

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997

# A Bill

SENATE BILL 541

4  
5 By: Senator Todd

## For An Act To Be Entitled

9 "AN ACT TO REQUIRE THAT THE STATE DEPARTMENT OF EDUCATION  
10 SHALL REGULATE ALL INTERSCHOLASTIC EXTRACURRICULAR  
11 ACTIVITIES INCLUDING ATHLETICS IN PUBLIC SCHOOL DISTRICTS;  
12 AND FOR OTHER PURPOSES."

## Subtitle

15 "TO REQUIRE THE DEPARTMENT OF EDUCATION  
16 TO REGULATE ALL INTERSCHOLASTIC  
17 EXTRACURRICULAR ACTIVITIES INCLUDING  
18 ATHLETICS IN PUBLIC SCHOOL DISTRICTS."

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

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22 SECTION 1. (a) The State Department of Education shall regulate all  
23 interscholastic extracurricular activities, including athletics, in the local  
24 school districts.

25 (b) The State Department of Education is authorized to contract for all  
26 or part of the services necessary for such regulation with private agencies,  
27 including nonprofit corporations or associations, provided the following  
28 conditions are met:

29 (1) The financial records of the private agency, or nonprofit  
30 corporation or association, shall be subject to audit by the Legislative Audit  
31 Division of the Legislative Joint Auditing Committee;

32 (2) Employees of the private agency, or nonprofit corporation or  
33 association, shall be subject to the Uniform Classification and Compensation  
34 Act, §§ 21-5-201 et seq.;

35 (3) The membership of the board of directors of the private  
36 agency, or nonprofit corporation or association, shall have a ratio where one

1 (1) member represents no more than twenty-five participating schools and shall  
 2 include at least three (3) members who are female and at least three (3)  
 3 members who represent racial or ethnic minorities.

4 (c) Private schools may voluntarily submit to regulation by the State  
 5 Department of Education or the department's agent for purposes of  
 6 participating in interscholastic activities, including athletics, with local  
 7 school districts.

8 (d)(1) Any decision by the State Department of Education or the  
 9 department's agent concerning conference alignment, player eligibility, or  
 10 team eligibility to participate in interscholastic activities shall be subject  
 11 to appeal to the State Board of Education.

12 (2) An appeal to the board may be made pursuant to the  
 13 Administrative Procedure Act, §§ 25-15-201 et seq.

14 (3) The board may designate a person or persons to hear any  
 15 appeal.

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 17 SECTION 2. Arkansas Code Annotated § 6-18-204(d), pertaining to  
 18 students attending school part-time in another school district, is amended to  
 19 read as follows:

20 "(d) Eligibility for participation in inter-school activities by any  
 21 such student shall be in accordance with regulations of the ~~Arkansas~~  
 22 ~~Activities Association~~ State Department of Education or its agent for  
 23 determining such eligibility."

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 25 SECTION 3. Arkansas Code Annotated § 24-7-202(8)(A), pertaining to the  
 26 Arkansas Teacher Retirement System, is amended to read as follows:

27 "(8) Employment with a school means, beginning July 1, 1993:

28 (A) Employment with any of the following institutions or  
 29 agencies:

30 (i) Arkansas School for the Blind;

31 (ii) Arkansas School for the Deaf;

32 (iii) ~~Arkansas Activities Association~~ A private agency, or  
 33 nonprofit corporation or association, under contract with the State Department  
 34 of Education to provide services necessary for regulation of all  
 35 interscholastic activities, including athletics, in local school districts;

36 (iv) A local school board;

- 1 (v) Chief county school officers;  
 2 (vi) The State Board of Education;  
 3 (vii) Regional education cooperatives;  
 4 (viii) The State Surplus Property Program; and  
 5 (ix) The Arkansas Teacher Retirement System;"  
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7 SECTION 4. Arkansas Code Annotated § 24-2-302(3) is amended to read as  
 8 follows:

