

ARKANSAS SENATE
86th General Assembly - Regular Session, 2007
Amendment Form

Subtitle of Senate Bill No. 274

"AN ACT TO AMEND VARIOUS PROVISIONS OF ARKANSAS CODE TITLE 6
CONCERNING PUBLIC EDUCATION."

Amendment No. 1 to Senate Bill No. 274.

Amend Senate Bill No. 274 as originally introduced:

Add Senator Broadway as a cosponsor of the bill

AND

Delete everything following the enacting clause and substitute the following:

"SECTION 1. Arkansas Code § 6-11-129 is amended to read as follows:
6-11-129. Data to be accessible on ~~Department of Education~~ website.

~~(a) The Department of Education shall make the following information and data available and easily accessible on the department's website by including a direct link to the websites of all Arkansas school districts on the department's website:~~

(a) Each school district shall make the following information and data easily identified on its website:

(1) Current comprehensive financial data reports for school districts, including:

- (A) Local and state revenue sources;
- (B) Administrator and teacher salary and benefit data;
- (C) District balances, including legal balances and building fund balances;
- (D) Any additional financial data;
- (E) Administrative salary and benefit expenditures; and
- (F) Teacher salary expenditures;

(2) Each school district's personnel policies required under § 6-17-201 et seq.;

~~(3)(A) Links to the local district's website containing information~~ Information from the school district's contracts with school district employees and district salary schedules.

(B) Each school district or the district's educational cooperative, if the cooperative maintains the district's website, shall publish on the district's website:

(i) The school district's ~~contracts~~ contract information with all school district employees, except that social security numbers, phone numbers, or personal addresses shall not be published; and



(ii) The district salary schedules, including the salary schedules for regular ~~certified~~ licensed employees, supplemental and extended contract schedules, and classified employee schedules;

(4) The annual budget of each school district; and

(5) Information and data required to be made available and easily accessible on the ~~department's~~ school district's website under ~~subdivisions (a)(1)(A)-(C), (E), and (F) and subdivisions (a)(2) and (3) of~~ this section shall be the actual data for the two (2) previous school years and the projected budgeted information for the current school year.

(b) By December 31 of each year, the ~~department~~ Department of Education shall provide a written report to the House Interim Committee on Education and the Senate Interim Committee on Education listing those school districts that are not in compliance with this section.

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

SECTION 2. Arkansas Code § 6-15-102(f)(2), concerning the Division of Public School Accountability, is amended to read as follows:

(2) To coordinate the analysis, dissemination, and reporting of all augmented criterion-referenced and norm-referenced testing information;

SECTION 3. Arkansas Code § 6-15-404(d)-(g), concerning implementation of the Arkansas Comprehensive Testing, Assessment, and Accountability Program, is amended to read as follows:

(d) The state board shall establish a clear, concise system of reporting the academic performance of each school on the state-mandated augmented criterion-referenced exam which conforms with the requirements of the No Child Left Behind Act of 2001.

(e)(1) The state board shall develop and the department shall implement a developmentally appropriate uniform school readiness screening to validate a child's school readiness as part of a comprehensive evaluation design.

(2) Beginning with the 2004-2005 school year, the department shall require that all school districts administer the uniform school readiness screening to each kindergarten student in the district school system upon the student's entry into kindergarten.

(3) Children who enter public school for the first time in first grade must be administered the uniform school readiness screening developed for use in the first grade.

(f)(1) The department shall select a developmentally appropriate assessment to be administered to all students in first grade and second grade in reading and mathematics.

(2) Professional development activities shall be tied to the comprehensive school improvement plan and designed to increase student learning and achievement.

(3) Longitudinal and trend data collection shall be maintained for the purposes of improving student and school performance.

(4) A public school or public school district classified as in "school improvement" shall develop and file with the department a comprehensive school improvement plan designed to ensure that all students

demonstrate proficiency on all portions of state-mandated augmented criterion-referenced assessment. The comprehensive school improvement plan shall include strategies to address the achievement gap existing for any identifiable group or subgroup as identified in the Arkansas Comprehensive Testing, Assessment, and Accountability Program and the gap of that subgroup from the academic standard.

(g)(1) By July 1, 2006, the department shall develop and implement a augmented criterion-referenced testing program which is valid, reliable, externally linked to a national norm, and vertically scaled for public school students in grades three through eight (3-8) which measures application of knowledge and skills in reading and writing literacy and mathematics. Science, civics, and government shall be measured on a schedule as determined by the state board.

SECTION 4. Arkansas Code § 6-15-419 is amended to read as follows:
6-15-419. Definitions.

The following definitions shall apply in this subchapter and in §§ 6-15-2001 et seq., 6-15-2101 et seq., 6-18-227, 6-15-2201, 6-15-2301, and 6-15-2401:

(1) "Academic content standards" means standards which are approved by the State Board of Education and which set the skills to be taught and mastery level for each grade and content area;

(2)(A) "Academic improvement plan" means a plan detailing supplemental or intervention and remedial instruction, or both, in deficient academic areas for any student who is not proficient on a portion or portions of the state-mandated Arkansas Comprehensive Assessment Program.

(B)(i) Such a plan shall be created and implemented by appropriate teachers, counselors, and any other pertinent school personnel.

(ii) All academic improvement plans shall be annually reviewed and revised to ensure an opportunity for student demonstration of proficiency in the targeted academic areas on the next state-mandated Arkansas Comprehensive Assessment Program.

(iii) A cumulative review of all academic improvement plans shall be part of the data used by the school in creating and revising its comprehensive school improvement plan.

(iv) All academic improvement plans shall be subject to review by the Department of Education.

(C) In any instance in which a student with disabilities identified under the Individuals with Disabilities Education Act has an individualized education program that already addresses any academic area or areas in which the student is not proficient on state-mandated augmented criterion-referenced assessments, the individualized education program shall serve to meet the requirement of an academic improvement plan;

(3) "Adequate yearly progress" means that level of academic improvement required of public schools or school districts on the state-mandated augmented criterion-referenced ~~examinations~~ assessments and other indicators as required in the Arkansas Comprehensive Testing, Assessment, and Accountability Program, which shall comply with The Elementary and Secondary Education Act as reauthorized in the No Child Left Behind Act of 2001;

(4) "Annexation" means the joining of an affected school district or part of the school district with a receiving district under § 6-13-1401 et seq.;

(5) "Annual improvement gains" or "student learning gains" means calculating a student's academic progress from one (1) year to the next, based on a same series nationally normed assessment given in the same time frame from one (1) year to the next, used as a pre-post measure of learning for the content areas tested;

(6) "Annual performance" means that level of academic achievement required of public schools or school districts on the state-mandated augmented criterion-referenced ~~examinations~~ assessments;

(7) "Arkansas Comprehensive Assessment Program" means the testing component of the Arkansas Comprehensive Testing, Assessment, and Accountability Program, which shall consist of:

(A) Developmentally appropriate assessments for kindergarten through grade two (K-2);

(B) National norm-referenced tests in grades three through nine (3-9);

(C) Any other assessments as required by the state board;

(D) ~~Criterion-referenced tests~~ Augmented criterion-referenced assessments for grades three through eight (3-8);

(E) Other assessments that are based on researched best practices as determined by qualified experts which would be in compliance with federal and state law; and

(F) End-of-course examinations for designated grades and content areas;

(8) "Arkansas Comprehensive Testing, Assessment, and Accountability Program" means a comprehensive system that focuses on high academic standards, professional development, student assessment, and accountability for schools;

(9) "Comprehensive school improvement plan" means the individual school's comprehensive plan based on priorities indicated by assessment and other pertinent data and designed to provide an opportunity for all students to demonstrate proficiency on all portions of the state-mandated Arkansas Comprehensive Assessment Program;

(10) "Consolidation" means the joining of two (2) or more school districts or parts of the school districts to create a new single school district under § 6-13-1401 et seq.;

~~(11) "Department" means the Department of Education;~~

~~(12)(A)~~(11)(A) "District improvement plan" means a districtwide plan coordinating the actions of the various comprehensive school improvement plans within a district.

(B) The main focus of the district improvement plan shall be to ensure that all students demonstrate proficiency on all portions of the state-mandated Arkansas Comprehensive Assessment Program;

~~(13)(A)~~(12)(A) "Early intervention" means short-term, intensive, focused, individualized instruction developed from ongoing, daily, systematic diagnosis that occurs while a child is in the initial, kindergarten through grade one (K-1), stages of learning early reading, writing, and mathematical strategies to ensure acquisition of the basic skills and to prevent the child from developing poor problem-solving habits which become difficult to change.

(B) The goal is to maintain a student's ability to function proficiently at grade level;

~~(14)~~(13) "End of course" means an examination taken at the completion of a course of study to determine whether a student demonstrates

attainment of the knowledge and skills necessary to mastery of that subject;

~~(15)~~(14) "Grade inflation rate" means the statistical gap between actual grades assigned for core classes at the secondary level and student performance on corresponding subjects on nationally normed college entrance exams such as the American College Test;

~~(16)~~(15) "Grade level" means performing at the proficient or advanced level on state-mandated Arkansas Comprehensive Assessment Program tests;

~~(17)~~(16) "High school" means grades nine through twelve (9-12);

~~(18)~~(17) "Longitudinal tracking" means tracking individual student yearly academic achievement gains based on scheduled and annual assessments;

~~(19)~~(18) "Middle level" means grades five through eight (5-8);

~~(20)~~(19) "No Child Left Behind Act" means the No Child Left Behind Act of 2001 signed into federal law on January 8, 2002;

~~(21)~~(20) "Parent" means:

(A) A parent, parents, legal guardian, a person standing in loco parentis, or legal representative, as appropriate, of a student; or

(B) The student if the student is eighteen (18) years of age or older;

~~(22)~~(21) "Point-in-time intervention and remediation" means intervention and remediation applied during the academic year upon the discovery that a student is not performing at grade level;

~~(23)~~(22) "Primary" means kindergarten through grade four (K-4);

~~(24)~~(23) "Public school" means those schools or school districts created pursuant to title 6 of the Arkansas Code and subject to the Arkansas Comprehensive Testing, Assessment, and Accountability Program except specifically excluding those schools or educational programs created by or receiving authority to exist pursuant to § 6-15-501, § 9-28-205, § 12-29-301 et seq., or other provisions of Arkansas law;

~~(25)~~(24) "Public school in school improvement" or "school in school in need of immediate improvement" means any public school or public school district identified as failing to meet certain established levels of academic achievement on the state-mandated augmented criterion-referenced and norm-referenced ~~tests~~ assessments as required by the state board in the program;

~~(26)~~(25) "Reconstitution" means a reorganization intervention in the administrative unit or governing body of a public school district, including, but not limited to, the suspension, reassignment, replacement, or removal of a current superintendent or the suspension, removal, or replacement of some or all of the current school board members, or both;

~~(27)~~(A)(i)(26)(A)(i) "Remediation" means a process of using diagnostic instruments to provide corrective, specialized, supplemental instruction to help a student in grades two through four (2-4) overcome academic deficiencies.

(ii) For students in grades five through twelve (5-12), remediation shall be a detailed, sequential set of instructional strategies implemented to remedy any academic deficiencies indicated by below-basic or basic performance on the state-mandated augmented criterion-referenced assessments.

