

1 **State of Arkansas**  
2 **79th General Assembly**  
3 **Regular Session, 1993**  
4 **By: Representatives Thicksten and Mahony**

# A Bill

**HOUSE BILL 1034**

## For An Act To Be Entitled

8 "AN ACT TO AMEND OR REPEAL VARIOUS SECTIONS OF TITLE 6 OF  
9 THE ARKANSAS CODE RELATING TO ELEMENTARY AND SECONDARY  
10 EDUCATION THAT ARE ANTIQUATED, SUPERSEDED, INCONSISTENT OR  
11 AMBIGUOUS; AND FOR OTHER PURPOSES."

## Subtitle

14 "AN ACT TO AMEND OR REPEAL VARIOUS SECTIONS OF TITLE 6 OF  
15 THE ARKANSAS CODE RELATING TO ELEMENTARY OR SECONDARY  
16 EDUCATION THAT ARE ANTIQUATED, SUPERSEDED, INCONSISTENT,  
17 OR AMBIGUOUS."

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

21 SECTION 1. LEGISLATIVE INTENT AND PURPOSE. The General Assembly hereby  
22 acknowledges that many of the laws relating to elementary and secondary  
23 education in this state are either antiquated or ambiguous or are inconsistent  
24 with more recently enacted provisions of law. Consequently, it is the intent  
25 of the General Assembly and the purpose of this Act to adopt the  
26 recommendations of the Education Laws Revision Commission established under  
27 Act 979 of 1991 to clarify the relevant chapters of Title 6 of the Arkansas  
28 Code Annotated of 1987.

30 SECTION 2. (a) Arkansas Code Annotated § 6-2-106 is hereby repealed.

31 (b) Arkansas Code Annotated § 6-2-108 is hereby amended to read as  
32 follows:

33 "6-2-108. Filing and recording fees.

34 The Secretary of State may set and receive a reasonable fee for the  
35 filing and recording of a charter of any educational institution or any

1 certificate as to change of name or of the provisions of any such charter.  
2 Such fee shall be paid by the Board of Trustees of the institution filing such  
3 document."

4 (c) Arkansas Code Annotated § 6-2-111 is hereby amended to read as  
5 follows:

6 "6-2-111. Degrees, diplomas, and honors.

7 (a) All institutions incorporated as colleges or universities shall  
8 have power to confer the customary degrees and grant the usual diplomas and  
9 honors conferred by reputable institutions of like grade.

10 (b)(1) No degree or diploma of any kind shall be conferred by any  
11 institution of higher education that has not been incorporated in the manner  
12 provided by law.

13 (2) No institution of higher education shall confer degrees upon  
14 students for mere correspondence courses or upon any student who has not  
15 studied in residence at the institution for one (1) scholastic year;

16 (3) No purely honorary degree shall be conferred except by  
17 institutions of higher education maintaining standard collegiate or university  
18 courses with at least six (6) full professors and a body of genuine college or  
19 university students in residence.

20 (c) Any president, professor, or other officer of any institution of  
21 higher education who shall violate the provisions of subsection (b) of this  
22 section shall be deemed guilty of a misdemeanor and upon conviction shall be  
23 fined in any sum not less than fifty dollars (\$50.00) nor more than one  
24 thousand dollars (\$1,000), and it is made the duty of the State Board of  
25 Higher Education to enforce this section."

26

27 SECTION 3. (a) Arkansas Code Annotated § 6-10-108(b) is hereby amended  
28 to read as follows:

29 "(b) The board of directors of any school district is authorized to  
30 initiate and maintain a twelve-month year-round educational program in any or  
31 all of the public schools in the district. However, any school district which  
32 does not elect to operate on a twelve-month basis must start school in  
33 accordance with the provisions of §6-10-106."

34

35 SECTION 4. (a) Arkansas Code Annotated § 6-11-101(a) is hereby amended

1 to read as follows:

2           "(a) The State Board of Education shall be composed of nine (9)  
3 members, two (2) to be selected from each congressional district of the state  
4 and the remainder to be appointed at large from within the state."

5           (c) Arkansas Code Annotated § 6-11-101(g) is hereby amended to read as  
6 follows:

7           "(g) The members of the State Board of Education shall serve without  
8 remuneration other than:

9                   (1) Their actual expenses while attending regular and special  
10 meetings of the board; and

11                   (2) A per diem allowance when in attendance at regular or special  
12 meetings of the board."

13           (d) Arkansas Code Annotated § 6-11-102(d) is hereby amended to read as  
14 follows:

15           "(d) It is the specific intention of this act to define and declare the  
16 Director of General Education to be the employee of the State Board of  
17 Education and the Director of Vocational and Technical Education to be the  
18 employee of the State Board of Vocational Education."

19           (e) Arkansas Code Annotated § 6-11-102(f) is hereby amended to read as  
20 follows:

21           "(f) The state shall furnish the directors with suitable offices."

22           (f) Arkansas Code Annotated § 6-11-104 is hereby amended to read as  
23 follows:

24           "6-11-104. Meetings.

25           (a) The State Board of Education shall meet a minimum of six (6) times  
26 annually. The board will meet each December to determine the meeting dates for  
27 the following year. Special meetings may be called by the chairman of the  
28 board on five (5) days' written notice to the members. In the absence of the  
29 chairman, the Director of the Division of General Education shall call a  
30 meeting on the request of three (3) members of the board. If both the chairman  
31 and the Director of the Division of General Education shall be absent or  
32 refuse to call a meeting, any three (3) members of the board may call a  
33 meeting by similar notices in writing.

34           (b) The State Board of Vocational Education shall meet a minimum of  
35 four (4) times annually. The board will meet each July to determine the

1 meeting dates for the following year. Special meetings may be called by the  
2 chairman of the board on five (5) days' written notice to the members. In the  
3 absence of the chairman, the Director of the Division of Vocational and  
4 Technical Education shall call a meeting on the request of three (3) members  
5 of the board. If both the chairman and the Director of the Division of  
6 Vocational and Technical Education shall be absent or refuse to call a  
7 meeting, any three (3) members of the board may call a meeting by similar  
8 notices in writing."

9 (f) The following laws are hereby repealed: Arkansas Code Annotated  
10 §§6-11-109 and 6-11-123.

11

12 SECTION 5. (a) Arkansas Code Annotated § 6-12-102(c) is hereby amended  
13 to read as follows:

14 "(c) The county boards of education may hire the staff they deem  
15 necessary and establish the salaries for that staff."

16 (b) Arkansas Code Annotated § 6-12-106 is hereby amended to read as  
17 follows:

18 "6-12-106. Organization.

19 (a) Within thirty (30) days after its election, the members of the  
20 county board of education shall meet at the county courthouse and organize by  
21 electing one (1) of its members as chairman.

22 (b) The county board shall designate an ex officio secretary of the  
23 board."

24 (c) Arkansas Code Annotated § 6-12-108(a) is hereby amended to read as  
25 follows:

26 "(a) The public school districts in the several counties of the state  
27 shall each employ a superintendent of schools, whose qualifications and duties  
28 shall be prescribed by the State Board of Education."

29 (d) Arkansas Code Annotated § 6-12-109(b) is hereby amended to read as  
30 follows:

31 "(b) Specifically, these duties, among others, shall include the  
32 following:

33 (1) To apportion all school funds as provided by law and in  
34 conformity to the regulations of the State Board of Education;

35 (2) To form local school districts, change boundary lines of

1 school districts, dissolve school districts and annex the territory of such  
2 districts to another district, create new school districts, and perform all  
3 other functions regarding changes in school districts, in accordance with the  
4 law;

5           (3) To transfer funds and attach territory which is in no school  
6 district to other districts as may seem best for the educational welfare of  
7 the county;

8           (4) To cause to be set aside from funds in the county general  
9 school fund amounts necessary for the expenses of the board and of any  
10 designee;

11           (5) To administer the compulsory school attendance laws in the  
12 county;

13           (6) To approve budgets of school districts coming under the  
14 provisions of this chapter;

15           (7) To appoint all school directors in all school districts where  
16 the authority to do so has heretofore been conferred on any county judge of  
17 any county."

18           (e) Arkansas Code Annotated § 6-12-113 is hereby repealed.

19           (f) Arkansas Code Annotated § 6-12-201(a) is hereby amended to read as  
20 follows:

21           "(a) The county board of education may select and employ a person to be  
22 county school supervisor and contract with him for such service for a term of  
23 one (1) or two (2) years, subject to reemployment, provided that neither  
24 husband nor wife of a member of the county board of education nor any person  
25 related within the fourth degree of consanguinity or affinity to any member of  
26 the county board of education shall be eligible for such employment."

27

28           SECTION 6. (a) Arkansas Code Annotated § 6-13-101 is hereby amended to  
29 read as follows:

30           "6-13-101. Only one kind of school district.

31           (a) There shall be only one (1) kind of school district in this state,  
32 and each shall have the same prerogatives, powers, duties, and privileges as  
33 herein set forth.

34           (b) All school districts which may be hereafter created shall be the  
35 same kind, with the same prerogatives, powers, duties, and privileges as

1 provided by law."

2 (b) Arkansas Code Annotated § 6-13-104 is hereby amended to read as  
3 follows:

4 "6-13-104. Uncertain boundaries. In case there is any doubt as to the  
5 boundaries of a school district because of lost records or other uncertainty,  
6 the county board of education shall issue an order fixing the boundaries and  
7 shall file the order with the county clerk who shall make a permanent record  
8 of the order, and thereafter the boundaries so fixed shall be the boundaries  
9 of the district until changes are made according to the provisions of law, and  
10 the district shall be a school district according to the provisions of this  
11 act."

12 (c) Arkansas Code Annotated § 6-13-108 is hereby repealed.

13

14 SECTION 7. (a) The following laws are hereby repealed:

15 (1) Arkansas Code Annotated §§ 6-13-201 through 6-13-217.

16 (2) Arkansas Code Annotated §§ 6-13-219 through 6-13-222.

17 (3) Arkansas Code Annotated §§ 6-13-301 through 6-13-311.

18 (4) Arkansas Code Annotated §§ 6-13-401 through 6-13-412.

19 (5) Arkansas Code Annotated §§ 6-13-501 and 6-13-502.

20 (6) Arkansas Code Annotated §§ 6-13-504 through 6-13-507.

21 (7) Arkansas Code Annotated §§ 6-13-601 through 6-13-603.

22 (b) Arkansas Code Annotated § 6-13-604(a) is hereby amended to read as  
23 follows:

24 "(a) The board of directors of any school district in this state which  
25 now has or which is authorized to have five (5) or more directors may file a  
26 petition with the county board of education requesting an increase in the  
27 number of directors for such district to any number not to exceed seven (7);  
28 provided that in any school district in the state having an average daily  
29 attendance of twenty-five thousand (25,000) or more, the petition may request  
30 that the board of directors for the district be increased to nine (9)  
31 members."

32 (c) Arkansas Code Annotated § 6-13-604(c) is hereby amended to read as  
33 follows:

34 "(c) Upon a showing that the increase will be for the benefit of the  
35 district petitioning for it, the county board of education is authorized to

1 increase the number of directors for such district to any number not to exceed  
2 seven (7) or not to exceed nine (9) in the case of a school district having an  
3 average daily attendance of twenty-five thousand (25,000) or more."

4 (d) Arkansas Code Annotated §§ 6-13-605, 6-13-609, and 6-13-610 are  
5 hereby repealed.

6 (e) Arkansas Code Annotated § 6-13-613(d) is hereby amended to read as  
7 follows:

8 "(d) It shall be the duty of the secretary of the school board to  
9 notify the county board or the board's designee of such appointments within  
10 five (5) days of the appointment if made by the local board. This notice  
11 shall state the name of the person who the appointee is succeeding and the  
12 expiration date of the term of office."

