

**ARKANSAS DEPARTMENT OF EDUCATION
RULES GOVERNING INSTRUCTIONAL MATERIALS**
August 2014 (Proposed effective date: November 2018)

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LEGISLATIVE RESEARCH

1.00 REGULATORY AUTHORITY

- 1.01 These rules shall be known as the Arkansas Department of Education Rules Governing Instructional Materials.
- 1.02 These rules are enacted pursuant to the Arkansas State Board of Education's authority under Ark. Code Ann. §§ 6-11-105, 6-21-401 et seq., ~~and 25-15-201 et seq.~~ and Act 929 of 2017.

2.00 PURPOSE

The purpose of these rules is to set forth requirements related to the purchase, distribution and use of instructional materials.

3.00 DEFINITIONS

- 3.01 "Commissioner" means the Commissioner of Education.
- 3.02 "Instructional materials" means:
- 3.02.1 Traditional books, textbooks, and trade books in printed and bound form;
 - 3.02.2 Activity-oriented programs that may include:
 - 3.02.1 Manipulatives;
 - 3.02.2 Hand-held calculators; or
 - 3.02.3 Other hands-on material; and
 - 3.02.3 Technology-based materials that require the use of electronic equipment in order to be used in the learning process.
- 3.03 "School" or "School District" as those terms are used in these rules, shall include open-enrollment public charter schools.

3.04 “State Board” means the Arkansas State Board of Education.

4.00 GENERAL POWERS AND DUTIES OF THE STATE BOARD OF EDUCATION

4.01 Pursuant to Ark. Code Ann. § 6-21-404, the State Board of Education may:

4.01.1 Require reports from school districts on the use and distribution of instructional materials; and

4.01.2 Do whatever else may be necessary for the general welfare of the public school instructional materials system in order to acquire the items at the lowest possible cost.

4.02 The powers enumerated in section 4.00 of these rules and in Ark. Code Ann. § 6-21-404 are cumulative and not restrictive.

~~4.03 The State Board, through the Department of Education, will include funding for instructional materials in the foundation funding amount provided to each school district pursuant to Ark. Code Ann. § 6-20-2305.~~

5.00 GENERAL REQUIREMENTS RELATED TO INSTRUCTIONAL MATERIALS

5.01 Each school district shall select an instructional materials selection committee.

5.01.2 A majority of its members shall be licensed personnel, which shall include classroom teachers.

5.02 Public school districts shall provide instructional materials, including the availability of any equipment needed to access the instructional materials, for all pupils attending the public schools of this state in kindergarten through grade twelve (K-12), inclusive, in all subjects taught in those grades, without cost to the pupils.

5.03 School districts may select their own instructional materials, including the equipment needed to access the instructional materials.

5.04 Any materials purchased with state funds shall be consistent with course content standards and curriculum frameworks.

5.05 The Department of Education shall monitor to ensure that all school districts in the State of Arkansas comply with Section 5.00 of these rules and with Ark. Code Ann. § 6-21-403. The primary method of compliance shall be through a school district's Statement of Assurance filed with the Department of Education pursuant to Ark. Code Ann. § 6-15-202.

5.05.1 The Department of Education shall report in the annual school performance report a school district that fails to provide instructional materials including the availability of any equipment needed to access the instructional materials or any school district that charges any student a fee for use of or access to any instructional materials.

5.05.2 The State Board of Education shall report to the members of the House Committee on Education and Senate Committee on Education annually any school district out of compliance with Section 5.00 of these rules and with Ark. Code Ann. § 6-21-403 by November 1 of each year.

5.06 As used in this subsection, "person" means an individual, a partnership, a corporation, or an association.

5.06.1 A person who operates in this state shall not charge a school district a price for instructional materials that exceeds the lowest contracted price currently bid in another state on the same product.

5.06.2 A person shall sell instructional materials at the same price to all school districts in the state and must guarantee the price for the remainder of the school year.