(B) Remediation shall not interfere with or inhibit student mastery of current grade level academic learning expectations;

~~(28)~~(27) "School district in academic distress" means any public school district failing to meet the minimum level of academic achievement on the state-mandated augmented criterion-referenced ~~examinations~~ assessments as required by the state board in the program;

~~(29)~~(28) "School improvement plan" means the individual school's comprehensive plan based on priorities indicated by assessment and other pertinent data and designed to ensure that all students demonstrate proficiency on all portions of the state-mandated Arkansas Comprehensive Assessment Program examinations;

~~(30)~~(29) "Social promotion" means the passage or promotion from one (1) grade to the next of a student who has not demonstrated knowledge or skills required for grade-level academic proficiency;

~~(31)~~ "State board" means the State Board of Education;

~~(32)~~(30) "Uniform school readiness screening" means uniform, objective evaluation procedures which are geared to either kindergarten or first grade, as appropriate, and developed by the state board and specifically formulated for children entering public school for the first time; and

~~(33)~~(31) "Value-added computations of student gains" means the statistical analyses of the educational impact of the school's instructional delivery system on individual student learning, using a comparison of previous and posttest student achievement gains against a national cohort.

SECTION 5. Arkansas Code § 6-15-420(c) and (d), concerning remediation and intervention following state-mandated assessments, is amended to read as follows:

(c)(1) Upon completion of the intervention and remediation plans in subdivisions (b)(1) and (2) of this section, those schools that fail to achieve expected levels of student performance at the primary level on augmented criterion-referenced ~~tests~~ assessments, as defined in this subchapter, shall participate in a comprehensive school improvement plan accepted by the department.

(2)(A) This plan shall be part of each school's long-range comprehensive school improvement plan and shall be reported to the public.

(B) Progress on improved achievement shall be included as part of the school and school district's annual report to the public.

(d)(1) As part of the comprehensive testing, assessment, and accountability program, the department shall ensure that each school and school district establishes a plan to assess whether children in the middle-level and high school grades are performing at proficient levels in reading and writing literacy, mathematics, and, as funds are available, other core academic subjects.

(2) Each school and school district shall use multiple assessment measures, which shall include, but not be limited to, state-mandated augmented criterion-referenced ~~tests~~ assessments.

SECTION 6. Arkansas Code § 6-15-421(c), concerning awards and sanctions for state-mandated assessments, is amended to read as follows:

(c) The State Board of Education shall develop a clear, concise system of reporting the academic performance of each public school on the state-mandated augmented criterion-referenced ~~tests~~ assessments, developmentally appropriate assessments for grades kindergarten through two (K-2), benchmark

examinations, and end-of-course examinations, which conforms with current state and federal law.

SECTION 7. Arkansas Code § 6-15-424 is amended to read as follows:
6-15-424. Rules and regulations.

The State Board of Education shall ~~promulgate~~ establish rules ~~and regulations~~ as may be necessary to require the Department of Education to implement a program for identifying, evaluating, assisting, and addressing public schools or public school districts failing to meet established levels of academic achievement on the state-mandated augmented criterion-referenced ~~tests~~ assessments as required in the Arkansas Comprehensive Testing, Assessment, and Accountability Program.

SECTION 8. Arkansas Code § 6-15-426(e), concerning school improvement, is amended to read as follows:

(e)(1) Any public school or school district classified as in school improvement shall develop and file with the department a revised comprehensive school improvement plan which shall be reviewed by the department and shall be designed to ensure that all students have an opportunity to demonstrate proficiency on all portions of the state-mandated augmented criterion-referenced ~~tests~~ assessments.

(2) The comprehensive school improvement plan shall include strategies to address the achievement gap existing for any identifiable group or subgroup as identified in the program and the gap of that subgroup from the academic standard.

SECTION 9. Arkansas Code § 6-15-433(b)(3)(A)(ii)(a), concerning the statewide assessment program, is amended to read as follows:

(ii)(a) Norm-referenced tests using nationally normed metrics in grades three through nine (3-9), and augmented criterion-referenced ~~tests~~ assessments, as defined in § 6-15-404(g)(1), known as the benchmark exams, in grades three through eight (3-8); or

SECTION 10. Arkansas Code § 6-15-433(c)(2)(A), concerning the statewide assessment program, is amended to read as follows:

(2)(A) The testing program, as determined by the state board, shall consist of norm-referenced and augmented criterion-referenced ~~testing~~ assessments or other assessments as defined in § 6-15-433(b)(3)(A)(ii)(b).

SECTION 11. Arkansas Code § 6-15-438(b), concerning the violation of the security or confidentiality of a state-mandated test or assessment, is amended to read as follows:

(b)(1) The State Board of Education shall sanction a person who engages in conduct prohibited by this section, ~~as provided under § 6-17-405 [repealed], and following the Process for Certificate Invalidation as approved by the state board.~~

(2) Additionally, the state board may sanction a school district or school, or both, in which conduct prohibited in this section occurs.

(3) Sanctions imposed by the state board may include without limitation one (1) or more of the following:

(A) Revocation, suspension, or probation of an individual's license;

(B) Issuance of a letter of reprimand to a licensed individual to be placed in his or her state personnel file;

(C) Additional training or professional development to be completed by a licensed individual within the time specified;

(D) Additional professional development to be administered by the school district to all licensed school district personnel involved in test administration within the time specified;

(E) Issuance of a letter of warning to the school district; and

(F) Establishment of a school district plan containing strict test security guidelines that will implement procedures to ensure the security and confidential integrity of all assessment instruments.

(4) Professional development required pursuant to subsection (b)(3) of this section as a result of violating test security or confidentiality may be in addition to professional development required for licensure.

SECTION 12. Arkansas Code § 6-15-1402(b)(2)(A)(iii), concerning school performance report, is amended to read as follows:

(iii) ~~Criterion referenced test~~ Augmented criterion-referenced assessment results;

SECTION 13. Arkansas Code § 6-15-1402(b)(3)(A)(iii), concerning school performance report, is amended to read as follows:

(iii) ~~Criterion referenced test~~ Augmented criterion-referenced assessment results;

SECTION 14. Arkansas Code § 6-15-2009(b)(2), concerning the end-of-course assessment program for public schools, is amended to read as follows:

(2) If a student with disabilities identified under the Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq., has an individualized education program that addresses any academic area or areas in which the student is not proficient on state-mandated augmented criterion-referenced assessments, the individualized education program meets the requirements of an academic improvement plan under this section.

SECTION 15. Arkansas Code § 6-15-2009(f)(1)(A), concerning the end-of-course assessment program for public schools, is amended to read as follows:

(f)(1)(A) The state board shall establish the ~~transition process from the current end of course assessment program to the~~ end-of-course assessment program required beginning in the 2009-2010 school year.

SECTION 16. Arkansas Code § 6-15-2101(c), concerning public school annual reports, is amended to read as follows:

(c) The annual report shall designate two (2) category levels for each school:

(1) One (1) for the school's improvement gains, tracked longitudinally and using value-added calculations on the augmented criterion-referenced ~~test~~ assessment as defined in § 6-15-404(g)(1), in the latest available test results, known as the annual improvement category level; and

(2)(A) One (1) based on performance from the prior year on the criterion-referenced test as defined in § 6-15-404(g)(1) and end-of-course

examinations, hereafter referred to as annual performance pursuant to § 6-15-2103.

(B) If the augmented criterion-referenced ~~test~~ assessment is not in compliance with § 6-15-404(g)(1), then the department shall rely on other assessments as defined in § 6-15-404(g)(1) for the calculation of the improvement level.

SECTION 17. Arkansas Code § 6-15-2102 is amended to read as follows:
6-15-2102. School rating system - Annual improvement category levels.

(a) For the designation determined by annual improvement, annual improvement gains on augmented criterion-referenced ~~tests~~ assessments, as defined in § 6-15-404(g)(1), shall identify schools as being in one (1) of the following category levels defined according to rules of the State Board of Education:

- (1) "Level 5", schools of excellence for improvement;
- (2) "Level 4", schools exceeding improvement standards;
- (3) "Level 3", schools meeting improvement standards;
- (4) "Level 2", schools on alert; or
- (5) "Level 1", schools in need of immediate improvement.

(b) The base year for improvement gains shall be established in the 2006-2007 school year, with annual improvement category levels assigned in the 2007-2008 school year and each school year thereafter.

(c) School annual improvement category level designations shall be based on the following:

(1) A combination of student achievement scores as measured by annual academic gain scores on augmented criterion-referenced ~~tests~~ assessments, as defined in § 6-15-404(g)(1), or assessments in grades kindergarten through twelve (K-12); and

(2) Student assessment data used to determine annual improvement category levels shall include the aggregate scores of the combined population.

(d) The state board shall adopt appropriate criteria for each school improvement category level.

(e) Schools that receive an annual improvement category level of level 5 or level 4 are eligible for school recognition awards and performance-based funding pursuant to § 6-15-2109.

SECTION 18. Arkansas Code § 6-15-2103 is amended to read as follows:
6-15-2103. School rating system - Annual performance goals - School annual performance category levels.

(a) The annual report shall identify schools as being in one (1) of the following category levels, based on the augmented criterion-referenced benchmark exams, ~~as defined in § 6-15-404(g)(1)~~, and defined according to rules of the State Board of Education:

- (1) "Level 5", schools of excellence;
- (2) "Level 4", schools exceeding standards;
- (3) "Level 3", schools meeting standards;
- (4) "Level 2", schools on alert; or
- (5) "Level 1", schools in need of immediate improvement.

(b)(1) For the 2004-2005 through 2008-2009 school years, schools will not be assigned annual performance category levels unless an annual performance category level is requested by the school.

(2) For schools that receive an improvement category level of level 5 or level 4 in the 2009-2010 and 2010-2011 school years, the performance category level may be waived.

(c)(1) For all schools that have received an annual performance category level of level 1 for two (2) consecutive years, the students in these schools shall be offered the opportunity public school choice option with transportation provided pursuant to § 6-18-227 et seq.

(2) In addition, the school district board shall provide supplemental educational services, approved by the state board, to affected students.

(d) The state board shall adopt appropriate criteria for each school performance category level.

(e) Schools that receive an annual performance category level of level 5 or level 4 are eligible for school recognition awards and performance-based funding pursuant to § 6-15-2107.

SECTION 19. Arkansas Code § 6-15-2201 is amended to read as follows:

6-15-2201. Implementation of state system of school improvement and education accountability.

(a) The Department of Education is responsible for implementing and maintaining a system of intensive school improvement and education accountability that shall include policies and programs to implement the following:

(1)(A) A system of data collection and analysis that will improve information about the educational success of individual students and schools.

(B) The information and analyses shall be capable of identifying educational programs or activities in need of improvement, and reports prepared pursuant to this section shall be distributed to the appropriate district school boards prior to distribution to the general public.

(C) No disclosure shall be made that is in violation of applicable federal or state law;

(2) A program of school improvement that will analyze information to identify schools' educational programs or educational activities in need of improvement;

(3) A method of delivering services to assist school districts and schools to improve; and

(4) A method of coordinating the state educational goals and school improvement plans with any other state program that creates incentives for school improvement.

(b)(1) The department shall be responsible for the implementation and maintenance of the system of school improvement and education accountability outlined in this section.

(2) There shall be an annual determination of whether each school is progressing toward implementing and maintaining a system of school improvement.

(c)(1) If progress is not being made, the local school district shall prepare and implement a revised school improvement plan.

(2) The department and the State Board of Education shall monitor the development and implementation of the revised school improvement plan.

