

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: S2/27/03 S3/13/03 S4/7/03

A Bill

SENATE BILL 317

5 By: Senators Miller, Laverty, Glover, J. Jeffress, Critcher, G. Jeffress, Wilkins, J. Bookout, T. Smith,
6 Wilkinson
7 By: Representatives Weaver, Milligan, Oglesby, L. Evans, Hickinbotham, Gipson, Scrimshire, L. Prater,
8 Mack, Bennett, Adams, Stovall, J. Taylor, Boyd, Norton, House, Gillespie, Jackson, Seawel, Scroggin,
9 Dickinson, Jeffrey, Sullivan, Thomason, Pate, Edwards, P. Bookout
10
11

For An Act To Be Entitled

12 AN ACT PERTAINING TO STATE SCHOOL STANDARDS; TO
13 PROVIDE FOR AN ADEQUATE AND EFFICIENT EDUCATION
14 IN ARKANSAS SCHOOLS; AND FOR OTHER PURPOSES.
15
16

Subtitle

17 AN ACT PERTAINING TO STATE SCHOOL
18 STANDARDS; TO PROVIDE FOR AN ADEQUATE
19 AND EFFICIENT EDUCATION IN ARKANSAS
20 SCHOOLS.
21
22
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
25

26 SECTION 1. Arkansas Code § 6-13-101 is repealed.

27 ~~6-13-101. Only one kind of school district.~~

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

31 ~~(b) All school districts which may be hereafter created shall be the~~
32 ~~same kind, with the same prerogatives, powers, duties, and privileges as~~
33 ~~provided by law.~~
34

35 SECTION 2. Arkansas Code § 6-13-102 is amended to read as follows:

36 6-13-102. Body corporate - Name. [Effective July 1, 2,000.]



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1 (a) Each school district in the state shall be a body corporate, may
 2 contract and be contracted with, and may sue and be sued in its corporate
 3 name, which shall be the name ~~it now has unless changed~~ established by the
 4 State Board of Education on July 1, 2004, unless changed by the state board.

5 (b) The state board in naming school districts shall name them,
 6 " School District No. of County", or "
 7 Regional School District of County", giving each district a name
 8 and showing the name of the county in which situated, and if it has territory
 9 in more than one (1) county, then the name of the county that is the domicile
 10 of the district.

11 (c) A certificate showing the name authenticated by the state board
 12 shall be filed with the county clerk of the county or of each county in which
 13 there is any territory of the district and ~~by him~~ inscribed in a book kept ~~by~~
 14 ~~him~~ for that purpose.

15 (d) All school districts shall have the right to acquire and hold real
 16 estate and all other classes of property.

17
 18 SECTION 3. Arkansas Code § 6-13-106 is amended to read as follows:

19 6-13-106. ~~Districts where no high school is maintained~~ High schools.

20 (a) Any school district in this state ~~wherein~~ in which a high school
 21 ~~facilities are~~ is not maintained may contract with another school district
 22 for the furnishing of high school facilities for the pupils of that district
 23 upon such terms and conditions as ~~to the respective board of directors~~ State
 24 Board of Education may ~~appear~~ find reasonable and proper.

25 (b) These districts are authorized to pay, for the facilities, and the
 26 tuition of such pupils out of ~~the school fund apportioned to the districts~~
 27 ~~from the Public School Fund of the State of Arkansas~~ any combination of
 28 nonrestricted federal, state, and local funds.

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

31
 32 SECTION 4. Arkansas Code Title 6, Chapter 13, Subchapter 1 is amended
 33 to add additional sections to read as follows:

34 6-13-111. Classes of school districts.

35 (a) There shall be three (3) classes of school districts in this
 36 state, and each shall have the prerogatives, powers, duties, and privileges

1 as provided by law.

2 (1) Unified school districts.

3 (A) As of January 1, 2004, any school district that
4 existed in this state before that date and which demonstrates to the State
5 Board of Education that it is capable of meeting the accreditation standards,
6 contained in this act, facilities, and meets the teachers' salary
7 requirements that are adopted by the legislature by July 1, 2004, shall
8 continue to exist as a school district offering all courses and curricula
9 through the twelfth (12th) grade.

10 (B) As of January 1, 2004, any school district not capable
11 of meeting the accreditation, facility, and teacher salary requirements of
12 this act may combine with other school districts and may continue to exist
13 providing the resulting district can demonstrate to the State Board of
14 Education that it can meet those accreditation, facility, and teacher salary
15 requirements by July 1, 2004.

16 (2) Regional school districts.

17 (A) As of January 1, 2004, any school district that
18 existed in this state before that date and which cannot demonstrate to the
19 State Board of Education that it is capable of meeting the accreditation
20 standards contained in this act and meet the facility and teachers' salary
21 requirements, shall cease to exist, and shall be combined with other school
22 districts to become a regional school district.

23 (B)(i) The State Board of Education shall determine the
24 boundaries of the new regional school districts, which are created from those
25 school districts that do not qualify to remain a school district or isolated
26 school district under the provisions of this section.

27 (ii) In determining the boundaries of the regional
28 school districts, the State Board of Education need not abide by either
29 county boundaries or the boundaries of school districts. This includes the
30 possibility that a school district might have to be consolidated or annexed
31 with another school district of another county.

32 (iii) In determining the boundaries of the regional
33 school districts, the State Board of Education shall bear in mind the
34 demographics of the school districts in a manner as to not promote or foster
35 racial segregation of the public education system in Arkansas.

36 (C) Regional school districts shall provide all courses

1 and curricula through the twelfth grade.

2 (3) Isolated school districts. As of January 1, 2004, any
3 school district that existed in this state before that date and which meets
4 the qualifications to obtain an isolated status as listed under § 6-20-601
5 and which demonstrates to the State Board of Education that it can meet the
6 accreditation and facility standards contained in this act and meet the
7 requirements of teachers salaries of this act, by July 1, 2004 shall continue
8 to exist as an isolated school district with the rights, privileges, and
9 funding appropriated by the legislature.

10 (b) All school districts that are created shall have the same
11 prerogatives, powers, duties, and privileges as provided by law.

12 (c) Wherever the term "school district" appears in the Arkansas Code,
13 the term shall apply to all classes of school districts, unless the context
14 would demand otherwise.

15 (d) The State Board of Education shall have complete and final
16 authority over the organization and boundaries of school districts.

17
18 6-13-112. Elementary, middle, and junior high schools.

19 (a) On July 1, 2004, all elementary, middle, and junior high schools
20 that offer courses and curricula through eighth grade in existence at that
21 time shall remain in existence.

22 (b) After July 1, 2004, the State Board of Education may determine the
23 need for and location of new elementary, middle, or junior high schools to be
24 located in school districts upon petition of the school board of the school
25 district.

26
27 6-13-113. Closure of schools.

28 (a) After implementation of this act, the State Board of Education may
29 close any school due to continued poor performance by students as defined in
30 the Arkansas Comprehensive Testing, Assessment, and Accountability Program,
31 or failure to meet accreditation or facility standards and teacher salary
32 requirements.

33 (b) Recommendations of school district boards of directors and school
34 superintendents shall be considered in any deliberations of the State Board
35 of Education.

36 (c) No school shall be closed if it has an expenditure per student at

1 or below the state millage expenditure per student and has a student
2 performance score that is equal to or above the state average score or
3 nationally-normed achievement tests.

4
5 SECTION 5. Arkansas Code Title 6, Chapter 13, Subchapter 6 is amended
6 to add an additional sections to read as follows:

7 6-13-635. School district board of directors – Length of terms and
8 vacancy in office.

9 (a)(1) In cases where directors have entered the services of the armed
10 forces of the United States, temporary vacancies on the boards are declared
11 to exist until the end of the terms of the members or until their return to
12 civilian life in the district if their return occurs before the expiration of
13 their elected terms.

14 (2) These vacancies shall be filled in the manner prescribed by
15 law, except that appointments of the successors shall be conditional upon the
16 return of the members to resume their normal civilian activities in the
17 district. Upon return, they may resume their duties as directors for their
18 unexpired terms by written notice to the secretaries of their respective
19 school boards.

20 (3) Directors appointed under this subsection (a) shall take the
21 required oath of office and conform in all respects to legal provisions
22 regarding directors.

23 (4) It shall be the duty of the secretary of the school board to
24 notify the county clerk in which the school district is domiciled of the
25 appointments within five (5) days after the appointment if made by the local
26 board. This notice shall state the name of the person whom the appointee is
27 succeeding and the expiration date of the term of office.

28 (5) Directors serving in the armed forces shall be eligible for
29 reelection in the usual manner prescribed by law. If reelected, the
30 procedure for filling the temporary vacancies provided under this subsection
31 (a) shall be again followed in the appointment of the successor to the
32 absentee, and all other provisions of this section shall prevail.

33 (6) If there is a majority of the directors left after the
34 absences mentioned in this section, the majority may act without notice to
35 those so absent as fully and as effectively as if all directors were present.

36 (7) If there is more than a majority remaining after the

1 absences, notice must be given for a reasonable length of time before the
2 meeting to directors not so absent of the time, place, and purpose of a
3 meeting of the board, unless the meeting is a regular and not a special or
4 called meeting.

5 (b) If a member of the board of directors of a school district no
6 longer resides in the school district, a vacancy shall exist and the vacancy
7 shall be filled as provided by this section.

8
9 6-13-636. School district boards of directors – Training and
10 instruction.

11 (a)(1)(A) Effective July 1, 2003, all members of a school district
12 board of directors elected for an initial or noncontinuous term of office
13 shall obtain a minimum of six (6) hours of training and instruction
14 including, but not limited to, the school laws of Arkansas and the laws,
15 rules, and regulations governing the powers, duties, and responsibilities of
16 school boards, improvement of student achievement, academic and fiscal
17 accountability, student assessment, school finance, and ethics by January 1,
18 2004.

19 (B) Beginning January 1, 2004, and each year thereafter,
20 in addition to the six (6) hours training requirement, these new members of a
21 school district board of directors shall also comply with all other training
22 requirements contained in this section, for a total of fifteen (15) hours of
23 training obtained between the time of their election and the end of their
24 first full calendar year of office, and nine (9) hours each year thereafter.

25 (C) Beginning January 1, 2004, and every year thereafter,
26 all existing and reelected board members shall obtain a minimum of nine (9)
27 hours training and instruction including, but not limited to, the school laws
28 of Arkansas and the laws, rules, and regulations governing the powers,
29 duties, and responsibilities of school boards, improvement of student
30 achievement, academic and fiscal accountability, student assessment, school
31 finance, and ethics by December 31 of each calendar year.

32 (D) Hours of training and instruction obtained in excess
33 of the minimum requirements may cumulate and be carried over from year to
34 year.

35 (2)(A) This instruction may be received from an institution of
36 higher learning in this state, from instruction sponsored by the Department

1 of Education, or by an inservice training program conducted by the Arkansas
2 School Boards Association or some other provider.

3 (B) Any instruction not provided by the Department of
4 Education shall be preapproved as to form and content by the Department of
5 Education.

6 (3) Any school board member completing a course of instruction
7 shall receive a certification of completion, and a copy shall be entered in
8 the minutes of the local school board on which he or she serves.

9 (4) If any member of a school district board of directors fails
10 to obtain required training by the end of the calendar year, and fails to
11 cure the deficiency by March 1 of the following calendar year and no time
12 extension request having been filed, as determined by the records of the
13 Department of Education, a vacancy shall exist on the board of directors by
14 operation of law from the date of receipt of notification by the
15 superintendent. The Department of Education shall immediately notify the
16 superintendent by certified mail, return receipt requested, with a copy to
17 the board president, of the existence of a vacancy on the board of directors,
18 and the resulting vacancy may be filled in accordance with the law.

19 (5)(A) If any member or members of a school district board of
20 directors fails to obtain all required training by the end of the calendar
21 year, the failure shall constitute one (1) citation against the district as
22 measured by the Standards of Accreditation of Arkansas Public Schools.