6.00 CONDITIONS FOR OFFERING TEXTBOOKS FOR ADOPTION, SALE OR EXCHANGE

~~6.01 As used in this subsection, "person" means an individual, a partnership, a corporation, a company, or an association.~~

~~6.01.1 Before a person may offer instructional materials used in kindergarten through grade twelve (K-12), inclusive, for adoption, sale, or exchange in the State of Arkansas, the person, by June 30 of each year, submit to the Department of Education a certified list of:~~

~~6.01.1.1 All state contracts made during the state fiscal year just ended on all instructional materials the publisher sold in this state during the state fiscal year just ended; and~~

~~6.01.1.2 Instructional materials sold to each school district in Arkansas, including the price of each instructional material.~~

6.021 All publishers doing business in the State of Arkansas shall maintain one (1) or more book depositories at the publisher's expense in this state.

7.00 ASSESSMENT OF DAMAGES FOR PUBLISHER'S FAILURE TO COMPLY

7.01 The State Board is authorized to assess any publisher any amount of damages to the State of Arkansas for failure to comply with the terms of Ark. Code Ann. § 6-21-401 et seq. or any published regulation of the State Board, provided that the publisher has been given a hearing before the State Board regarding the assessment of damages.

7.02 If a publisher fails to reimburse the State of Arkansas within six (6) months after notice of assessment has been served on the publisher, the state board may prohibit the publisher from selling instructional materials in Arkansas for a maximum period of five (5) years from the date that damages are assessed pursuant to Section 7.00 of these rules.

7.03 The following procedures shall apply to a situation involving a publisher's alleged failure to comply with the terms of Ark. Code Ann. § 6-21-401 et seq. or any published regulation of the State Board:

7.03.1 The Commissioner of Education shall provide written notice, via certified mail, return receipt requested, to the publisher. The written notice shall include specific allegations of precisely how the publisher failed to comply with the terms of Ark. Code Ann. § 6-20-401 et seq. or any published regulation of the State Board. The written notice shall also include a recommendation from the Commissioner of Education concerning the assessment of damages for the publisher's failure to comply.

7.03.2 Within thirty (30) days of receipt of the written notification from the Commissioner of Education, the publisher shall respond in

writing to the Commissioner of Education, indicating one of the following:

7.03.2.1 The publisher concurs with the specific allegations and/or recommended assessment of damages; or

7.03.2.2 The publisher disputes the specific allegations and/or recommended assessment and requests an appeal before the State Board of Education. Such a notice of appeal shall include a brief statement of the reasons why the Commissioner's specific allegations and/or recommended assessment of damages should not be adopted.

7.03.4 If the publisher concurs with the Commissioner's specific allegations and/or recommended assessment of damages, or fails to respond to the same within thirty (30) days, the Commissioner shall place his or her recommended assessment of damages on the consent agenda of the next regularly scheduled State Board of Education meeting in accordance with the State Board of Education's procedures for the submission of agenda items.

7.03.5 If the publisher disputes the Commissioner's specific allegations and/or recommended assessment of damages, the State Board of Education shall hear the publisher's appeal within sixty (60) days of receipt of the notice of appeal. Through mutual agreement, the Commissioner of Education and the publisher may extend the date of the hearing for an additional thirty (30) days.

7.04 The following procedures shall apply to a hearing before the State Board of Education:

7.04.1 Each party will have the opportunity to present an opening statement of no longer than five (5) minutes, beginning with the representative of the Department of Education. The Chairperson of the State Board of Education may, only for good cause shown and upon the request of either party, allow either party additional time to present their opening statements.

7.04.2 Each party will be given thirty (30) minutes to present their cases, beginning with the representative of the Department of Education. The Chairperson of the State Board of Education may, only for

good cause shown and upon the request of either party, allow either party additional time to present their cases.

- 7.04.3 Every witness giving oral testimony must be sworn under oath by the court reporter and shall be subject to direct examination, cross examination, and questioning by the State Board of Education.
- 7.04.4 For the purposes of the record, documents offered during the hearing by the Department of Education shall be clearly marked in sequential, numeric order (1, 2, 3).
- 7.04.5 For the purposes of the record, documents offered during the hearing by the publisher shall be clearly marked in sequential, alphabetic letters (A, B, C).
- 7.04.6 The Department of Education shall have the burden of proving, by a preponderance of the evidence, that the Commissioner's specific allegations and/or recommended assessment of damages be adopted.
- 7.04.7 The State Board of Education may:
- 7.04.7.1 Adopt the Commissioner's specific allegations and/or recommended assessment of damages be adopted;
 - 7.04.7.2 Modify the Commissioner's recommended assessment of damages; or
 - 7.04.7.3 Grant the appeal of the publisher.
- 7.04.8 The State Board of Education may announce its decision immediately after hearing all arguments and evidence or may take the matter under advisement. The State Board of Education shall provide a written decision to the Department of Education and the publisher within fourteen (14) days of the hearing.