~~(d)(1)(A) The department shall report to the Legislative Council and recommend changes in state policy necessary to foster school improvement and education accountability.~~

~~(B) Included in the report shall be a list of the schools for which district school boards have developed assistance and intervention plans and an analysis of the various strategies used by the school boards.~~

~~(2) School reports shall be distributed pursuant to this subsection and § 6-15-2101 and according to rules adopted by the state board.~~

~~(e)(d)(1)(A) The department shall implement a training program to develop among state and district educators a cadre of facilitators of school improvement.~~

(B) These facilitators shall assist schools and districts to conduct needs assessments and develop and implement school improvement plans to meet state goals.

(2)(A)~~(i)~~ Upon request, the department shall provide technical assistance and training to any school, school district, or district school board for conducting needs assessments, developing and implementing school improvement plans, developing and implementing assistance and intervention plans, or implementing other components of school improvement and accountability.

~~(ii)(B) Priority for these services shall be given to schools designated as school districts in academic distress or schools in need of school improvement under state or federal law.~~

~~(B)(i) No less than semiannually, the department shall provide a report to the House Interim Committee on Education and the Senate Interim Committee on Education setting forth the districts requesting assistance, the state of each request, and the dates and actions taken.~~

~~(ii) The department shall further report the results of the actions taken or assistance provided.~~

(3) The department shall provide technical assistance to each school that is designated as a level 1 school or a level 2 school under § 6-15-2103 to develop a revised school improvement plan.

~~(f)(e)~~ As a part of the system of educational accountability, the department shall:

(1) Develop minimum performance standards for various grades and subject areas, as required in §§ 6-15-404 and 6-15-433;

(2) Administer the statewide assessment testing program created by § 6-15-433;

(3) Conduct or contract with a provider to conduct the program assessments required by § 6-15-403;

(4) Conduct or contract with any provider for implementation for any part or portion of this act; and

(5) Perform any other functions that may be involved in educational planning, research, and evaluation or that may be required by the state board rules and regulations or federal or state law.

SECTION 20. Arkansas Code § 6-15-2401 is amended to read as follows:
6-15-2401. Review of Arkansas Placement Status Reports - Reports of students needing remediation.

(a)(1) Representatives from the Department of Higher Education and the Department of Education ~~will~~ shall meet with the ~~chair~~ respective Chairs of the Senate Education Committee and the House Education Committee or their

designees along with the selected superintendents, high school principals, and high school counselors ~~once~~ one (1) time every biennium to review the Arkansas Placement Status Reports to determine whether any revisions in the format of the reports, the information that is reported, or the reporting process need to be made.

(2) Agreed-upon changes would be reported to the Arkansas Higher Education Coordinating Board, State Board of Education, Senate Education Committee, and House Education Committee.

~~(b)(1) No later than November 30 of each year, the Department of Education shall report by high school to the state board and the General Assembly on the number of prior year Arkansas high school graduates who enrolled for the first time in public postsecondary education in this state during the previous summer, fall, or spring term.~~

~~(2) The report will indicate the number of students whose scores on the common placement test indicated the need for remediation through college preparatory instruction, provided such disclosure is not in conflict with applicable federal or state law.~~

~~(c) The Department of Education shall organize school summary reports and student level records by school district and high school in which the postsecondary education students were enrolled and report the information to each school district no later than January 31 of each year, provided such information is not in conflict with federal or state law.~~

~~(d)(b) As a part of the school improvement plan pursuant to § 6-15-2201, the state board shall ensure that each school district and high school develops strategies to improve student readiness for the public postsecondary level based on annual analysis of the feedback report data.~~

~~(e) The Department of Education shall biennially recommend to the General Assembly statutory changes to reduce the incidence of postsecondary remediation in mathematics, reading, and writing for first time enrolled recent high school graduates.~~

SECTION 21. Arkansas Code § 6-17-309(a), concerning teachers licensed in subject areas, is amended to read as follows:

(a)(1) No class of students shall be under the instruction of a teacher who is not ~~certified~~ licensed to teach the grade level or subject matter of the class for more than thirty (30) consecutive school days in the same class during a school year.

(2) This provision shall not apply to:

(A) Nondegreed vocational-technical teachers;

(B) Those persons approved by the Department of Education to teach the grade level or subject matter of the class in the Department of Education's distance learning program;

(C) Those persons teaching concurrent credit courses or advanced placement courses who:

(i) Are employed by a postsecondary institution;

(ii) Meet the qualification requirements of that institution or the Department of Workforce Education; and

(iii) Are teaching in a course in which credit is offered by an institution of higher education or a technical institute;

(D) Licensed teachers teaching in the following settings:

(i) An alternative learning environment, provided that the teacher is highly qualified in all core areas that the teacher is

teaching;

- (ii) A juvenile detention facility;
 - (iii) A residential and day alcohol, drug, and psychiatric facility program;
 - (iv) An emergency youth shelter;
 - (v) A facility of the Division of Youth Services of the Department of Health and Human Services; or
 - (vi) A facility of the Division of Developmental Disabilities Services of the Department of Health and Human Services; and
- (E) A licensed special education teacher teaching two (2) or more core academic subjects exclusively to children with disabilities.

SECTION 22. Arkansas Code § 6-17-410(c)-(j), concerning teacher licensure, is amended to read as follows:

(c) The state board shall not issue a first-time license nor renew an existing license and shall revoke any existing license not up for renewal of any person who has pleaded guilty or nolo contendere to or has been found guilty of any of the following offenses by any court in the State of Arkansas or of any similar offense by a court in another state or of any similar offense by a federal court ~~but only after an opportunity for a hearing before the board upon reasonable notice in writing:~~

- (1) Capital murder as prohibited in § 5-10-101;
- (2) Murder in the first degree as prohibited in § 5-10-102 and murder in the second degree as prohibited in § 5-10-103;
- (3) Manslaughter as prohibited in § 5-10-104;
- (4) Battery in the first degree as prohibited in § 5-13-201 and battery in the second degree as prohibited in § 5-13-202;
- (5) Aggravated assault as prohibited in § 5-13-204;
- (6) Terroristic threatening in the first degree as prohibited in § 5-13-301;
- (7) Kidnapping as prohibited in § 5-11-102;
- (8) Rape as prohibited in § 5-14-103;
- (9) Sexual assault in the first degree, second degree, third degree, and fourth degree as prohibited in §§ 5-14-124 - 5-14-127;
- (10) Incest as prohibited in § 5-26-202;
- (11) Engaging children in sexually explicit conduct for use in visual or print media, transportation of minors for prohibited sexual conduct, employing or consenting to the use of a child in a sexual performance, or producing, directing, or promoting a sexual performance by a child as prohibited in §§ 5-27-303, 5-27-305, 5-27-402, and 5-27-403;
- (12) Distribution to minors as prohibited in § 5-64-406;
- (13) Any felony in violation of the Uniform Controlled Substances Act, § 5-64-101 et seq.;
- (14) Sexual indecency with a child as prohibited in § 5-14-110;
- (15) Endangering the welfare of a minor in the first degree as prohibited in § 5-27-205;
- (16) Pandering or possessing visual or print medium depicting sexually explicit conduct involving a child as prohibited by § 5-27-304;
- (17) False imprisonment in the first degree as prohibited in § 5-11-103;
- (18) Permanent detention or restraint as prohibited in § 5-11-106;

- (19) Permitting abuse of a child as prohibited in § 5-27-221(a)(1) and (3);
- (20) Negligent homicide as prohibited by § 5-10-105(a);
- (21) Assault in the first degree as prohibited by § 5-13-205;
- (22) Coercion as prohibited by § 5-13-208;
- (23) Public sexual indecency as prohibited by § 5-14-111;
- (24) Indecent exposure as prohibited by § 5-14-112;
- (25) Endangering the welfare of a minor in the second degree as prohibited by § 5-27-206;
- (26) Criminal attempt, criminal solicitation, or criminal conspiracy as prohibited in §§ 5-3-201, 5-3-202, 5-3-301, and 5-3-401, to commit any of the offenses listed in this subsection;
- (27) Computer child pornography as prohibited in § 5-27-603; and
- (28) Computer exploitation of a child in the first degree as prohibited in § 5-27-605-;
- (29) Felony theft as prohibited in §§ 5-36-103 - 5-36-106, and 5-36-203;
- (30) Robbery as prohibited by §§ 5-12-102 and 5-12-103;
- (31) Breaking or entering as prohibited by § 5-39-202;
- (32) Burglary as prohibited by § 5-39-201;
- (33) Forgery as prohibited by § 5-37-201;
- (34) Any felony not listed in this subsection (c) and involving physical or sexual injury, mistreatment, or abuse against another; and
- (35) Any sexual offense as defined by § 6-17-116.

~~(d)(1) The revocation provisions of subsection (c) of this section may be waived or a license may be suspended or placed on probation by the state board upon request by:~~

- ~~(A) The board of a local school district;~~
- ~~(B) An affected applicant for licensure; or~~
- ~~(C) The person holding a license subject to revocation.~~

~~(2) Circumstances for which a waiver may be granted shall include, but not be limited to, the following:~~

- ~~(A) The age at which the crime was committed;~~
- ~~(B) The circumstances surrounding the crime;~~
- ~~(C) The length of time since the crime;~~
- ~~(D) Subsequent work history;~~
- ~~(E) Employment references;~~
- ~~(F) Character references; and~~
- ~~(G) Other evidence demonstrating that the applicant does not pose a threat to the health or safety of school children or school personnel.~~

(d)(1) For the purposes of this subsection (d):

(A) "Cause" means any of the following:

- (i) Holding a license obtained by fraudulent means;
- (ii) Revocation of a license in another state;
- (iii) Intentionally compromising the validity or security of any student test or testing program administered by or required by the state board or the Department of Education;
- (iv) Having the completed examination test score of any testing program required by the state board for teacher licensure declared invalid by the testing program company and so reported to the Department of Education by the testing company;

(v) Having an expunged or a pardoned conviction for any sexual or physical abuse offense committed against a child or any offense in subsection (c) of this section;

(vi) Failing to establish or maintain the necessary requirements and standards set forth in Arkansas law or state board rules and regulations for teacher licensure;

(vii) Knowingly submitting or providing false or misleading information or knowingly failing to submit or provide information requested or required by law to the Department of Education, the state board, or the Division of Legislative Audit; or

(viii) 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

(B) "Child" means a person under twenty-one (21) years of age or enrolled in the public schools of the State of Arkansas.

(2) For cause as stated in subsection (e) of this section, the state board is authorized to:

(A) Revoke a license permanently;

(B) Suspend a license for a terminable period of time or indefinitely; or

(C) Place a person on probationary status for a terminable period of time with the license to be revoked or suspended if the probationary period is not successfully completed.

(e)(1) Before taking an action under subsections (c) or (d) of this section, the state board shall provide a written notice of the reason for the action and shall afford the person against whom the action is being considered the opportunity to request a hearing.

(2) A written request for a hearing must be received by the state board no more than thirty (30) days after the notice of the denial, nonrenewal, or revocation of the license is received by the person who is the subject of the proposed action.

(3) Upon written notice that a revocation, suspension, or probation is being sought by the state board for a cause set forth, a person may:

(A) Decline to answer the notice, in which case a hearing shall be held before the state board to establish by a preponderance of the evidence that cause for the proposed action exists;

(B)(i) Contest the complaint and request a hearing in writing, in which case the person shall be given an evidentiary hearing before the state board if one is requested.

