school district shall account for~~
4 ~~the funds received as state financial participation under this section as~~
5 ~~restricted funds and shall account for the funds in accordance with~~
6 ~~provisions of law, including, without limitation, the Arkansas Educational~~
7 ~~Financial Accounting and Reporting Act of 2004, § 6-20-2201 et seq., and~~
8 ~~rules established by the State Board of Education and the commission.~~

9 ~~(f) Every effort shall be made to conform the purchase of academic~~
10 ~~equipment to current academic equipment standards and sound educational~~
11 ~~practices unless in the judgment of the division it is impractical to conform~~
12 ~~the purchase to current standards.~~

13
14 SECTION 77. Arkansas Code § 6-20-2506, concerning the Transitional
15 Academic Facilities Program, which the Department of Education completed in
16 2010, is repealed.

17 ~~6-20-2506. Transitional Academic Facilities Program.~~

18 ~~(a) There is established the Transitional Academic Facilities Program~~
19 ~~under which the Division of Public School Academic Facilities and~~
20 ~~Transportation shall provide state financial participation based on a school~~
21 ~~district's academic facilities wealth index in the form of reimbursement to a~~
22 ~~school district for eligible new construction projects for which debt is~~
23 ~~incurred or funds are spent after January 1, 2005, and on or before June 30,~~
24 ~~2006.~~

25 ~~(b) Under the program, a school district may proceed with new~~
26 ~~construction of an academic facility through the expenditure of local~~
27 ~~resources prior to the school district's eligibility for state financial~~
28 ~~participation and may apply the expenditure of local resources after January~~
29 ~~1, 2005, and on or before June 30, 2006, toward meeting the school district's~~
30 ~~share of financial participation in the cost of the new construction project~~
31 ~~when, and if, the school district becomes eligible for state financial~~
32 ~~participation.~~

33 ~~(c) In order to apply for state financial participation under the~~
34 ~~program, the school district shall provide the division with evidence of:~~

35 ~~(1) A new construction project for which debt was incurred or~~
36 ~~funds were spent after January 1, 2005, and on or before June 30, 2006;~~

1 ~~(2) The total cost of the new construction project;~~

2 ~~(3) The new construction project's conformance with sound~~
3 ~~educational practices;~~

4 ~~(4)(A) The new construction project's compliance with current~~
5 ~~academic facilities standards, including, without limitation, appropriate~~
6 ~~space utilization of existing academic facilities in the district as~~
7 ~~determined by the division.~~

8 ~~(B) The academic facilities standards in effect on the~~
9 ~~date the plans are submitted to the division are the academic facilities~~
10 ~~standards that will apply to the new construction project;~~

11 ~~(5) The allocation of project costs between new construction~~
12 ~~activities and maintenance, repair, and renovation activities if the new~~
13 ~~construction project includes improvements that could be classified as~~
14 ~~maintenance, repair, and renovation; and~~

15 ~~(6) How the new construction project supports the prudent and~~
16 ~~resourceful expenditure of state funds and improves the school district's~~
17 ~~ability to deliver an adequate and equitable education to public school~~
18 ~~students in the district.~~

19 ~~(d)(1) The division shall evaluate a school district's application for~~
20 ~~state financial participation under the program and shall conduct an on-site~~
21 ~~inspection prior to making a determination of the new construction project's~~
22 ~~eligibility for reimbursement from the state.~~

23 ~~(2) During the on-site inspection, the division shall evaluate~~
24 ~~all of the following:~~

25 ~~(A) Student health and safety, including, without~~
26 ~~limitation, critical health and safety needs;~~

27 ~~(B) The new construction project's compliance with current~~
28 ~~academic facilities standards, including, without limitation, appropriate~~
29 ~~space utilization of existing academic facilities in the district;~~

30 ~~(C) The new construction project's conformance with sound~~
31 ~~educational practices;~~

32 ~~(D) Curriculum improvement and diversification, including,~~
33 ~~without limitation, the use of instructional technology, distance learning,~~
34 ~~and access to advanced courses in science, mathematics, language arts, and~~
35 ~~social studies;~~

36 ~~(E) Multischool, multidistrict, and regional planning to~~

1 ~~achieve the most effective and efficient instructional delivery system;~~

2 ~~(F) Reasonable travel time and practical means of~~
3 ~~addressing other demographic considerations; and~~