23 (B) If a member of a school district board of directors is
24 unable to obtain required training because of military service of the member
25 or illness of the member verified by a written sworn statement of the
26 member's attending physician, the Department of Education shall grant a time
27 extension permitting the member additional time to obtain required training.

28 (C) The issuance of a time extension shall not constitute
29 a citation against the district as measured by the Standards for
30 Accreditation of Arkansas Public Schools and shall not operate to remove a
31 member of a school district board of directors from office.

32 (b) Local school district boards of directors are authorized to pay
33 per diem and other necessary expenses from funds belonging to the school
34 district and to reimburse school board directors for expenses incurred in
35 attending inservice workshops, conferences, and other courses of training and
36 instruction required in completing the hours of instruction as required in

1 subsection (a) of this section or other instruction as authorized and
2 approved by the school district board of directors.

3 (c)(1) The State Board of Education shall modify the Standards of
4 Accreditation for Arkansas Public Schools as required by this section, and it
5 shall be the responsibility of the Department of Education to receive and
6 maintain records of instructional hours obtained by members of school
7 district boards of directors.

8 (2) The State Board of Education may promulgate rules and
9 regulations consistent with the provisions and intent of this section.

10
11 SECTION 6. Arkansas Code § 6-13-1002 is amended to read as follows:

12 6-13-1002. Education service cooperatives established - Functions.

13 (a) The State Board of Education is authorized to ~~establish~~ continue a
14 statewide system of not more than fifteen (15) multi-county education service
15 cooperatives of school districts. Such cooperatives shall be intermediate
16 service units in the state's elementary and secondary education system and as
17 such shall be eligible to receive and expend funds from state and federal
18 governments, school districts, and other public or private sources.

19 (b) Education service cooperatives established by this subchapter will
20 provide to school districts which choose to use them assistance in:

21 (1) Meeting or exceeding accreditation standards and equalizing
22 educational opportunities;

23 (2) Using educational resources more effectively through
24 cooperation among school districts; and

25 (3) Promoting coordination between school districts and the
26 Department of Education in order to provide services which are consistent
27 with the needs identified by school districts and the educational priorities
28 of the state as established by the General Assembly or the board.

29 (c) Education service cooperatives established by this subchapter
30 shall support and implement state initiatives and programs as designated by
31 the State Board of Education.

32
33 SECTION 7. Arkansas Code § 6-13-1010 is amended to read as follows:

34 6-13-1010. Director.

35 (a) Each education service cooperative shall be administered by a
36 director who shall perform the following duties:

1 (1) Administer the programs and services of the education
2 service cooperative;

3 (2) Recommend the employment of professional and nonprofessional
4 personnel authorized by the education service cooperative's governing body;

5 (3) Prepare the budget for adoption by the education service
6 cooperative's governing body;

7 (4) Direct expenditures of funds within the budget; ~~and~~

8 (5) Supply any and all information and reports requested by the
9 Director of the Department of Education in a timely manner; and

10 ~~(5)(6)~~ Perform other duties as required by the education service
11 cooperative's governing body and the policies, rules, and regulations of the
12 State Board of Education.

13 (b) The director of each education service cooperative shall:

14 (1) Hold an administrator's certificate and meet all
15 requirements to serve as a superintendent of schools in the State of
16 Arkansas; or

17 (2) Have an equivalent level of education and administrative
18 experience and obtain the approval of the board.

19 (c) The governing body of any education service cooperative may enter
20 into a contract with a director for a period not to exceed three (3) years.

21 (d)(1) If the Director of the Department of Education determines that
22 any director of an education service cooperative fails to fulfill any of the
23 provisions of this subchapter, a written report of such finding shall be
24 submitted to the cooperative's board of directors.

25 (2) The State Board of Education, using the same procedures as
26 afforded other licensed personnel, may revoke, suspend, or place on probation
27 the professional license of the director of the cooperative for failing to
28 fulfill any provisions of this subchapter.

29
30 SECTION 8. Arkansas Code § 6-13-1012 is amended to read as follows:
31 6-13-1012. Agency personnel.

32 ~~(a) With the approval of an education service cooperative's governing~~
33 ~~body, the~~ The directors in the Department of Education may assign state
34 educational agency personnel to ~~that~~ education service cooperative, assuming
35 that there is space and monetary support available.

36 (b) In cases of disagreement, the Director of the Department of

1 Education and the education service cooperative's governing body will meet to
2 discuss the merits and concerns of the assignment.

3 (c) If agreement is not reached by these discussions, the State Board
4 of Education shall make the final decision.

5
6 SECTION 9. Arkansas Code § 6-13-1017 is amended to read as follows:

7 6-13-1017. Programs and services.

8 (a) The primary programs and services of each education service
9 cooperative shall be based upon the needs of the school districts included in
10 its service area ~~and upon the educational priorities of the state.~~ Priority
11 will be given to programs that relate to the educational priorities of the
12 state as established by the State Board of Education.

13 (b) Each education service cooperative shall provide a teacher center
14 as its basic curriculum and staff development capability.

15 (c) Education service cooperatives may provide shared educational
16 programs and services such as needs assessment and school improvement
17 planning, staff development, curriculum development, itinerant teachers,
18 instructional materials, adult and vocational education, programs for gifted
19 and talented, education for children with disabilities, alternative
20 educational programs, secondary area vocational centers, community-based
21 education programs and other services which the State Board of Education may
22 approve or which school districts may support with local funds.

23
24 SECTION 10. Arkansas Code § 6-13-1019 is amended to read as follows:

25 6-13-1019. Funding of cooperatives.

26 (a) The state shall provide funds to support the basic structure of
27 the education service cooperatives established under the provisions of this
28 subchapter.

29 (b) This structure shall include:

30 (1) Salaries and fringe benefits for a director, a teacher
31 center coordinator, and support staff;

32 (2) Costs such as travel, utilities, rent, equipment, and
33 supplies;

34 (3) Funds to support staff and curriculum development
35 activities; and

36 (4) Funds in an annual amount not to exceed twenty-five thousand

1 dollars (\$25,000) for the travel expenses of itinerant personnel employed by
2 the education service cooperative to serve the part-time needs of local
3 districts.

4 (c) School districts may contract with their education service
5 cooperative for services and part-time personnel to be supported in whole or
6 in part by local funds, but no school district shall be assessed a membership
7 fee.

8 (d) Categorical state or federal funds may also be assigned to any
9 education service cooperative ~~upon approval of its governing body and~~ under
10 conditions set by the State Board of Education.

11 (1) In cases of disagreement, the Director of the Department of
12 Education and the education service cooperative's governing body will meet to
13 discuss the merits and concerns of the fund assignments.

14 (2) If agreement is not reached by these discussions, the State
15 Board of Education shall make the final decision.

16 (e) As a public agency, each education service cooperative shall be
17 eligible to receive and expend public and private funds.

18
19 SECTION 11. Arkansas Code § 6-13-1021 is amended to read as follows:
20 6-13-1021. Evaluations.

21 (a) Within each five-year period, on a schedule established by the
22 Director of the Department of General Education, all active education service
23 cooperatives must be visited by an evaluation committee of not more than nine
24 (9) persons. The Director of the Department of Education may assemble such
25 committee at times other than that reflected by the established schedule.

26 (b) Each evaluation shall include, but not be limited to, an
27 investigation of user satisfaction, service adequacy, extent of local
28 financial support, staff qualifications, ~~and~~ performance and administration
29 effectiveness, and support and implementation of state initiatives as
30 designated by the State Board of Education.

31 (c)(1) The report of this committee shall be filed with the
32 cooperative visited, with its constituent school districts, and with the
33 State Board of Education.

34 (2) The board shall acknowledge receipt of the report and
35 comment on any deficiencies identified in the report which should be
36 corrected for the cooperative to remain eligible for base funding.

1 (d) The intent of this evaluation procedure is to provide a means for
2 school districts to express their concerns about the operation of their
3 cooperative and to ensure that each education service cooperative remains
4 alert and responsive to the needs of the local schools it serves, and to
5 ensure that state initiatives as designated by the State Board of Education
6 are supported and implemented.

7 (e)(1) For each evaluation, the director shall appoint the committee
8 and designate its chairperson.

9 (2) The committee shall include the following from outside the
10 boundary of the education service cooperative being evaluated:

11 (A) A Department of Education staff member;

12 (B) A teacher;

13 (C) An administrator;

14 (D) A college staff member; and

15 (E) A present or former staff member of an area education
16 service agency.

17 (3) In addition, the committee shall include from within the
18 cooperative's area:

19 (A) A member of the school district board of directors;

20 (B) A representative of business and industry; and

21 (C) A school parent from each of two (2) school districts.

22 (4) Each cooperative shall pay the reasonable costs of its
23 evaluation.

24
25 SECTION 12. Arkansas Code § 6-13-1022 is amended to read as follows:

26 6-13-1022. Dissolution of cooperative.

27 (a) ~~After 1990, the~~ The State Board of Education shall be authorized
28 to dissolve any education service cooperative upon the request of a majority
29 of its school district boards of directors or upon the recommendation of the
30 evaluation committee provided for in § 6-13-1021.

31 (b) A dissolved education service cooperative's area shall be assigned
32 to one (1) or more adjacent education service cooperatives, the provisions of
33 § 6-13-1003 notwithstanding, with the dissolved cooperative's base funding
34 apportioned to all remaining education service cooperatives in the state.

35
36 SECTION 13. Arkansas Code § 6-13-1406 is amended to read as follows:

1 6-13-1406. Board of Directors – Term – Election.

2 (a)(1) Unless the board of directors of the affected district or
3 districts and the board of directors of the receiving district or districts
4 agree otherwise, the board of directors of the receiving district or
5 districts after annexation shall be the same board of directors of the
6 receiving district prior to the annexation until the next regular school
7 election.

8 (2) The boards of directors of the affected districts may by
9 agreement establish a new board of directors other than the current board of
10 directors of the receiving district composed of not fewer than five (5) nor
11 more than seven (7) directors except for those school districts allowed to do
12 otherwise pursuant to § 6-13-604.

13 (3) The board of directors of the receiving district created by
14 agreement shall be elected ~~from single member zones of substantially equal~~
15 ~~population based upon the most recent census information and from which~~
16 ~~racial minorities may be represented on the board in proportions reflected in~~
17 ~~the district as a whole~~ in compliance with the Federal Voting Rights Act and
18 the Fourteenth Amendment to the United States Constitution.

19 (b)(1) Unless the boards of directors of the affected districts agree
20 otherwise, the board of directors of the resulting district after
21 consolidation shall be composed of seven (7) members until the next regular
22 school election.

23 (2) The boards of directors of the affected districts may by
24 agreement establish a board of directors of the resulting district composed
25 of not fewer than five (5) nor more than seven (7) directors except for those
26 school districts allowed to do otherwise pursuant to § 6-13-604.

27 (3) The board of directors of the resulting district shall be
28 elected ~~from single member zones of substantially equal population based upon~~
29 ~~the most recent census information and from which racial minorities may be~~
30 ~~represented on the board in proportions reflected in the district as a whole,~~
31 in compliance with the Federal Voting Rights Act and the Fourteenth Amendment
32 to the United States Constitution.

33 (c) The length of the term of each member of the board of directors
34 after annexation or consolidation shall be for a time period as allowed by
35 law.

36 (d) At the first meeting of a new board after annexation or

1 consolidation, the members shall determine their terms by lot so that no more
2 than two (2) members' terms expire during any one (1) year.

3 (e) Any vacancy on the board shall be filled in the manner provided
4 for by law.

5 (f) The establishment of a board of directors with an even number of
6 members following annexation or consolidation is hereby prohibited.

7
8 SECTION 14. Arkansas Code Title 6, Chapter 13, is amended to add the
9 following new section:

10 6-13-1410. Achievement Plan Task Force – Establishment.