(ii) If the person requesting the hearing fails to appear at the hearing, the hearing shall proceed in the manner described in subdivision (e)(3)(A) of this section;

(C) Admit the allegations of fact and request a hearing before the state board in mitigation of any penalty that may be assessed; or

(D) Stipulate or reach a negotiated agreement, which must be approved by the state board.

~~(e)(1) For cause as set forth in subdivision (e)(2) of this section, the state board may revoke, suspend, or place on probation the license of any person but only after an opportunity for a hearing before the state board upon reasonable written notice of the cause to be considered and only if a~~

~~written request for a hearing is received by the state board no less than thirty (30) days after the notice of the cause is received by the person holding the license.~~

~~(2) For the purposes of this subsection, "cause" means any of the following:~~

~~(A) Pleading guilty or nolo contendere to or having been found 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;~~

~~(B) Pleading guilty or nolo contendere to or having been found guilty in a court:~~

~~(i) 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; or~~

~~(ii) 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;~~

~~(C) Holding a license obtained by fraudulent means;~~

~~(D) Revocation of a license in another state;~~

~~(E) Intentionally compromising the validity or security of any student test or testing program administered by or required by the state board or the Department of Education;~~

~~(F) Having the completed examination test score of any testing program required by the state board for teacher licensure declared invalid by the testing program company and so reported to the Department of Education by the testing company;~~

~~(G) Having an expunged or a pardoned conviction for any sexual or physical abuse offense committed against a child;~~

~~(H) Failing to establish or maintain the necessary requirements and standards set forth in Arkansas law or state board rules and regulations for teacher licensure;~~

~~(I) Knowingly submitting or providing false or misleading information or knowingly failing to submit or provide information requested or required by law to the Department of Education, the state board, or the Division of Legislative 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.~~

~~(3) For purposes of this subsection, "child" means a person enrolled in the public schools of the State of Arkansas.~~

(f)(1) The revocation provisions of subsection (c) of this section may be waived or a license may be suspended or placed on probation by the state board upon request by:

(A) The board of a local school district;

(B) An affected applicant for licensure; or

(C) The person holding a license subject to revocation.

(2) Circumstances for which a waiver may be granted shall include, but not be limited to, the following:

(A) The age at which the crime was committed;

(B) The circumstances surrounding the crime;
(C) The length of time since the crime;
(D) Subsequent work history;
(E) Employment references;
(F) Character references; and
(G) Other evidence demonstrating that the applicant does not pose a threat to the health or safety of school children or school personnel.

~~(f)(1)(g)(1)~~ The superintendent of each school district shall report to the state board the name of any person holding a license issued by the state board and currently employed or employed during the two (2) previous school years by the local school district who:

(A) Has pleaded guilty or nolo contendere to or has been found guilty of a felony or any misdemeanor listed in ~~ne69~~ subsection (c) of this section;

(B) Holds a license obtained by fraudulent means;

(C) Has had a similar license revoked in another state;

(D) Has intentionally compromised the validity or security of any student test or testing program administered or required by the Department of Education;

(E) Has knowingly submitted falsified information or failed to submit information requested or required by law to the Department of Education, the state board, or the division; or

(F) Has failed to establish or maintain the necessary requirements and standards set forth in Arkansas law or Department of Education rules ~~and regulations~~ for teacher licensure.

(2) Failure of a superintendent to report information as required by this subsection may result in sanctions imposed by the state board.

~~(g) For cause as stated in subsection (c) of this section, the state board is authorized to:~~

~~(1) Revoke a license permanently;~~

~~(2) Suspend a license for a terminable period of time or indefinitely; or~~

~~(3) Place a person on probationary status for a terminable period of time with the license to be revoked or suspended if the probationary period is not successfully completed.~~

~~(h) Upon notice in writing that a revocation, suspension, or probation is being sought by the state board for a cause set forth, a person may:~~

~~(1) Decline to answer the notice, in which case a hearing will be held before the state board to establish by a preponderance of the evidence that cause for the proposed action exists;~~

~~(2) Contest the complaint, in which case the person shall be given an evidentiary hearing before the state board if one is requested;~~

~~(3) Admit the allegations of fact and request a hearing before the state board in mitigation of any penalty which may be assessed; or~~

~~(4) Stipulate or reach a negotiated agreement which must be approved by the state board.~~

~~(i)(1)(h)(1)~~ Any information received by the Department of Education from the Identification Bureau of the Department of Arkansas State Police pursuant to subsection (a) of this section shall not be available for examination except by the affected applicant for licensure or his or her duly

authorized representative, and no record, file, or document shall be removed from the custody of the Department of Education.

(2) Any information made available to the affected applicant for licensure or the person whose license is subject to revocation shall be information pertaining to that applicant only.

(3) Rights of privilege and confidentiality established under this section shall not extend to any document created for purposes other than this background check.

~~(j)~~(i) The state board shall adopt the necessary rules ~~and regulations~~ to fully implement the provisions of this section.

SECTION 23. Arkansas Code § 6-17-414 is amended to read as follows:
6-17-414. Criminal records check as a condition for initial employment of nonlicensed personnel.

(a)(1)(A)(i) Except as provided in subdivision (a)(1)(C) of this section, the board of directors of a local school district or an education service cooperative shall require as a condition for initial employment or re-employment in a ~~noncertified~~ nonlicensed staff position any person making application to apply to the Identification Bureau of the Department of Arkansas State Police for statewide and nationwide criminal records checks, the latter to be conducted by the Federal Bureau of Investigation.

(ii) The checks shall conform to the applicable federal standards and shall include the taking of fingerprints.

(iii) The Identification Bureau of the Department of Arkansas State Police may maintain these fingerprints in the automated fingerprint identification system.

(iv) The Federal Bureau of Investigation shall promptly destroy the fingerprint card of the applicant.

(B) The person shall sign a release of information to the Department of Education. Unless the employing school district board of directors has taken action to pay for the cost of criminal background checks required by this section, the employment applicant shall be responsible for the payment of any fee associated with the criminal records checks.

(C)(i) The board of directors of a local school district created by consolidation, annexation, or detachment may waive the requirements under subdivisions (a)(1)(A) and (B) of this section for personnel who were employed by the affected district immediately prior to the annexation, consolidation, or detachment and who had complete criminal background checks conducted as a condition of the person's most recent employment with the affected district as required under this section.

(ii) As used in this section, "affected district" means a school district that loses territory or students as a result of annexation, consolidation, or detachment.

(2) Upon completion of the criminal records check, the Identification Bureau of the Department of Arkansas State Police shall forward all releasable information obtained concerning the person to the Department of Education, which shall promptly inform the board of directors of the local school district or education service cooperative whether or not the applicant is eligible for employment as provided by subdivision (b)(1) of this section.

(b) A person shall not be eligible for employment by a local school district or education service cooperative in a ~~noncertified~~ nonlicensed staff

position if that person has pleaded guilty or nolo contendere to or has been found guilty of any of the following offenses by any court in the State of Arkansas or of any similar offense by a court in another state or of any similar offense by a federal court:

- (1) Capital murder as prohibited in § 5-10-101;
- (2) Murder in the first degree as prohibited in § 5-10-102 and murder in the second degree as prohibited in § 5-10-103;
- (3) Manslaughter as prohibited in § 5-10-104;
- (4) Battery in the first degree as prohibited in § 5-13-201 and battery in the second degree as prohibited in § 5-13-202;
- (5) Aggravated assault as prohibited in § 5-13-204;
- (6) Terroristic threatening in the first degree as prohibited in § 5-13-301;
- (7) Kidnapping as prohibited in § 5-11-102;
- (8) Rape as prohibited in § 5-14-103;
- (9) Sexual assault in the first degree, second degree, third degree, and fourth degree, as prohibited in §§ 5-14-124 - 5-14-127;
- (10) Incest as prohibited in § 5-26-202;
- (11) Engaging children in sexually explicit conduct for use in visual or print media, transportation of minors for prohibited sexual conduct, employing or consenting to the use of a child in a sexual performance, or producing, directing, or promoting a sexual performance by a child as prohibited in §§ 5-27-303, 5-27-305, 5-27-402, and 5-27-403;
- (12) Distribution to minors as prohibited in § 5-64-406;
- (13) Any felony in violation of the Uniform Controlled Substances Act, § 5-64-101 et seq.;
- (14) Criminal attempt, criminal solicitation, or criminal conspiracy as prohibited in §§ 5-3-201, 5-3-202, 5-3-301, and 5-3-401, to commit any of the offenses listed in this subsection;
- (15) Sexual indecency with a child as prohibited in § 5-14-110;
- (16) Endangering the welfare of a minor in the first degree as prohibited in § 5-27-205;
- (17) Pandering or possessing visual or print medium depicting sexually explicit conduct involving a child as prohibited by § 5-27-304;
- (18) False imprisonment in the first degree as prohibited in § 5-11-103;
- (19) Permanent detention or restraint as prohibited in § 5-11-106;
- (20) Permitting abuse of a child as prohibited in § 5-27-221(a)(1) and (3);
- (21) Negligent homicide as prohibited by § 5-10-105(a);
- (22) Assault in the first degree as prohibited by § 5-13-205;
- (23) Coercion as prohibited by § 5-13-208;
- (24) Public sexual indecency as prohibited by § 5-14-111;
- (25) Indecent exposure as prohibited by § 5-14-112;
- (26) Endangering the welfare of a minor in the second degree as prohibited by § 5-27-206;
- (27) Computer child pornography as prohibited in § 5-27-603; and
- (28) Computer exploitation of a child in the first degree as prohibited in § 5-27-605-;
- (29) Felony theft as prohibited in §§ 5-36-103 - 5-36-106, and 5-36-203;

(30) Robbery as prohibited by §§ 5-12-102 and 5-12-103;

(31) Breaking or entering as prohibited by § 5-39-202;

(32) Burglary as prohibited by § 5-39-201;

(33) Forgery as prohibited by § 5-37-201;

(34) Any felony not listed in this subsection (c) and involving physical or sexual injury, mistreatment, or abuse against another; and

(35) Any sexual offense as defined by § 6-17-116.

(c) However, the board of directors of a local school district or education service cooperative is authorized to offer provisional employment to an applicant pending receipt of eligibility information from the Department of Education.

(d)(1) Any information received by the Department of Education from the Identification Bureau of the Department of Arkansas State Police pursuant to this section shall not be available for examination except by the affected applicant for employment or his or her duly authorized representative, and no record, file, or document shall be removed from the custody of the Department of Education.

(2) Any information made available to the affected applicant for employment shall be information pertaining to that applicant only.

(3) Rights of privilege and confidentiality established under this section shall not extend to any document created for purposes other than this background check.