13 (f) Arkansas Code Annotated § 6-13-616 is hereby amended to read as  
14 follows:

15 "6-13-616. Qualifications of directors.

16 (a) Except as provided in subsection (b) of this section, no person  
17 shall be eligible to be a member of any school district board of directors in  
18 this state unless he is a qualified elector of the school district which he  
19 serves.

20 (b)(1) A person whose residential property contains portions of two (2)  
21 school districts shall be eligible to be a member of either of the school  
22 district\_s board of directors provided he is a qualified elector of the county  
23 in which the school district for which he seeks the position lies and he has  
24 or formerly had children enrolled in that school district.

25 (2) For purposes of this subsection, \_residential property\_ means  
26 that parcel of land which contains the dwelling in which the person resides  
27 not less than nine (9) months out of each year."

28 (g) Arkansas Code Annotated § 6-13-620 is hereby amended to read as  
29 follows:

30 "6-13-620. Powers and duties. The board of directors of each school  
31 district in the state shall be charged with the following powers and perform  
32 the following duties:

33 (1) Have the care and custody of the schoolhouse, grounds, and other  
34 property belonging to the district; and shall keep it in good repair, in  
35 sanitary and sightly condition; and lease sixteenth section lands located in

1 the school district, individually or in conjunction with the other boards of  
2 directors of other school districts interested in the sixteenth section, as  
3 the case may be.

4       (2) Purchase buildings or rent schoolhouses and sites therefor and  
5 sell, rent, or exchange such sites or schoolhouses. Provided, that in the  
6 selection of any school site or the erection of any schoolhouse outside of an  
7 incorporated town or city that contains two thousand five hundred (2,500) or  
8 more inhabitants, the selection or erection shall be approved by the county  
9 board of education before the contract for securing the site or contract for  
10 building the house is made.

11       (3) Employ teachers and other employees necessary for the proper  
12 conduct of the public schools of the district and make written contracts with  
13 teachers and all other employees in the form prescribed by the State Board of  
14 Education.

15               (A) There shall be four (4) copies of each contract made:  
16               (i) One (1) copy to be retained by the board;  
17               (ii) One (1) copy to be given to the employee;  
18               (iii) One (1) copy to be forwarded to the county treasurer;  
19 and  
20               (iv) One (1) copy to be filed with the county board or the  
21 board's designee.

22       (B) Relationship by any degree of affinity or consanguinity to a  
23 member of the county school board shall in no way prejudice the employment or  
24 hiring of anyone by a school board or public school district.

25       (C) The issuing of annual contracts to personnel other than  
26 substitute teachers employed on a daily basis and teachers shall be in writing  
27 and shall recite the duration of employment, specific duties, and annual  
28 salary.

29       (4) See that all subjects for study prescribed by the State Board of  
30 Education or by law for all grades of schools in their district are taught.

31       (5) Procure from the county board or the board's designee all forms for  
32 each teacher at the commencement of the school term, including a register and  
33 such other forms and blanks and supplies as are required by law to be  
34 furnished to the teachers.

35       (6) Visit the schools frequently, see to the welfare of the pupils,



1 encourage them in their studies, and assist the teacher in the work so far as  
2 they can.

3       (7) Prepare, send a copy thereof to the county board of education, and  
4 publish once a week for three (3) consecutive weeks in a newspaper published  
5 in the county at least twenty-five (25) days before the annual election an  
6 estimate of the amount of money needed by the district for the ensuing year,  
7 showing separately the amount needed for general control, instruction,  
8 operation of the plant, maintenance of the plant, auxiliary agencies, fixed  
9 charges, capital outlay, and debt service.

10       (8) Issue warrants on the county treasurer in accordance with the  
11 provisions of this act for the payment of salaries due teachers and other  
12 employees, and for any other lawful purposes, and state in the warrants the  
13 consideration for which it is drawn, provided that the issuance of the  
14 warrants for the purposes set out in subdivision (10) of this section shall be  
15 governed by the penalty therein set out. The warrant shall be in the form  
16 approved by the State Board of Education.

17       (9) Obtain from the county collector and county treasurer information  
18 from time to time as to the state of finances of their school district, and to  
19 keep their expenditures safely within the means of the district.

20       (10) Buy and pay for out of district school funds supplies such as  
21 fuel, crayons, charts, globes, dictionaries, etc., which may be necessary for  
22 the efficient operation of the schools, provided that, for schools except for  
23 those in cities having two thousand five hundred (2,500) or more population,  
24 the supplies meet the approval of the county board or the board's designee in  
25 price and merit and provided further that no warrants shall be issued by any  
26 school board for the payment of the supplies or services set out in this  
27 subdivision until the supplies or services shall have been delivered to the  
28 school. If any school board or any part of the directors of any school board  
29 in the State of Arkansas shall issue warrants in payment of supplies or  
30 services prior to the delivery of the supplies or services to the school, and  
31 the school district suffers any loss because of the failure of the seller to  
32 deliver the supplies or services or because of the defective quality of the  
33 supplies or services or for any other reason, then the directors shall be  
34 personally liable to the school district for the total amount of loss suffered  
35 by the district.

1           (11) (A) If in any school district it should be apparent that the  
2 schools cannot be operated for the remainder of the school year without  
3 incurring more indebtedness than that represented by outstanding bonds and  
4 those that may be issued for buildings, equipment for the school buildings,  
5 purchasing sites, and repairing school buildings, or the improvement of sites,  
6 it shall be the duty of the school district board of directors to close the  
7 school and cease paying the teachers for the remainder of that fiscal year;  
8 and each contract made with the teachers shall be subject to that contingency,  
9 and the district shall not be liable for teachers' salaries for the time the  
10 school is so closed.

11                   (B) Should any director participate in keeping a school open and  
12 incurring additional expenses which would cause increased indebtedness of the  
13 district herein prohibited, he shall be liable personally for the amount of  
14 such additional indebtedness.

15                   (C) However, in cases of an emergency the State Board of  
16 Education may grant special permission to a district to create temporary  
17 current indebtedness.

18                           (D) Nothing herein shall prevent any school district  
19 board of directors from borrowing money from banks, individuals, or from next  
20 year's revenue in order to provide funds in such amount that the maximum  
21 nonbonded indebtedness of their school district so incurred shall not be  
22 greater than the maximum nonbonded indebtedness of such districts was at any  
23 time during the preceding fiscal year.

24                   (E) If any nonbonded debt is funded by the issuance of bonds, the  
25 amount so funded shall not be considered in determining the maximum amount of  
26 nonbonded indebtedness during the preceding fiscal year.

27           (12) Do all other things necessary and lawful for the conduct of  
28 efficient free public schools in the district."

29           (h) Arkansas Code Annotated § 6-13-621 is hereby repealed.

30           (i) Arkansas Code Annotated § 6-13-701(d) is hereby amended to read as  
31 follows:

32           "(d) The duties of the school district treasurer shall be as follows:

33                   (1) To receive and disburse funds of the school district.  
34 Disbursements of such funds shall be made only upon warrants signed by the  
35 president and secretary of the school district board of directors and

1 countersigned by the superintendent of schools of the district. As an  
2 evidence of authority for disbursement of any funds, he shall have on hand  
3 approved invoices and payrolls, such payrolls to be in conformance with  
4 written contracts on file in his office;

5           (2) To keep record of all financial transactions of the school  
6 district on forms approved by the Department of Education and the Division of  
7 Legislative Audit;

8           (3) To make a monthly statement to the school district board of  
9 directors of the financial condition of the district;

10           (4) To submit an annual statement of the affairs of the district  
11 to the school district board of directors in July of each year;

12           (5) To make such financial reports to the county board or the  
13 board's designee and Department of Education as are required by law;

14           (6) Not to be interested directly or indirectly in any contract  
15 authorized by the school district board of directors;

16           (7) To make his records available at all times for inspection by  
17 any taxpayer of the district."

18           (j) Arkansas Code Annotated § 6-13-703 is hereby repealed.

19           (k) Arkansas Code Annotated § 6-13-1017(c) is hereby amended to read as  
20 follows:

21           "(c) Education service cooperatives may provide shared educational  
22 programs and services such as needs assessment and school improvement  
23 planning, staff development, curriculum development, itinerant teachers,  
24 instructional materials, adult and vocational education, programs for gifted  
25 and talented, education for children with disabilities, and other services  
26 which the State Board of Education may approve or which school districts may  
27 support with local funds."

28           (1) Arkansas Code Annotated §6-13-1202 is hereby amended by adding a  
29 new subsection (c) to read as follows:

30           "(c)(1) The county boards of education shall not merge, add, or annex  
31 any territory or district to, or consolidate any territory or district with,  
32 another school district or districts which are not geographically contiguous  
33 unless granted permission to do so by the State Board of Education under the  
34 limited circumstances as provided in this Act.

35           (2) The county boards of education may petition the State Board

1 of Education for permission to merge, annex, or consolidate school districts  
2 which are noncontiguous geographically. The State Board of Education may  
3 grant permission for noncontiguous school districts to be merged, annexed,  
4 consolidated if the county board seeking permission can provide evidence that  
5 the merger, annexation, or consolidation will:

6 (A) Result in the overall advancement of the level of the  
7 educational curriculum for all the school districts involved; or

8 (B) Provide a significant advantage in transportation costs  
9 or travel to all the school districts involved."

10 (m) Arkansas Code Annotated § 6-13-1203 is hereby amended to read as  
11 follows:

12 "6-13-1203. Special election.

13 (a) (1) An election on the question of annexation or consolidation shall  
14 be held at a special election called by the controlling county board of  
15 education.

16 (2) The controlling county board of education shall prepare the  
17 form of ballot for any election on the formation of school districts and the  
18 dissolution thereof or the annexation of territory as herein provided.

19 (b) Upon receipt of a resolution by the district board of directors for  
20 annexation or consolidation of the school district, or upon petition of at  
21 least ten percent (10%) of the qualified electors of the district, the  
22 controlling county board of education shall call a special election on the  
23 question of annexation or consolidation.

24 (c) (1) All petitions shall be filed with the county clerk of the county  
25 in which the largest portion of the resulting district shall lie, who shall,  
26 within fourteen (14) days of receipt, certify the signatures on the petition  
27 and notify the county board of education.

28 (2) Any elector signing the petition may have his name stricken  
29 from the petition, upon written demand, at any time prior to the final action  
30 of the county board upon the petition.

31 (d) (1) Upon receipt of the certified petition, the controlling county  
32 board of education shall consider whether the petition is signed by the  
33 requisite number of electors. For the purpose of determining whether the  
34 petition contains a majority of the qualified electors of each district, a  
35 majority shall be determined as of the date the petition is considered by the

1 controlling county board of education.

2           (2) Upon receipt of the certified petition, the controlling  
3 county board of education shall set a date for the election and file notice of  
4 such election with the county clerk, and shall publish notice of same, clearly  
5 stating the date and purpose, once a week for three (3) weeks, the last date  
6 not more than five (5) days prior to the election, in a newspaper having  
7 general circulation in the resulting district.

8           (e) Any action for the formation of a new school district or a change  
9 of the boundaries of existing school districts shall be accompanied by a map  
10 showing the proposed changes."

11           (n) Subchapter 12 of Chapter 13 of Title 6 of the Arkansas Code is  
12 hereby amended by adding at the end thereof an additional section to read as  
13 follows:

14           "6-13-1208. (a) On the change of any boundaries of school districts,  
15 notice:

16                   (1) Shall immediately be given to the State Board of Education  
17 and mailed to the president of the board of directors in each district  
18 affected; and

19                   (2) Shall be filed with the county board of education or the  
20 board\_s designee.