11 The State Board of Education shall establish a task force to research
12 and adopt a plan to close the achievement gap for minority and disadvantaged
13 students. The State Board of Education shall have the authority to
14 promulgate rules and regulations for this section.

15
16 SECTION 15. Arkansas Code Title 6, Chapter 13, is amended to add the
17 following new subchapter:

18 6-13-1701. Parent advisory council – Establishment.

19 Each school shall establish a parent advisory council based on the
20 following principles:

21 (1) A student's education is a responsibility shared by the school and
22 family during the entire time that he or she spends in school;

23 (2) Schools and parents must work as knowledgeable partners in order
24 to support the goal of the schools to educate all students effectively;

25 (3) Parents are integral components of a school's ability to provide
26 for the educational success of students, although parents and students are
27 diverse in culture, language, and needs;

28 (4) The engagement of parents is essential to improve student
29 achievement; and

30 (5) Schools should foster a safe and secure environment that supports
31 active parental involvement.

32
33 6-13-1702. Parent Advisory Council – Membership.

34 (a)(1) The Parent Advisory Council shall consist of the school
35 principal and no fewer than six (6) parents or legal guardians, or both,
36 representative of the grade levels, race, gender, and socioeconomic status of

1 the school's population.

2 (2) No parent or legal guardian representative on the parent
3 advisory council may be an employee of that school.

4 (b) Each school shall establish policies regarding individual member's
5 length of service on the council and filling vacancies.

6 (c) Membership on the council shall be by nomination from the school
7 principal and that school's organized parent group.

8 (d) The school district board of directors will confirm nominations.

9
10 6-13-1703. Parent Advisory Council – Meetings.

11 The Parent Advisory Council shall meet at least quarterly during the
12 school year.

13
14 6-13-1704. Parent Advisory Council – Roles and responsibilities.

15 (a) The Parent Advisory Council shall recognize the principal as the
16 chief academic and operational officer of the school.

17 (b) The Parent Advisory Council shall:

18 (1) Annually review the school improvement plan including the
19 disaggregation of achievement data from each tested grade or course in the
20 school as well as the performance of the various student subgroups;

21 (2) Annually review the school's report card including the
22 narrative of yearly progress based on current state and federal requirements;

23 (3) Make recommendations encouraging regular, two-way meaningful
24 communication with parents and legal guardians, such as publishing the
25 school's process for resolving parental concerns, including whom to approach
26 first and how to develop solutions;

27 (4) Make recommendations regarding the school's parental
28 involvement program, including activities such as sponsoring seminars to
29 inform parents and legal guardians of high school students about how to be
30 involved in the decisions affecting course selection, career planning, and
31 preparation for postsecondary opportunities, as well as other activities to
32 promote parent participation;

33 (5) Provide input into the development of parental involvement
34 activities as required in the school improvement plan;

35 (6)(A) Make recommendations regarding appropriate professional
36 development activities to be included as part of the required professional

1 development for teachers and administrators.

2 (B) These professional activities shall enhance the
3 understanding of effective parent involvement; and

4 (7) Make recommendations regarding the school's collaboration
5 with community organizations for the purpose of enhancing student
6 achievement.

7
8 6-13-1705. Parent Advisory Council – School roles and
9 responsibilities.

10 (a)(1) With input from the Parent Advisory Council, each school shall
11 develop a written parent involvement policy to encourage parents and legal
12 guardians to participate as full partners in the decisions that affect his or
13 her child and family.

14 (2) The policy shall be distributed to all parents and guardians
15 of students in that school.

16 (b)(1) Each school shall annually disseminate through multi-media an
17 explanation of the appropriate state and federal accreditation standards,
18 curriculum standards, and assessment and accountability requirements.

19 (2) The school shall also report how the school complies with
20 those established standards and requirements.

21
22 6-13-1706. Parent Advisory Council – Monitoring.

23 The organization of the Parent Advisory Council and its required
24 activities shall be monitored by the Department of Education during the
25 official scheduled compliance review of the school.

26
27 SECTION 16. Arkansas Code Title 6, Chapter 13, is amended to add an
28 additional subchapter to read as follows:

29 6-13-1801. Definitions:

30 For purposes of this subchapter:

31 (1) "Annexation" and "annexed" means the joining of an affected school
32 district or part thereof with a receiving district;

33 (2) "Consolidation" and "consolidate" means the joining of two (2) or
34 more school districts or parts thereof to create a new single school
35 district;

36 (3) "Minority" means black or African American, Hispanic American,

1 American Indian or Native American, Asian, and Pacific Islander, or other
2 ethnic group underrepresented in a school;

3 (4)(A) "Individual school" means a public elementary or secondary
4 educational institution that is under the administrative control of a
5 principal or head teacher.

6 (B) "Individual school" does not include any school that is:

7 (i) Exclusively a preschool program; or

8 (ii) An instructional program operated in a correctional
9 facility; and

10 (5) "Teacher" means:

11 (A) An individual who is required to hold a teaching license
12 from the Department of Education and who is engaged directly in instruction
13 with students in a classroom setting for more than seventy percent (70%) of
14 the individual's contracted time;

15 (B) A guidance counselor; or

16 (C) A librarian.

17
18 6-13-1802. Compliance.

19 (a) The Department of Education shall review pertinent information
20 from every school district annually to ensure that the district and schools
21 are in compliance with current standards for accreditation and report their
22 findings to the State Board of Education.

23 (b) The State Board of Education shall notify any school district that
24 fails to meet accreditation and facilities standards or teacher salary
25 requirements in any given year. A district shall be in compliance with all
26 standards in the following school year.

27 (c) The State Board of Education shall have authority to impose
28 actions against those school districts not in compliance during the second
29 school year to bring those districts into compliance. This can include:

30 (1) Removal of the superintendent and the local school board;

31 (2) Assignment of a task force to evaluate the deficiencies of
32 the district and assist the district in enacting corrections measures.

33 (A) The task force shall work under the authority of the
34 director.

35 (B) The task force shall include representatives from the
36 Department of Education, teachers, administrators from other districts, and

1 other stakeholders such as community leaders and business interests; or
2 (3) Consolidating, annexing, merging, or detaching part of the
3 school district with one (1) or more school districts or the dissolution of
4 the school district into multiple school districts.

5
6 SECTION 17. Arkansas Code Title 6, Chapter 15, is amended to add an
7 additional subchapter to read as follows:

8 6-15-1502. Failure to meet standards.

9 (a) The State Board of Education may reorganize any school district
10 that fails to meet the accreditation and facilities standards or teacher
11 salary requirements as determined by the Department of Education and the
12 Arkansas General Assembly.

13 (b)(1) The board shall have complete authority to reorganize a school
14 district under subsection (a) of this section in any manner that the board
15 determines is necessary.

16 (2) To reorganize a school district the board may consolidate,
17 annex, merge, or detach part of the school district with one (1) or more
18 other school districts or the dissolution of the school district into
19 multiple school districts.

20 (c) If a school district fails to meet accreditation and facilities
21 standards or teacher salary requirements in any two (2) consecutive years,
22 the Director of the Department of Education shall immediately take action to
23 correct the situation, which may include, but not be limited to, removal of
24 the superintendent or school board as provided in these provisions.

25
26 SECTION 18. Arkansas Code Title 6, Chapter 15, is amended to add an
27 additional new subchapter to read as follows:

28 6-15-1601. Title. This subchapter shall be known and may be cited as
29 the "Administrative Accountability Law".

30
31 6-15-1602. Purpose.

32 The purpose of this subchapter shall be to assist the State Board of
33 Education and the Department of Education to provide substantially equal
34 educational opportunities to all students.

35
36 6-15-1603. Rules and regulations-State Board of Education.

1 (a)(1) By July 1, 2004, the State Board of Education shall promulgate
2 rules and regulations to establish and implement a program for identifying,
3 evaluating, and addressing actions or violations by a school superintendent
4 that jeopardize the fiscal or academic integrity of a school or school
5 district under § 6-17-410.

6 (2) Actions or violations by a school superintendent that
7 jeopardize the fiscal or academic integrity of a school or school district
8 may include, but are not limited to, violations of Arkansas or federal law,
9 rules and regulations, and reporting requirements.

10 (b)(1) By July 1, 2004, the State Board of Education shall promulgate
11 rules and regulations to establish and implement a program for identifying,
12 evaluating, and addressing actions or violations by a school board director
13 that jeopardize the fiscal or academic integrity of a school or school
14 district.

15 (2) Actions or violations by a school board director that
16 jeopardize the fiscal or academic integrity of a school or school district
17 may include, but are not limited to, violations of Arkansas or federal law,
18 rules and regulations and reporting requirements.

19 (c) If the Department of Education determines that any school
20 superintendent or school board director has committed an action or violation
21 that may jeopardize the fiscal or academic integrity of a school or school
22 district, a written notice of the board's finding shall be submitted in
23 writing via certified mail to that individual and the school district board
24 of directors.

25
26 6-15-1604. Due process to superintendents and education cooperative
27 directors.

28 (a) Superintendents or education service cooperative directors shall
29 be employed by written contract for a period of time of not more than three
30 (3) years on terms and conditions negotiated by the superintendent or
31 education service cooperative director and the school board or education
32 service cooperative board, subject, however, to the laws and statutes of the
33 State of Arkansas.

34 (b) Notwithstanding any terms and conditions of any contract with a
35 superintendent or the Education Service Cooperative Director, the
36 superintendent or the Education Service Cooperative Director may be suspended

1 or terminated by the recommendation of the Director of the Department of
2 Education to the State Board of Education for gross misconduct contrary to
3 the laws and statutes of the State of Arkansas applicable to the management
4 and operation of public schools, for conduct jeopardizing the fiscal or
5 academic status of the district, and gross incompetence or failure to act to
6 preserve the safety of students and others.

7 (c) Notice of suspension or termination recommendation. The director
8 shall notify the superintendent or education service cooperative director of
9 suspension or the termination recommendation as follows:

10 (1) The notice shall include a statement of the grounds for the
11 recommendation of the suspension or termination, setting forth the grounds in
12 separately numbered paragraphs so that the superintendent or education
13 service cooperative director can prepare a defense; and

14 (2) The notice shall be delivered in person to the
15 superintendent or education service cooperative director, or sent by
16 registered or certified mail, to the superintendent at the superintendent's
17 residence address, or education service cooperative director at the
18 director's residence address, as reflected in their contracts.

19 (d) Suspension or termination.

20 (1) Whenever the Director of the Department of Education has
21 reason to believe that cause exists for the suspension or termination of the
22 superintendent or education service cooperative director and that immediate
23 suspension of the superintendent or education service cooperative director is
24 necessary, the director may suspend the superintendent or education service
25 cooperative director without notice or a hearing.

26 (2) The director shall notify the superintendent or the
27 education service cooperative director in writing within two (2) school days
28 of the suspension.

29 (3) The written notice shall include a statement of the grounds
30 for suspension or recommended termination, setting forth the grounds in
31 separately numbered paragraphs so that the superintendent or the education
32 service cooperative director can prepare a defense.

33 (4) The written notice shall be delivered in person to the
34 superintendent or the education service cooperative director, or sent by
35 registered or certified mail, to the superintendent at the superintendent's
36 residence address or to the education service cooperative director at the

1 director's residence address as reflected in the superintendents' or
2 director's contract and shall state that a hearing before the State Board of
3 Education is available to the superintendent or the education service
4 cooperative director upon request, provided that the request is made in
5 writing within thirty (30) days.

6 (e) Hearing.

7 (1) A superintendent or education service cooperative director
8 who receives a notice of recommended termination or non-renewal may file a
9 written request with the State Board of Education for a hearing.

10 (2) Written request for a hearing shall be sent by certified or
11 registered mail to the President, Vice President, or Secretary of the State
12 Board of Education, with a copy to the director, or may be delivered in
13 person by the superintendent or the education service cooperative director,
14 the President, Vice President, or Secretary of the State Board of Education,
15 with a copy to the director, within thirty (30) calendar days after the
16 written notice of proposed termination or suspension is received by the
17 superintendent or the education service cooperative director.