~~(e) As used in this section, "noncertified staff position" means any job that does not require the person to hold a license issued by the State Board of Education and is either a full time job or a permanent part time job or is a job as a substitute teacher for thirty (30) days or more during a school year.~~

~~(f)(1) The employment eligibility provisions of subdivision (b)(1) of this section may be waived by the state board upon request by:~~

~~(A) The board of a local school district; or~~

~~(B) An affected applicant for employment.~~

~~(2) Circumstances for which a waiver may be granted shall include, but not be limited to, the following:~~

~~(A) The age at which the crime was committed;~~

~~(B) The circumstances surrounding the crime;~~

~~(C) The length of time since the crime;~~

~~(D) Subsequent work history;~~

~~(E) Employment references;~~

~~(F) Character references; and~~

~~(G) Other evidence demonstrating that the applicant does not pose a threat to the health or safety of school children or school personnel.~~

~~(3) No waiver shall be granted if the state board determines that the offense was a violent, physical, or sexual offense.~~

~~(g)(e) The state board may shall determine that an applicant for employment with a school district in a nonecertified nonlicensed staff position is ineligible for employment if the applicant:~~

~~(1) Has pleaded guilty or nolo contendere to or has been found guilty of a felony not listed in subsection (b) of this section;~~

~~(2) Pleads guilty or nolo contendere to or has been found guilty in a court:~~

~~(A) 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) 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;~~

~~(3)(1) Is required to pass an examination as a requirement of his or her position and the applicant's completed examination test score was declared invalid because of the applicant's improper conduct;~~

~~(4)(2) Has an expunged or a pardoned conviction for any sexual or physical abuse offense committed against a child or any offense listed in subsection (b) of this section;~~

~~(5)(3) Knowingly submits or provides false or misleading information or knowingly fails to submit or provide information requested or required by law to the Department of Education, the state board, or the Division of Legislative Audit; or~~

~~(6)(4) 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.~~

(f)(1) The superintendent of each school district shall report to the state board the name of any person currently employed by the local school district who:

(A) Has pleaded guilty or nolo contendere to or has been found guilty of a felony or any misdemeanor listed in subsection (b) of this section;

(B) Has intentionally compromised the validity or security of any student test or testing program administered or required by the Department of Education; or

(C) Has knowingly submitted falsified information or failed to submit information requested or required by law to the Department of Education, the state board, or the division.

(2) Failure of a superintendent to report information as required by this subsection may result in sanctions imposed by the state board.

SECTION 24. Arkansas Code § 6-17-416 is amended to read as follows:
6-17-416. Criminal records check of employees of more than one district.

Employees, whether new or existing, who have a contract with or work for more than one (1) school district in one (1) year shall be required to have ~~only one (1)~~ a new criminal background check for each school district to satisfy the requirements of all employing school districts for that year.

SECTION 25. Arkansas Code § 6-18-901(d)(1), concerning the transfer of permanent student records, is amended to read as follows:

(d)(1)(A) A copy of the permanent student record shall be provided to the receiving school district upon the transfer of a student to another district.

(B) The school district shall provide the copy of the student's permanent student record to the receiving school district within ten (10) school days after the date a request from the receiving school

district is received.

(C) The school district shall not fail or refuse to provide a copy of the student's permanent student record to the receiving school district because the student owes money to the school district for school-related charges, including without limitation charges for:

- (i) Food services;
- (ii) Unreturned library books; or
- (iii) Fees.

SECTION 26. Arkansas Code § 6-18-1005(a)(1)(F), concerning student services programs, is amended to read as follows:

(F) Interpretation of augmented criterion-referenced and norm-referenced testing and dissemination of results to the school, students, parents, and community;

SECTION 27. Arkansas Code § 6-18-1005(a)(1)(L), concerning student services programs, is amended to read as follows:

(L) Classroom guidance, which shall be limited to ~~thirty minute~~ forty-minute class sessions, not to exceed three (3) per day or ten (10) per week; and

SECTION 28. Arkansas Code § 6-20-603(b)-(e), concerning isolated schools funding, is amended to read as follows:

(b) ~~Beginning with the 2004-2005 school year and each~~ Each school year ~~thereafter~~, state financial aid in the form of isolated funding shall be provided to school districts containing an isolated school area in an amount equal to the prior ~~year year's~~ three (3) quarter ~~three-quarter~~ average daily membership of the isolated school area multiplied by the per student isolated funding amount for the isolated school areas as set forth under column "C" of subsection (a) of this section.

(c) ~~No~~ A school district may not receive isolated funding under this section for an isolated school area if the prior ~~year year's~~ three (3) quarter ~~three-quarter~~ average daily membership of the isolated school area exceeds three hundred fifty (350).

(d) A school district receiving isolated funding for an isolated school area shall expend the funds solely for the operation, maintenance, and support of the isolated school area.

(e) ~~No~~ A school district or isolated school area which may qualify under other law to receive additional state aid because its average daily membership is less than three hundred fifty (350) shall not be eligible to receive funding under this section except that a district qualifying under other law for such aid and qualifying for funds under this section may elect to receive funds under this section in lieu of aid under the other law.

SECTION 29. Arkansas Code § 6-20-603, concerning isolated schools funding, is amended to add an additional subsection to read as follows:

(i)(1) A school district eligible to receive isolated funding under this section shall continue to receive partial funding even if all or part of an isolated school is closed.

(2) If all or part of an isolated school in a school district is closed, the school district shall receive funding based on the prior year's three-quarter average daily membership of the isolated school, or the part of

the isolated school that remains open.

(3) The school district shall not receive funding under this subsection (i) if the closure is directed by the school district board of directors.

~~(i)(j)~~ The State Board of Education may promulgate rules as necessary for the proper implementation of this section.

SECTION 30. Arkansas Code § 6-20-604(a), concerning additional funding for isolated schools, is amended to read as follows:

~~(a)(1) The new requirements under the Standards for Accreditation of Arkansas Public Schools adopted by the State Board of Education have disproportionately increased the cost of operations for school districts that contain isolated schools.~~

~~(2)(a)~~ The General Assembly further finds that school districts which that contain isolated schools need additional funding to provide an adequate education for students attending schools in those districts.

SECTION 31. Arkansas Code § 6-20-604(h)-(i), concerning additional funding for isolated schools, is amended to read as follows:

~~(h)(1) A school district eligible to receive isolated funding under § 6-20-603 shall continue to receive partial funding under § 6-20-603 even if part of the isolated schools are closed, but a school district shall not receive funding under § 6-20-603 for any isolated schools or parts thereof that have been closed by the local board of directors.~~

~~(2) If part of the isolated schools in a district are closed, the school district shall receive funding under § 6-20-603 based on the three quarter average daily membership of the isolated schools or parts thereof that remain open in the district.~~

~~(i)(h)~~ The provisions of this This section are is contingent on the appropriation and availability of funding for its purposes.

SECTION 32. Arkansas Code § 6-20-1406 is repealed.

~~6-20-1406. Standards for school construction.~~

~~(a) The State Board of Education shall establish reasonable minimum standards for schoolhouse construction, and standards may be revised from time to time as educational problems and methods of procedure develop and change.~~

~~(b) The standards shall include review and approval by all appropriate and applicable state agencies, boards, and local officials for, including, but not limited to, the following:~~

~~(1) Plumbing Code, § 17-38-101 et seq., and Heating, Ventilation, Air Conditioning, and Refrigeration (HVACR) Code, § 17-33-101 et seq., compliance;~~

~~(2) Fire Prevention Act, § 12-13-101 et seq., and Seismic Code, § 12-80-101 et seq., compliance;~~

~~(3) Arkansas Building Authority adopted Americans with Disabilities Act Accessibility Guidelines, 28 C.F.R. Part 36, Appx. A, compliance; and~~

~~(4) Arkansas Architectural Act, § 17-15-101 et seq., Professional Engineers, § 17-30-101 et seq., and Public Works, § 22-9-101 et seq., compliance.~~

~~(c) As used in this section and in § 6-20-1407, "schoolhouse" means~~

~~any elementary or secondary school district facility that will be used for administrative, educational, or physical education purposes.~~

~~(d) This section shall be repealed as of the effective date of the Public School Academic Facility Manual as adopted by the Commission for Public School Academic Facilities and Transportation.~~

SECTION 33. Arkansas Code § 6-20-1407 is amended to read as follows:
6-20-1407. Approval of building plans.

(a) ~~No~~ A new schoolhouse shall not be built except in accordance with the plan finally approved by the Commission for Arkansas Public School Academic Facilities and Transportation for all projects where the commission requires its approval.

(b) ~~When so required by the commission, a~~ A copy of approved plans and specifications of all new schoolhouses or additions shall be filed with and approved by the commission before construction ~~shall be commenced~~ is begun.

(c) The approval process established by the commission shall include review and approval by all appropriate and applicable state agencies, boards, and local officials necessary to meet the standards contained in the Arkansas School Facility Manual;

~~(e)(d)~~(1) A copy of final construction documents shall be submitted to the ~~Architectural~~ Design Review Section of the Arkansas Building Authority for review in regard to compliance with the Arkansas-adopted Accessibility Guidelines (ADAAG-Americans with Disabilities Act Accessibility Guidelines).

(2) All review comments received from the authority shall be in writing.

(3) Corrected construction documents shall be received and approved by the authority.

(4) ~~No~~ A project shall not be released for bidding or construction until the requirements of ~~§ 6-20-1406~~ and this section are met.

~~(d)~~(e) Review and approval of plans under this section or otherwise shall not be a guarantee of state financial participation in any public school academic facilities project.

SECTION 34. Arkansas Code § 6-20-2503, concerning bonded debt assistance for public school districts, is amended to add an additional subsection to read as follows:

(g)(1) A school district shall qualify to receive any appropriate supplemental millage incentive funds otherwise available in the public school fund if:

(A) The school district voluntarily raised its maintenance and operation mills only during the 2004-2005 school year in order to have a total millage beyond the twenty-five (25) mills required by the Arkansas Constitution, Amendment 74; and

(B) The school district's property assessment per student is below the state average per student.

(2) The supplemental millage incentive funds shall be available without regard to any other qualifications in law, including without limitation any requirement that a school district must have previously received a debt service funding supplement.

SECTION 35. Arkansas Code § 6-41-202 is amended to read as follows:
6-41-202. ~~Policy and purposes~~ Purposes and applicability.

(a)(1) ~~It shall be~~ is the policy of this state to provide and to require school districts to provide, as an integral part of the public schools, a free appropriate public education for students with disabilities.

(2) The State Board of Education is ~~therefor~~ expressly authorized to assign responsibility for providing free appropriate public education of any child with a disability to an appropriate school district.

~~(b)(1) One of the purposes of this subchapter is to cooperate in any reasonable way with programs now in operation for children with disabilities in any state institution or treatment facility.~~

~~(2) It shall be a primary purpose of this subchapter to cooperate with the institutions and treatment facilities to the end that the educational interests of children with disabilities shall be served.~~

(b) The provisions of this section shall apply to all political subdivisions of the state that are involved in the education of children with disabilities, including without limitation the state educational agency, local educational agencies, educational service agencies, public charter schools that are not otherwise included as local educational agencies or educational service agencies and are not a school of a local educational agency or educational service agency, other state agencies and schools, including without limitation the Department of Mental Health and Welfare and state schools for children with deafness or children with blindness, and state and local juvenile and adult correction facilities.

(c) The provisions of this section shall be binding on each public agency in the state that provides special education and related services to children with disabilities, regardless of whether that agency is receiving funds under Part B of the Individuals with Disabilities Education Act.

(d) Each public agency in the state is responsible for ensuring that the rights and protections under Part B of the Individuals with Disabilities Education Act are given to children with disabilities referred to or placed in private schools and facilities by that public agency or placed in private schools by their parents under the Individuals with Disabilities Education Act.

(e) The state educational agency is responsible for ensuring that the requirements of this section are carried out and that each educational program for children with disabilities administered within the state, including without limitation each program administered by any other state or local agency, is under the general supervision of the persons responsible for educational programs for children with disabilities in the state educational agency and meets the educational standards of the state educational agency, including without limitation the requirements of the Individuals with Disabilities Education Act.