21           (b) It shall be the duty of the controlling county board to immediately  
22 make such changes in the maps of the school districts of the county to  
23 properly show the changes of boundaries."

24

25           SECTION 8. (a) Arkansas Code Annotated §6-14-102 is hereby amended to  
26 read as follows:

27           "6-14-102. Annual election date.

28           (a) The annual school election shall be held in each school district of  
29 the state on the third Tuesday in September.

30           (b) However, when any school district in this state suffers damage to  
31 its physical facilities in an amount exceeding one hundred twenty-five  
32 thousand dollars (\$125,000) as a result of fire or other natural disaster, the  
33 board of directors of that school district is authorized to set the date of  
34 the next annual school election in that district.

35           (c) If the board of directors of the school district determines that

1 the proceeds of insurance on those facilities will be insufficient to restore  
2 or replace the facilities, the board of directors may, by resolution duly  
3 adopted and with the approval of the Director of the Department of Education,  
4 Division of General Education, postpone the date of the annual school election  
5 in that school district for such year from the third Tuesday in September to  
6 the second Tuesday in December.

7 (d) Certified copies of the resolution shall be delivered not later  
8 than the Monday next preceding the third Tuesday in September to the Director  
9 of the Department of Education, Division of General Education, and to the  
10 county supervisor, or secretary of the county board of education if there is  
11 no county school supervisor, and chairman of the county board of election  
12 commissioners of each county in which any of the territory of the school  
13 district is located."

14 (b) Arkansas Code Annotated §§6-14-103 and 6-14-107 are hereby  
15 repealed.

16 (c) Arkansas Code Annotated § 6-14-121 is hereby amended to read as  
17 follows:

18 "6-14-121. Runoff elections.

19 (a) Whenever there are more than two (2) candidates for election to any  
20 county or district school board at any election held in this state, and no  
21 candidate for any county or district position receives a majority of the votes  
22 cast for the office, there shall be a runoff election held in the county or  
23 district. The runoff election shall be held two (2) weeks following the date  
24 of the election; the names of the two (2) candidates receiving the highest  
25 number of votes, but not a majority, shall be placed on the ballot to be voted  
26 upon by the qualified electors of the county or the district, as the case may  
27 be.

28 (b) The person receiving the majority of the votes cast for the  
29 position at the runoff election shall be declared elected.

30 (c) In the event the two (2) candidates seeking election to the same  
31 county or district position shall receive the same number of votes, a tie  
32 shall be deemed to exist. The county board of education, at an open public  
33 meeting and in the presence of the two (2) candidates, shall determine the  
34 winner by lot.

35 (d) The provisions of this section are intended to be in addition to

1 and supplemental to the laws of this state pertaining to the election of  
2 county and district school board directors."

3

4 SECTION 9. (a) Arkansas Code Annotated § 6-15-207 is hereby amended to  
5 read as follows:

6 "6-15-207. Annexation and combination by petition.

7 (a) Any school district may petition the county board of education of  
8 the county in which the district is administered to combine the district's top  
9 four (4) grades or top six (6) grades with an adjoining district which  
10 operates a secondary program which meets the minimum standards for  
11 accreditation.

12 (b) Upon receipt of such a petition, the county board of education  
13 shall order the combination of the secondary program of such district with an  
14 adjoining district for purposes of operation of the top four (4) or top six  
15 (6) grades.

16 (c) Any school district directed by order of the county board of  
17 education to participate in such a combination is mandated to accept the  
18 students transferred to such district.

19 (d) Any district exercising the option provided herein shall continue  
20 to exist as a separate school district to operate a school with grades  
21 kindergarten through six (6) and may operate grades seven (7) and eight (8) if  
22 the district's educational program at grade seven (7) and eight (8) meets  
23 minimum accreditation standards.

24 (e) Such district shall have all rights, duties, and powers granted to  
25 school districts under the laws of this state, except that such district may  
26 not establish or operate a high school.

27 (f) The county board of education when ordering such a combination  
28 shall order the affected districts to enter into a contract for the transfer  
29 of specified revenues from the petitioning district to the receiving district  
30 on an annual basis.

31 (g) The amount of revenues to be transferred from the petitioning  
32 district to the receiving district shall be determined in accordance with  
33 guidelines which the State Board of Education is directed to formulate to  
34 assure equitable reallocation of revenues for the operation of combined  
35 educational programs."

1 (b) Arkansas Code Annotated §§ 6-15-208 through 6-15-210 and 6-15-212  
2 are hereby repealed.

3 (c) Arkansas Code Annotated § 6-15-408 is hereby amended to read as  
4 follows:

5 "6-15-408. Administration of basic competency tests to third and sixth  
6 graders - Effect.

7 (a) Basic competency tests in reading and mathematics shall be  
8 administered to all third grade students except those children with  
9 disabilities exempted pursuant to the provisions of 6-15-411.

10 (b) Basic competency tests in reading, mathematics, science, social  
11 studies, and language arts shall be administered to all sixth grade students  
12 except those children with disabilities exempted pursuant to the provisions of  
13 §6-15-411.

14 (c) Any student who does not score at or above the level of mastery of  
15 basic skills as established by the Department of Education shall be evaluated  
16 by the student's school principal, teachers, and counselor who shall jointly  
17 develop an academic skills plan to assist the student in achieving mastery of  
18 basic skills in subject areas where performance is below mastery level.

19 (d) School principals and classroom teachers shall consider performance  
20 on basic competency tests and other relevant indicators of student competency  
21 in determining promotion or retention of students at grade levels third and  
22 sixth. Retention of a student in grade levels third and sixth shall not be  
23 based solely on performance on basic competency tests."

24 (d) Arkansas Code Annotated § 6-15-409(a) is hereby amended to read as  
25 follows:

26 "(a) In school year 1986-87 and annually thereafter, basic competency  
27 tests in reading, mathematics, science, social studies, and language arts  
28 shall be administered to all students in the eighth grade, except those  
29 children with disabilities exempted pursuant to the provisions of 6-15-411."

30 (e) Arkansas Code Annotated § 6-15-411 is hereby amended to read as  
31 follows:

32 "6-15-411. Handicapped students. The Department of Education shall  
33 promote regulations consistent with Public Law 94-142 and 6-41-201 et seq. for  
34 application of the provisions of this subchapter to students classified as  
35 children with disabilities pursuant to the provisions of those acts."



1 (f) Arkansas Code Annotated § 6-15-902(a) is hereby amended to read as  
2 follows:

3 "(a) The following grading scale shall be used by all public schools in  
4 the state for all courses in grades nine (9) through twelve (12), except  
5 advanced placement, offered:

6 (1) A = 93-100;

7 (2) B = 83-92;

8 (3) C = 70-82;

9 (4) D = 60-69; and

10 (5) F = 59 and below."

11

12 SECTION 10. (a) Arkansas Code Annotated § 6-16-101 is hereby repealed.

13 (b) Arkansas Code Annotated § 6-16-111 is hereby amended to read as  
14 follows:

15 "6-16-111. Morals, manners, patriotism, and business and professional  
16 integrity. Curricula in morals, manners, patriotism, and business and  
17 professional integrity shall be included in the course of study for the state  
18 public schools."

19 (c) Arkansas Code Annotated § 6-16-113 is hereby repealed.

20 (d) Arkansas Code Annotated § 6-16-118 is hereby amended to read as  
21 follows:

22 "6-16-118. GED testing for adults. General Educational Development  
23 tests for adults shall be administered by the county board or the board's  
24 designee and other educational agencies and institutions approved by the  
25 Department of Education and the American Council on Education."

26

27 SECTION 11. (a) Arkansas Code Annotated § 6-17-103 is hereby repealed.

28 (b) Arkansas Code Annotated § 6-17-104(b) is hereby amended to read as  
29 follows:

30 "(b) No teacher shall be entitled to the last month's pay for any  
31 school taught by him until he shall have returned to the county board or the  
32 board's designee of the county in which such school was taught, the daily  
33 register furnished him, with all statistical work which teachers are by law  
34 required to perform, perfect, and complete, and no director shall otherwise  
35 issue an order for the last month's pay."

1 (c) Arkansas Code Annotated § 6-17-105(a) is hereby amended to read as  
2 follows:

3 "(a) All principals or head teachers of each public school shall  
4 transmit to the county board or the board's designee, not later than July 10  
5 of each year, a written report showing:

6 (1) The number and name of the school district;

7 (2) The number by school grades of males and females,  
8 respectively, of each race, that attended school during the last preceding  
9 school year;

10 (3) The average number of each sex in each school grade that  
11 attended daily;

12 (4) The number of days the school was taught during the year by a  
13 licensed teacher;

14 (5) The name of each teacher, the grade of his certificate, the  
15 salary paid each teacher per month, and the whole amount of salary paid the  
16 teacher during the last school year; and

17 (6) All other information called for by the State Board of  
18 Education."

19 (d) Arkansas Code Annotated § 6-17-401(b) is hereby amended to read as  
20 follows:

21 "(b) No license shall be valid in any county until it has been  
22 registered in the office of the county board or the board's designee."

23 (e) Arkansas Code Annotated § 6-17-408(a) is hereby amended to read as  
24 follows:

25 "(a) In any action filed in any court in this state, wherein the party  
26 instituting the action seeks or has sought to impose upon any county  
27 treasurer, county board, or superintendent of schools any liability arising  
28 out of failure to file a teacher's certificate in the office of the county  
29 board and arising out of the failure to file a teacher's contract, which would  
30 have been valid except for prior failure to file a teacher's license in the  
31 office of the county board, the county treasurer, school superintendent, or  
32 county board against whom such liability is sought to be imposed may assert  
33 as a complete defense the filing in the office of the county board, at any  
34 time before final judgment in the action, of a teacher's license for the  
35 particular teacher involved showing on its face that the particular teacher to

1 whom the license was issued possesses all the qualifications required by law  
2 and the particular teacher's contract as of the date the teacher was required  
3 to perform the teaching contract."

4 (f) Arkansas Code Annotated § 6-17-902 is hereby amended to read as  
5 follows:

6 "6-17-902. Definitions. As used in this subchapter, unless the context  
7 otherwise requires:

8 Teacher shall include any full-time employee of a school district who  
9 is compelled by law to secure a license from the State Board of Education."

10 (g) Arkansas Code Annotated §§ 6-17-903 through 6-17-906 are hereby  
11 repealed.

12 (h) Arkansas Code Annotated § 6-17-907 is hereby amended to read as  
13 follows:

14 "6-17-907. Funds generally.

15 (a) The county treasurer of each county in the state is directed to  
16 establish for each school district in his county the following funds:

- 17 (1) The teachers' salary fund;
- 18 (2) Operating fund;
- 19 (3) Building fund;
- 20 (4) Debt service fund;
- 21 (5) Capital outlay fund; and
- 22 (6) Consolidated federal grants fund - Control.

23 (b) The county treasurer shall credit to the operating fund all other  
24 revenues not earmarked for the building fund, debt service fund, or capital  
25 outlay fund.

26 (c) He shall credit to the building fund those funds received:

- 27 (1) Through the sale of bonds or otherwise;
- 28 (2) From insurance collected for damages to school property  
29 except when the property damages have been repaired out of the operating fund  
30 which will be reimbursed by the insurance proceeds.

31 (d) He shall credit to the debt service fund revenue from any  
32 continuing levy for the retirement of bonded indebtedness.

33 (e) He shall credit to the capital outlay fund any revenue specifically  
34 dedicated for capital outlay fund purposes.

35 (f) He shall credit all the various federal funds to the consolidated

1 federal grants fund unless otherwise specifically designated by the Department  
2 of Education.