18 (3) The hearing shall be scheduled by the President, Vice
19 President, or Secretary of the State Board of Education and the
20 superintendent, or the education service cooperative director, and shall be
21 held within thirty (30) days after a request for the hearing is received by
22 the board.

23 (4) If sufficient grounds for termination or suspension are not
24 found, the superintendent or the education service cooperative director shall
25 be reinstated without loss of compensation.

26 (5) Upon receipt of a request for a hearing, the board shall
27 grant a hearing in accordance with the following provisions:

28 (A) The hearing shall take place at a time agreed upon in
29 writing by the parties, but if no time can be agreed upon, then the hearing
30 shall be held no fewer than thirty (30) days after the written request has
31 been received by the board;

32 (B) The hearing shall be private unless the superintendent
33 or the education service cooperative director shall request that the hearing
34 be public;

35 (C) The superintendent or the education service
36 cooperative director and the board may be represented by representatives of

1 their choosing;

2 (D) A full record of the proceedings at the hearing shall
3 be made and preserved. The board shall make and preserve at its own expense
4 a record of the hearing and shall furnish a transcript to the superintendent
5 or the education service cooperative director without cost; and

6 (E) The board shall not consider at the hearing any new
7 reasons which were not specified in the notices provided pursuant to this
8 subchapter.

9 (f) Board action on termination or suspension - Appeal.

10 (1) In upholding the recommendation of the director to terminate
11 or suspend the superintendent's or the education service cooperative
12 director's contract, the board may:

13 (A) Reject or modify the director's recommendation to
14 terminate or suspend the superintendent's or the education service
15 cooperative director's contract; or

16 (B) Vote to continue the contract of the superintendent or
17 the education service cooperative director under such restrictions,
18 limitations, or assurances as the board may deem to be in the best interest
19 of the school district.

20 (2) The decision shall be reached by the board within ten (10)
21 days from the date of the hearing, and a copy shall be furnished in writing
22 to the superintendent or the education service cooperative director involved,
23 either by personally delivering it to the superintendent or the education
24 service cooperative director or by addressing it to the superintendent or
25 education service cooperative director by registered or certified mail.

26 (3) The exclusive remedy for any superintendent or education
27 service cooperative director aggrieved by the decision made by the board
28 shall be an appeal there from to the circuit court of the county in which the
29 school district is located, within seventy-five (75) days of the date of
30 written notice of the action of the board. Additionally, testimony and
31 evidence may be introduced on appeal to show facts and circumstances showing
32 that the termination or suspension was lawful or unlawful.

33 (4) The salary of a superintendent or the education service
34 cooperative director shall cease as of the date the board sustains the
35 recommendation of termination or any appeal of the board's decision is
36 finally adjudicated, whichever is later.

1
2 SECTION 19. Arkansas Code Title 6, Chapter 16, is amended to add an
3 additional subchapter to read as follows:

4 6-16-1101. The following Arkansas Standards of Accreditation for
5 Arkansas Public Schools shall be codified in law to become requirements of
6 school districts to continue to exist after January 1, 2004.

7 (a) All school districts' policies and actions shall be
8 nondiscriminatory and shall be in compliance with state and federal laws.

9 (b) Each school district in Arkansas shall be required to develop,
10 with appropriate staff and community participation, a five-year educational
11 plan. School district goals shall be compatible with state and national
12 educational goals and shall address local needs. The plan shall be filed with
13 and reviewed by the Department of Education annually.

14 (c) Each school district shall provide each school year a written
15 report to the public detailing progress toward accomplishing program goals,
16 accreditation standards, and proposals to correct deficiencies.

17 (d) Each school board shall adopt written policies for the operation
18 of the school district in accordance with guidelines established by the
19 Department of Education.

20 (e) Each school shall maintain all reports and records necessary for
21 effective planning, operation, and education.

22 (f) The administrators, teachers, other school staff, and parents of
23 each school shall develop an annual school improvement plan to monitor that
24 school's progress and to project its continuing needs. The annual school
25 improvement plan shall be filed with and reviewed by the Department of
26 Education.

27 (g) Each school shall review in-depth each curriculum area at least
28 every five (5) years.

29 (h) Each accredited school shall use these curriculum frameworks to
30 plan instruction leading to student demonstration of the Arkansas content
31 standards.

32 (i) The core curriculum for grades K-8 shall encompass all types of
33 developmentally appropriate learning experiences and provide for differences
34 in rates of learning among children. It shall emphasize reasoning and problem
35 solving, communicating, connecting (linking knowledge, skills, and other
36 understandings within and across disciplines to real-life situations), and

1 internalizing (acting on the learning to make it meaningful, useful, and
2 worthwhile). Mastery of core concepts and abilities in the following areas is
3 to be emphasized.
4 GRADES K-4
5 Language Arts
6 Reading
7 Writing
8 Listening, Speaking, Viewing
9
10 Mathematics
11 Number sense, properties, and operations
12 Measurement
13 Geometry and spatial sense
14 Data analysis and statistics
15 Algebra and functions
16
17 Social Studies
18 History and culture of Arkansas (a unit at each grade level with emphasis at
19 grade 4), the nation, and the world (including foreign language experiences)
20 Geography
21 Economics
22 Civic education
23
24 Science
25 Life science
26 Earth and space science
27 Physical sciences (physics and chemistry)
28 Environmental education
29
30 Tools for Learning
31 Technical skills: research and information skills, use of computers and
32 calculators
33 Data gathering: use of data banks, atlases, dictionaries, almanacs, networks,
34 news sources, and interviews
35
36 Fine Arts

- 1 Visual arts instruction, appreciation, and application
- 2 Performing arts instruction, appreciation, and application
- 3 (40 minutes of art or music must be taught each week)
- 4
- 5 Practical Living Skills/Career Exploration
- 6
- 7 Health and Safety Education and Physical Education
- 8 (60 minutes of physical activity must be provided each week)
- 9
- 10 GRADES 5-8
- 11
- 12 Language Arts
- 13 Reading
- 14 Writing
- 15 Listening, Speaking, Viewing
- 16
- 17 Mathematics
- 18 Number sense, properties, and operations
- 19 Measurement
- 20 Geometry and spatial sense
- 21 Data analysis and statistics
- 22 Algebra and functions
- 23
- 24 Science
- 25 Life science
- 26 Earth and space science
- 27 Physical sciences (physics and chemistry)
- 28 Environmental education
- 29
- 30 Social Studies
- 31 History and culture of Arkansas (a unit at grades 5 and 6, with emphasis at
- 32 grade 5), the nation, and the world (including foreign language experiences)
- 33 Geography
- 34 Economics
- 35 Civic education
- 36

1 Physical Education (60 minutes of physical activity must be provided each
2 week)

3
4 Fine Arts

5 Visual arts instruction, appreciation, and application

6 Performing arts instruction, appreciation, and application

7
8 Health and Safety

9
10 Tools for Learning

11 Technical skills: research and information skills, use of computers and
12 calculators

13 Data gathering: use of data banks, atlases, dictionaries, almanacs, networks,
14 news sources, and interviews

15
16 Career and Technical Education

17
18 A unit of Arkansas history shall be taught as a social studies subject at
19 each elementary grade level in every public elementary school in this state
20 with greater emphasis at the fourth (4th) and fifth (5th) grade levels, and
21 at least one (1) full semester of Arkansas history shall be taught to all
22 students at the 7th, 8th, 9th, 10th, 11th, or 12th grade level in every
23 public secondary school in this state.

24
25 GRADES 9-12

26 The following courses shall be taught by an accredited high school. Total:
27 43 units.

28
29 Language Arts - 6 units

30 4 units English

31 1 unit oral communications or ½ unit oral communications and ½ unit drama
32 *1 unit journalism

33 Advanced Placement English or concurrent credit

34 (Other options as approved by the Department of Education)

35
36 Science - 6 units

- 1 1 unit biology
2 *1 unit chemistry
3 *1 unit physics
4 Advanced Placement English or concurrent credit
5 (Other options as approved by the Department of Education)
6 All science units must provide hands-on laboratory experience for students a
7 minimum of 20% of instructional time.
8
9 Mathematics - 6 units
10 1 unit Algebra I
11 1 unit geometry
12 *1 unit Algebra II
13 *1 unit pre-calculus mathematics to include trigonometry
14 Advanced Placement English or concurrent credit
15 (Other options as approved by the Department of Education)
16
17 Foreign Languages - 2 units of the same language
18
19 Fine Arts - 3 ½ units
20 1 unit art
21 1 unit instrumental music
22 1 unit vocal music
23 *½ unit survey of fine arts or an advanced art or music course
24
25 Computer Applications with emphasis on current applications - 2 unit
26 (to include word processing, spreadsheets, databases, graphics, and
27 telecommunications)
28
29 Social Studies - 4 units
30 1 unit American history each year with emphasis on 20th Century America
31 1 unit world history
32 ½ unit civics/government
33 ½ unit of Arkansas history if not taught in grades 7 or 8
34 (Other options as approved by the Department of Education)
35
36 Health and Safety Education and Physical Education - 1½ units

1 1 unit physical education

2 ½ unit health and safety education

3

4 Career and Technical Education - 12 units

5

6 (j) A minimum of three (4) programs of study selected from three (3)
7 different occupational/technical programs offered annually

8 (k) Student-teacher interaction time shall be for a minimum of 178
9 days, except as waived by the Department of Education for professional
10 development.

11 (l) All public school teacher/administrator contracts (elementary,
12 secondary, vocational-- exception vocational agriculture) shall be a minimum
13 of 185 days.

14 (m) At least thirty (30) hours shall be used for professional
15 development and in-service training and at least two (2) days shall be used
16 for parent/teacher conferences.

17 (o) The planned instructional time in each school day shall not
18 average less than six (6) hours per day or thirty (30) hours per week.

19 (p) Kindergarten shall be no more than twenty (20) students to one (1)
20 teacher in a classroom. However, kindergarten class maximum may be no more
21 than twenty-two (22) with a one-half time instructional aide being employed
22 for those classes.

23 (q) The average student/teacher ratio for grades one through three in
24 a school district shall be no more than twenty-three (23) students per
25 teacher in a classroom. There shall be no more than twenty-five (25) students
26 per teacher in any classroom.

27 (r) The average student/teacher ratio for grades four through six in a
28 school district shall be no more than twenty-five (25) students per teacher
29 in a classroom, and shall be no more than twenty-eight (28) students per
30 teacher in any classroom.

31 (s) In grades seven through twelve, a teacher shall not be assigned
32 more than one hundred fifty (150) students; and an individual academic class
33 shall not exceed thirty (30) students, provided that, in exceptional cases or
34 for courses that lend themselves to large group instruction, these ratios may
35 be increased.

36 (t) Each school district shall adopt written discipline policies

1 consistent with those guidelines that include a code of student behavior.

2 (u) Each district's written discipline policies shall be filed with
3 the Department of Education.

4 (v) Local districts and individual schools shall involve parents,
5 staff, and students in the formulation and review of their student discipline
6 policies, rules, and procedures.

7 (w) Schools shall inform students and parents of the rules and
8 procedures by which the school is governed. Schools shall make the students
9 aware of the behavior that will call for disciplinary action, as well as the
10 types of corrective actions that may be imposed.

11 (x) Students and parents shall acknowledge that they have received and
12 understand the school's discipline policies by a signed statement. The school
13 shall document procedures and methods used to inform parents and students of
14 the policy.

15 (y) Teachers and administrators, classified school employees, and
16 volunteers shall be provided with appropriate student discipline training.

17 (z) Each school district must provide a full-day kindergarten for each
18 child age five (5) on or before September 15. A parent or guardian shall sign
19 a waiver if they elect not to enroll a child in kindergarten at age five (5).
20 Any six-year-old child who has not completed a state accredited kindergarten
21 program prior to public school enrollment shall be evaluated by the school
22 district to determine whether placement for the child shall be in
23 kindergarten or the first grade.