8.00 NOTICE OF ILLEGAL ACTS INVOLVING SCHOOL OFFICIALS PURSUANT TO ARK. CODE ANN. § 6-21-410

- 8.01 It shall be illegal for the Commissioner of Education or any other employee connected with the Department of Education, any member of any selecting committee, or any member of any school board of directors to accept or receive any money, gift, property, or favor whatsoever from any person, firm, corporation, or any agent thereof offering for sale any item pursuant to Ark. Code Ann. § 6-21-401 et seq. or from any person in any way interested in such sale.

- 8.01.1 Any person who pleads guilty or nolo contendere to or is found guilty of violating Ark. Code Ann. § 6-21-410(a) shall be found guilty of a Class B misdemeanor.
- 8.01.2 Any fines collected under Ark. Code Ann. § 6-21-410(a) shall be deposited into the State Treasury to the credit of the Public School Fund.
- 8.02 It shall be illegal for any teacher in the public schools of Arkansas or any person connected with the public school system of Arkansas in any capacity to have any interest in the profits, proceeds, or sale of any instructional materials used in the schools of Arkansas under his or her charge or with which he or she is connected in any official capacity. However, this provision shall not apply nor have any reference to royalties or fees received by a person from the sale of instructional materials of which he or she is the author.
- 8.02.1 Any person who pleads guilty or nolo contendere to or is found guilty of violating Ark. Code Ann. § 6-21-410(b) shall be guilty of a violation and subject to a fine of no less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200).
- 8.02.2 Any fines collected under Ark. Code Ann. Ark. Code Ann. § 6-21-410(b) shall be deposited into the State Treasury to the credit of the Public School Fund.
- 8.03 It shall be illegal for any person directly or indirectly to promise or offer to give or cause to be promised, offered, or given any money, good, bribe, present, reward, or any valuable thing whatsoever to the Commissioner of Education, his or her assistants, or any other employee of the Department of Education, the Director of the Department of Career Education, his or her assistants, or any other employee of the Department of Career Education, any school board members, teachers, or other persons with the intent of influencing their decisions on any questions, matters, causes, or proceedings in the selection of any instructional materials.
- 8.03.1 Any person who pleads guilty or nolo contendere to or is found guilty of violating Ark. Code Ann. § 6-21-410(c) shall be guilty of a Class B misdemeanor.
- 8.03.2 Any fines collected under Ark. Code Ann. § 6-21-410(c) shall be deposited into the State Treasury to the credit of the Public School Fund.

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017

A Bill

SENATE BILL 562

4
5 By: Senator J. English
6 By: Representative Cozart

For An Act To Be Entitled

7
8
9 AN ACT TO AMEND OR REPEAL OBSOLETE LAWS CONCERNING
10 PUBLIC EDUCATION; AND FOR OTHER PURPOSES.

Subtitle

11
12
13 TO AMEND OR REPEAL OBSOLETE LAWS
14 CONCERNING PUBLIC EDUCATION.
15
16
17

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

19
20 SECTION 1. Arkansas Code § 6-15-2011 is repealed.