3 (g) The county treasurer charged with custody of the aforementioned  
4 consolidated federal grants fund shall be responsible only for the combined  
5 federal funds in his possession without regard to the various approved  
6 projects and limitations within the total federal allocations to the school  
7 district.

8 (h) Accountability and separability of various projects shall be the  
9 responsibility of each school district.

10 (i) The approved budget for the district shall be used as a guide by  
11 the county treasurer in setting of these funds.

12 (j) The local board may authorize the county treasurer to transfer  
13 funds from the operating fund to the teachers' salary fund.

14 (k) The county board or the board's designee, by written statement,  
15 shall instruct the county treasurer of the various percentages and amounts of  
16 revenue to be credited to the respective funds of each school district in the  
17 county.

18 (l) The county treasurer or the county board or the board's designee  
19 may request representatives of the Division of Legislative Audit or of the  
20 Department of Education to assist in establishing and crediting of the various  
21 percentages of revenue to the respective funds."

22 (i) Arkansas Code Annotated § 6-17-908 is hereby amended to read as  
23 follows:

24 "6-17-908. Teachers' salary fund.

25 (a) Only warrants or checks in payment of salaries of teachers, as  
26 defined in § 6-17-902(1), in payment of dues of teachers to professional  
27 organizations, in payment of teachers' contributions to the Teacher Retirement  
28 System, and in payment of insurance or other fringe benefits for teachers  
29 shall be paid from the teachers' salary fund. However, insurance or other  
30 fringe benefits must be approved by a majority of the teachers in the school  
31 district voting in a secret election.

32 (b) The county treasurer and his surety or the district treasurer, if  
33 the district has its own treasurer, and his surety shall be liable for any  
34 warrants or checks paid from the teachers' salary fund which are not herein  
35 authorized.

1 (c) No officer, agent, or other person shall charge or collect any  
2 commission for handling any part of the teachers' salary fund."

3 (j) Arkansas Code Annotated §§ 6-17-909 and 6-17-910 are hereby  
4 repealed.

5 (k) Arkansas Code Annotated § 6-17-911 is hereby amended to read as  
6 follows:

7 "6-17-911. Effect of failure to make records and settlements.

8 (a) The disbursing officer of the State Board of Education shall  
9 withhold any and all state funds due the school districts of any county until  
10 the county treasurer and the county board or the board's designee have set up  
11 their records in accordance with 6-17-907.

12 (b) If the county collector fails to make settlements with the county  
13 treasurer as now provided by law, the county board or the board's designee  
14 shall forthwith notify the Director of General Education and the Director of  
15 the Department of Finance and Administration of such failure.

16 (c) If such delinquent settlement is not made within two (2) weeks, the  
17 disbursing officer of the State Board of Education shall withhold any and all  
18 state funds due the school districts of such county until such settlement is  
19 made to the satisfaction of the director of the Department of Finance and  
20 Administration."

21 (l) Arkansas Code Annotated § 6-17-912 is hereby amended to read as  
22 follows:

23 "6-17-912. Advances from other funds. The county treasurer is  
24 authorized to make advances from one (1) fund to another upon written request  
25 from the county board or the board's designee during the fiscal year."

26 (m) Arkansas Code Annotated § 6-17-913 is hereby amended to read as  
27 follows:

28 "6-17-913. Audits of accounts.

29 (a) The accounts of all school districts shall be audited annually by  
30 the Division of Legislative Audit or a certified public accountant.

31 (b) Where audits are made by a certified public accountant, a certified  
32 copy of the audit shall be distributed to the county board or the board's  
33 designee, the school district, the Department of Finance and Administration,  
34 and the Department of Education."

35 (n) Arkansas Code Annotated §§ 6-17-916 and 6-17-917 are hereby

1 repealed.

2 (o) Arkansas Code Annotated § 6-17-918 is hereby amended to read as  
3 follows:

4 "6-17-918. Issuing and countersigning warrants.

5 (a) For those districts for which the county board's designee does not  
6 serve as ex officio financial secretary as provided in 6-12-205, it shall be  
7 the duty of the district superintendent of schools to serve as ex officio  
8 financial secretary and to issue and countersign all warrants.

9 (b) For those districts for which the county board's designee serves as  
10 ex officio financial secretary, he shall also issue and countersign all  
11 warrants.

12 (1) However, upon request of the board of directors of any other  
13 school district administered in the county, the county board of education  
14 shall authorize a designee to serve as ex officio financial secretary of the  
15 district.

16 (2) Any school district board of directors by resolution adopted  
17 by majority vote may designate the ex officio financial secretary as the  
18 disbursing officer of the district, and no additional signature shall be  
19 required on warrants.

20 (3) Such resolution must be filed with the county board of  
21 education and the county treasurer.

22 (4) No warrants shall be valid without the signature of the ex  
23 officio financial secretary.

24 (5) (A) Such countersigning officer shall give bond in the sum of  
25 two thousand dollars (\$2,000) or an amount equal to ten percent (10%) of the  
26 total amount of the estimated revenue of the school district for the school  
27 fiscal year covered by the bond, whichever is the greater, the maximum not to  
28 exceed twenty thousand dollars (\$20,000), for the faithful discharge of his  
29 duties and for the proper accounting of all school money that may come into  
30 his hands or under his control.

31 (B) The surety of such bond is to be a surety company  
32 authorized to do business in the State of Arkansas as surety.

33 (C) Such bond shall be filed in the office of the county  
34 clerk and a copy thereof filed in the office of the Director of General  
35 Education.

1 (D) Premiums of such bonds shall be paid by the school  
2 district board or county board in the same manner as other fixed charges.

3 (c) The county board's designee or the district superintendent of  
4 schools shall neither issue nor countersign any warrants until he has  
5 determined that the warrants have been issued in conformity with 6-20-402,  
6 this subchapter, and other laws."

7 (p) Arkansas Code Annotated § 6-17-919 is hereby amended to read as  
8 follows:

9 "6-17-919. Warrants void without valid certificate and contract.

10 (a) All warrants issued in payment of teachers' salaries are void  
11 unless:

12 (1) The teacher has a valid teachers' certificate filed with the  
13 county board or with the board designee's office;

14 (2) The teacher has been employed by a valid written contract;  
15 and

16 (3) Copies of such contract are on file in the offices of the  
17 county treasurer and the county board or the board's designee.

18 (b) The county board or the board's designee or the district  
19 superintendent of schools and his surety shall be liable for any warrants  
20 which he countersigns in payment of teachers' salaries unless and until there  
21 is a valid teachers' certificate and contract for the teacher on file with the  
22 county board or with the board's designee.

23 (c) The county treasurer and his surety shall be liable for all  
24 warrants in payment of teachers' salaries which he pays unless and until there  
25 is a valid contract on file in his office."

26 (q) Arkansas Code Annotated § 6-17-920 is hereby amended to read as  
27 follows:

28 "6-17-920. Examination of teachers' contracts - Effect.

29 (a) It shall be the duty of the county board or the board's designee,  
30 when the teachers' contracts are filed as required by 6-13-620 and 6-17-919,  
31 to examine such contracts.

32 (b) If the county board finds that any board of directors has entered  
33 into contracts with teachers who have not recorded a valid teachers'  
34 certificate with the board, the county board or the board's designee shall  
35 immediately notify the board of directors in writing to correct the contract

1 or contracts to conform to the legal requirements.

2 (c) If the board of directors does not make contracts in accordance  
3 with this subsection and other legal requirements, the county board or the  
4 board's designee shall notify the county treasurer that the contracts are  
5 invalid.

6 (d) It shall then be the duty of the county treasurer to refuse payment  
7 of warrants issued upon the contracts, and he and his sureties shall be liable  
8 for failure to do so.

9 (e) Moreover, the county board or the board's designee and their surety  
10 shall be liable for any warrants countersigned which are inconsistent with the  
11 provisions of this section."

12 (r) Arkansas Code Annotated § 6-17-921 is hereby amended to read as  
13 follows:

14 "6-17-921. Checking certain county treasurers' records - Effect.

15 (a) The county board or the board's designee in each county of the  
16 state, on or before June 30 of each fiscal year, shall check the county  
17 treasurer's records to ascertain whether or not each district in the county  
18 has earmarked and paid the proper amount for teachers' salaries as provided  
19 *under current law*.

20 (b) The county board or the board's designee may call upon a  
21 representative of the State Board of Education to verify and approve the  
22 accuracy of the board's figures.

23 (c) If it is found that a district has not paid to its teachers the  
24 amount required *under current law*, then the county board or the board's  
25 designee shall immediately notify the school district board in writing to make  
26 the adjustment and shall notify the county treasurer in writing to stop payment  
27 on all warrants issued by the district until the adjustment has been made.

28 (d) If the county treasurer refuses to stop payment on all warrants  
29 presented after receipt of notice from the county board or the board's  
30 designee, then he shall be personally liable for the amount of the adjustment  
31 due plus a penalty in an equal amount of the adjustment.

32 (e) The county board or the board's designee shall make such checks as  
33 provided above and send to the school district boards and the county treasurer  
34 a statement certifying whether the teachers have been paid the amount required  
35 *by law*.



1 (f) A copy of this statement to each of the districts shall be sent to  
2 the Division of Legislative Audit not later than July 10 of each year.

3 (g) If the school district board refuses to make the adjustment within  
4 thirty (30) days after receipt of notice, then the county board or the board's  
5 designee shall notify the disbursing officer of the State Board of Education.

6 (h) Upon receipt of this notice the disbursing officer shall withhold  
7 all future allotments from state funds accruing from special taxes to which  
8 the district is entitled until the adjustment has been made."

9 (s) Arkansas Code Annotated § 6-17-922 is hereby repealed.

10

11 SECTION 12. (a) Arkansas Code Annotated § 6-18-218 is hereby amended  
12 to read as follows:

13 "6-18-218. Monthly report of parental noncompliance - Notification of  
14 prosecuting attorney.

15 (a) It shall be the duty of each teacher in the public schools, either  
16 directly or through his or her principal or superintendent, to report  
17 specially each month to the county school board or the board's designee and to  
18 the clerk or secretary of the school district board of directors the names and  
19 addresses of any parents or guardians residing in his or her district who have  
20 failed to comply with the provisions of this act after due notice was given as  
21 provided in 6-10-107.

22 (b) It shall be the duty of the county school board or the board's  
23 designee to forward copies of the report, within ten (10) days after receiving  
24 it, to the prosecuting attorney of his district.

25 (c) The provisions of this section shall not be construed as  
26 conflicting with duties and powers of the attendance officers as set forth in  
27 6-18-210."

28 (b) Arkansas Code Annotated § 6-18-219 is hereby amended to read as  
29 follows:

30 "6-18-219. False attendance reports. Any teacher, director, county  
31 school board or the board's designee, or any other person whose duty it is to  
32 make reports as to the schools of the county, who shall make a false report to  
33 the county board of education or the State Board of Education as to the number  
34 of children enumerated, the number enrolled in school, or the number in  
35 average daily attendance in the schools shall be:

1 (1) Guilty of a misdemeanor, punishable by a fine not to exceed one  
2 hundred dollars (\$100) payable into the general school fund of the county; and

3 (2) Liable personally for any loss of revenue which the district or  
4 state sustains as a result of the false report."

5 (c) Arkansas Code Annotated § 6-18-704(c) is hereby amended to read as  
6 follows:

7 "(c) In districts having a high concentration of children with  
8 disabling conditions as determined by the State Board of Education, the ratio  
9 of school nurses-to-students should be one (1) to four hundred (400) in those  
10 schools so designated."

11 (d) Arkansas Code Annotated § 6-18-704(d) is hereby amended to read as  
12 follows:

13 "(d) In a district which provides a center for profoundly disabled  
14 students, the ratio should be one (1) school nurse per one hundred twenty-five  
15 (125) students at that center."