24 (aa) Schools shall be responsible for assessing each student's
25 progress at each grade level in acquiring mastery of the competencies,
26 skills, and other subjects required by law and Arkansas Comprehensive
27 Testing, Assessment, and Accountability Program (ACTAAP) regulations.
28 Assessment data may include performance assessments, competency test scores,
29 standardized test scores, subject matter mastery test scores, and
30 observations of teachers and parent(s) or guardian(s).

31 (bb) Grades assigned to students for performance in a course shall
32 reflect only the extent to which a student has achieved the expressed
33 academic objectives of the course. Grades that reflect other educational
34 objectives such as the student learning expectations contained in the
35 curriculum frameworks may also be given. The state uniform grading scale
36 shall be used in grades 7-12.

1 (cc) Students with special needs shall have equal access to programs
2 that meet the criteria for their identified Individualized Education Program
3 and shall receive services in the least restrictive environment that meets
4 their needs.

5 (dd) At least a total of twenty-two (22) units earned in grades nine
6 through twelve shall be required for high school graduation. Only one (1) of
7 these units may be in physical education.

8 (ee) A unit of credit shall be defined as the credit given for a
9 course which meets for a minimum of 120 clock hours. A minimum average six-
10 hour day or minimum average thirty (30)-hour week is required.

11 (ff) Twenty-two (22) units of credit will be required for graduation.
12 These requirements include the following:

13 1. COMMON CORE -- Sixteen (16) units

14 English-- four (4) units

15 Oral Communications -- one-half (1/2) unit

16 Social Studies -- three (3) units

17 (one (1) unit of world history, one (1) unit of U. S. history, one-half (2)
18 unit of civics or government)

19 Mathematics -- three (3) units

20 (one (1) unit of algebra or its equivalent* and one (1) unit of geometry or
21 its equivalent.* All math units must build on the base of algebra and
22 geometry knowledge and skills.)

23 Science-- three (3) units

24 (at least one (1) unit of biology or its equivalent and one (1) unit of a
25 physical science)

26 Physical Education -- one-half (1/2) unit

27 Health and Safety -- one-half (1/2) unit

28 Fine Arts -- one-half (1/2) unit

29 One (1) unit computer application

30 *A two-year algebra equivalent or a two-year geometry equivalent may be
31 counted as two units of the three-unit requirement.

32 (gg) Local school districts may require additional units for
33 graduation beyond the fifteen (15) common core units. These may be in
34 academic and/or technical areas. All the common core, career focus, and
35 elective units must total at least twenty-two (22) units to graduate.

36 (hh) Each school shall employ at least a half-time principal. A full-

1 time principal shall be employed when a school's enrollment reaches three
2 hundred (300). A school district superintendent may be permitted to serve as
3 a half-time principal (when district enrollment is less than 300) providing
4 the superintendent is appropriately certified and is not already teaching
5 classes. Schools with an enrollment exceeding five hundred (500) shall
6 employ at least one full-time principal and a half-time assistant principal,
7 instructional supervisor, or curriculum specialist.

8 (kk) All administrative, teaching, and other personnel shall, where
9 required by law and rules and regulations, hold a current Arkansas teaching
10 license.

11 (ll) Each school district shall develop and implement a plan for
12 professional development and in-service training based on local educational
13 needs and state educational goals. The plan shall provide education and
14 training for school board members, school and district administrators,
15 teachers, and support staff on a continuing and regular basis throughout the
16 school year. Teachers shall be involved in the development of the plan for
17 their own in-service education. All programs for professional development and
18 in-service training shall be evaluated by the participants in each program.

19 (mm) Each school district shall have flexibility in establishing plans
20 for professional development and in-service training, provided the plans meet
21 standards for inservice education as developed by the Department of
22 Education. A minimum of thirty (30) hours of professional development is
23 required for teachers and administrators annually.

24 (nn) Support services shall be designed to be comprehensive and
25 integral to the process of schooling and the development of all students.
26 Each school district for each school building site shall develop and
27 implement a written plan, as set forth in current laws and regulations. The
28 plans shall be based upon the needs identified by parents, teachers,
29 principals, students, and other agencies with which the school district
30 works. Further, the plan shall be incorporated into the comprehensive school
31 improvement plan for each site.

32 (oo) Each school shall provide a developmentally appropriate guidance
33 program to aid students in educational, personal/social, and career
34 development.

35 (pp) Each school shall provide supportive personnel and appropriate
36 facilities to ensure effective counseling to meet individual needs of

1 students.

2 (qq) Each school shall assign appropriate certified counselor staff
3 with the district being required to maintain an overall ratio of one (1) to
4 four hundred fifty (450).

5 (rr) Sufficient resources shall be budgeted and spent yearly for
6 purchasing and maintaining an appropriate, current collection.

7 (ss) The changing role of the library media center shall support
8 technology as a tool for learning. Each school with less than three hundred
9 (300) students enrolled shall employ at least a half-time certified library
10 media specialist. A school with three hundred (300) or more students enrolled
11 shall employ a full-time certified library media specialist. Schools
12 enrolling fifteen hundred (1,500) or more students shall employ two full-time
13 certified library media specialists. For districts with enrollment less than
14 five hundred (500), a full-time library media specialist may serve the
15 district. The library media specialist(s) shall ensure that access to records
16 and resource data bases shall be available to students. The media
17 specialist(s) shall assist students in the development and use of research
18 skills.

19 (tt) Each school district shall have a health services program under
20 the direction of a licensed nurse. The program shall include screening,
21 referral, and follow-up procedures for all students.

22 (uu) Health services shall include but not be limited to: (1) Students
23 with special health care needs, including chronically ill, medically fragile,
24 and technology dependent, and students with other health impairments shall
25 have an Individualized Health Care Plan. (2) Invasive medical procedures
26 required by students and provided at school shall be performed by trained,
27 licensed personnel who are licensed to perform the task, and the regular
28 classroom teacher shall not perform these tasks. (3) Custodial health care
29 services required by students under an Individualized Healthcare Plan shall
30 be provided by trained school employees other than the regular classroom
31 teachers.

32 (vv) Special education programs and special schools shall be
33 accredited in accordance with applicable laws and rules and regulations
34 adopted by the State Board of Education.

35 (ww) Each school district shall develop procedures to identify gifted
36 and talented students in accordance with guidelines established by the

1 Department of Education.

2 (xx) Each school district shall provide educational opportunities for
3 students identified as gifted and talented appropriate to their ability.

4 (yy) Each school district shall provide opportunities for qualified
5 students to enroll in courses at institutions of higher education.

6 (zz) Each school district shall provide appropriate alternative
7 program(s) for students who are identified as requiring such programs to
8 continue their education.

9 (aaa) Each room shall be furnished with equipment and instructional
10 materials necessary to provide the environment and working conditions
11 appropriate for subjects or activities assigned.

12 (bbb) In reference to required class size and ratios, the ADE will
13 review evidence submitted to determine unexpected population shifts, which
14 could result in removal of probation for the violation of these standards.

15
16 6-16-1103. Facilities and equipment.

17 (a) School facilities shall be planned and constructed in accordance
18 with the laws of the State of Arkansas and the regulations of the Arkansas
19 Department of Health, the office of the State Fire Marshall, and the
20 Department of Education.

21 (b) Each room shall be furnished with equipment and instructional
22 materials necessary to provide the environment and working conditions
23 appropriate for subjects or activities assigned.

24 (c) Each school district must meet all facility and equipment
25 standards as defined by the General Assembly based on the adequacy and
26 facilities studies.

27 (d) Facility and equipment improvements may be achieved through
28 agreements or partnerships with public or private entities.

29
30 SECTION 20. Arkansas Code Title 6, Chapter 17, Subchapter 2, is
31 amended to add an additional section to read as follows:

32 6-17-209. Reduction in Force – Layoffs.

33 (a) For purposes of this section the following definitions shall
34 apply:

35 (1) "Certification area" means grade levels or subject area for
36 which the state provides a license to teach;

1 (2) "Classified employee" means a non-supervisory employee
2 holding a position who is not required by law to hold a license issued by the
3 State Board of Education and whose salary is on a support or classified
4 salary schedule;

5 (3) "Consolidation" means any reorganization of a school
6 district effective on or before July 1, 2004, either voluntarily under
7 Arkansas Code Title 6, Chapter 13, Subchapter 14 or involuntary under this
8 act of 2003;

9 (4) "Grade level" means:

10 (A) Pre-kindergarten;

11 (B) Elementary, which consists of kindergarten through
12 grades five (5) or six (6);

13 (C) Middle or junior high, which consists of grades six
14 (6) or seven (7) through grades eight (8) or nine (9); or

15 (D) Senior high, which consists of grades nine (9) through
16 twelve (12);

17 (5) "New school district" means the resulting school district
18 after consolidation;

19 (6) "Seniority" means the total number of years of employment as
20 a teacher or as a classified employee in Arkansas public elementary and
21 secondary schools. For purposes of this section:

22 (A) Teachers may not count service as classified employees
23 towards seniority; and

24 (B) A semester under contract shall be counted as a year.
25 Less than a semester shall not be recognized for seniority;

26 (7) "Supervisory employee" means any individual employed by the
27 school district having authority, in the interest of the employer, to hire,
28 transfer, suspend, layoff, recall, promote, discharge, assign, reward or
29 discipline other employees, the responsibility to evaluate them, or to adjust
30 their grievances or effectively to recommend such action; and

31 (8) "Teacher" means a non-supervisory employee holding a
32 position that requires a license from the State Board of Education whose
33 salary is determined by the teacher salary schedule as required under § 6-17-
34 1001.

35 (b)(1) In the event of a consolidation effective on or before July 1,
36 2004, including the creation of regional school districts, the school

1 districts to be consolidated shall not implement a reduction in force and
2 shall not non-renew or terminate any teacher's or classified employee's
3 contract based upon the upcoming consolidation.

4 (2) The new school district shall become liable for all teacher
5 and classified employee contracts of the school districts being consolidated.

6 (c)(1) If during the first two (2) years following a consolidation,
7 effective on or before July 1, 2004, the new school district determines that
8 it is necessary to reduce its staff of teachers or classified employees, or
9 both, and that the reduction cannot be accomplished through attrition, then
10 the new school district shall follow the provisions of this section.

11 (2) However, nothing in this section shall exempt a new school
12 district from complying with the Arkansas Teacher Fair Dismissal Act, § 6-17-
13 1501, et seq., as may be amended, or the Public School Employee Fair Hearing
14 Act, § 6-17-1707, et seq., as may be amended, when implementing the reduction
15 in force.

16 (d) For both teachers and classified employees, the reduction in force
17 shall be accomplished through attrition as much as possible.

18 (e) When a new school district determines that a reduction in force is
19 necessary, it shall approve a list of position reductions by school, grade
20 level, certification areas, and classified job positions. All employees
21 shall receive a copy of the necessary reductions.

22 (f)(1) If the reduction in force cannot be accomplished through
23 attrition, then points will be assigned to each teacher based upon data as of
24 July 1 of the year prior to the time in which the reduction in force is to
25 take place as follows:

26 (A) One (1) point shall be given for each year of
27 seniority;

28 (B) Additional points for graduate degrees, but only one
29 (1) applies:

30 (i) Two (2) points shall be given for an earned
31 master's degree, maximum two (2) points;

32 (ii) Three (3) points shall be given for a master's
33 degree plus thirty (30) additional graduate level hours, maximum three (3)
34 points;

35 (iii) Four (4) points shall be given for an
36 educational specialist degree, maximum four (4) points; and

1 (iv) Five (5) points shall be given for a doctorate
2 degree, maximum five (5) points;

3 (C) Six (6) points shall be given for certification by the
4 National Board of Professional Teaching Standards;

5 (D) One (1) point shall be given for a trained mentor
6 teacher;

7 (E) One (1) point shall be given for a certified Praxis
8 assessor;

9 (F) One (1) point shall be given for two (2) or more
10 academic content areas of endorsement as identified by the State Board of
11 Education;

12 (G) One (1) point shall be given for certification or
13 teaching in a State Board of Education approved shortage area; and

14 (H) One (1) point shall be given for multiple areas and
15 levels of licensure as identified by the State Board of Education.