21 ~~6-15-2011. Supplemental Educational Services Transparency Act.~~

22 ~~(a) This section shall be known and may be cited as the "Supplemental~~
23 ~~Educational Services Transparency Act".~~

24 ~~(b) The purposes of this section are to:~~

25 ~~(1) Increase academic performance of students and reduce student~~
26 ~~remediation rates;~~

27 ~~(2) Ensure that students who qualify for supplemental~~
28 ~~educational services receive the services they need;~~

29 ~~(3) Assist parents in making informed decisions when selecting~~
30 ~~supplemental educational service providers; and~~

31 ~~(4) Assist policy makers in reviewing the effectiveness of the~~
32 ~~supplemental educational service providers.~~

33 ~~(c) As used in this section:~~

34 ~~(1) "Provider" means a person or entity that:~~

35 ~~(A) Provides supplemental educational services to Arkansas~~
36 ~~public school students; and~~



1 ~~(B) Is identified on the list of approved supplemental~~
2 ~~educational service providers published by the Department of Education; and~~

3 ~~(2)(A) "Supplemental educational services" means academic~~
4 ~~instruction;~~

5 ~~(i) Provided to public school students in addition~~
6 ~~to the instruction provided during a school day; and~~

7 ~~(ii) Designed to increase the academic achievement~~
8 ~~of students enrolled in public schools that have been identified as being in~~
9 ~~year two (2) or higher of school improvement.~~

10 ~~(B) "Supplemental educational services" includes without~~
11 ~~limitation academic assistance such as tutoring, remediation, and other~~
12 ~~supplemental academic enrichment services that are:~~

13 ~~(i) Consistent with the content and instruction used~~
14 ~~by the school district where the provider's students are enrolled; and~~

15 ~~(ii) Aligned with the state's academic content and~~
16 ~~achievement standards.~~

17 ~~(d)(1) A provider shall prepare an annual report and:~~

18 ~~(A) Submit the annual report to the department and to the~~
19 ~~school district where the supplemental educational services are provided; and~~

20 ~~(B) Place a copy of the annual report on the provider's~~
21 ~~website.~~

22 ~~(2) The report shall include without limitation the following~~
23 ~~information:~~

24 ~~(A) By race and gender, the improvement in student~~
25 ~~achievement for each student served based on the statewide benchmark tests or~~
26 ~~other statewide assessment of student achievement;~~

27 ~~(B) Student attendance rates;~~

28 ~~(C) The amount of funds the provider received per student;~~

29 ~~(D) By school district, the total number of supplemental~~
30 ~~educational services contracts and the total amount of funds received under~~
31 ~~those contracts;~~

32 ~~(E) The total number of years supplemental educational~~
33 ~~services have been provided and the total number of students served for all~~
34 ~~years; and~~

35 ~~(F) The results of parent satisfaction surveys.~~

36 ~~(e) A school district shall include the provider's report on the~~

1 ~~school district's website.~~

2 ~~(f)(1) Annually, the department shall review the report of a provider~~
 3 ~~before placing the provider on the department's list of state-approved~~
 4 ~~providers.~~

5 ~~(2) The department shall include a link for parents to access~~
 6 ~~information concerning approved providers on its website.~~

7 ~~(g) By January 15, 2012, and by January 15 of each year thereafter, a~~
 8 ~~provider of supplemental educational services shall also prepare an annual~~
 9 ~~progress report containing at least the information required under subsection~~
 10 ~~(d) of this section to the House Committee on Education and the Senate~~
 11 ~~Committee on Education.~~

12 ~~(h) The State Board of Education shall promulgate rules to implement~~
 13 ~~this section.~~

14
 15 SECTION 2. Arkansas Code § 6-16-131 is repealed.

16 ~~6-16-131. Future art and music teachers pilot program.~~

17 ~~(a) By no later than June 1, 2002, the Department of Education shall~~
 18 ~~develop and implement a Future Art and Music Teachers Pilot Program.~~

19 ~~(b) The program shall provide in at least six (6) schools in the state~~
 20 ~~a program through which students in grades eleven (11) and twelve (12) may~~
 21 ~~provide visual art and music instruction to students in grades kindergarten~~
 22 ~~through six (K-6).~~

23
 24 SECTION 3. Arkansas Code §§ 6-16-1002 and 6-16-1003 are repealed.