16

17 SECTION 13. (a) Arkansas Code Annotated §§ 6-20-210 through 6-20-214  
18 are hereby repealed.

19 (b) Arkansas Code Annotated § 6-20-215 is hereby amended to read as  
20 follows:

21 "6-20-215. General school fund - Sources generally. The general school  
22 fund of any county shall be composed of all money received from the Public  
23 School Fund of the state, such fines, penalties, and other money as shall be  
24 accrued to such funds in accordance with the law, and any appropriation from  
25 the general revenue of the county for public school purposes."

26 (c) Arkansas Code Annotated § 6-20-216 is hereby amended to read as  
27 follows:

28 "6-20-216. General school fund - Apportionment generally. The county  
29 board of education, after setting aside the funds for the salaries and  
30 expenses of the county school board designee's office, shall apportion the  
31 general school fund of the county on the basis on which public school funds  
32 are apportioned to the counties."

33 (d) Arkansas Code Annotated § 6-20-220 is hereby amended to read as  
34 follows:

35 "6-20-220. County treasurer's report to the county supervisor. The

1 county treasurer of each county shall on or before July 10 of each year  
2 forward to the county school board or the board's designee a certified  
3 statement showing:

4 (1) The amount of public school funds received by him;

5 (2) From what source received;

6 (3) How and for what purpose they have been disbursed during the past  
7 school year; and

8 (4) The amount that remains in the treasury on July 1."

9 (e) Arkansas Code Annotated § 6-20-302(2) is hereby amended to read as  
10 follows:

11 "(2) Weighted average daily membership (WADM) means the average daily  
12 membership plus the add-on weights for special education, vocational  
13 education, and gifted and talented education.

14 (A) Students evaluated as special education students in  
15 accordance with regulations promulgated by the Department of Education shall  
16 be given add-on weights in the following amounts for each type of setting in  
17 which services are required:

18	Itinerant	.40
19	Resource Room	.85
20	Self-contained (Ratio of 1-15)	.70
21	Self-contained (Ratio of 1-10)	1.10
22	Self-contained (Ratio of 1-6)	2.00
23	Special School, Day	2.35

24 (B) Vocational programs shall be divided into four (4) groups.  
25 Group 1 shall include career orientation and cooperative programs except those  
26 involving students with disabilities. Group 2 shall include coordinated career  
27 education, consumer and homemaking education, and exploratory programs in all  
28 occupational areas. Group 3 shall include skill training programs in all  
29 occupational areas. Group 4 shall include exceptionally high cost skill  
30 training programs limited to electronics, welding, machine shop, industrial  
31 equipment mechanics, and metal trades. Weighting for programs approved by the  
32 Vocational and Technical Education Division shall be as follows:

33	SERVICE HOUR	FULL-TIME EQUIVALENT
34 Group 1	.067	.40
35 Group 2	.083	.50

1 Group 3	.100	.60
2 Group 4	.150	.90

3 (C) When a home district sends students to an approved vocational  
4 center, funds shall be transmitted by the home district to the vocational  
5 center during the year instruction is provided on the same schedule through  
6 which the home district receives its Minimum Foundation Program Aid from the  
7 Department of Education or on some alternate schedule approved by the  
8 Vocational and Technical Education Division. These funds shall equal two  
9 hundred fifty dollars (\$250) per half-time equivalent student (three (3)  
10 periods) during school year 1985-86 for tuition and one hundred percent (100%)  
11 of the funds generated by add-on weights. The tuition shall increase to three  
12 hundred dollars (\$300) per half-time equivalent student for the school year  
13 1986-87 and shall, for school years thereafter, be determined by the State  
14 Board of Vocational Education after an analysis of the impact of charging  
15 tuition on vocational centers enrollments. Each school district participating  
16 in a vocational center shall submit to the Vocational and Technical Education  
17 Division by April 10 of each year the number of students enrolled in the  
18 current school year. The Vocational and Technical Education Division shall use  
19 current enrollments to determine the number of add-ons to be certified, by  
20 April 25 of each year, to the General Education Division which is used for the  
21 computation of state aid.

22 (D) School districts which operate, either individually or as a  
23 part of a cooperative of districts, an approved educational program for gifted  
24 and talented students shall receive funds for the operation of the program  
25 based on an add-on weight of twenty-five hundredths (.25) for each of its  
26 students identified as being gifted and talented under guidelines and criteria  
27 approved by the State Board of Education, up to a number equal to five percent  
28 (5%) of its ADM for the previous year."

29 (f) Arkansas Code Annotated § 6-20-305 is hereby amended to read as  
30 follows:

31 "6-20-305. Funds included in formula. Public school fund programs to  
32 be included in the aid allocation formula provided by this subchapter are:

- 33 (1) Minimum Foundation Program Aid;
- 34 (2) Aid for Education of Children With Disabilities;
- 35 (3) Guidance Aid;

1 (4) Elementary and Secondary Textbook Funds; and

2 (5) Vocational Aid, excluding aid for Basic and General Adult  
3 Education."

4 (g) Arkansas Code Annotated § 6-20-306 is hereby amended to read as  
5 follows:

6 "6-20-306. Computation of state aid for allocation to school districts.

7 (a) (1) A charge shall be levied against each district's charged  
8 assessed valuation by property class as indicated below:

9	REAL	PERSONAL	UTILITIES AND
10	PROPERTY	PROPERTY	REGULATED
11			CARRIERS
12	19 Mills	45 Mills	45 Mills

13 (2) (A) The charge levels as provided by this subsection shall be  
14 increased by one (1) mill against each property class except personal  
15 property, utilities, and regulated carriers, for each twenty-five million  
16 dollars (\$25,000,000), or major fraction thereof, increase in funding by the  
17 state for Minimum Foundation Program Aid. The charge levels shall not be  
18 increased by more than six (6) mills, resulting in a maximum to be charged  
19 under the provisions of this subsection of twenty-five (25) mills on real  
20 property and fifty-one (51) mills on personal property, utilities, and  
21 regulated carriers.

22 (B) The charge levels as provided by this subsection shall  
23 be increased by one-tenth (1/10) mill against each property class, except  
24 personal property, utilities, and regulated carriers, for each two million  
25 five hundred thousand dollar increase in funding by the state for Minimum  
26 Foundation Program Aid. The charge levels shall not be increased by more than  
27 six (6) mills, resulting in a maximum to be charged under the provisions of  
28 this subsection of twenty-five (25) mills on real property and fifty-one (51)  
29 mills on personal property, utilities, and regulated carriers.

30 (3) Beginning July 1, 1995, and thereafter, the charge levels  
31 provided by this subsection shall be increased by one-tenth (1/10) mill  
32 against personal property, utilities, and regulated carriers for each two  
33 million five hundred thousand dollar increase in funding by the state for  
34 Minimum Foundation Program Aid. The charge levels shall not be increased by  
35 more than six (6) mills, resulting in a maximum to be charged under the

1 provisions of this subsection of twenty-five (25) mills on real property and  
2 fifty-one (51) mills on personal property, utilities, and regulated carriers.

3 (b) Any school district which in the second annual school election  
4 after an increase is made in the state's charged millage levy votes a millage  
5 levy on its assessment that is more than three (3) mills below the state's  
6 charge levy on real property shall lose all add-on weights for which it  
7 qualifies under § 6-20-302(2)(B), (C), (D), and (E), except that the total  
8 minimum millage required to be voted under this provision to avoid such a loss  
9 shall not exceed twenty-two (22) mills. Add-on weights lost under this  
10 provision shall be restored in the school year following the annual school  
11 election in which the voters of the district approve a tax levy on its charged  
12 assessment which is within three (3) mills of the state's charged levy.

13 (c) Each district's state aid allocation shall be an amount determined  
14 when its adjusted local resource rate per WADM is subtracted from the state  
15 base equalization rate per WADM and the difference is multiplied by its WADM  
16 of the previous year."

17 (h) Arkansas Code Annotated §§ 6-20-310(a) is hereby amended to read as  
18 follows:

19 "(a) Funds shall be set aside from the total funds available for  
20 allocation under the provisions of this subchapter for adjustments in aid  
21 allocation to any district whose actual real property assessment, when  
22 certified by the county clerk or the county school board or the board's  
23 designee, has decreased by more than five percent (5%) from the projected  
24 amount used in determining the aid for the district."

25 (i) Arkansas Code Annotated §§ 6-20-312 is hereby repealed.

26 (j) Arkansas Code Annotated § 6-20-313 is hereby amended to read as  
27 follows:

28 "6-20-313. Other set-aside funds. Other set-aside funds shall be as  
29 follows:

30 (1) Funds required for the Department of Correction school district;

31 (2) Two hundred fifty thousand dollars (\$250,000) annually for  
32 contingency aid to school districts undergoing hardships or emergencies  
33 identified by criteria approved by the State Board of Education and with an  
34 amount not to exceed fifteen thousand dollars (\$15,000) being awarded to any  
35 one (1) school district;

1           (3) One hundred seventy-five thousand dollars (\$175,000) for those  
2 districts identified as isolated by criteria approved by the State Board of  
3 Education, provided that any school district receiving such aid shall have  
4 voted at the previous school election a millage levy equal to at least the  
5 state millage charge on real property, as set forth in 6-20-306(a);

6           (4) Funds sufficient to pay the school employee liability insurance  
7 required by 6-17-1113 and funds necessary to pay the amounts required by  
8 6-20-302(13), 6-20-306(d), and 6-20-309;

9           (5) Funds shall also be set aside to pay for the educational costs of  
10 children without disabilities who have been placed in approved residential  
11 treatment facilities, as defined by the Arkansas Department of Education  
12 (ADE), Division of Special Education, up to an amount equal to the product of  
13 the regular ADM count plus an add-on weight of three and one-tenth (3.1) for  
14 residential placement and the state base equalization rate; and for the  
15 educational costs of children without disabilities in school districts not  
16 qualifying for any Minimum Foundation Program Aid, who have been placed in  
17 approved residential treatment facilities as defined by the ADE, Division of  
18 Special Education, up to an amount equal to the product of the regular ADM  
19 count plus an add-on weight of three and one-tenth (3.1) for residential  
20 placement, and the state base equalization rate;

21           (6) Funds shall also be set aside to pay for the educational costs of  
22 children with disabilities, including those in school districts not qualifying  
23 for any Minimum Foundation Program Aid, who have been placed in approved  
24 residential treatment facilities, as defined by the Arkansas Department of  
25 Education, Division of Special Education, up to an amount equal to the product  
26 of the regular ADM count plus an add-on weight of three and one-tenth (3.1),  
27 and the state base equalization rate, regardless of the setting in which the  
28 education is provided. An add-on weight of three and one-tenth (3.1) is to be  
29 used if the student must receive his or her educational program in a special  
30 residential school. An add-on weight of two and thirty-five hundredths (2.35)  
31 is to be used if the student must receive his education in a special day  
32 school and the state base equalization rate. Educational costs funded under  
33 this subsection are specifically covered by 6-20-316(b)."

34           (k) Arkansas Code Annotated § 6-20-316 is hereby amended to read as  
35 follows:

1 "6-20-316. Allocation and administration of funds - Aid to handicapped.

2 (a) The Special Education Section of the Department of Education shall  
3 require that each district qualifying for aid for children with disabilities  
4 present a projected budget of expenditures each year for programs for children  
5 with disabilities that will ensure the proper allocation of both state and  
6 local moneys for expenditures for this purpose.

7 (b) One hundred percent (100%) of state funds generated by add-on  
8 weighting for children with disabilities in each district and that amount of  
9 other state and local resources per child multiplied by the number of children  
10 with disabilities shall be allocated and expended as required to meet the  
11 excess cost provisions of federal law.