16 (2) All points assigned shall be verified by documents on file
17 with the new school district. Each teacher's points shall be added, and
18 teachers shall be ranked by the total points from high to low in their
19 certification areas. All teachers in the new school district shall receive
20 the listing of personnel and point totals.

21 (3) In each certification area, those with fewest points will be
22 laid off first with the following provisos:

23 (A) Full certification in a position shall prevail over
24 greater points.

25 (B) If points are equal, earliest date of employment in an
26 Arkansas public school shall prevail.

27 (4) If teachers are laid off from employment under this section,
28 they shall be offered an opportunity to fill a vacancy for which they are
29 qualified, for a period of up to two (2) years. The laid off teacher shall
30 be recalled for a period of two (2) years in reverse order of the lay-off to
31 any position for which they are qualified. A teacher's refusal of a position
32 shall end the district's obligation to place the laid-off teacher.

33 (g) In the event of a necessary reduction in force under this section
34 of classified employees, the school district shall supply all classified
35 employees a list of employees by length of service. The school district
36 shall first layoff probationary classified employees, then the classified

1 employees with the least seniority in the identified job classification. For
2 two (2) years following the reduction, classified employees whose positions
3 have been eliminated due to a reduction under this section shall have the
4 right to assume a position for which they are qualified that is held by the
5 least senior classified employee with the same job classification and length
6 of contract. Laid off classified employees shall be recalled for a period of
7 two (2) years in reverse order of the layoff to any position for which they
8 are qualified. Any classified employee's refusal of a job shall end the
9 district's obligation to place that classified employee.

10 (h) Laid off teachers or classified employees with skills in the area
11 of a vacant position shall be given first consideration. If more than one
12 (1) teacher or classified employee is qualified for the vacant position, the
13 teacher with the greatest seniority shall be employed first.

14 (i) The provisions of this section shall expire on July 1, 2006, with
15 the exception of the recall provisions in subdivisions (f)(4), (g), and (h)
16 of this section.

17
18 SECTION 21. Arkansas Code Title 6, Chapter 17, is amended to read as
19 follows:

20 6-17-1001. Minimum base salary - Master's degree.

21 ~~(a) The board of directors in each school district in the state shall~~
22 ~~pay their teachers upon a salary schedule which has annual increments for~~
23 ~~education and experience and which provides for a base salary, a minimum~~
24 ~~salary for a teacher with a master's degree, and at least fifteen (15) years~~
25 ~~10 of experience as described in this section.~~

26 ~~(b) In school year 2000-2001 and in each school year thereafter, no~~
27 ~~school district shall pay its teachers with a bachelor's degree and no~~
28 ~~experience less than twenty one thousand eight hundred sixty dollars~~
29 ~~(\$21,860).~~

30 ~~(c) In school year 2000-2001 and in each school year thereafter, school~~
31 ~~districts shall pay teachers with a master's degree and no experience at~~
32 ~~least one hundred fifteen percent (115%) of the minimum base salary~~
33 ~~prescribed in subsection (b) of this section.~~

34 ~~(d) In school year 2001-2002 and in each school year thereafter, school~~
35 ~~districts shall pay a teacher with a master's degree and at least fifteen~~
36 ~~(15) years of experience one hundred fifty percent (150%) of the state~~

~~minimum base salary.~~

~~(e)(1) In school year 1995-1996 and in each school year thereafter, each school district in the state shall have in place a salary schedule which provides at least fourteen (14) annual increments for experience.~~

~~(2) In school year 2001-2002 and in each school year thereafter, each school district in the state shall have in place a salary schedule which provides at least fifteen (15) annual increments for experience.~~

~~(3) In school year 2001-2002 and in each school year thereafter, each school district in the state shall have in place a salary schedule with at least the following minimum levels of compensation:~~

Years Experience	BA Degree Salary	MA Degree Salary
0	\$21,860	\$25,139
1	22,304	25,649
2	22,748	26,159
3	23,192	26,669
4	23,636	27,179
5	24,080	27,689
6	24,524	28,199
7	24,968	28,709
8	25,412	29,219
9	25,856	29,729
10	26,300	30,239
11	26,744	30,749
12	27,188	31,259
13	27,632	31,769
14	28,076	32,279
15 or more	28,520	32,789

~~(f) For the 1997-98 school year and for each year thereafter, each school district shall provide no less than four hundred dollar increments for experience for teachers with one (1) and two (2) years of experience.~~

~~(g) For the 1998-1999 school year and for each year thereafter, each school district shall provide no less than four hundred dollar increments for experience for teachers with three (3) and four (4) years of experience.~~

~~(h) For the 1999-2000 school year and for each year thereafter, each school district shall provide no less than four hundred dollar increments for~~

1 ~~experience for teachers with five (5) and six (6) years of experience.~~

2 ~~(i) For the 2000-2001 school year and for each year thereafter, each~~
3 ~~school district shall provide no less than four hundred dollar increments for~~
4 ~~experience for teachers with seven (7) and eight (8) years of experience.~~

5 ~~(j) For the 2001-2002 school year and for each year thereafter, each~~
6 ~~school district shall provide no less than four hundred dollar increments for~~
7 ~~experience for teachers with nine (9) and ten (10) years of experience.~~

8 ~~(k) For the 2002-2003 school year and for each year thereafter, each~~
9 ~~school district shall provide no less than four hundred dollar increments for~~
10 ~~experience for teachers with eleven (11) and twelve (12) years of experience.~~

11 ~~(l)(1) For the 2003-2004 school year and for each year thereafter, each~~
12 ~~school district shall provide no less than four hundred dollar increments for~~
13 ~~experience for teachers with thirteen (13) years of experience.~~

14 ~~(2) For the 2004-2005 school year and for each year thereafter,~~
15 ~~each school district shall provide no less than four hundred dollar~~
16 ~~increments for experience for teachers with fourteen (14) years of~~
17 ~~experience.~~

18 ~~(3) For the 2005-2006 school year and for each year thereafter,~~
19 ~~each school district shall provide no less than four hundred dollar~~
20 ~~increments for experience for teachers with fifteen (15) years of experience.~~

21 ~~(m) Subsections (f)-(l) of this section shall not apply to any local~~
22 ~~school district whose minimum salary for teachers exceeds twenty-one thousand~~
23 ~~eight hundred sixty dollars (\$21,860), and whose average salary exceeds the~~
24 ~~state average salary for teachers for the previous year.~~

25 ~~(n) The term "teacher", as used in this section, shall include any~~
26 ~~full-time employee of a local public school district who is compelled by law~~
27 ~~to secure a license from the State Board of Education as a condition~~
28 ~~precedent to employment in a position in or related to grades prekindergarten~~
29 ~~through twelve (preK-12) of the public schools of this state.~~

30 ~~(o) All minimum salaries set forth in this section shall be for a~~
31 ~~contract number of days that is not more than the number of days in the~~
32 ~~school year required by the state board's regulations for accreditation for~~
33 ~~the school year in which the contract is effective.~~

34 ~~(p)(1) A district that determines that it cannot meet the minimum~~
35 ~~salary requirements of this section from funds available may petition the~~
36 ~~Department of Education for a waiver of the requirements of this section for~~

1 ~~up to three (3) school years, based on regulations promulgated by the state~~
2 ~~board.~~

3 ~~(2) The department shall not grant a waiver to any district that~~
4 ~~is not in compliance with the uniform rate of tax requirements under Arkansas~~
5 ~~Constitution, Amendment 74.~~

6 ~~(q) [Repealed.]~~

7 (a) The board of directors in each school district in the state shall
8 pay their teachers upon a minimum salary schedule which has annual increments
9 for education and experience and which provides for a base salary, a minimum
10 salary for a teacher with a master's degree, and annual increments for years
11 of experience as described in this section.

12 (b) In school year 2004-2005 and in each school year thereafter, each
13 school district shall pay teachers according to a salary schedule that
14 includes the following:

15 (1) Teachers with a bachelor's degree and no experience, twenty-
16 four thousand dollars (\$24,000);

17 (2) Teachers with a master's degree and no experience, at least
18 one hundred fifteen percent (115%) of the minimum base salary or twenty-seven
19 thousand six hundred dollars (\$27,600); and

20 (3) A salary schedule, which provides at least sixteen (16)
21 annual increments for experience of four hundred fifty dollars (\$450) for a
22 bachelor's degree and five hundred twenty-five dollars (\$525) for a master's
23 degree, unless a school district's present salary schedule is greater than
24 the minimum requirements of this act. If a school district's salary schedule
25 is greater than the minimum requirements of this act and would not have the
26 result of providing teachers a salary of less than the minimum requirements
27 of this act, the district shall pay at least sixteen (16) annual increments
28 of four hundred dollars (\$400).

29 (c) In school year 2005-2006 and in each school year thereafter, each
30 school district shall pay teachers according to a salary schedule that
31 includes the following:

32 (1) Teachers with a bachelor's degree and no experience, twenty-
33 six thousand dollars (\$26,000);

34 (2) Teachers with a master's degree and no experience, at least
35 one hundred fifteen percent (115%) of the minimum base salary or twenty nine
36 thousand nine hundred dollars (\$29,900); and

1 (3) A salary schedule, which provides at least seventeen (17)
2 annual increments for experience of four hundred fifty dollars (\$4500 for a
3 bachelor's degree and five hundred twenty-five dollars (\$525) for a master's
4 degree, unless a school district's present salary schedule is greater than
5 the minimum requirements of this act. If a school district's salary schedule
6 is greater than the minimum requirements of this act and would not have the
7 result of providing teachers a salary of less than the minimum requirements
8 of this act, the district shall pay at least seventeen (17) annual increments
9 of four hundred dollars (\$400).

10 (d) In school year 2006-2007 and in each school year thereafter, each
11 school district shall pay teachers according to a salary schedule that
12 includes the following:

13 (1) Teachers with a bachelor's degree and no experience, twenty-
14 eight thousand dollars (\$28,000);

15 (2) Teachers with a master's degree and no experience, at least
16 one hundred fifteen percent (115%) of the minimum base salary or thirty-two
17 thousand two hundred dollars (\$32,200); and

18 (3) A salary schedule, which provides at least eighteen (18)
19 annual increments for experience of four hundred fifty dollars (\$450) for a
20 bachelor's degree and five hundred twenty-five dollars (\$525) for a master's
21 degree, unless a school district's present salary schedule is greater than
22 the minimum requirements of this act. If a school district's salary schedule
23 is greater than the minimum requirements of this act and would not have the
24 result of providing teachers a salary of less than the minimum requirements
25 of this act, the district shall pay at least eighteen (18) annual increments
26 of four hundred dollars (\$400).

27 (e) In school year 2007-2008 and in each school year thereafter, each
28 school district shall pay teachers according to a salary schedule that
29 includes the following:

30 (1) Teachers with a bachelor's degree and no experience, thirty
31 thousand dollars (\$30,000);

32 (2) Teachers with a master's degree and no experience, at least
33 one hundred fifteen percent (115%) of the minimum base salary or thirty-four
34 thousand five hundred dollars (\$34,500); and

35 (3) A salary schedule, which provides at least nineteen (19)
36 annual increments for experience of four hundred fifty dollars (\$450) for a

1 bachelor's degree and five hundred twenty-five dollars (\$525) for a master's
2 degree, unless a school district's present salary schedule is greater than
3 the minimum requirements of this act. If a school district's salary schedule
4 is greater than the minimum requirements of this act and would not have the
5 result of providing teachers a salary of less than the minimum requirements
6 of this act, the district shall pay at least nineteen (19) annual increments
7 of four hundred dollars (\$400).