4 ~~(G) Regularly scheduled maintenance, repair, and~~
5 ~~renovation.~~

6 ~~(3)(A) The division shall notify the school district of the~~
7 ~~division's decision on the application and, if applicable, the amount of~~
8 ~~reimbursement from the state.~~

9 ~~(B) The division shall base its decision on several~~
10 ~~factors, including, without limitation:~~

11 ~~(i) The reasonableness and necessity of the features~~
12 ~~of the academic facility according to criteria developed by the division;~~

13 ~~(ii) Compliance with current academic facility~~
14 ~~standards, including, without limitation, appropriate space utilization;~~

15 ~~(iii) The academic facilities wealth index of the~~
16 ~~school district; and~~

17 ~~(iv) The prudent and resourceful expenditure of~~
18 ~~state funds with regard to public school academic facilities.~~

19 ~~(c)(1)(A) If a school district qualifies for state financial~~
20 ~~participation under this section, the division shall certify the amount of~~
21 ~~state financial participation to the Commission for Arkansas Public School~~
22 ~~Academic Facilities and Transportation for oversight purposes.~~

23 ~~(B) The commission shall certify the amount to the~~
24 ~~Department of Education for payment.~~

25 ~~(2) For tracking purposes, the school district shall account for~~
26 ~~the funds received as state financial participation under this section as~~
27 ~~restricted funds and shall account for the funds in accordance with~~
28 ~~provisions of law, including, without limitation, the Arkansas Educational~~
29 ~~Financial Accounting and Reporting Act of 2004, § 6-20-2201 et seq., and~~
30 ~~rules established by the State Board of Education and the commission.~~

31 ~~(f) Every effort shall be made to conform a new construction project~~
32 ~~to current academic facilities standards, including, without limitation,~~
33 ~~appropriate space utilization requirements unless in the judgment of the~~
34 ~~division it is impractical to conform the new construction project to current~~
35 ~~standards.~~

36 ~~(g)(1) Within thirty (30) days after the completion of all projects~~

1 ~~approved under this section, the division shall certify to the commission~~
2 ~~that all projects approved under this section have been completed and all~~
3 ~~state financial participation approved under this section has been~~
4 ~~distributed.~~

5 ~~(2) Upon acceptance by the commission of the division's~~
6 ~~certification, the program shall expire.~~

7 ~~(3) An approved project that is not verified as being complete~~
8 ~~by July 1, 2009, shall be declared canceled by the commission and program~~
9 ~~funds shall be reallocated as the commission directs.~~

10
11 SECTION 78. Arkansas Code § 6-21-304(b)(3), concerning a school buses
12 advisor committee, is amended to correct a reference to the Commission for
13 Arkansas Public School Academic Facilities and Transportation to read as
14 follows:

15 (3) An advisory committee made up of ten (10) school
16 administrators representing all sizes of schools and all areas of the state
17 shall assist the ~~department~~ commission in drawing up specifications for
18 school buses.

19
20 SECTION 79. Arkansas Code § 6-21-413 is amended to correct a reference
21 to licensed public school personnel to read as follows:

22 6-21-413. Local selection committee.

23 Each school district shall select a textbook selection committee to be
24 composed of a majority of ~~certified~~ licensed personnel, which shall include
25 classroom teachers.

26
27 SECTION 80. Arkansas Code § 6-22-101(a), concerning public school
28 volunteers, is amended to correct a reference to licensed public school
29 personnel to read as follows:

30 (a) The General Assembly recognizes that the effective use of
31 volunteers in the public schools can provide greater opportunities for
32 students to participate in school-sponsored extracurricular and
33 interscholastic activities, which many local school districts otherwise could
34 not provide due to funding limitations and lack of availability of ~~certified~~
35 licensed personnel.

36

1 SECTION 81. Arkansas Code § 6-22-103(3), concerning the definition of
2 "registered volunteer", is amended to correct a reference to licensed public
3 school personnel to read as follows:

4 (3) "Registered volunteer" means any volunteer who, subject to
5 Arkansas Activities Association regulations and rules set by the local school
6 district, is given written authorization by the school district to lead
7 extracurricular activities or to assist a staff member who is a ~~certified~~
8 licensed employee of the school district in extracurricular activities or
9 interscholastic activities; and

10
11 SECTION 82. Arkansas Code § 6-22-108 is amended to correct a reference
12 to licensed public school personnel to read as follows:

13 6-22-108. Construction.