12 (c) The proposed budget of expenditures form prepared by the Special  
13 Education Section of the Department of Education for this purpose shall  
14 include space for information concerning the expenditure of all federal moneys  
15 that might be received by the district for education of children with  
16 disabilities.

17 (d) The Finance Section of the Department of Education, General  
18 Division, shall disburse moneys from the Public School fund to those school  
19 districts qualifying for state aid for education of children with  
20 disabilities.

21 (e) The Special Education Section shall monitor local programs for the  
22 education of children with disabilities and ensure that all necessary records  
23 are kept locally for proper identification and classification of children with  
24 disabilities in each district.

25 (f) Each district shall make reports as might be required by the  
26 Special Education Section of the Department of Education concerning  
27 information or progress of their educational program for children with  
28 disabilities.

29 (g) No later than April 10 of each year, each district shall report the  
30 average daily membership of all qualifying children with disabilities to the  
31 Special Education Section of the Department of Education, General Division, by  
32 classification as determined in 6-20-302(2), with such attendance reflecting  
33 the first three (3) quarters of the current school year.

34 (h) The Special Education Section will then compute the add-on weights  
35 for each school district and make this information available to the Department



1 of Education, General Division, no later than April 25 of each year.

2 (i) The evaluation file of each student classified as a child with  
3 disabilities shall be subject to monitoring by officials of the Department of  
4 Education to ensure that the child is classified in the proper category for  
5 weighting.

6 (j) The Arkansas Department of Education may issue a waiver allowing  
7 the use of a limited amount of special education funds, generated under  
8 Minimum Foundation Program Aid for students not diagnosed as seriously  
9 emotionally disturbed under special education regulations, but who have been  
10 properly diagnosed as emotionally disturbed, who receive or need to receive  
11 services in an approved school-based day treatment program. Any such waivers  
12 shall be granted only in accordance with regulations established by the  
13 department. Such students shall not be eligible to be counted for generation  
14 of Minimum Foundation Program Aid under special education weighting. Such  
15 students shall not be eligible for funds under the Education of the  
16 Handicapped Act, as amended, 20 U.S.C. 1400 et seq.

17 (k) Set-aside funds for the educational costs of children with  
18 disabilities placed in approved residential treatment facilities located  
19 outside the boundaries of the State of Arkansas may be used to fund the excess  
20 cost of such placement incurred by a school district. The excess cost to the  
21 district will be that amount remaining after the district has paid the funds  
22 available under the set-aside funds at the rate of four and one-tenth (4.1)  
23 times the state base equalization rate plus an amount equal to the greater of  
24 nine (9) times the state base equalization rate or fifty percent (50%) of the  
25 balance after the district applies the four and one-tenth (4.1) times the  
26 state base equalization rate to the total costs."

27 (l) Arkansas Code Annotated § 6-20-403 is hereby amended to read as  
28 follows:

29 "6-20-403. Authority to draw warrants - Countersignature. The school  
30 district board of directors is authorized to draw warrants on the county  
31 treasurer for all funds to be disbursed by them, such warrants to be  
32 countersigned by the agent authorized by the county school board, as  
33 countersignature is expressly required by law."

34 (m) Arkansas Code Annotated §§ 6-20-405 and 6-20-406 are hereby  
35 repealed.

1           (n) Arkansas Code Annotated § 6-20-501 is hereby amended to read as  
2 follows:

3           "6-20-501. Legislative determination. The General Assembly recognizes  
4 that:

5           (1) Under present laws and practices, school students of this state  
6 may, for various reasons and purposes, be transferred or assigned to attend  
7 school in another district;

8           (2) In many such instances, the respective school districts involved  
9 here have entered into agreements with respect to the financial rights and  
10 responsibilities of the respective school districts involved in student  
11 transfer and assignment and have made provision for the sharing in the cost of  
12 the education of the child mutually acceptable to both districts;

13           (3) In many instances involving a child living in a foster home or  
14 children with disabilities, as defined in this subchapter, the foster child or  
15 child with disabilities or his parents, guardian, or some other person having  
16 custody of the child or standing in the relationship of loco parentis to the  
17 child, enters or seeks to enter a school district other than the school  
18 district in which the parents of the child reside and that gross inequities  
19 are worked upon the school district receiving the child if the district is  
20 unable to receive the state, local, and federal funds available to the sending  
21 district for the education of the child; and

22           (4) Fairness and equity demand that appropriate rules and regulations  
23 be adopted to define the relative rights and responsibilities of the involved  
24 school districts to share the educational funds received by a sending district  
25 to educate a child with disabilities or a child living in a foster home who  
26 attends school in another school district in this state if it is determined  
27 that it is in the best interest of the education of the child with  
28 disabilities to attend school in the receiving district, so long as attendance  
29 therein is not based upon racial or other reasons which are contrary to  
30 applicable federal or state laws and regulations."

31           (o) Arkansas Code Annotated § 6-20-502 is hereby amended to read as  
32 follows:

33           "6-20-502. Definitions. As used in this subchapter, unless the context  
34 otherwise requires:

35           (1) Child with Disabilities or student with disabilities means a

1 person eligible to attend the public schools in this state who is identified  
2 as disabled in accordance with regulations promulgated by the State Board of  
3 Education under 6-41-201 et seq.;

4 (2) Child living in a foster home means a school-age child in this  
5 state living in the residence of the guardian or the residence of a foster  
6 family home or child care facility where the Department of Human Services has  
7 custody of the child or where the child has been placed in a foster family  
8 home or child care facility by a juvenile or chancery court, or where the  
9 child has been placed in a family care and training home by the Department of  
10 Human Services. Child care facility shall not include any unit of the human  
11 development centers operated by the Department of Human Services or its  
12 successor;

13 (3) State funds means any state funds received by the school district  
14 in the form of Minimum Foundation Program Aid, Transportation Aid, Aid to  
15 Children with Disabilities, or other state special education funds;

16 (4) Local operating funds means any local operating funds derived  
17 from property taxes for the school year, including any surplus funds received  
18 from millage pledged for indebtedness purposes but which are not necessary to  
19 meet debt service requirements and are transferred to the operating account of  
20 the school district for the year;

21 (5) Federal funds means any federal funds received by the school  
22 district which are of a category or nature that would have benefited a child  
23 with disabilities or a child living in a foster home, as defined in this  
24 subchapter, if the child attended the school district during the school year  
25 or the portion of the school year, but who instead attended another school  
26 district in this state which makes application for funds to be used in behalf  
27 of the education of the child, as provided in this subchapter;

28 (6) Sending district means the school district which is defined by  
29 laws or regulations as being the school district of residence of the school-  
30 age child;

31 (7) Receiving district means a school district in this state in which  
32 a child attends or seeks to attend school other than the school district or  
33 residence of the child."

34 (p) Arkansas Code Annotated § 6-20-503 is hereby amended to read as  
35 follows:

1 "6-20-503. Rules and regulations. The State Board of Education shall  
2 adopt reasonable rules and regulations for the administration and enforcement  
3 of the provisions of this subchapter and to carry out the purposes and intent  
4 of this subchapter that reasonable procedures be established to assure that  
5 funds provided for the education of a child living in a foster home and of  
6 children with disabilities, as defined in this subchapter, in this state shall  
7 be equitably and fairly shared by the school districts having the lawful  
8 responsibility for the education of such children in this state, as defined in  
9 this subchapter."

10 (q) Arkansas Code Annotated § 6-20-504(b) is hereby amended to read as  
11 follows:

12 "(b)(1) In those instances in which a child living in a foster home  
13 attends a public school in a school district in which the foster family home  
14 or child care facility is located but, during the previous school year,  
15 attended another school district in this state which, due to the average daily  
16 attendance of that child during the previous school year, receives Minimum  
17 Foundation Program Aid and other state aid and federal funds for or in behalf  
18 of the education of such child during the current school year, the school  
19 district in which the foster child is a student may make application to the  
20 other school district receiving state and federal funds for the education of  
21 the child to remit the pro rata part of such state, federal, and local funds  
22 available for the education of the child, including special education funds if  
23 the foster child is a child with disabilities, to the school district in which  
24 the foster child is now a student.

25 (2) Application shall be in writing and shall state the name of  
26 the child, the fact that the child is in a foster home in the school district,  
27 and request payment to such district of the state, federal, and local funds,  
28 including special education funds, if the foster child is a child with  
29 disabilities as defined in this subchapter, available for the education of the  
30 child for the current school year due to the attendance of the child at the  
31 school during the previous year.

32 (3) If the school district to which the request is made fails or  
33 refuses to pay the requested funds to the requesting school district within  
34 thirty (30) days after receiving the request, the requesting school district  
35 may notify the Department of Education of the fact, and the Department of

1 Education shall investigate the facts of the request and refusal to remit  
2 payment.

3           (4) If the Department of Education determines that the funds  
4 requested were due the requesting school district as provided in this section,  
5 the Department of Education shall notify the school districts involved of the  
6 determination and shall withhold the amount thereof from the next state aid  
7 funds available for distribution to the school district which failed or  
8 refused to remit the funds as provided in this subchapter and shall pay the  
9 amount over to the requesting school district as provided in this section, to  
10 be used for the education of the child living in a foster home who is a  
11 student in the school district during the current school year."

12           (r) Arkansas Code Annotated § 6-20-505 is hereby amended to read as  
13 follows:

14           "6-20-505. Handicapped children - Receiving district's request for  
15 funds.

16           (a) Whenever any child with disabilities attends or seeks to attend a  
17 school district other than the school district in which his lawful parents,  
18 guardian, or other person in loco parentis to the child resides, the receiving  
19 district may make application to the sending district requesting that all  
20 state, federal, local or other funds received by the sending district in  
21 behalf of the education of the child for the school year or portion of the  
22 school year the child attends school in the receiving district be remitted by  
23 the sending district to the receiving district.

24           (b) Before requesting such funds, the requesting district shall have  
25 made a determination that:

26                   (1) The child is a child with disabilities as defined in this  
27 subchapter and the applicable rules and regulations promulgated by the State  
28 Board of Education, as provided in this subchapter;

29                   (2) the attendance of the child with disabilities in the school  
30 district is in the best interest of the education of the disabled child;

31                   (3) The receiving district has accepted or is willing to accept  
32 the child with disabilities as a student; and

33                   (4) The request for attendance at the receiving district is not  
34 based upon any racial or other reason which might be contrary to the laws and  
35 regulations of the United States or of this state or the rules and regulations

1 promulgated by the State Board of Education under the provisions of this  
2 subchapter.

3           (c) The request for funds from the sending district shall be prepared  
4 by the receiving district in writing, setting forth the name of the child; the  
5 name and address of the parents, guardian, or other person lawfully  
6 responsible for the child; a statement of reasons why the child is in  
7 attendance or seeks to attend the receiving district instead of the district  
8 in which the child should be in attendance; and that the receiving district  
9 has determined it is in the best interest of the education of the child with  
10 disabilities that the child be permitted to attend school in the receiving  
11 district."

12           (s) Arkansas Code Annotated § 6-20-506(c) is hereby amended to read as  
13 follows:

14           "(c) The amount of local funds to be remitted shall not exceed the pro  
15 rata amount per child of local operating funds as defined in this subchapter  
16 which are received by the school district from the sending district for  
17 property taxes for the school year, as these funds relate to the total number  
18 of school-age children in average daily attendance in the school district for  
19 the school year; and the amount of federal funds to be remitted shall be the  
20 pro rata amount per child of federal funds as defined in this subchapter which  
21 are received for the category of all students eligible to receive federal  
22 funds who are within the same classification or category of the child with  
23 disabilities for which payment is sought."