8 (f) In school year 2009-2010 and in each school year thereafter, each
9 school district shall pay teachers according to a salary schedule that
10 includes the following:

11 (1) Teachers with a bachelor's degree and no experience, thirty-
12 two thousand dollars (\$32,000);

13 (2) Teachers with a master's degree and no experience, at least
14 one hundred fifteen percent (115%) of the minimum base salary or thirty-six
15 thousand eight hundred dollars (\$36,800); and

16 (3) A salary schedule, which provides at least twenty (20)
17 annual increments for experience of four hundred fifty dollars (\$450) for a
18 bachelor's degree and five hundred twenty-five dollars (\$525) for a master's
19 degree, unless a school district's present salary schedule is greater than
20 the minimum requirements of this act. If a school district's salary schedule
21 is greater than the minimum requirements of this act and would not have the
22 result of providing teachers a salary of less than the minimum requirements
23 of this act, the district shall pay at least twenty (20) annual increments of
24 four hundred dollars (\$400).

25
26 6-17-1005. Salary Amount.

27 (a) The State Board of Education may grant waivers to school districts
28 to pay a teacher or teachers an amount exceeding, but not less than, the
29 amount set forth in the teacher salary schedule, if:

30 (1) The school district is located in an area of the state the
31 Department of Education has determined to have a critical shortage of
32 teachers;

33 (2) The teacher or teachers have a certification in a subject
34 matter area that the Department of Education has determined to have a
35 critical shortage of teachers;

36 (3) The teacher's particular skills, performance, training, or

1 experience would warrant a salary increase; or

2 (4) The school district or a particular school is experiencing a
 3 hardship in recruiting or retaining teachers because the teacher salary
 4 schedule is significantly disproportionate to the average salaries paid in
 5 other available job markets in the county.

6 (b) The salary schedule implemented by this act shall only be valid if
 7 completely funded by the General Assembly.

8
 9 SECTION 22. Arkansas Code § 6-18-206 is amended to read as follows:
 10 6-18-206. Public school choice.

11 (a)(1) This section may be referred to and cited as the "Arkansas
 12 Public School Choice Act of 1989".

13 (2) The General Assembly ~~hereby~~ finds that the students in
 14 Arkansas' public schools and their parents will become more informed about
 15 and involved in the public educational system if students and their parents
 16 or guardians are provided greater freedom to determine the most effective
 17 school for meeting their individual educational needs. There is no right
 18 school for every student, and permitting students to choose from among
 19 different schools with differing assets will increase the likelihood that
 20 some marginal students will stay in school and that other, more motivated
 21 students will find their full academic potential.

22 (3) The General Assembly further finds that giving more options
 23 to parents and students with respect to where the students attend public
 24 school will increase the responsiveness and effectiveness of the state's
 25 schools, since teachers, administrators, and school board members will have
 26 added incentive to satisfy the educational needs of the students who reside
 27 in the district.

28 (4) The General Assembly therefore finds that these benefits of
 29 enhanced quality and effectiveness in our public schools justify permitting a
 30 student to apply for admission to a school in any district beyond the one in
 31 which the student resides, provided that the transfer by this student would
 32 not adversely affect the desegregation of either district.

33 (5) A public school choice program is ~~hereby~~ established to
 34 enable any student to attend a school in a district in which the student does
 35 not reside, subject to the restrictions contained in this section.

36 (b)(1)(A) Before a student may attend a school in a nonresident

1 district, the student's parent or guardian must submit an application on a
2 form approved by the Department of Education to the nonresident district.
3 This application must be postmarked not later than July 1 of the year in
4 which the student would begin the fall semester at the nonresident district.

5 (B)(i) Within thirty (30) days of the receipt of an
6 application from a nonresident student seeking admission under the terms of
7 this section, ~~a participating~~ the nonresident district shall notify the
8 parent or guardian and the resident district in writing as to whether the
9 student's application has been accepted or rejected.

10 (ii) If the application is rejected, the nonresident
11 district must state in the notification letter the reason for rejection.

12 (iii) If the application is accepted, the
13 nonresident district shall state in the notification letter:

14 (a) An absolute deadline for the student to
15 enroll in the district, or the acceptance notification is null; and

16 (b) Any instructions for the renewal
17 procedures established by the district.

18 (2)(A) The school board of directors of every public school
19 district ~~of any participating district~~ must adopt by resolution specific
20 standards for acceptance and rejection of applications. Standards may
21 include the capacity of a program, class, grade level, or school building.
22 Nothing in this section requires a school district to add teachers or
23 classrooms or in any way to exceed the requirements and standards established
24 by existing law. Standards shall include a statement that priority will be
25 given to applications from siblings or stepsiblings residing in the same
26 residence or household of students already attending the district by choice.
27 Standards may not include an applicant's previous academic achievement,
28 athletic or other extracurricular ability, handicapping conditions, English
29 proficiency level, or previous disciplinary proceedings, except that an
30 expulsion from another district may be included pursuant to § 6-18-510.

31 (B)(i) Any student who applies for a transfer under this
32 section and is denied a transfer by the nonresident district may request a
33 hearing before the State Board of Education to reconsider the transfer.

34 (ii) A request for a hearing before the state board
35 shall be in writing and shall be postmarked no later than ten (10) days after
36 notice of rejection of the application under subdivision (b)(1)(B) is

1 received by the student.

2 (3) ~~A school board may by resolution determine that it will not~~
3 ~~admit any nonresident pupil to its schools pursuant to this section.~~ Each
4 school district shall participate in public school choice consistent with
5 this section.

6 (c) The responsibility for transportation of a student from the
7 student's resident school district to a nonresident school district shall be
8 borne by the student or the student's parents. ~~The resident school district~~
9 ~~and the nonresident school district~~ may enter into a written agreement with
10 the student, ~~or student's parents,~~ or resident school district to provide
11 transportation to or from any place in the resident district to the
12 nonresident district, or both.

13 (d)(1) A nonresident district shall accept credits toward graduation
14 that were awarded by another district.

15 (2) The nonresident district shall award a diploma to a
16 nonresident student if the student meets the nonresident district's
17 graduation requirements.

18 (e) For purposes of determining a school district's state equalization
19 aid, the nonresident student shall be counted as a part of the average daily
20 membership of the district to which the student has transferred.

21 (f) The provisions of this section and all student choice options
22 created in this section are subject to the following limitations:

23 (1) No student may transfer to a nonresident district where the
24 percentage of enrollment for the student's race exceeds that percentage in
25 the student's resident district except in the circumstances set forth in
26 subdivisions (2) and (4) of this subsection;

27 (2) A transfer to a district is exempt from the restriction set
28 forth in subdivision (f)(1) of this section if ~~all districts within a county~~
29 ~~have voted to participate in choice,~~ if the transfer is between two (2)
30 districts within a county, and if the minority percentage in the student's
31 race and majority percentages of school enrollment in both the resident and
32 nonresident district remain within an acceptable range of the county's
33 overall minority percentage in the student's race and majority percentages of
34 school population as set forth by the department;

35 (3) The department shall by the filing deadline each year
36 compute the minority percentage in the student's race and majority

1 percentages of each county's public school population from the October Annual
2 School Report and shall then compute the acceptable range of variance from
3 those percentages for school districts within each county. In establishing
4 the acceptable range of variance, the department is directed to use the
5 remedial guideline established in Little Rock School District v. Pulaski
6 County Special School District of allowing an overrepresentation or under-
7 representation of black or white students of one-fourth (1/4) or twenty-five
8 percent (25%) of the county's racial balance. In establishing the acceptable
9 range of variance for school choice, the department is directed to use the
10 remedial guideline of allowing an overrepresentation or under-representation
11 of minority or majority students of one-fourth (1/4) or twenty-five percent
12 (25%) of the county's racial balance;

13 (4) A transfer is exempt from the restriction set forth in
14 subdivision (f)(1) of this section if each school district within the county
15 does not have a critical mass of minority percentage in the student's race of
16 more than ten percent (10%) of any single race;

17 (5) In any instance where the foregoing provisions would result
18 in a conflict with a desegregation court order or a district's court-approved
19 desegregation plan, the terms of the order or plan shall govern;

20 (6) The department shall adopt appropriate rules and regulations
21 to implement the provisions of this section; and

22 (7) The department shall monitor school districts for compliance
23 with this section.

24 (g) The state board shall be authorized to resolve disputes arising
25 under subsections (b)-(f) of this section.

26 (h) A district ~~participating under this program~~ shall cause public
27 announcements to be made over the broadcast media and in the print media at
28 such times and in such manner as to inform parents or guardians of students
29 in adjoining districts of the availability of the program, the application
30 deadline, and the requirements and procedure for nonresident students to
31 participate in the program.

32 (i)(1) All school districts shall report to the Equity Assistance
33 Center on an annual basis the race, gender, and other pertinent information
34 needed to properly monitor compliance with the provisions of this section.

35 (2) The reports may be on those forms that are prescribed by the
36 department, or the data may be submitted electronically by the district using

1 a format authorized by the department.

2 (3) The department may withhold state aid from any school
3 district that fails to file its report each year or fails to file any other
4 information with a published deadline requested from school districts by the
5 center so long as thirty (30) calendar days are given between the request for
6 the information and the published deadline except when the request comes from
7 a member or committee of the General Assembly.

8 (4) A copy of the report shall be provided to the Joint Interim
9 Oversight Subcommittee on Educational Reform.

10
11 SECTION 23. Arkansas Code § 6-18-508 is amended to read as follows:
12 6-18-508. Alternative learning environment.

13 (a) Every school district shall establish an alternative learning
14 environment which shall afford students an environment conducive to learning.

15 (b)(1) The alternative learning environment required by this section
16 may be established by more than one (1) school district or may be operated by
17 a public school educational cooperative established under § 6-13-901 et seq.

18 (2) The alternative learning environment must meet the following
19 eligibility requirements:

20 (A) Have students supervised by a currently licensed
21 teacher;

22 (B)(i) Have a student-to-teacher ratio in the alternative
23 learning environment of no more than twenty (20) to one (1).

24 (ii) If an aide is employed in addition to a
25 licensed supervisor, the student to teacher ratio shall be no more than
26 twenty-two (22) to one (1);

27 (C) Provide each alternative learning student access to
28 the services of a school counselor or a mental health professional; and

29 (D) Provide a curriculum including mathematics, science,
30 social studies, and language arts correlated with the regular classroom
31 instruction or with the standards for the tests of General Educational
32 Development.

33 (3) The Department of Education shall randomly monitor school
34 districts to ensure that alternative learning environments have been
35 established, are conducive to learning, and are providing intervention
36 services designed to address individual needs of students. Each school

1 district shall be monitored at least once every three (3) years.

2 (c) The Department of Education shall establish criteria for teacher
3 preparation for alternative learning environments, which shall include
4 inservice training.

5 (d)(1)(A) Each school district shall report to the department, on a
6 yearly basis, the race, gender, and other pertinent information regarding
7 students placed in an alternative learning environment.

8 (B) This information shall be reported by the department
9 to the Joint Interim Oversight Subcommittee on Educational Reform by
10 September 15 of each year.

11 (2) The Arkansas Pygmalion Commission on Nontraditional
12 Education will also report its findings by the same time each year to the
13 same legislative body.

14 ~~(e)(1) All funding for alternative education programs distributed~~
15 ~~outside the funding formula and which meets the guidelines developed by the~~
16 ~~department shall be released at the beginning of the school year or~~
17 ~~distributed proportionally along with the state aid to school districts. Any~~
18 funds received by a local school district for alternative learning
19 environments may only be expended for eligible alternative learning
20 environment programs.

21 (2) Funds distributed under this section shall be exempted from
22 inclusion in calculations of additional base funding in § 6-20-303 because
23 these funds are restricted to use for students with special educational
24 needs.

