

**ARKANSAS SENATE**  
85th General Assembly - Regular Session, 2005  
**Amendment Form**

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**Subtitle of Senate Bill No. 1044**

"AN ACT TO AMEND VARIOUS PROVISIONS OF LAW CONCERNING TEACHER  
LICENSURE, LOCAL SCHOOL BOARDS, BACKGROUND CHECKS ON SCHOOL  
DISTRICT EMPLOYEES, AND CHILDREN WITH DISABILITIES."

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**Amendment No. 1 to Senate Bill No. 1044.**

Amend Senate Bill No. 1044 as originally introduced:

Page 4, on lines 18 and 19 delete "Arkansas Crime Information Center  
database" and substitute "Automated Fingerprint Identification System"

AND

Page 6, on line 36 delete "\$ 5-27-603; and" and substitute "\$ 5-73-603; and"

AND

Page 7, delete lines 2 through 36 and substitute:  
"27-605."

AND

Page 8, delete lines 1 through 36.

AND

Page 9, delete lines 1 through 10.

AND

Page 10, delete line 1 and substitute:  
"guilty of a felony not listed in subsection (c) of this section in any court  
in this state or of a similar felony in a court in another state or in a  
federal court."

AND

Page 10, delete lines 2 through 5 and substitute:  
"(B)(i) Pleading guilty or nolo contendere to or being



found guilty in a court in this state of a nonfelony negligent homicide or a misdemeanor not listed in subsection (c) of this section and involving physical injury, mistreatment, or abuse against a child or against a household member of the licensee ~~and not listed in subsection (c) of this section; or~~

(ii) Pleading guilty or nolo contendere to or being found guilty in a court in another state or in federal court of a crime similar to a nonfelony negligent homicide or a misdemeanor not listed in subsection (c) of this section and involving physical injury, mistreatment, or abuse against a child or against a household member of the licensee;

AND

Page 10, on line 19 delete “licensure; or” and substitute “licensure; ~~or~~”

AND

Page 10, delete line 25 and substitute the following:

“Audit; or

(J) Knowingly falsifying or directing another to falsify any grade given to a student, whether the grade was given for an individual assignment or examination or at the conclusion of a regular grading period.”

AND

Page 13, delete lines 8 and 9 and substitute:

“Bureau of the Department of Arkansas State Police shall promptly destroy the fingerprint card of the affected applicant may maintain the fingerprints in the Automated Fingerprint Identification System.”

AND

Page 14, on lines 14 and 15 delete “Arkansas Crime Information Center database” and substitute “Automated Fingerprint Identification System”

AND

Page 16, on line 26 delete “§ 5-27-603; ~~and~~” and substitute “§ 5-73-603; and”

AND

Page 16, delete lines 28 through 36 and substitute:

“§ 5-27-605.”

AND

Page 17, delete lines 1 through 36

AND

Page 18, delete lines 1 through 36

AND

Page 20, delete lines 7 through 10 and substitute:

“(2)(A) Pleads guilty or nolo contendere to or has been found guilty in a court in this state of a nonfelony negligent homicide or a misdemeanor not listed in subsection (b) of this section and involving physical injury, mistreatment, or abuse against a child or against a household member of the licensee; or

(B) Pleads guilty or nolo contendere to or has been found guilty in a court in another state or in federal court of a crime similar to a nonfelony negligent homicide or a misdemeanor not listed in subsection (b) of this section and involving physical injury, mistreatment, or abuse against a child or against a household member of the licensee;”

AND

Page 20, delete lines 13 and 14 and substitute:

“declared invalid because of the applicant’s improper conduct;”

AND

Page 20, on line 16 delete “child; or” and substitute “child;”

AND

Page 20, delete line 20 and substitute the following:

“or the Division of Legislative Audit; or

(6) Knowingly falsifies or directs another to falsify any grade given to a student, whether the grade was given for an individual assignment or examination or at the conclusion of a regular grading period.”