25 ~~6-16-1002. Implementation.~~

26 ~~(a) Within six (6) months of August 13, 2001, the Department of~~
 27 ~~Health, in consultation with the Department of Education, shall:~~

28 ~~(1) Develop a comprehensive set of criteria for establishing a~~
 29 ~~Kids For Health program;~~

30 ~~(2) Develop a grant program under which school districts may~~
 31 ~~apply for grants to design and implement local Kids For Health programs;~~

32 ~~(3) Inform all public schools in Arkansas of the availability of~~
 33 ~~funds for Kids For Health programs; and~~

34 ~~(4) Develop a plan for monitoring and auditing Kids For Health~~
 35 ~~programs.~~

36 ~~(b)(1) For purposes of this subchapter, "Kids For Health program"~~

1 ~~means an educational program substantially similar to the Kids For Health~~
2 ~~program already operating in Washington County under the sponsorship of the~~
3 ~~Washington Regional Medical Center.~~

4 ~~(2) Each school district may design a Kids For Health program~~
5 ~~appropriate to that school district, but each Kids For Health program shall~~
6 ~~include the study of general health issues, the study of tobacco and drug~~
7 ~~abuse prevention and cessation, direct student involvement in health related~~
8 ~~activities, attention to self-esteem, body systems and functions, nutrition~~
9 ~~and fitness, hygiene and safety, community health, and pretesting and~~
10 ~~posttesting to determine the effectiveness of the local program.~~

11
12 ~~6-16-1003. Oral health standards.~~

13 ~~(a) The Department of Education shall adopt oral health standards as~~
14 ~~part of the Arkansas physical education and health curriculum framework.~~

15 ~~(b) The Department of Education shall work with public schools to~~
16 ~~establish an educational program to inform, train, and educate students~~
17 ~~concerning the importance of achieving and maintaining good oral health.~~

18 ~~(c) Curricula shall be designed according to objectives established by~~
19 ~~the Department of Education.~~

20 ~~(d) The objectives shall be grade-specific and shall be incorporated~~
21 ~~into the appropriate existing health and science curricula.~~

22 ~~(e) It is the intent of this section that the curricula shall be~~
23 ~~implemented gradually, on a basis to be determined by the Department of~~
24 ~~Education, beginning no later than the fall semester 2005 with early~~
25 ~~elementary curricula and reaching full implementation at the high school~~
26 ~~level no later than the fall semester of 2011.~~

27 ~~(f) The Department of Education shall enlist the voluntary assistance~~
28 ~~of appropriate dental health professionals, organizations, and departments as~~
29 ~~necessary to achieve the purposes of this section.~~

30
31 SECTION 4. Arkansas Code § 6-16-1301 is repealed.

32 ~~6-16-1301. End of Course Success Incentive Program.~~

33 ~~(a)(1) The End of Course Success Incentive Program is established, to~~
34 ~~be administered by the Commissioner of Education.~~

35 ~~(2) Contingent upon legislative appropriations, schools will be~~
36 ~~awarded fifty dollars (\$50.00) for each student passing the end-of-course~~

1 ~~assessment on his or her first attempt.~~

2 ~~(3) These funds shall be utilized in the schools to improve~~
3 ~~student academic performance.~~

4 ~~(b) Subject to legislative appropriations, a teacher teaching a course~~
5 ~~that has a state-required end-of-course assessment may be awarded subsidized~~
6 ~~teacher training for that particular course at a cost not to exceed six~~
7 ~~hundred fifty dollars (\$650) per teacher.~~

8 ~~(c) The provisions of this section shall be contingent on the~~
9 ~~appropriation and availability of funding for that purpose.~~

10 ~~(d) The State Board of Education is authorized to promulgate rules~~
11 ~~necessary to implement this subchapter.~~

12
13 SECTION 5. Arkansas Code § 6-19-124 is repealed.

14 ~~6-19-124. Mobile Learning Technology Pilot Program.~~

15 ~~(a) The General Assembly finds that:~~

16 ~~(1) In rural areas of the state, public school students may~~
17 ~~spend hours of unproductive time on the school bus being transported to and~~
18 ~~from school;~~

19 ~~(2) The state has a critical need to increase its workforce in~~
20 ~~the fields of science, technology, engineering, and mathematics for national~~
21 ~~and global economic competitiveness;~~

22 ~~(3) Long, unproductive bus commutes are transformed into~~
23 ~~productive learning environments in the fields of mathematics and science~~
24 ~~through the use of mobile learning technology and the accompanying~~
25 ~~personalized learning experiences; and~~