25 ~~(f) For the 1999-2000 school year and each year thereafter, the~~
26 ~~department will develop an incentive program for those school districts whose~~
27 ~~alternative education programs have met the guidelines. The State Board of~~
28 Education may promulgate rules and regulations to implement this section.

29
30 SECTION 24. Arkansas Code § 6-20-323 is amended to read as follows:

31 6-20-323. Special needs students.

32 (a) The Department of Education shall provide special assistance for
33 students with special needs to local school districts from available revenues
34 from line item appropriations in the Public School Fund.

35 (b) Funding for students with limited English proficiency shall be
36 based upon actual students who have been identified based on the use of an

1 English proficiency assessment instrument. These funds shall be distributed
2 pro rata based upon the number of students identified as limited English
3 proficient.

4 (c) Funding for special education - catastrophic occurrences shall be
5 based upon those individual cases where special education and related
6 services required by the individualized education program of a particular
7 student with disabilities are unduly expensive, extraordinary, or beyond the
8 routine and normal costs associated with special education and related
9 services provided by a local school district.

10 (d)(1) Funding for students with low socioeconomic status shall be
11 based on students in kindergarten through grade one (K-1) living in areas
12 with high concentrations of low income families or students from low income
13 families as indicated by eligibility for the free or reduced price lunch
14 program under the National School Lunch Act or any other act of the United
15 States Congress. These funds shall be used only for early intervention
16 strategies sanctioned by the department in reading and writing literacy or
17 mathematics for students in pre-kindergarten through grade one (preK-1).

18 ~~(2) Funding for students with low socioeconomic status shall~~
19 ~~only be funded through June 30, 2005.~~

20 (e)(1) ~~Funding for students in alternative learning environments shall~~
21 ~~be distributed either through grants, competitive or otherwise, or pro rata~~
22 ~~based upon the number of full-time equivalent alternative learning~~
23 ~~environment students participating in a nontraditional or flexible~~
24 ~~instructional program designed to improve student achievement in the core~~
25 ~~academic subjects which the students could not achieve in a regular classroom~~
26 ~~environment.~~ be based on the current year's total of alternative learning
27 students enrolled in eligible alternative learning environments and
28 calculated as follows:

29 (A) The department shall calculate a funding factor equal
30 to the amount of funds budgeted for alternative learning environments divided
31 by the total statewide number of alternative learning students;

32 (B) For each alternative learning environment, the
33 department shall distribute funds equal to the school district's alternative
34 learning students times the funding factor in subdivision (e)(1) of this
35 section; and

36 (C) These funds shall be distributed in two (2)

1 installments as determined by the Department of Education.

2 (2)(A) For purposes of this section, "alternative learning
3 student" means a student enrolled in an eligible alternative learning
4 environment for a minimum of twenty (20) consecutive days per school year.

5 (B) Alternative learning students may be prorated for
6 purposes of funding dependent on the amount of time the alternative learning
7 student spends in an alternative learning environment.

8 (f) The State Board of Education shall promulgate rules and
9 regulations for the disbursement of available funds for special needs
10 students explicated in this section.

11
12 SECTION 25. Arkansas Code § 6-47-201 is amended to read as follows:

13 6-47-201. Administration in elementary schools.

14 (a)(1) The Department of Education shall oversee and coordinate the
15 implementation of distance learning in elementary and secondary public
16 schools in the state.

17 (2) Distance learning shall be available to all school districts
18 in the state by August 1, 2004.

19 (b) The department shall promulgate rules and regulations establishing
20 appropriate adult supervision.

21 (c) The elementary or secondary school may import courses from outside
22 the state. However, ~~the course curriculum shall be approved by the department~~
23 ~~prior to offering the courses through distance learning~~ before offering the
24 courses through distance learning the department shall approve the course
25 curriculum.

26 (d) The courses offered through distance learning shall include, but
27 not be limited to:

28 (1) College preparatory courses, including, but not limited to,
29 calculus, physics, Arkansas history, foreign languages, and computer science;
30 and

31 (2) Technological courses, including, but not limited to,
32 advanced math and science courses, advanced computer skills courses, and
33 advanced courses in the arts.

34 (e) The department shall work with the Arkansas School for Mathematics
35 and Sciences, the Arkansas Educational Television Commission, the education
36 service cooperatives, and other state agencies involved in distance learning

1 or in implementing distance learning.

2
3 SECTION 26. Arkansas Code § 26-80-111 is amended to read as follows:

4 26-80-111. School districts formed by consolidation, annexation, or
5 merger.

6 (a) When a new school district is created from all or parts of two (2)
7 or more districts or a district is dissolved and all or part of the area of
8 the dissolved district is annexed to or consolidated with an existing
9 district, the board of directors of the resulting district shall submit to
10 the electors of the district at the ~~next annual~~ first school election on the
11 millage rate a proposed tax millage rate for the district. If the ~~proposed~~
12 ~~millage rate is approved by the electors of the district~~ electors of the
13 district approve the proposed millage rate, it shall be the rate for the
14 district, provided such rate complies with the uniform rate of tax.

15 (b) If a new school district is created from all or parts of two (2)
16 or more districts or a district is dissolved and all or part of the area of
17 the dissolved district is annexed to or consolidated with an existing
18 district and if the electors have failed to approve a proposed millage rate
19 at ~~an annual~~ the first school election on the millage rate, then the millage
20 rate for the district shall be ~~the millage rate levied, at the last school~~
21 ~~election prior to the consolidation, annexation or merger in the district~~
22 ~~which had the highest average daily membership during the school year~~
23 ~~preceding the consolidation, annexation, or merger, provided such rate~~
24 ~~complies with the uniform rate of tax~~ plus any millage necessary to secure
25 the existing bonded indebtedness of the newly formed district.

26
27 SECTION 27. Arkansas Code § 29-20-126 is repealed.

28 ~~§ 29-20-126. Department of Education—Timing for distance learning~~
29 ~~coordination.~~

30 ~~(a) The Department of Education shall oversee and coordinate the~~
31 ~~implementation of distance learning in elementary and secondary public~~
32 ~~schools in the state. Distance learning shall be available to one hundred~~
33 ~~(100) elementary and secondary public schools in the state by August 1, 2000.~~
34 ~~Distance learning shall be available to all school districts in the state by~~
35 ~~August 1, 2004.~~

36 ~~(b) The Department of Education shall promulgate rules and regulations~~

1 ~~establishing appropriate adult supervision.~~

2 ~~(c) The elementary or secondary school may import courses from outside~~
3 ~~the state; however, the course curriculum shall be approved by the Department~~
4 ~~of Education prior to offering the courses through distance learning.~~

5 ~~(d) The courses offered through distance learning shall include but not~~
6 ~~be limited to:~~

7 ~~(1) College preparatory courses, including, but not limited to~~
8 ~~calculus, physics, Arkansas history, foreign language courses, and computer~~
9 ~~science; and~~

10 ~~(2) Technological courses, including, but not limited to advanced~~
11 ~~math and science courses, advanced computer skills courses, and advanced~~
12 ~~courses in the arts.~~

13 ~~(e) The Department of Education shall work with the Arkansas School for~~
14 ~~Mathematics and Sciences, the Arkansas Educational Television Commission, the~~
15 ~~Education Service Cooperatives, and other state agencies involved in distance~~
16 ~~learning in implementing distance learning.~~

17
18 SECTION 28. IMPLEMENTATION AND SCHEDULE. NOT TO BE INCORPORATED INTO
19 THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL, AND TEMPORARY
20 LAW.

21 (a) By January 1, 2004, the State Board of Education shall notify all
22 school districts, then in existence, stating whether that school district has
23 demonstrated the ability to meet the accreditation and facility standards of
24 this act by July 1, 2004, and has complied with teachers' salary requirements
25 adopted by the legislature, of this act, or if the school district will be
26 collapsed into a regional school district or consolidated or annexed with
27 another school district, then the State Board of Education shall state into
28 which school district or regional school district the school district shall
29 be assigned.

30 (b) By March 1, 2004, school districts wishing to voluntarily
31 consolidate, annex, or detach, shall submit a plan to the State Board of
32 Education. The State Board of Education shall have the authority to
33 promulgate rules and regulations on this issue.

34 (1) School districts who voluntarily consolidate or annex shall
35 receive consolidation incentive funding as may be determined by the General
36 Assembly.

1 (2) The State Board of Education shall be the final authority
2 for approving the plans for voluntary consolidation and annexation.

3 (c) By May 1, 2004, the State Board of Education shall notify all
4 school districts whether that school district will continue to exist as a
5 school district, whether any plans submitted for voluntary consolidation or
6 annexation have been approved, or if the school district will be collapsed
7 into a regional school district or consolidated or annexed with another
8 school district, then the State Board of Education shall state into which
9 school district or regional school district the school district shall be
10 assigned, giving priority consideration to the consolidation or annexation
11 preferences of the school district to which the non-complying district will
12 be joined. Nothing in this section shall preclude a student from exercising
13 freedom of choice to the district of his or her choosing.

14 (d)(1) On July 1, 2004, any school district or regional school
15 district created under this act shall become the successor in interest to the
16 property of the school districts assigned to that school district or regional
17 school district, shall become liable for the contracts and debts of the
18 school districts assigned to the school district or regional school district,
19 and may sue and be sued therefore.

20 (2) On July 1, 2004, when territory less than an entire school
21 district is assigned to another school district or regional school district,
22 the school district or the regional school district shall take the property
23 of the school district from which the territory was taken, as the State Board
24 of Education shall deem proper, and shall be liable for that part of all
25 indebtedness of the district from which the territory was taken as shall be
26 assigned to it by the State Board of Education.

27 (e)(1) Beginning on July 1, 2004, and until their successors are
28 elected and take office under this act, school district boards of directors
29 of school districts shall continue in office.

30 (2)(A) Beginning on May 1, 2004, and until their successors are
31 elected and take office under this act, the interim board of directors of a
32 regional school district shall consist of the presidents of the school
33 district boards of directors of the school districts assigned to that
34 regional school district. The presidents may then appoint other board
35 members until the next regular school election at which time the board
36 members or the regional district may be elected.

1 (B) The school board created under subdivision (e)(2)(A)
2 of this section shall have the same powers and duties as any other school
3 district board of directors. The first duty of the interim boards of
4 directors created under this subsection (e) shall be to select a
5 superintendent of schools who shall be hired for a term not to exceed July 1,
6 2007.

7 (f)(1) In regional school districts created under this act, the
8 interim board of directors of the regional school district shall submit to
9 the qualified electors of the district at the 2004 school election a proposed
10 tax millage rate for the district. If the qualified electors of the regional
11 school district approve the proposed millage rate, it shall be the tax rate
12 for the regional school district, provided the tax rate complies with the
13 uniform rate of tax.

14 (2) In a regional school district created under this act and if
15 the electors have failed to approve a proposed millage rate at the 2004
16 annual school election, then the millage rate for the district shall be the
17 uniform rate of tax and whatever debt service millage necessary to secure the
18 bonded indebtedness of the regional school district.

19
20 SECTION 29. Effective Date.

21 Unless otherwise provided in this act, this act shall become effective
22 on July 1, 2004.

23
24 SECTION 30. EMERGENCY CLAUSE. It is found and determined by the
25 General Assembly of the State of Arkansas that the Arkansas Supreme Court in
26 Lake View School District No. 25 v. Huckabee, 351 Ark. 31 (2002) declared the
27 now extent system of education to be unconstitutional because it is both
28 inequitable and inadequate; the Arkansas Supreme Court set forth the test for
29 a constitutional system to be one in which the state has an "absolute duty"
30 to provide an "equal opportunity to an adequate education"; and the Arkansas
31 Supreme Court instructed the General Assembly to define and provide what is
32 necessary to provide an adequate and equitable education for the children of
33 Arkansas forthwith. Therefore, an emergency is declared to exist and this
34 act being immediately necessary for the preservation of the public peace,
35 health, and safety shall become effective on:

36 (1) The date of its approval by the Governor;