SECTION 36. Arkansas Code § 6-41-203 is amended to read as follows:
6-41-203. Definitions.

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

(1) ~~“A child with disabilities~~ a disability” means a person between ~~the ages of three (3) and twenty-one (21) years~~ of age, ~~because of mental, physical, emotional, or learning disabilities, requires special education services as defined by the federal Individuals with Disabilities Education Act. This term is to be specifically interpreted to mean but not to be wholly limited to a child with mental retardation, hearing impairments (including deafness), speech or language impairments, visual impairments,~~

~~(including blindness), serious emotional disturbance (hereinafter referred to as "emotional disturbance"), orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities who, by reason thereof, needs special education and related services:~~
evaluated in accordance with the Individuals with Disabilities Education Act as having mental retardation, a hearing impairment including without limitation deafness, a speech or language impairment, a visual impairment including without limitation blindness, a serious emotional disturbance, an orthopedic impairment, autism, traumatic brain injury, other health impairments, a specific learning disability, deaf-blindness, or multiple disabilities and who, by reason thereof, needs special education and related services;

(2) "Board" means the State Board of Education; and

(3) ~~"Special education" means classroom, home, hospital, or other instruction to meet the needs of children with disabilities and includes transportation and corrective and supporting services required to assist children with disabilities in taking advantage of or responding to educational programs and opportunities~~ specially designed instruction at no cost to the parents to meet the unique needs of a child with a disability, including instruction conducted in the classroom, in the home, in hospitals and institutions, in other settings, and instruction in physical education.

(B) Special education includes each of the following, if the services otherwise meet the requirements of this definition:

(i) Speech-language pathology services, or any other related service, if the service is considered special education rather than a related service under state standards;

(ii) Travel training; and

(iii) Vocational education.

SECTION 37. Arkansas Code § 6-41-204 is amended to read as follows:
6-41-204. ~~Separate schooling~~ Least restrictive environment.

~~(a)(1) To the maximum extent practicable, children with disabilities shall be educated along with children who do not have disabilities and shall attend regular classes.~~

~~(2) Impediments to learning and to the normal functioning of children with disabilities in the regular school environment shall be overcome, when possible, by the provision of special aids and services rather than by separate schooling for children with disabilities.~~

(a) Each public agency shall ensure that:

(1) To the maximum extent appropriate, a child with a disability, including a child in a public or private institution or other care facility, is educated with children who are nondisabled; and

(2) Special classes, separate schooling, or other removal of a child with a disability from the regular educational environment may occur only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

~~(b) Separate schooling or other removal of children with disabilities from the regular educational environment shall occur only when, and to the extent that, the nature or severity of the disability is such that education in regular classes, even with the use of supplementary aids and services, cannot be accomplished satisfactorily.~~

(b) The state funding mechanism shall not:

(1) Result in placements that violate the requirements of subsection (a) of this section; or

(2) Distribute funds on the basis of the type of setting in which a child is served in a manner that results in the failure to provide a child with a disability free appropriate public education according to the unique needs of the child, as described in the child's individualized education program.

SECTION 38. Arkansas Code § 6-41-206(c), concerning school district responsibility to provide free and appropriate public education for children with disabilities, is repealed.

~~(c) The provisions of this subchapter shall provide, foremost, for the welfare and well being of the children of this state, and the responsibility to provide the appropriate services is not reduced by the objection of a parent or guardian to an evaluation of the child's educational needs or to the child's participation in beneficial services designed to promote the well being of the child, unless the objection is such that it may, itself, constitute a serious obstacle acting to the detriment of the child.~~

SECTION 39. Arkansas Code § 6-41-214(b) and (c) is repealed.

~~(b) Eligibility for services and provisions of this subchapter shall be limited to those students enrolled in the public schools or approved treatment institutions in the state.~~

~~(c) The public school board or governing board of an approved treatment institution shall be responsible for the initial determination of eligibility, but the final determination, in the event of controversy, shall rest with the board or its designated representative.~~

SECTION 40. Arkansas Code § 6-41-220(b) and (c)(1), concerning the efforts and expenditures of school districts for educating children with disabilities, are amended to read as follows:

~~(b)(1) For the purpose of determining the responsibility for expenditure of equal effort, the residence of a child with disabilities shall be deemed to be the school district in which the parent or legal guardian of the child resides.~~

~~(2) In the case of a child with disabilities whose parents do not reside in the same school district, the residence of the child shall be the district in which the parent having legal custody of the child resides.~~

~~(e)(1)(b)(1)~~ Two (2) or more school districts may join together to establish special classes for children with disabilities.

SECTION 41. Arkansas Code § 6-47-404(c)(1), concerning the establishment and implementation of the Arkansas Distance Learning Development Program, is amended to read as follows:

~~(c)(1)(A)~~ The funding necessary to carry out the provisions of this subchapter may be derived from donations, grants, or legislative appropriation.

~~(B) The program shall receive from the Public School Fund an amount equal to one sixth (1/6) of the previous year's state foundation funding per student enrolled in a course at the secondary level or for each subject at the elementary level.~~

SECTION 42. Arkansas Code § 6-80-107 is amended to read as follows:
6-80-107. Transcripts.

(a)(1) By May 1, 2007, the Department of Higher Education, in cooperation with the Department of Education, shall prescribe a uniform method of formatting and transmitting transcripts that shall be used by all ~~grade~~ grades nine through twelve (9-12) public high schools and institutions of higher education in the state.

(2) The uniform transcripts shall be transmitted electronically:

(A) ~~to~~ To the Department of Higher Education as necessary to process state financial aid applications for both high school students and higher education students; and

(B) Between public high schools to correctly enroll and place students transferring between public high schools and school districts.

(b) After implementation of the uniform method prescribed under subsection (a) of this section, ~~an~~ an institution of higher education shall not be eligible to receive state financial aid on behalf of students unless the institution provides uniform, electronic transcripts as prescribed by the Department of Higher Education under this section.

(c)(1) The Department of Education shall prescribe a uniform method of formatting and electronically transmitting transcripts which shall be used by all kindergarten through grade eight (K-8) public elementary or middle schools in this state.

(2) The uniform transcripts shall be transmitted electronically between public schools as necessary to correctly enroll and place students transferring between schools and school districts.

SECTION 43. Arkansas Code § 6-11-109 is repealed.

~~6-11-109. Petition for approval.~~

~~(a) Any school district, local board of directors, or other person seeking prior written approval from the State Board of Education or the Commissioner of Education under § 6-17-301(e) or (d), § 6-13-620(b) or (c), or § 6-20-1201(b) shall send a written petition to the commissioner, no fewer than fifteen (15) days prior to the next regularly scheduled state board meeting, requesting that the matter be placed on the agenda of the state board at the next regularly scheduled state board meeting and include in the petition:~~

~~(1) The names and addresses of the requestor and of all parties to the contract;~~

~~(2) A statement explaining the purpose of the contract or project;~~

~~(3) The total expected contract price or project amount; and~~

~~(4) A copy of the proposed contract or project proposal.~~

~~(b)(1) The state board shall hear all petitions filed under subsection (a) of this section and, based on the state board's determination of whether the petition would be in the best interest of the state's system of education, shall:~~

~~(A)(i) Approve the petition, in whole or any part thereof;~~

~~(ii) Deny the petition, in whole or any part thereof; or~~

~~(iii) Request additional information with respect to~~

~~any part of the petition or additional time to consider the petition; and~~

~~(B) Send a written notice of the action to the requestor no fewer than five (5) days following the meeting.~~

~~(2) The state board may deny any petition because of the failure to provide sufficient information as requested by the state board or required under subsection (a) of this section.~~

~~(c) When and if a school district superintendent declares in a written petition to the commissioner that a school district must take immediate action to address a need of the district and that the necessary action is of a nature and circumstance that the local school district would be unduly harmed to wait until the next regularly scheduled state board meeting for approval, the commissioner may, in his or her sole discretion, declare that an emergency exists and approve in whole or in part the requested contract, obligation, expenditure, or project as necessary to remedy the emergency condition of the school district.~~

~~(d) For the purposes of this section, "project" means any contract or combined contractual obligations related to a specific purchase, sale, construction, improvement, or repair of equipment, facilities, motor vehicles, buildings, or real property sites.~~

SECTION 44. Arkansas Code § 6-11-118 is repealed.

~~6-11-118. Office of Rural Services.~~

~~(a) This section shall be known as the "Rural Services Act of 1981".~~

~~(b) The General Assembly recognizes that Arkansas Constitution, Article 14, requires the state to provide a general, suitable, and efficient system of free public schools and that the Department of Education is legislatively created to help provide these schools. The General Assembly further recognizes the need for effective aid and assistance to the smaller rural school districts of the state and that under the present structure of the department such aid and assistance is not adequate.~~

~~(c)(1) There is created the Office of Rural Services in the department.~~

~~(2) The Commissioner of Education shall establish a coordinator in the office.~~

~~(3) The duties of this office shall be to:~~

~~(A) Direct programs to improve the quality of the rural schools of the state by helping to deliver comprehensive technical assistance services such as curriculum development, teaching methods evaluations, program development, planning, needs assessments, etc.;~~

~~(B) Help develop teacher training programs that fit the needs of rural students;~~

~~(C) Develop and conduct in-service education programs for rural teachers and administrators;~~

~~(D) Act as liaison between rural education and rural development activities;~~

~~(E) Assist rural districts in developing rural resource cooperatives in order that rural schools can share a pool of specialized human, material, and technical resources;~~

~~(F) Assist rural schools in construction and renovation programs;~~

~~(G) Identify and create an awareness of promising practices of rural schools throughout the state and nation;~~

~~(H) Serve as liaison between the department and the small schools; and~~

~~(I) Coordinate all other activities especially for small schools and collect such data as are needed by the General Assembly in order that rural schools may be properly financed.~~

~~(4) The office shall answer directly to the commissioner.~~

~~(d) For the purpose of this section, the term "rural school" shall be interchangeable with the term "small high school" and shall include those schools with enrollments of five hundred (500) or fewer in kindergarten through grade twelve (K-12). Schools with enrollments of five hundred (500) to seven hundred fifty (750) shall also be served by this office if they are in unincorporated areas and if the superintendent requests that the school become a part of the area for which this office is responsible.~~

SECTION 45. Arkansas Code Title 6-13-106 is repealed.

~~6-13-106. Districts where no high school is maintained.~~

~~(a) Any school district in this state wherein high school facilities are not maintained may contract with another school district for the furnishing of high school facilities for the pupils of that district upon such terms and conditions as to the respective board of directors may appear reasonable and proper.~~

~~(b) These districts are authorized to pay, for the facilities, the tuition of such pupils out of the school fund apportioned to the districts from the Public School Fund of the State of Arkansas.~~

~~(c) These school districts may also contract and provide for the transportation of pupils.~~

SECTION 46. Arkansas Code § 6-13-620(b)-(d) is repealed.