24           (t) Arkansas Code Annotated 6-20-507(b) is hereby amended to read as  
25 follows:

26           "(b)(1) The hearing officer may recommend approval of the request to  
27 the State Board of Education if the hearing officer determines that:

28                   (A) The application is made by or in behalf of a child with  
29 disabilities as defined in this subchapter;

30                   (B) It is in the best interest of the education of the  
31 child to be admitted to or to continue to attend school in the receiving  
32 district;

33                   (C) The child's educational needs can be better served in  
34 the receiving district; and

35                   (D) The request for attendance at the receiving district is

1 not based upon any racial or other reason which might be contrary to the laws  
2 and regulations of the United States or of this state or the rules and  
3 regulations promulgated by the State Board of Education under the provisions  
4 of this subchapter.

5           (2) Any district aggrieved by the report and recommendations of  
6 the hearing officer may appeal to the State Board of Education within thirty  
7 (30) days after the date of the ruling of the hearing officer."

8           (u) Arkansas Code Annotated § 6-20-508(a) is hereby amended to read as  
9 follows:

10           "(a) (1) If a hearing by the State Board of Education is requested in  
11 writing by either or both of the affected school districts or any party to the  
12 action, at least ten (10) days prior to the next regular board meeting, the  
13 State Board of Education shall schedule a hearing in regard thereto and shall  
14 give each of the affected districts and the affected parties at least five (5)  
15 days' notice of the date, time, and place of the hearing.

16           (2) On the day and at the time scheduled for the hearing, the  
17 board may hear all interested parties and, upon conclusion thereof, may issue  
18 its ruling in regard to the application for payment of funds in behalf of the  
19 child with disabilities, and, unless an appeal is filed therefrom with a court  
20 of competent jurisdiction within twenty (20) days after the date of such  
21 ruling, the ruling shall be final and shall be binding on the school districts  
22 and the parties affected."

23           (v) Arkansas Code Annotated § 6-20-509 is hereby amended to read as  
24 follows:

25           "6-20-509. Handicapped children - Sending district's refusal to pay.

26           If the ruling of the State Board of Education provides for payment to be  
27 made by the sending district in behalf of the education of the child in the  
28 receiving district and the sending district shall refuse to make payments in  
29 the amount approved by the board, upon certification thereof by the receiving  
30 district, the State Board of Education shall cause the amount of any state,  
31 federal, local, or other funds not remitted to the receiving district to be  
32 withheld from the next Minimum Foundation Program Aid, Transportation Aid, Aid  
33 to Children with Disabilities, or special education funds to the district  
34 which has failed to make payments and shall remit the funds to the receiving  
35 district in compensation for payments not made by the sending district."

1           (w) Arkansas Code Annotated § 6-20-510 is hereby amended to read as  
2 follows:

3           "6-20-510. Confidentiality of records. All files and records which are  
4 required by the laws of this state or under the provision of applicable  
5 federal laws or regulations to be kept confidential and all court orders  
6 pertaining to the confidentiality of records or prohibiting or limiting the  
7 disclosure thereof pertaining to a child living in a foster home or a child  
8 with disabilities under the provisions of this subchapter shall be strictly  
9 complied with by the respective school districts and the Department of  
10 Education in all correspondence and transactions pertaining to administration  
11 of the provisions of this subchapter."

12           (x) Arkansas Code Annotated §6-20-1213 is hereby amended to read as  
13 follows:

14           "6-20-1213. Duty to pay on maturity - Effect of failure.

15           (a) The school district board of directors, the secretary of the board,  
16 and the county board or the board's designee shall see to it that sufficient  
17 funds to meet each maturity of principal and interest of all bonds of their  
18 district are in the place of payment not later than the day before the date of  
19 maturity.

20           (b) Any failure thereof shall be cause for the State Board of Education  
21 to withhold the monthly salary of the county board's designee and to withhold  
22 any apportionment of school funds that would otherwise be apportioned to that  
23 district and apply them on any past due bonds of that district."

24           (y) Arkansas Code Annotated §§ 6-20-1403 through 6-20-1405 and 6-20-  
25 1408 are hereby repealed.

26

27           SECTION 14. (a) Arkansas Code Annotated 6-41-101(a) is hereby amended  
28 to read as follows:

29           "(a) Prior to expending any funding for new programs to children with  
30 disabilities which include funding for evaluation, counseling, assessment,  
31 personnel, equipment, or other capital outlay in other than public schools,  
32 the Division of Vocational and Technical Education of the Department of  
33 Education shall publish a public notice of the intent to provide additional  
34 special services to the disabled, specifying the services in the public  
35 notice, and inviting organizations that are recognized by the state to provide



1 education, assessment, jobs skills training, or vocational education to  
2 children with disabilities to submit proposals to provide the additional  
3 special services."

4 (b) Arkansas Code Annotated § 6-41-102 is hereby amended to read as  
5 follows:

6 "6-41-102. Extended year program. The extended year program for  
7 school-age children with disabilities shall be established and implemented by  
8 school districts as established by the individual education plan of the child  
9 during the summer at the close of each school year."

10 (c) Arkansas Code Annotated § 6-41-201 is hereby amended to read as  
11 follows:

12 "6-41-201. Title. This subchapter shall be known as The ChildrenWith  
13 Disabilities Act of 1973."

14 (d) Arkansas Code Annotated § 6-41-202 is hereby amended to read as  
15 follows:

16 "6-41-202. Policy and purposes.

17 (a) It shall be the policy of this state to provide and to require  
18 school districts to provide, as an integral part of the public schools, a free  
19 appropriate public education (FAPE) for students with disabilities. The State  
20 Board of Education is therefore expressly authorized to assign responsibility  
21 for providing free appropriate public education of any child with a disability  
22 to an appropriate school district.

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

26 (2) It shall be a primary purpose of this subchapter to cooperate  
27 fully with the institutions and treatment facilities to the end that the best  
28 interests of children with disabilities shall be served."

29 (e) Arkansas Code Annotated § 6-41-203 is hereby amended to read as  
30 follows:

31 "6-41-203. Definitions. As used in this subchapter, unless the context  
32 otherwise requires:

33 (1) A child with disabilities means a person between the ages of  
34 three (3) and twenty-one (21) years who, because of mental, physical,  
35 emotional, or learning disabilities, requires special education services as

1 defined by the *federal Individuals with Disabilities Education Act of 1990*.  
2 This term is to be specifically interpreted to mean but not be wholly limited  
3 to children with mental retardation, hearing impairments, speech impairments,  
4 visual impairments, emotional disturbances, physical impairments, specific  
5 learning disabilities, or children with other health impairments who by reason  
6 thereof require special education and related services.

7       (2) Special education means classroom, home, hospital, or other  
8 instruction to meet the needs of children with disabilities and includes  
9 transportation and corrective and supporting services required to assist  
10 children with disabilities in taking advantage of or responding to educational  
11 programs and opportunities, but excludes instruction provided in the  
12 state-operated schools or institutions for the disabled;

13       (3) Board means the State Board of Education."

14       (f) Arkansas Code Annotated § 6-41-204 is hereby amended to read as  
15 follows:

16       "6-41-204. Separate schooling.

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

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

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

29       (g) Arkansas Code Annotated § 6-41-205 is hereby amended to read as  
30 follows:

31       "6-41-205. Provision for education.

32       (a) The State Board of Education shall provide or cause to be provided  
33 by school districts, or in some cases by other departments of state  
34 government, institutions, or through private facilities, all regular and  
35 special education, corrective, and supporting services required by children

1 with disabilities to the end that they shall receive the benefits of a free  
2 public education appropriate to their needs.

3 (b) Programs and services may be provided under this subchapter for  
4 children below school age who have serious disabling conditions which, if  
5 untreated, could become greatly compounded by school age."

6 (h) Arkansas Code Annotated § 6-41-206(a) is hereby amended to read as  
7 follows:

8 "(a)(1) The responsibility of school districts and the state to provide  
9 free public education for children with disabilities is not diminished by the  
10 availability of private schools and services.

11 (2) Whenever private schools and services are utilized, it  
12 continues to be the responsibility of the appropriate local school district  
13 and the State Board of Education to assure an appropriate quantity and quality  
14 of instructional and related services, to assure the protection of all other  
15 rights, and to ascertain that all children with disabilities receive the  
16 educational and related services and rights to which the law of this state  
17 entitles them."

18 (i) Arkansas Code Annotated § 6-41-207 is hereby amended to read as  
19 follows:

20 "6-41-207. Board's duties.

21 (a) The board is empowered to initiate, inspect, approve, and supervise  
22 a program of education for children with disabilities as defined in this  
23 subchapter.

24 (b) It is also designated as the agency for cooperation with the state  
25 and federal government, the approved treatment centers, institutions, and the  
26 local schools in carrying out the provisions of this subchapter.

27 (c) The board shall make the necessary rules and regulations in keeping  
28 with the provisions of this subchapter and shall employ the necessary  
29 personnel for the proper administration of this subchapter if funds are made  
30 available for this purpose.

31 (d) The board shall have authority to require reports as it deems  
32 advisable so long as the requirements are in keeping with this subchapter.

33 (e) The board, in compliance with federal enforcement requirements, is  
34 authorized to disallow the generation of all state aid to children with  
35 disabilities to any local school district or education service cooperative

1 which fails to comply with state and federal regulations as determined by  
2 independent hearing officers, agency hearing decisions, agency complaint  
3 investigation decisions, agency compliance monitoring reports, or agency  
4 jurisdictional decisions. The board is authorized to set aside funds  
5 disallowed under this subsection and to utilize such funds for the provision  
6 of a FAPE to appropriate children with disabilities.

7 (f) The board, in keeping with federal requirements, is designated as  
8 the agency having general education supervision over public agencies which  
9 provide educational services to children with disabilities as defined in this  
10 subchapter to ensure that each public agency complies with state and federal  
11 regulations pursuant to the education of children with disabilities."

12 (j) Arkansas Code Annotated § 6-41-209 is hereby amended to read as  
13 follows:

14 "6-41-209. Cooperation among state agencies. The State Board of  
15 Education is granted authority and is directed to cooperate with the  
16 Department of Human Services and with available treatment institutions and  
17 qualified individuals in order to provide diagnostic services to children with  
18 disabilities in need of such services."

19 (k) Arkansas Code Annotated § 6-41-210 is hereby amended to read as  
20 follows:

21 "6-41-210. Section for Education of Exceptional Children.

22 (a) There is established in the Department of Education a Special  
23 Education Section.

24 (b) The section shall be headed by an associate director who shall be  
25 qualified by education, training, and experience to take responsibility for,  
26 and give direction to, the programs of the Department of Education relating to  
27 children with disabilities.

28 (c) Implementation of this section shall be dependent upon funds being  
29 made available to the Department of Education for this purpose."

30 (l) Arkansas Code Annotated § 6-41-211 is hereby amended to read as  
31 follows:

32 "6-41-211. Advisory council.

33 (a) (1) There shall be an Advisory Council for the Education of Children  
34 with Disabilities which shall advise and consult with the Director of the  
35 General Education Division of the Department of Education and the Associate

1 Director of the Special Education Section and which shall engage in such other  
2 activities as are set forth in this section.

3           (2) The advisory council shall be advisory only and shall have no  
4 administrative responsibility or authority.

5           (b)(1) The advisory council shall be composed of nine (9) members who  
6 are not officers or employees of state agencies, and no more than four (4) of  
7 whom may be officers or employees of local school districts.

8           (2) The advisory council shall be composed of persons broadly  
9 representative of community organizations interested in children with  
10 disabilities, professions related to the educational needs of children with  
11 disabilities, and the general public.