14 None of the provisions of this chapter shall be construed as to
15 prohibit a school district from utilizing the services of the volunteers who
16 operate under the supervision of ~~certified~~ licensed school personnel.

17
18 SECTION 83. Arkansas Code § 6-23-201(b)(1)(B)(i), concerning notice of
19 a public hearing on a conversion public charter school application, is
20 amended to correct a reference to licensed public school personnel to read as
21 follows:

22 (B) Notice of the public hearing shall be:

23 (i) Distributed to the community, ~~certified~~ licensed
24 personnel, and the parents of all students enrolled at the public school for
25 which the public school district initiated the application; and

26
27 SECTION 84. Arkansas Code § 6-23-201(b)(4) - (c), concerning a
28 conversion public charter school application, are amended to correct
29 references to licensed public school personnel to read as follows:

30 (4) Describe how the ~~certified~~ licensed employees and parents of
31 students to be enrolled in the conversion public charter school will be
32 involved in developing and implementing the school improvement plan and
33 identifying performance criteria;

34 (5) Describe how the concerns of ~~certified~~ licensed employees
35 and parents of students enrolled in the conversion public charter school will
36 be solicited and addressed in evaluating the effectiveness of the improvement

1 plan; and

2 (6) List the specific provisions of this title and the specific
3 rules and regulations promulgated by the state board from which the
4 conversion public charter school will be exempt.

5 (c)(1) A ~~certified~~ licensed teacher employed by a public school in the
6 school year immediately preceding the effective date of a charter for a
7 public school conversion within that public school district may not be
8 transferred to or be employed by the conversion public charter school over
9 the ~~certified~~ licensed teacher's objection, nor shall that objection be used
10 as a basis to deny continuing employment within the public school district in
11 another public school at a similar grade level.

12 (2) If the transfer of a teacher within the public school
13 district is not possible because only one (1) public school exists for that
14 teacher's ~~certification~~ licensure level, then the local school board shall
15 call for a vote of the ~~certified~~ licensed teachers in the proposed conversion
16 public charter school site and proceed, at the local school board's option,
17 with the conversion public charter school application if a majority of the
18 ~~certified~~ licensed teachers approve the proposal.

19
20 SECTION 85. Arkansas Code § 6-23-202(3), concerning State Board of
21 Education approval of a conversion public charter school application, is
22 amended to correct a reference to licensed public school employees to read as
23 follows:

24 (3) Includes a proposal to directly and substantially involve
25 the parents of students to be enrolled in the conversion public charter
26 school, as well as the ~~certified~~ licensed employees and the broader
27 community, in the process of carrying out the terms of the charter; and
28

29 SECTION 86. Arkansas Code § 6-23-205 is amended to correct references
30 to licensed public school teachers to read as follows:

31 6-23-205. Teacher hires when charter revoked.

32 If a ~~certified~~ licensed teacher employed by a public school district in
33 the school year immediately preceding the effective date of the charter is
34 employed by a conversion public charter school and the charter is revoked,
35 the ~~certified~~ licensed teacher will receive a priority in hiring for the
36 first available position for which the ~~certified~~ licensed teacher is

1 qualified in the public school district where the ~~certified~~ licensed teacher
2 was formerly employed.

3
4 SECTION 87. Arkansas Code § 6-23-303(3), concerning State Board of
5 Education approval of an open-enrollment public charter school application,
6 is amended to correct a reference to licensed public school employees to read
7 as follows:

8 (3) Includes a proposal to directly and substantially involve
9 the parents of students to be enrolled in the open-enrollment public charter
10 school, the ~~certified~~ licensed employees, and the broader community in
11 carrying out the terms of the open-enrollment charter;

12
13 SECTION 88. Arkansas Code § 6-23-308 is amended to correct references
14 to licensed public school teachers to read as follows:

15 6-23-308. Priority hiring for teachers.

16 If a ~~certified~~ licensed teacher employed by a public school district in
17 the school year immediately preceding the effective date of the open-
18 enrollment public charter is employed by an open-enrollment public charter
19 school and the open-enrollment public charter is revoked, the ~~certified~~
20 licensed teacher will receive a priority in hiring for the first available
21 position for which the ~~certified~~ licensed teacher is qualified in the public
22 school district where the ~~certified~~ licensed teacher was formerly employed.