~~(b) Beginning on July 16, 2003, through July 1, 2004, notwithstanding any other provision of law, no school board of any public school or any governing body of a charter school or an educational cooperative shall enter into any contractual or project obligation exceeding seventy five thousand dollars (\$75,000) or one percent of the district's total state and local revenues for additional base funding, as defined on lines 15 and 16 of the Department of Education's May 16, 2002 State Aid Notice, whichever is greater, for the purchase, sale, construction, improvement, or repair of equipment, facilities, motor vehicles, buildings, or real property sites without the prior written approval of the state board or the Commissioner of Education as allowed in emergency situations.~~

~~(c) Beginning on July 16, 2003, through July 1, 2004, notwithstanding any other provision of law, no school board of any public school district or charter school shall enter into any personal, professional, or other service contract on behalf of the school district for a time period greater than one (1) year without prior written approval of the state board.~~

~~(d) Subsections (b) and (c) of this section shall not apply to:~~

~~(1) Currently binding contractual obligations;~~

~~(2) Enforceable court ordered mandates;~~

~~(3) Contracts entered into in connection with a bond issuance or a project financed with an issuance of bonds previously approved by the state board as required by law; or~~

~~(4) Regularly scheduled maintenance projects.~~

SECTION 47. Arkansas Code Title 6, Chapter 15, Subchapter 8 is repealed.

~~SUBCHAPTER 8 — ACCOUNTABILITY SECTION~~

~~6-15-801. [Repealed.]~~

~~6-15-802. Legislative intent.~~

~~In order to enhance the public's access to public school performance indicators and to better measure the dividends paid on the increasing public investment in Arkansas' schools, the General Assembly finds that a section of accountability should be established within the Department of Education. The foremost obligation of this section shall be to set future performance goals for each school or school district and report academic progress.~~

~~6-15-803. Creation — Appropriate staff.~~

~~(a) There is created an accountability section within the Department of Education.~~

~~(b) The Commissioner of Education shall establish an upper level management position and appropriate staff for the section.~~

~~6-15-804. [Repealed.]~~

~~6-15-805. [Expired.]~~

~~6-15-806. [Repealed.]~~

~~6-15-807. Duties.~~

~~The accountability section shall be responsible for the following:~~

- ~~(1) Development of longitudinal student and school reporting for accurate and fair comparative analysis for purposes of school improvement;~~
- ~~(2) Development of methods to determine attitudes toward educational matters;~~
- ~~(3) Establishment of schedules for publication of information to keep the public and media informed on a regular and timely basis; and~~
- ~~(4) Working with program approval and certification sections of the Department of Education, the Department of Higher Education, and the individual colleges to provide information that will contribute to reasonable, equitable, and excellent preparation of certified personnel in the institutions, both public and private, of higher education.~~

~~6-15-808. Furnishing of information and assistance.~~

~~(a) The Office of Accountability shall make available to the Joint Interim Oversight Subcommittee on Educational Reform, the House Interim Committee on Education, and the Senate Interim Committee on Education, the reports the office submits to the Commissioner of Education.~~

~~(b) Under the direction of the commissioner, the staff of the office shall work cooperatively with and provide any necessary assistance to the subcommittee and the committees.~~

~~(c) The office shall furnish information to appropriate legislative committees upon request.~~

~~6-15-809. [Repealed.]~~

SECTION 48. Arkansas Code Title 6, Chapter 18, Subchapter 6 is repealed.

~~SUBCHAPTER 6 — FRATERNITIES, SORORITIES, ETC.~~

~~6-18-601. Definition.~~

~~As used in this subchapter, unless the context otherwise requires, "public school fraternity, sorority, or other secret organization or society" means any type of organization or society which fosters undemocratic practices and seeks to perpetuate itself by taking in additional members from the pupils enrolled in that school or local school system on the basis of the decision of its membership rather than upon the free choice of any pupil in the school who is qualified by the rules of the school to fill the special aims of the organization or society.~~

~~6-18-602. Penalty.~~

~~Any person, firm, or corporation violating any of the provisions of this subchapter shall be guilty of a violation and upon conviction shall be fined not less than twenty five dollars (\$25.00) nor more than one hundred dollars (\$100) for each and every offense.~~

~~6-18-603. Unlawful organizations.~~

~~Any public school fraternity, sorority, or secret society or organization as defined in this subchapter is declared to be inimical to public free schools and therefore unlawful.~~

~~6-18-604. Exclusions.~~

~~The provisions of this subchapter shall not apply to:~~

~~(1) Fraternities, sororities, or secret societies of the University of Arkansas, any state teachers' college, or other state-supported institutions of junior college rank, or rank above junior college, or senior high school students of national fraternities or sororities, nor to students of these institutions in their relation to such societies or organizations in these institutions;~~

~~(2) Any nonsecret society or organization authorized and sponsored by the public school authorities.~~

~~6-18-605. Suspension or expulsion of members.~~

~~It shall be the duty of school directors and boards of education, school inspectors, and other corporate authority managing and controlling any of the public schools of the state to suspend or expel from the schools under their control any pupil who shall:~~

~~(1) Be or remain a member, promise to join, become a member, or solicit other persons to join, promise to join, or pledge to become a member of any such public school fraternity, sorority, or secret society or organization;~~

~~(2) Wear or display any insignia of such fraternity, sorority, or secret society or organization while in and attending public schools.~~

~~6-18-606. Soliciting pledges.~~

~~It shall be unlawful from and after the passage of this act for any person not enrolled in a public school of this state to solicit any pupil~~

~~enrolled in a public school of this state to join or pledge himself or herself to become a member of a public school fraternity, sorority, or secret society or organization, or to solicit any such pupil to attend a meeting thereof or any meeting where the joining of any public school fraternity, sorority, or secret organization shall be encouraged.~~

~~6-18-607. Reference to unlawful organizations in publications.~~

~~It shall be unlawful for any public newspaper, periodical, or other publication to designate in its columns high school fraternity, sorority, or secret society or organization as defined in § 6-18-601, or refer to such fraternity, sorority, or secret society or organization in any published reference as a high school fraternity, sorority, or secret society or organization.~~

SECTION 49. Arkansas Code §6-20-413 is repealed.

~~6-20-413. Fiscal distress.~~

~~The State Board of Education is hereby authorized to develop indicators of fiscal distress in school districts and to promulgate the necessary rules and regulations so that the Director of the Department of Education shall provide technical assistance to school districts determined by the director to be in fiscal distress and shall ensure, to the extent possible, that a fiscal crisis will not interrupt the educational services provided to the students of a school district.~~

SECTION 50. Arkansas Code § 6-11-129(b), concerning written reports of compliance with certain provisions of Arkansas law, is repealed.

~~(b) By December 31 of each year, the department shall provide a written report to the House Interim Committee on Education and the Senate Interim Committee on Education listing those school districts that are not in compliance with this section.~~

SECTION 51. Arkansas Code § 6-13-1606 is repealed.

~~6-13-1606. Development of plan to track student progress.~~

~~(a) Following the annexation or consolidation under §§ 6-13-1601—6-13-1605 effective prior to December 1, 2004, and prior to any consolidation, annexation, detachment, approval of a conversion charter, or any other type of reclassification or reorganization of a school district after December 1, 2004, each receiving or resulting school district and the Department of Education shall develop a plan to track the educational progress of all students from the affected district and the following subgroups of those students:~~

~~(1) Students who have been placed at risk of academic failure as required under § 6-15-1602;~~

~~(2) Economically disadvantaged students;~~

~~(3) Students from major racial and ethnic groups; and~~

~~(4) Specific population groups as identified by the State Board of Education, the department, or the affected or receiving district as target groups for closing the achievement gaps.~~

~~(b) The receiving or resulting school district shall obtain and retain all student records from the affected school district for the five (5) years immediately preceding the annexation or consolidation, specifically including, but not limited to:~~

~~(1) Individual student records;~~
~~(2) Attendance records;~~
~~(3) Enrollment records;~~
~~(4) Assessment records for assessments required under the Arkansas Comprehensive Testing, Assessment, and Accountability Program Act, § 6-15-401 et seq., specifically including benchmark assessments and end-of-course assessments; and~~
~~(5) American College Test and Standardized Aptitude Test results and records.~~

~~(c) The school district shall report to the department information determined by the department as necessary to track the educational progress of all students from the affected district as a subgroup and the following subgroups of those transferred students:~~

~~(1) Students who have been placed at risk of academic failure as required under § 6-15-1602;~~
~~(2) Economically disadvantaged students; and~~
~~(3) Students from major racial and ethnic groups.~~

~~(d) By November 1, 2005, and by November 1 each year thereafter, the department shall file a written report with the Governor, the chair of the House Interim Committee on Education, the chair of the Senate Interim Committee on Education, and the secretary of the Legislative Council assessing the educational progress of all students from the affected district as a subgroup and the following subgroups of those transferred students:~~

~~(1) Students who have been placed at risk of academic failure as required under § 6-15-1602;~~
~~(2) Economically disadvantaged students; and~~
~~(3) Students from major racial and ethnic groups.~~

SECTION 52. Arkansas Code § 6-15-423 is repealed.

~~6-15-423. Comparing grade point averages with national test scores.~~

~~(a) The Department of Education shall develop specific criteria, based on generally accepted statistical procedures, for evaluating the association of high school grade point averages and standardized test scores for all students participating in the American College Test and the Arkansas Comprehensive Testing, Assessment, and Accountability Program's end-of-course algebra, geometry, and literacy exams.~~

~~(b) Any school identified by the department as having statistically significant variance between grade point average and students' performance on the aforementioned exams shall be notified in writing no later than thirty (30) calendar days after the determination.~~

~~(c)(1) The report shall be reviewed as a regular agenda item by the local school district board of directors no later than the second regularly scheduled meeting following receipt of the report by the school.~~

~~(2)(A) The superintendent of the school district shall file with the local school board a written explanation with proposed actions to remedy the situation.~~

~~(B) Copies of the superintendent's written explanation shall also be filed with the House and Senate Interim Committees on Education and the department.~~

~~(3) The department shall, to the extent practicable, send a representative to appear in person at the board meeting to explain the report.~~

~~(d) A copy of all reports sent to a school shall be filed with the committees no later than ninety (90) calendar days after the school has been notified.~~

SECTION 53. Arkansas Code § 6-15-1604 is repealed.

~~6-15-1604. Reporting dropout rates, suspensions, expulsions, and alternative placements.~~

~~(a) The State Board of Education shall report annually to the Joint Interim Oversight Committee on Educational Reform and the Commission on Closing the Achievement Gap in Arkansas on the numbers of students who have dropped out of school or who have been suspended, expelled, or placed in an alternative program.~~

~~(b) The data shall be reported in a disaggregated manner and be readily available to the public.~~

~~(c) The state board shall not include students that have been expelled from school when calculating the dropout rate.~~

~~(d) The state board shall maintain a separate record of the number of students who are expelled from school.~~

SECTION 54. Arkansas Code § 6-16-123 is repealed.

~~6-16-123. Arkansas laws.~~

~~(a) The Commissioner of Education shall develop materials or units for teaching current Arkansas laws of particular relevance to students in grades seven through twelve (7-12) in target courses.~~

~~(b)(1) The target courses shall include, but not be limited to, ninth grade civics and twelfth grade American Government.~~

~~(2) Current Arkansas laws that are the subject of the materials or units shall include, but not be limited to, those dealing with:~~

~~(A) School attendance;~~

~~(B) Penalties for truancy;~~

~~(C) Requirements for obtaining a driver's license and grounds for license revocation;~~

~~(D) Penalties that may affect juveniles who engage in criminal activities; and~~

~~(E) Those that authorize local ordinances such as curfews.~~

~~(c) The director shall ensure that these materials or units are reproduced and sent to all school districts in the state and are updated after each regular session of the General Assembly.~~

~~(d) During each biennium, the director shall provide a progress report on the implementation of this section to the House and Senate Interim Committees on Education.~~

SECTION 55. Arkansas Code § 6-16-124(c), concerning required social studies courses, is repealed.