12           (c)(1) The Director of the General Education Division of the Department  
13 of Education shall appoint the members of the advisory council for three-year  
14 terms.

15           (2) Appointees may be eligible for reappointment for one (1)  
16 term.

17           (d) Vacancies which leave unexpired terms shall be filled in the  
18 regular manner for the unexpired period of time, and vacancies as a result of  
19 expiration of terms shall be filled in the regular manner for three-year  
20 periods.

21           (e) The advisory council annually shall elect its own chairman and  
22 vice-chairman.

23           (f) The Associate Director of the Special Education Section of the  
24 Department of Education shall meet with and act as secretary to the advisory  
25 council and, within available personnel, facilities, and appropriations, shall  
26 furnish meeting facilities and staff services for the advisory council.

27           (g) The advisory council shall:

28               (1) Have an opportunity to comment on rules and regulations  
29 proposed for issuance pursuant to this subchapter;

30               (2) Consider any problems presented to it by the Director of the  
31 General Education Division of the Department of Education or the Associate  
32 Director of Special Education Section of the Department of Education and give  
33 advice thereon;

34               (3) Review required state plans prepared by the Special Education  
35 Section prior to their submission to duly constituted authorities;

1           (4) Make an annual report to the Governor, the General Assembly,  
2 the State Board of Education, and the Director of the General Education  
3 Division of the Department of Education.

4           (A) The report shall be made available to the news media in  
5 order that the general public may be advised with reference to the thinking of  
6 the advisory council regarding education for children with disabilities.

7           (B) Funds for the publication of the annual report of the  
8 advisory council shall be made available by the State Board of Education from  
9 its regular appropriations. Available federal or state funds may be used for  
10 this purpose."

11          (m) Arkansas Code Annotated § 6-41-212 is hereby amended to read as  
12 follows:

13          "6-41-212. Facilities.

14          (a) Physical aspects and specifications for buildings, classrooms, and  
15 other facilities for, or likely to be used by, children with disabilities  
16 shall be approved by the State Board of Education.

17          (b) The State Board of Education is required to review plans for public  
18 school construction or remodeling which is designed for children with  
19 disabilities to insure accessibility and usefulness for that purpose."

20          (n) Arkansas Code Annotated § 6-41-215(a) is hereby amended to read as  
21 follows:

22          "(a) Every school district shall test and examine, or cause to be  
23 tested and examined, each child it believes has disabilities."

24          (o) Arkansas Code Annotated § 6-41-217(a) is hereby amended to read as  
25 follows:

26          "(a) Before any action is taken with respect to the initial placement  
27 of a child with disabilities in a special education program, a full and  
28 individual evaluation of the child's educational needs must be conducted."

29          (p) Arkansas Code Annotated § 6-41-217(b)(2) is hereby amended to read  
30 as follows:

31          "(2) The term individual education plan means a written statement for  
32 each child with disabilities developed in any meeting by a representative of  
33 the local educational agency or an intermediate educational unit who shall be  
34 qualified to provide, or supervise the provision of, specially designed  
35 instruction to meet the unique needs of children with disabilities, the

1 teacher, the parents or guardian of the child, and, whenever appropriate, the  
2 child."

3 (q) Arkansas Code Annotated § 6-41-218(a) is hereby amended to read as  
4 follows:

5 " (a) Every public school district shall make and keep current a list of  
6 all children with disabilities tested and examined."

7 (r) Arkansas Code Annotated § 6-41-220 is hereby amended to read as  
8 follows:

9 "6-41-220. Equality in expenditure.

10 (a) (1) It is the responsibility of school districts to expend effort on  
11 behalf of the education of each child with disabilities equal to the effort  
12 expended on account of the education of each child who does not have a  
13 disability.

14 (2) Any additional effort necessary to provide supplemental aids  
15 and services shall be the ultimate responsibility of the state but shall, to  
16 the maximum extent practicable, be the responsibility of the local school  
17 districts.

18 (b) For purposes of determining the responsibility for expenditure of  
19 equal effort, the residence of a child with disabilities shall be deemed to be  
20 the school district in which the parent or legal guardian of the child  
21 resides. In the case of a child with disabilities whose parents do not reside  
22 in the same school district, the residence of the child shall be the district  
23 in which the parent having legal custody of the child resides.

24 (c) (1) Two (2) or more school districts may join together to establish  
25 special classes for children with disabilities.

26 (2) In such event, one (1) district shall be designated as the  
27 controlling agent and all reimbursement for the education of children with  
28 disabilities from the board shall be made to this district.

29 (3) Local revenues or tuition from other districts participating  
30 in the cooperative will be paid to the controlling district on an accepted  
31 prorated formula per child."

32 (s) Arkansas Code Annotated § 6-41-221 is hereby amended to read as  
33 follows:

34 "6-41-221. Receipt and disbursement of federal funds.

35 (a) (1) The board is designated as the state agency to receive and

1 disburse federal funds designed to improve educational opportunities provided  
2 for children with disabilities as defined in this subchapter.

3           (2) The funds shall not include moneys appropriated by the  
4 Congress which are designated specifically for use by other agencies,  
5 institutions, or treatment facilities for children with disabilities.

6           (b) The specific intention of this section is to provide that the board  
7 is designated as the state agency to receive and disburse federal and state  
8 funds made available to this state for education of children with  
9 disabilities, except as specifically provided for otherwise by the Congress of  
10 the United States or the General Assembly, and no other interpretation shall  
11 be given to it.

12           (c)(1) It is declared to be the intent of the General Assembly that of  
13 the state funds allocated and appropriated to the State Board of Education for  
14 children with disabilities, the State Board of Education is authorized to  
15 spend no more than two percent (2%) of the funds or appropriations, or both,  
16 for program costs necessary at the state level to implement the intent of this  
17 subchapter.

18           (2) The costs may include, but are not necessarily limited to,  
19 the programs or services benefiting children with disabilities such as  
20 consultative services, workshop expenses, institutional materials, council  
21 expenses, in-service programs, scholarships for teachers of children with  
22 disabilities and testing programs.

23           (d) The State Board of Education shall develop such plans and  
24 procedures as may be required in order to receive and disburse federal funds  
25 for children with disabilities."

26           (t) Arkansas Code Annotated § 6-41-223 is hereby amended to read as  
27 follows:

28           "6-41-223. Reports. Each school district shall report annually to the  
29 State Board of Education at a prescribed due date the extent to which it is at  
30 that time providing for the special education for children with disabilities  
31 necessary to implement the policy of this subchapter."

32

33           SECTION 15. Arkansas Code Annotated §§ 6-41-401 through 6-41-407 are  
34 hereby repealed.

35



1 SECTION 16. (a) Arkansas Code Annotated § 6-43-101(c) is hereby  
2 amended to read as follows:

3 "(c) (1) Members of the board appointed by the governor under the  
4 provisions of this section, in addition to possessing the qualifications of an  
5 elector, shall reside in the State of Arkansas.

6 (2) (A) The Governor, Attorney General, Secretary of State, State  
7 Auditor, State Treasurer, Commissioner of State Lands, Justices of the Supreme  
8 Court, and the directing head of any state department, state agency, or state  
9 institution shall be ineligible for membership on the board provided for in  
10 this section during the time for which he was elected or appointed.

11 (B) No individual may be a member of more than one (1) of  
12 the boards created under the provisions of this section and 25-17-201 at the  
13 same time."

14 (3) *There shall be at all times one (1) member of the board who*  
15 *is a deaf person who fluently utilizes deaf sign language.*

16 (b) Arkansas Code Annotated § 6-43-105(f) is hereby amended to read as  
17 follows:

18 "(f) It shall be the duty of county school boards or the boards'  
19 designees, school attendance officers, prosecuting attorneys, and any special  
20 attendance officers appointed by the schools for the deaf and blind, as well  
21 as all peace officers, to enforce the provisions of this section."

22 (c) Arkansas Code Annotated § 6-43-201 is hereby amended to read as  
23 follows:

24 "6-43-201. Board of trustees - Eligibility. The superintendent,  
25 general business manager, and teachers of the school shall not be eligible for  
26 the office of trustee for the school."

27 (d) Arkansas Code Annotated § 6-43-209 is hereby amended to read as  
28 follows:

29 "6-43-209. Steward.

30 (a) The general business manager, before entering upon the duties of  
31 his office, shall give bond to the state in penalty and with surety, to be  
32 approved by the trustees, conditioned for the faithful performance of his  
33 official duties. The bond is to be filed in the office of the Auditor of  
34 State.

35 (b) The general business manager shall discharge his various duties

1 under the direction of the superintendent, who shall examine all statements  
2 prepared by the general business manager, whether for past or contemplated  
3 expenditures, and the trustees shall receive no statement of expenditures from  
4 the general business manager unless the approval of the superintendent is  
5 endorsed thereon."

6 (e) Arkansas Code Annotated § 6-43-211 is hereby amended to read as  
7 follows:

8 "6-43-211. Qualifications of teachers. No teacher shall be employed in  
9 the school unless the teacher holds a current teacher's license issued by the  
10 State Board of Education."

11 (f) Arkansas Code Annotated § 6-43-214 is hereby amended to read as  
12 follows:

13 "6-43-214. Admissions.

14 (a) All blind persons of suitable character and capacity between the  
15 ages of three (3) and twenty-one (21) years, residing in the state, shall be  
16 entitled to the benefits of the school free of charge.

17 (b) Pupils from outside the state may be admitted to the privileges of  
18 the institution upon the payment of such sums as the board may consider  
19 sufficient to defray expenses.

20 (c) If, in the opinion of the board of trustees, any blind person above  
21 the age of twenty-one (21) years may be benefited by being received into the  
22 institution for a limited time to learn a trade or receive instruction, they  
23 may, by unanimous vote, and approval of the superintendent, admit such  
24 person."

25 (g) Arkansas Code Annotated § 6-43-222(b) is hereby amended to read as  
26 follows:

27 "(b)(1) The general business manager shall report to the board of  
28 trustees a detailed statement, under oath, of all the expenditures he may have  
29 made for the preceding three (3) months, to whom made, and for what purpose,  
30 to the truth of which he shall take and subscribe an oath.

31 (2) The report shall be accompanied with proper vouchers."

32 (h) Arkansas Code Annotated § 6-43-305 is hereby amended to read as  
33 follows:

34 "6-43-305. Teachers generally.

35 (a) The School for the Deaf is hereby authorized to pay employees hired

1 in the position of teacher for the sensory impaired for the yearly school term  
2 the maximum annual salary rate established for each position.

3 (b) Teachers for the sensory impaired shall be eligible for an  
4 additional step increase after being certified in teaching the vision or  
5 hearing impaired by the State Department of Education."

6 (i) Arkansas Code Annotate § 6-43-307 is hereby amended to read as  
7 follows:

8 "6-43-307. Limitations on salary increases. The salary of any person  
9 connected with this school shall be as determined by law."

10 (j) Arkansas Code Annotated §§ 6-43-312 through 6-43-314 are hereby  
11 repealed.

12

13 SECTION 17. Arkansas Code Annotated §§ 6-50-401 through 6-50-407 are  
14 hereby repealed.

15

16 SECTION 18. All provisions of this act of a general and permanent  
17 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
18 Code Revision Commission shall incorporate the same in the Code.

19

20 SECTION 19. If any provision of this act or the application thereof to  
21 any person or circumstance is held invalid, such invalidity shall not affect  
22 other provisions or applications of the act which can be given effect without  
23 the invalid provision or application, and to this end the provisions of this  
24 act are declared to be severable.

25

26 SECTION 20. All laws and parts of laws in conflict with this act are  
27 hereby repealed.

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*/s/Edward F. Thicksten, et al*

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