26 ~~(4) A statewide pilot program using mobile learning technology~~
27 ~~will develop untapped talent for the science, technology, engineering, and~~
28 ~~mathematics workforce.~~

29 ~~(b)(1) The Mobile Learning Technology Pilot Program is created as a~~
30 ~~three-year pilot program to provide the mobile learning technology under this~~
31 ~~section to a total of up to twenty-five (25) public school districts.~~

32 ~~(2) Each congressional district in the state may have up to five~~
33 ~~(5) public school districts participating in the pilot program.~~

34 ~~(c) The Department of Education shall begin the pilot program with the~~
35 ~~2010-2011 school year and continue the pilot program through the end of the~~
36 ~~2012-2013 school year.~~

1 ~~(d)(1) Each public school district participating in the pilot program~~
2 ~~shall equip up to three (3) school buses with wireless Internet service and~~
3 ~~purchase or obtain the following technology:~~

- 4 ~~(A) Fifteen (15) laptop computers;~~
5 ~~(B) Forty (40) portable devices for storing video files;~~
6 ~~(C) Two (2) sets of media screens; and~~
7 ~~(D) Math and science software for use with the laptop~~
8 ~~computers and video portable devices for storing video files.~~

9 ~~(2) The public school district may use foundation funding~~
10 ~~provided for technology or other funding sources for purchases made under~~
11 ~~this subsection.~~

12 ~~(e) The pilot program also shall provide:~~

13 ~~(1) For each public school district participating in the pilot~~
14 ~~program, a community classroom teacher who is available for student questions~~
15 ~~and meets with pilot students weekly in a community classroom environment;~~

16 ~~(2) Partnerships with institutions of higher education, the~~
17 ~~school district community, and corporate entities that will expose the pilot~~
18 ~~students to careers and professionals in the fields of science, technology,~~
19 ~~engineering, and mathematics;~~

20 ~~(3) Measurements of specified outcomes, including without~~
21 ~~limitation:~~

22 ~~(A) The number and types of courses completed by pilot~~
23 ~~students;~~

24 ~~(B) The number and types of Advanced Placement courses~~
25 ~~completed by the pilot students and the Advanced Placement examination~~
26 ~~scores; and~~

27 ~~(C) The results of Arkansas benchmark assessments for the~~
28 ~~pilot students;~~

29 ~~(4) A comparison of the state benchmark assessments in pilot and~~
30 ~~nonpilot public school districts; and~~

31 ~~(5) A survey of the pilot students' interests in careers and~~
32 ~~courses of study in science, technology, engineering, and mathematics fields.~~

33 ~~(f) As funds are appropriated and available, the department may hire~~
34 ~~consultants or experts with the knowledge of and appropriate experience with~~
35 ~~mobile learning technology for use on school buses as well as other~~
36 ~~qualifications established by the department.~~

1 ~~(g)(1) At the end of the three-year period, the department or its~~
 2 ~~consultants or experts shall prepare an evaluation of the pilot program and~~
 3 ~~report on the evaluation to the House Committee on Education and to the~~
 4 ~~Senate Committee on Education.~~

5 ~~(2) Consultants or experts hired by the department shall be~~
 6 ~~available to answer questions or provide information as requested by the~~
 7 ~~House Committee on Education and the Senate Committee on Education.~~

8
 9 SECTION 6. Arkansas Code § 6-19-128 is repealed.

10 ~~6-19-128. Compressed Natural Gas School Bus Pilot Program.~~

11 ~~(a) As used in this section:~~

12 ~~(1) "Compressed natural gas" means a fossil fuel substitute for~~
 13 ~~gasoline, diesel fuel, propane, or liquid propane gas that is:~~

14 ~~(A) Composed primarily of methane; and~~

15 ~~(B) Compressed to less than one percent (1%) of the volume~~
 16 ~~it occupies at standard atmospheric pressure;~~

17 ~~(2) "Compressed natural gas school bus" means a school bus~~
 18 ~~powered by compressed natural gas that is not owned by a school district~~
 19 ~~before its participation in the Compressed Natural Gas School Bus Pilot~~
 20 ~~Program; and~~