23
24 SECTION 89. Arkansas Code § 6-23-601(b)(1)(C), concerning an
25 application for a limited public charter school, is amended to correct a
26 reference to licensed public school employees to read as follows:

27 (C) No limited public charter school may be allowed an
28 exemption that would allow a full-time ~~certified~~ licensed employee to be paid
29 less than the salary provided in the public school district's salary schedule
30 for that employee;

31
32 SECTION 90. Arkansas Code § 6-23-601(b)(3), concerning an application
33 for a limited public charter school, is amended to correct a reference to
34 licensed public charter school employees to read as follows:

35 (3) Describe how the ~~certified~~ licensed employees at the limited
36 public charter school will be involved in developing and implementing the

1 school improvement plan set forth in subdivision (b)(2) of this section and
2 in identifying performance criteria;

3
4 SECTION 91. Arkansas Code § 6-23-601(d), concerning a licensed
5 teacher's employment in a limited public charter school, is amended to
6 correct references to licensed public school teachers and the licensure of
7 public school teachers to read as follows:

8 (d)(1) A ~~certified~~ licensed teacher employed by a public school in the
9 school year immediately preceding the effective date of a limited public
10 charter for a limited public charter school within that public school
11 district may not be transferred to or be employed by the limited public
12 charter school over the ~~certified~~ licensed teacher's objections, nor shall
13 that objection be used as a basis to deny continuing employment within the
14 public school district in another public school at a similar grade level.

15 (2) If the transfer of a teacher within a public school district
16 is not possible because only one (1) public school exists for the teacher's
17 ~~certification~~ licensure level, then the local school board shall call for a
18 vote of the ~~certified~~ licensed teachers in the proposed limited public
19 charter school site and proceed, at the local school board's option, with the
20 limited public charter school application if a majority of the
21 ~~certified~~ licensed teachers approve the proposal.

22 (3)(A) A ~~certified~~ licensed teacher choosing to join the staff
23 of a limited public charter school shall be employed by the district by a
24 written contract as set forth in § 6-13-620(4), with the contract being
25 subject to the provisions of The Teacher Fair Dismissal Act of 1983, § 6-17-
26 1501 et seq.

27 (B)(i) The ~~certified~~ licensed teacher shall also enter
28 into a separate supplemental contract specifically for the teacher's
29 employment in the limited public charter school, with the supplemental
30 contract being exempt from The Teacher Fair Dismissal Act of 1983, § 6-17-
31 1501 et seq., and from § 6-17-807.

32 (ii) Termination of the supplemental contract shall
33 not be used as a basis to deny continued employment of the teacher within the
34 public school district in another public school at a similar grade level.

35
36 SECTION 92. Arkansas Code § 6-24-102(16)(B)(ii), concerning the

1 definition of "initially employed", is amended to correct a reference to a
2 nonlicensed public school employee to read as follows:

3 (ii) Renewal of a ~~noncertified~~ nonlicensed
4 employee's contract that is required by law; or

5
6 SECTION 93. Arkansas Code § 6-26-102(7)(A), concerning the definition
7 of "high-performance teacher", is amended to correct a reference to a
8 licensed public school teacher to read as follows:

9 (7) "High-performing teacher" means a ~~certified~~ licensed teacher
10 who meets one (1) of the following criteria:

11 (A) Is currently employed at a high-performing school
12 district as a classroom teacher and has three (3) years or more of experience
13 teaching in the subject area that the high-priority school district is
14 seeking;

15
16 SECTION 94. Arkansas Code § 6-26-303(b)(2), concerning a rental
17 housing program in a high-priority school district, is amended to correct
18 references to licensed and nonlicensed employees of public school districts
19 to read as follows:

20 (2) Only upon the approval of the board and only if the housing
21 is not able to be used by high-performing teachers in a high-priority school
22 district, the developer may lease to the following persons in order of
23 preference:

24 (A) Other ~~certified-staff~~ licensed employees of the high-
25 priority school district;

26 (B) Other ~~noncertified-staff~~ nonlicensed employees of the
27 high-priority school district; or

28 (C) Any other person with a gross income of thirty-five
29 thousand dollars (\$35,000) or less.