AND

Page 21, delete lines 15 and 16 and substitute:

“SECTION 10. Arkansas Code § 6-17-421(a) and (b) are amended to read as follows:”

AND

Page 21, delete lines 26 through 28 and substitute the following:

~~“(3) “Fraudulent act” means an act involving fraud or breach of fiduciary trust which is punishable under the criminal code in the jurisdiction within which the act occurred an act:~~

(A) Performed willfully and with the specific intent to deceive or cheat for the purpose of either causing some financial loss to another or bringing about some financial gain to the actor; and

(B) For which the actor has pleaded guilty or nolo contendere to or has been found guilty by any court in this state, by a court in another state, or by a federal court.”

AND

Page 21, on line 33 delete "Bureau of Identification and Information" and substitute "~~Bureau of Identification and Information~~ Identification Bureau of the Arkansas State Police"

AND

Page 22, delete lines 7 and 8 and substitute:  
"required by this section, the bureau ~~shall promptly destroy the fingerprint card of the affected employment applicant or fiscal officer~~ may maintain the fingerprints in the Automated Fingerprint Identification System."

AND

Page 22, delete lines 24 through 36.

AND

Page 23, delete lines 1 through 36

AND

Page 24, delete lines 1 through 36

AND

Page 25, delete lines 1 through 18

AND

Page 26, delete line 13 and substitute the following:

"(i) No board of directors shall have an even number of directors whether or not the number of directors of a school district's board of directors was established by an agreement between or among the former school districts which comprise the school district incident to a consolidation or annexation of the former school districts."

AND

Page 26, delete line 16 and substitute the following:

"directors' taking office following the 2005 annual school election.

(k)(1) Except as otherwise provided by law, any school district which elects its board members from single-member zones shall be subject to the requirements of this section.

(2) For those school districts which are subject to this subsection (k), "next regular school election" as used in subsection (e) of this section means the 2006 annual school election."

AND

Page 27, delete line 6 and substitute the following:

“(h)(1) No board of directors shall have an even number of directors whether or not the number of directors of a school district’s board of directors was established by an agreement between or among the former school districts which comprise the school district incident to a consolidation or an annexation of the former school districts.”

AND

Page 27, on line 12 delete “number of directors” and substitute “number of directors and the members cannot agree on the method of reduction”

AND

Page 27, delete line 17 and substitute the following:

“directors’ taking office following the 2005 annual school election.

(j)(1) Except as otherwise provided by law, any school district which elects its board members from single-member zones shall be subject to the requirements of this section.

(2) For those school districts which are subject to this subsection (j), “next annual school election” as used in subsection (h)(2) of this section means the 2006 annual school election.”

AND

Page 28, delete lines 26 through 28 and substitute:

“(4) A school district may include as part of the school day the travel time between public schools or other educational programs of those students attending classes or programs authorized by law.”

AND

Page 30, on line 19 delete “transferring into or out” and substitute “transferring ~~into or~~ out”

AND

Page 34, on line 19 delete “February 1” and substitute “March 1”

AND

Page 35, on line 33 delete “current school year or” and substitute “current school year and”

AND

On pages 39 and 40, delete Section 27 in its entirety

AND

Appropriately renumber the remaining sections of the bill

AND

After the last section of the bill add the following new sections:

"SECTION 31. Arkansas Code § 6-17-811 is amended to read as follows:

6-17-811. Incentives for teacher recruitment and retention in high-priority districts.

(a)(1) For purposes of this section:

(A) "High-priority district" means a district of one thousand (1,000) or fewer students in which eighty percent (80%) or more of public school students are eligible for the free or reduced-price lunch program under the National School Lunch Act and have a three-quarter average daily membership of one thousand (1,000) or fewer for the 2003-2004 school year;

(B) "Previous year" means the school year immediately preceding the present school year; and

(C)(i) "Teacher" or ~~"Teachers"~~ "teachers" means those certified personnel who spend seventy percent (70%) of their time ~~interacting~~ working directly with students in a classroom setting teaching all grade-level or subject-matter appropriate classes.