21 ~~(3) "Qualified applicant" means a school district that applies~~
 22 ~~to the Compressed Natural Gas School Bus Pilot Program and that meets the~~
 23 ~~qualifications under subsection (c) of this section.~~

24 ~~(b)(1) The Compressed Natural Gas School Bus Pilot Program is created~~
 25 ~~for the 2014 and 2015 fiscal years to provide compressed natural gas school~~
 26 ~~buses to four (4) public school districts.~~

27 ~~(2) Each congressional district in the state may have one (1)~~
 28 ~~public school district participating in the program.~~

29 ~~(3) Each school district in the state may apply to become a~~
 30 ~~participating school district in the program.~~

31 ~~(4) If more than one (1) school district from a congressional~~
 32 ~~district applies to the program, the participating district will be selected~~
 33 ~~by random drawing from all qualified applicants submitted for a congressional~~
 34 ~~district.~~

35 ~~(5) The Division of Public School Academic Facilities and~~
 36 ~~Transportation shall run the program for its term.~~

1 ~~(c)(1)(A) Each public school district participating in the program~~
2 ~~shall be provided ten (10) compressed natural gas school buses.~~

3 ~~(B) The school buses provided under the program shall be~~
4 ~~purchased by the division based upon specifications and requirements~~
5 ~~determined by the division.~~

6 ~~(2) To qualify for the grant under subdivision (c)(1) of this~~
7 ~~section, each public school district seeking to participate in the program~~
8 ~~shall submit an application in the form and manner established by the~~
9 ~~division setting forth that the applicant:~~

10 ~~(A)(i) Agrees to purchase ten (10) compressed natural gas~~
11 ~~school buses in addition to those provided under subdivision (c)(1) of this~~
12 ~~section before June 30, 2015.~~

13 ~~(ii) The compressed natural gas school buses to be~~
14 ~~purchased by the participating district shall meet or exceed:~~

15 ~~(a) The specifications and requirements of the~~
16 ~~compressed natural gas school buses provided by the division; and~~

17 ~~(b) Applicable provisions of the rules of the~~
18 ~~Commission for Arkansas Public School Academic Facilities and Transportation,~~
19 ~~as they existed on January 1, 2013;~~

20 ~~(B) Either:~~

21 ~~(i) Has reasonable access to refueling options to~~
22 ~~allow for efficient use of the compressed natural gas school buses; or~~

23 ~~(ii) Agrees, if the proposal calls for the~~
24 ~~construction of a new refueling station, to provide access to the refueling~~
25 ~~station to the general public; and~~

26 ~~(C) Has sufficient resources to purchase, operate, and~~
27 ~~maintain the compressed natural gas school buses under this section,~~
28 ~~including information demonstrating that purchase, operation, and maintenance~~
29 ~~will not cause a financial hardship on the applicant.~~

30 ~~(3) In addition to the requirements for qualifying applicants~~
31 ~~under subdivision (c)(2) of this section, the division is authorized to~~
32 ~~develop and require compliance with additional qualifications it deems~~
33 ~~necessary.~~

34 ~~(d) The division may promulgate rules to administer the program.~~
35

36 SECTION 7. Arkansas Code § 6-21-406 is amended to read as follows:

1 6-21-406. Conditions for offering textbooks for adoption, sale, or
2 exchange.

3 ~~(a)(1) As used in this subsection, "person" means an individual, a~~
4 ~~partnership, a corporation, a company, or an association.~~

5 ~~(2) Before a person may offer instructional materials used in~~
6 ~~kindergarten through grade twelve (K-12), inclusive, for adoption, sale, or~~
7 ~~exchange in the State of Arkansas, the person shall, by June 30 of each year,~~
8 ~~submit to the Department of Education a certified list of:~~

9 ~~(A) All state contracts made during the state fiscal year~~
10 ~~just ended on all instructional materials the publisher sold in this state~~
11 ~~during the state fiscal year just ended; and~~

12 ~~(B) Instructional materials sold to each school district~~
13 ~~in Arkansas, including the price of each instructional material.~~

14 ~~(b) All publishers doing business in Arkansas shall maintain one (1)~~
15 ~~or more book depositories at the publisher's expense in this state.~~

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18 **APPROVED: 04/05/2017**
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