~~(c)(1) Each public school superintendent in this state shall certify to the Department of Education no later than June 1, 1998, and annually thereafter whether the school is in compliance with this section, § 6-17-418, and § 6-17-703.~~

~~(2) The Director of the Department of Education shall report no later than July 1 of each year to the committees the identity of the schools which have reported compliance with this section, § 6-17-418, and § 6-17-703, the identity of the schools which have reported noncompliance, and the~~

~~identity of the schools which have failed to report.~~

SECTION 56. Arkansas Code § 6-16-125 is repealed.

~~6-16-125. Character and citizenship Education programs information clearinghouse.~~

~~(a) The General Assembly finds and acknowledges that, while character and citizenship is primarily a parental responsibility, it must not remain isolated there. The General Assembly further finds that character and citizenship education must be strengthened in public schools to prepare young people for positive dealings with the social order of today.~~

~~(b)(1) The Commissioner of Education shall provide a clearinghouse for information on nonsectarian practices in character and citizenship education programs within Arkansas and across the nation in order to assist local schools in strengthening character and citizenship education as a local option for school district curricula in kindergarten through grade twelve (K-12).~~

~~(2) The commissioner shall ensure that information on nonsectarian practices and models is disseminated to all school districts in the state by no later than August 1, 1998, and is updated after each regular session of the General Assembly.~~

~~(3) During each interim of the biennium, the commissioner shall provide a progress report on the implementation and effectiveness of this section to the members of the House and Senate Interim Committees on Education.~~

SECTION 57. Arkansas Code § 6-16-132(f), concerning reports to the Department of Education on physical education, is repealed.

~~(f) Each school district shall report to the Department of Education by October 15 of each school year by sending a letter of assurance that the district has in a timely manner complied with the requirements of this section.~~

SECTION 58. Arkansas Code §6-16-138 is repealed.

~~6-16-138. Academic credit for student mentoring.~~

~~(a) Beginning in the 2005-2006 school year, the Department of Education shall conduct a study to develop a student mentor program by which qualified students in grades nine through twelve (9-12) may be eligible to receive one (1) elective credit that may be applied toward graduation.~~

~~(b) The study shall be submitted to the State Board of Education, the House Interim Committee on Education, and the Senate Interim Committee on Education by October 1, 2006.~~

SECTION 59. Arkansas Code § 6-16-604(h), concerning optional summer programs, is repealed.

~~(h)(1) The Department of Education and the Department of Higher Education are authorized to collect information as may be necessary for the evaluation of each program, including student identification data, student test scores, college placement status, and student grades in first year college courses.~~

~~(2) This information shall be provided to the departments by public schools, colleges, and universities and shall be used to evaluate and improve the programs authorized by this subchapter.~~

SECTION 60. Arkansas Code § 6-17-310(f), concerning annual reports on improvements in teacher recruitment, is repealed.

~~(f) By June 30, 2004, and annually thereafter, the Department of Education shall provide a report to the Governor, the House Interim Committee on Education, and the Senate Interim Committee on Education regarding the activities of the office and the progress made in improving teacher recruitment.~~

SECTION 61. Arkansas Code § 6-18-1105 is repealed.

~~6-18-1105. Certification.~~

~~(a) A school which utilizes and coordinates fund raising programs shall certify to the district school superintendent each year that the requirements in § 6-18-1104 have been met.~~

~~(b) Each school district shall certify to the Department of Education, no later than June 15 of each year, a list of district schools and fund-raising companies in violation of this subchapter.~~

~~(c) The department shall certify to the House and Senate Interim Committees on Education, no later than August 15 of each year, a list of district schools and fund raising companies in violation of this subchapter.~~

~~(d) A one page form for certification shall be developed by the department in cooperation with school administrators and the Arkansas Congress of Parents and Teachers Associations.~~

SECTION 62. Arkansas Code § 6-18-1505 is repealed.

~~6-18-1505. Reporting.~~

~~(a) Each public school and charter school shall de-identify eye and vision screening results as necessary to comply with privacy laws and report the results by grade to the Department of Education and the Arkansas Commission on Eye and Vision Care of School Age Children.~~

~~(b) The reports shall include the following information:~~

- ~~(1) The number of children screened;~~
- ~~(2) The number of children rescreened;~~
- ~~(3) The number of children who did not receive an eye and vision screening;~~
- ~~(4) The number of children referred for a comprehensive eye examination;~~
- ~~(5) The number of children who failed the eye and vision screening who did not receive a comprehensive eye examination; and~~
- ~~(6) The results of comprehensive eye examinations.~~

SECTION 63. Arkansas Code § 6-20-605 is repealed.

~~6-20-605. Excessive transportation time.~~

~~The Department of Education shall conduct a study of isolated schools to determine the most efficient method of providing opportunities for an adequate and substantially equal education for students without excessive transportation time.~~

SECTION 64. Arkansas Code § 6-21-303 is amended to read as follows:

~~6-21-303. Rules and regulations.~~

(a) The board of directors of each school district shall prescribe the

method of soliciting bids ~~by regulation~~ and may adopt other rules ~~and regulations~~ governing the procurement of commodities.

(b)(1)(A) Each school district, according to its established reimbursement policy, shall provide to each prekindergarten through sixth-grade teacher in each fiscal year for use by that teacher in his or her classroom or for class activities:

(i) The greater of twenty dollars (\$20.00) per student enrolled in the teacher's class for more than fifty percent (50%) of the school day at the end of the first three (3) months of the school year; or

(ii) Five hundred dollars (\$500) for the teacher to apply toward the purchase of related commodities.

(B) The teacher ~~must~~ shall provide to the school district ~~receipts~~ a receipt documenting any purchase.

~~(C) Each fiscal year, the superintendent of each school district shall:~~

~~(i) Provide a statement to the State Board of Education attesting to the district's compliance with this section; and~~

~~(ii) Attach any supporting documents that the state board may require by regulation.~~

(2) The board of directors of each school district shall adopt reasonable procedures for teachers to draw from or be reimbursed from the discretionary fund pursuant to this subsection.

(c) The Department of Education ~~shall have the authority to~~ may grant a waiver of the requirements of subsection (b) of this section if a school district requests a waiver and the school district is in fiscal distress.

SECTION 65. Arkansas Code § 6-23-207 is repealed.

~~6-23-207. State Board of Education status report.~~

~~The State Board of Education shall report on the status of the charter school program to the General Assembly each biennium and to the House and Senate Interim Committees on Education during the interim between sessions of the General Assembly.~~

SECTION 66. Arkansas Code § 6-82-104 is repealed.

~~6-82-104. Annual report.~~

~~(a) The Department of Education and the Department of Higher Education shall jointly prepare an annual report for the General Assembly that shall assess the impact of scholarship programs administered by the Department of Higher Education that were enacted or amended in the Eighty third regular session of the General Assembly.~~

~~(b) The report shall include:~~

~~(1) The number of persons who have participated in each of the funded programs each year;~~

~~(2) The participants' race, gender, and age;~~

~~(3) The number of persons who have participated in the critical teacher shortage forgivable loan programs who have rendered service as teachers in critical teacher shortage areas each year by school districts;~~

~~(4) The retention and graduation rates of participants in the program; and~~

~~(5) Other information as may be useful for policy-making decisions by the General Assembly.~~

~~(c) The report shall be submitted to the Legislative Council by December 1 of each year beginning in 2002.~~

~~(d) Any private or public institution of higher education or student receiving funds from state supported scholarship programs shall report to the Department of Higher Education or the Department of Education information as may be requested by the Department of Higher Education or the Department of Education to comply with reporting requirements established by the General Assembly.~~

SECTION 67. Uncodified Section 26 of Act 2126 of 2005 is repealed.

~~The Department of Education shall authorize and fund a feasibility study costing up to two hundred fifty thousand dollars (\$250,000). The purpose of the study shall be to evaluate and determine whether the Pulaski County Special School District should continue in existence by specifically addressing and evaluating the following: 1) the elimination of the Pulaski County Special School District and redrawing of school district boundaries in Pulaski County to form one school district north of the Arkansas River and one district south of the Arkansas River; 2) the elimination of the Pulaski County Special School District and redrawing of school district boundaries in Pulaski County to form three districts including a Little Rock District south of the Arkansas River, a North Little Rock District north of the Arkansas River and a Jacksonville School District north of the Arkansas River; 3) whether the elimination of the Pulaski County Special School District under either option would further desegregation efforts of the districts and help all districts in gaining unitary status and in ending the desegregation case; and, 4) to study and propose a plan to pursue the end of desegregation litigation in Pulaski County.~~

~~A contract shall be signed no later than October 31, 2005 and the feasibility study completed no later than June 30, 2006.~~

~~The provisions of this section shall be in effect only from July 1, 2005 through June 30, 2007.~~

SECTION 68. Uncodified Section 1 of Act 326 of 1997 is amended to read as follows:

(a)(1) ~~The Director of the General Education Division of the Arkansas Department Commissioner~~ of Education shall establish a task force to select instructional resource materials appropriate for teaching African-American history in all grade clusters in kindergarten through grade twelve (K-12) in the public schools.

(2) Such task force shall be known as the Black History Task Force, consisting of seven (7) members appointed by the chairman of the Arkansas Black History Advisory Committee of the Arkansas History Commission, and shall further advise the director in the selection of:

(A) Training components for using the instructional resource materials; and

(B) Training components for assisting teachers and administrators in developing a greater awareness of ethnic and racial differences, improving interpersonal skills, and enhancing racial harmony.

(b)(1) The director shall ensure that selection of instructional resource materials and training components is completed during the 1997-98 school year and that all materials are provided to the school districts and all training concluded by no later than August 1, 1999.

(2) All training shall be delivered through the statewide system of education service cooperatives and the three (3) Pulaski County school districts.

~~(c) The director shall report annually to the Black History Advisory Committee of the Arkansas History Commission regarding implementation of this act.~~

~~(d)~~(c) The Department of Education is authorized to promulgate regulations to carry out the provisions of this act and shall distribute to each local school district a copy of such regulations.

~~(e)~~(d) Dissemination of materials and all training required under this act shall be contingent upon the availability of funds appropriated for such purposes.

SECTION 69. Uncodified Section 11 of Act 1361 of 1997 is amended to read as follows:

The funds appropriated for At-Risk shall be used to provide K-3 summer school, college preparatory enrichment programs, and K-3 programs during the regular school year. The Department of Education may expend up to \$500,000 each fiscal year to monitor and assess or enter into a Professional/Consultant Services contract for the purpose of monitoring and assessing the various programs under the purview of the Department of Education. Further, the Department of Education shall report the findings of such monitoring and assessment to the Joint Interim Committee on Education each fiscal year.

SECTION 70. Uncodified Section 12 of Act 35 of the Second Extraordinary Session of 2003 is repealed.

~~SECTION 12. Comprehensive Financial Impact Study.~~

~~The Department of Education shall conduct a comprehensive financial impact study of the cost of implementing the requirements of this act. The results of the study shall be presented to the House Committee on Education and the Senate Committee on Education by February 1, 2005. If necessary, the department shall supplement or modify its initial report. Any such supplemental report shall be completed and presented to the committees by February 1, 2007."~~

The Amendment was read the first time, rules suspended and read the second time and _____
By: Senators Bryles, Broadway
CLR/CLR - 03-15-2007 14:04
CLR157 _____ Secretary