30
31 SECTION 95. Arkansas Code § 6-41-403(a), concerning assessments of
32 visually impaired students, is amended to correct a reference to a licensed
33 public school teacher to read as follows:

34 (a) Each school district shall ensure that, at least one (1) time per
35 year, a ~~certified~~ licensed teacher of the visually impaired, or other
36 qualified person as determined by the Department of Education, conducts an

1 assessment of the educational progress of each visually impaired student
 2 enrolled in that school district identified as having or suspected of having
 3 a disability pursuant to the Children with Disabilities Act of 1973, § 6-41-
 4 201 et seq. The assessment shall:

5 (1) Address the student's need for braille instruction, using
 6 procedures developed by the department, and specify the learning medium most
 7 appropriate for the student's educational progress;

8 (2) Identify the student's strengths and weaknesses in braille
 9 skills, when that medium is used for instruction; and

10 (3) Identify appropriate and necessary related services and
 11 technologies for use in combination with braille instruction.

12
 13 SECTION 96. Arkansas Code § 6-41-404 is amended to correct a reference
 14 to a licensed public school teacher to read as follows:

15 6-41-404. Braille instruction.

16 Each student who needs braille reading and writing instruction shall
 17 receive instruction from either a ~~certified~~ licensed teacher of the visually
 18 impaired or a person who is qualified in braille instruction as determined by
 19 the Department of Education.

20
 21 SECTION 97. Arkansas Code § 6-41-503(1), concerning the Task Force on
 22 Medically Fragile, Chronically Ill, or Technology-Dependent Students, is
 23 amended to correct references to licensed and nonlicensed public school
 24 employees to read as follows:

25 (1) Determine and recommend to the State Board of Education
 26 rules and regulations identifying the appropriate role and responsibility of
 27 public school employees, including ~~certified~~ licensed, ~~classified~~
 28 nonlicensed, and school health service personnel, and that of medical
 29 personnel in the provision of services to these students; and

30
 31 SECTION 98. Arkansas Code § 6-43-113(b), concerning salary limitations
 32 of employees of the Arkansas School for the Blind or the Arkansas School for
 33 the deaf, is amended to conform the language to code style to read as
 34 follows:

35 (b) Any employee knowingly violating the provisions of this section
 36 shall be subject to immediate termination and shall be barred from employment

1 by any agency or institution of the State of Arkansas for a period of not
2 less than three (3) years or until ~~such~~ the employee shall repay to the State
3 of Arkansas any sums received by ~~such~~ the employee in violation of this
4 section, together with interest at a rate of ten percent (10%) per annum.
5

6 SECTION 99. Arkansas Code § 6-43-115 is repealed because similar
7 language is codified at § 6-43-113.

8 ~~6-43-115. Additional compensation for employees.~~

9 ~~(a) No employee drawing a salary or other form of compensation from
10 the Arkansas School for the Blind or the Arkansas School for the Deaf shall
11 be paid an additional salary or receive additional compensation other than
12 reimbursement for actual expenses from that agency nor from any other agency
13 or institution of higher education except from the superintendent's written
14 certification to and approval by the Chief Fiscal Officer of the State that
15 the work performed by the employee for the other position does not interfere
16 with the proper and required performance of the employee's primary duties and
17 that the combined salary payments from both positions will not exceed the
18 maximum annual salary for whichever of the two (2) positions has the higher
19 authorized maximum annual salary.~~

20 ~~(b) Any employee knowingly violating the provisions of this section
21 shall be subject to immediate termination and shall be barred from employment
22 by any agency or institution of the State of Arkansas for a period of not
23 less than three (3) years or until the employee shall repay to the State of
24 Arkansas any sums received by the employee in violation of this section
25 together with interest at a rate of ten percent (10%) per annum.~~
26

27 SECTION 100. Arkansas Code § 6-51-104 is repealed because similar
28 language is codified at § 6-51-105.

29 ~~6-51-104. Priorities.~~

30 ~~A high priority of the vocational technical schools enumerated in this
31 act shall be the combatting of illiteracy and the providing of industrial
32 training in the workplace.~~
33

34 SECTION 101. Arkansas Code § 6-53-302(d)(1)(C) is amended to correct a
35 reference to licensed and nonlicensed public school employees to read as
36 follows:

1 (C) A ~~certified~~ licensed or ~~noncertified~~ nonlicensed
2 employee of a public school district;

3
4 SECTION 102. DO NOT CODIFY. The enactment and adoption of this act
5 shall not repeal, expressly or impliedly, the acts passed at the regular
6 session of the Eighty-Ninth General Assembly. All such acts shall have the
7 full force and effect and, so far as those acts intentionally vary from or
8 conflict with any provision contained in this act, those acts shall have the
9 effect of subsequent acts and as amending or repealing the appropriate parts
10 of the Arkansas Code of 1987.

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