(ii) "Teacher" or "teachers" includes guidance counselors and librarians.

(2) The State Board of Education shall promulgate rules to determine high-priority districts of the state.

(b) Beginning in the 2004-2005 school year, a teacher licensed by the state board who teaches in a school in a high-priority district shall receive in addition to all other salary and benefits:

(1)(A) For new teachers, a one-time signing bonus to work in any high-priority district to be paid as follows:

(i) Four thousand dollars (\$4,000) at the time a teacher not currently employed by the district signs a new contract to teach in a high-priority district; and

(ii) Three thousand dollars (\$3,000) at the beginning of each of the next two (2) subsequent years if the teacher continues teaching in the same high-priority district.

(B)(i) If a teacher has received bonus pay under the subdivision (b)(1)(A) of this section and leaves the high-priority district before the end of the three-year bonus pay period, the teacher shall pay back the amount of the bonus received in the previous year.

(ii) If the teacher leaves the district during the school year, the teacher shall pay back the previous year's bonus and the current year's bonus; and

(2)(A) For all teachers not newly signed to work in the district, a retention bonus of two thousand dollars (\$2,000) shall be paid:

(i) For the 2004-2005 school year; and

(ii) ~~at~~ At the beginning of each of the next two (2) subsequent years if the teacher continues to work in a high-priority district.

(B)(i) If a teacher has received bonus pay under subdivision (b)(2)(A) of this section and voluntarily leaves the high-priority district before the end of the three-year bonus pay period, the teacher shall pay back on a pro-rata basis the amount of the bonus received in the previous ~~year~~ years.

(ii) If the teacher voluntarily leaves the district during the school year, the teacher shall pay back the previous year's bonus

and the current year's bonus.

(iii)(a) If a full-time equivalent teacher is reassigned involuntarily to a position that is not eligible for bonus pay under this section or is dismissed involuntarily by a school district, the teacher shall not be required to repay the applicable bonus pay.

(b) The school district shall provide documentation to the Department of Education of the involuntary assignment or dismissal.

(iv) If a teacher qualified to receive bonus pay under this section leaves the district due to a serious medical emergency, the teacher shall not be obligated to repay the bonus if the teacher provides a written statement from a licensed physician stating that the teacher is unable to work and must terminate his or her employment.

(c) Any bonus pay awarded under this section to eligible full-time equivalent teachers who do not work the entire school year shall be pro-rated based on the portion of the school year that the eligible teacher was employed by the high priority school district.

~~(e)~~(d) The department shall:

(1) Monitor the implementation of the incentive program established by this section; and

(2) Collect data to be used to evaluate the incentive program's effectiveness.

SECTION 32. Arkansas Code § 6-14-120 is repealed.

~~6-14-120. Election of school district boards of directors.~~

~~(a) At each annual school election there shall be elected in rural school districts one (1) director for a term of three (3) years, and in school districts in which there was in 1933 a city of the first class, there shall be elected two (2) directors each for a term of three (3) years. In all other school districts, at each annual election one (1) director shall be elected for a term of five (5) years.~~

~~(b) All directors elected or appointed in accordance with the provisions of this act shall serve until their successors are elected and qualified.~~

~~(c) In the case of a tie vote for a position of director, a runoff election shall be held on a day three (3) weeks after the regular school election, at which the names of the two (2) candidates receiving the tie vote shall be placed on the ballot, and the candidate receiving the highest number of votes at the runoff election shall be declared elected.~~

~~(d) The runoff election provided for herein shall be conducted in the manner prescribed by law for other school elections."~~

The Amendment was read the first time, rules suspended and read the second time and \_\_\_\_\_

By: Senator Bryles

BBC/VJF - 03-30-2005 09:36

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Secretary