9 "(3) The following persons shall be members of the Arkansas Teacher  
 10 Retirement System:

11 (A) Any person employed by a school for the purpose of giving  
 12 instruction and whose employment requires state certification;

13 (B) Any other person employed by a school in a regular or special  
 14 position, but specifically excluding employment as a janitor, bus driver, or  
 15 cafeteria worker;

16 (C) Any person employed by any of the following organizations or  
 17 agencies, except janitors, bus drivers, and cafeteria workers:

18 (i) Arkansas School for the Blind;

19 (ii) Arkansas School for the Deaf;

20 (iii) ~~Arkansas Activities Association~~ A private agency, or  
 21 nonprofit corporation or association, under contract with the State Department  
 22 of Education to provide services for regulation of all interscholastic  
 23 activities, including athletics, in local school districts;

24 (iv) A local school board;

25 (v) Chief county school officers;

26 (vi) State Board of Education;

27 (vii) Regional educational cooperatives;

28 (viii) The state surplus property program; and

29 (ix) Arkansas Teacher Retirement System;

30 (D) Any person employed in a position requiring professional  
 31 training or certification with an area vocational-technical school or employed  
 32 by the Arkansas Educational Television Commission, except that employees of  
 33 area vocational-technical schools and the Vocational and Technical Education  
 34 Division of the Department of Education who have elected to participate in an  
 35 alternate retirement plan established by §§ 24-7-901 - 24-7-908 shall be  
 36 active members of the alternate retirement plan;

1 (E)(i) Any person employed in a position requiring professional  
 2 training or certification with the Arkansas Rehabilitation Services of the  
 3 Department of Human Services, the Division of State Services, or the Division  
 4 of Youth Services of the Department of Human Services except those employees  
 5 who have elected coverage under §§ 24-3-101 - 24-3-105, 24-3-201 - 24-3-214,  
 6 24-3-301 - 24-3-303, 24-3-401 - 24-3-414, and 24-3-416 [repealed].

7 (ii) Membership of employees of the Arkansas Rehabilitation  
 8 Services and the Division of State Services for the Blind of the Department of  
 9 Human Services shall be subject to the following conditions:

10 (a) Those employees who were employed before January  
 11 1, 1985, and who were members of the Arkansas Teacher Retirement System on  
 12 that date shall continue to be members of the Arkansas Teacher Retirement  
 13 System, except that in the event the time limit for those employees to change  
 14 to the noncontributory plan of the Arkansas Public Employees' Retirement  
 15 System under § 24-3-214 is extended beyond January 1, 1985, those employees  
 16 shall have the maximum time allowed by law to elect to make the change.

17 (b) Those employees who were employed before January  
 18 1, 1985, and are members of the noncontributory plan of the Arkansas Public  
 19 Employees' Retirement System on that date shall continue to be members of the  
 20 Arkansas Public Employees' Retirement System.

21 (c) Persons whose initial employment by either the  
 22 Arkansas Rehabilitation Services or the Division of State Services for the  
 23 Blind of the Department of Human Services is on or after January 1, 1985,  
 24 shall be members of the noncontributory plan of the Arkansas Public Employees'  
 25 Retirement System."

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27 SECTION 5. Arkansas Code Annotated § 21-5-203(2), pertaining to the  
 28 uniform classification and compensation of affected state employees, is  
 29 amended to read as follows:

30 "(2) State agencies means all agencies, authorities, departments,  
 31 boards, commissions, bureaus, councils, or other agencies of the state  
 32 supported by appropriation of state or federal funds, including any private  
 33 agency, or nonprofit corporation or association, under contract with the State  
 34 Department of Education to provide services for regulation of all  
 35 interscholastic activities, including athletics, in local school districts,  
 36 except those agencies excluded pursuant to § 21-5-204;"

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SECTION 6. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 7. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 8. All laws and parts of laws in conflict with this act are hereby repealed.