

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 86th General Assembly
3 Regular Session, 2007
4

As Engrossed: S3/19/07 S3/23/07 S3/28/07

A Bill

SENATE BILL 274

5 By: Senators Bryles, *Broadway*
6
7

For An Act To Be Entitled

9 AN ACT TO AMEND VARIOUS PROVISIONS OF ARKANSAS
10 CODE TITLE 6 CONCERNING PUBLIC EDUCATION; AND FOR
11 OTHER PURPOSES.
12

Subtitle

14 AN ACT TO AMEND VARIOUS PROVISIONS OF
15 ARKANSAS CODE TITLE 6 CONCERNING PUBLIC
16 EDUCATION.
17
18

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

21 *SECTION 1. Arkansas Code § 6-11-129 is amended to read as follows:*

22 *6-11-129. Data to be accessible on ~~Department of Education~~ website.*

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

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

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

31 *(A) Local and state revenue sources;*

32 *(B) Administrator and teacher salary and benefit data;*

33 *(C) District balances, including legal balances and*
34 *building fund balances;*

35 *(D) Any additional financial data;*

36 *(E) Administrative salary and benefit expenditures; and*



1 (F) Teacher salary expenditures;

2 (2) Each school district's personnel policies required under §
3 6-17-201 et seq.;

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

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

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12 numbers, phone numbers, or personal addresses shall not be published; and

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

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

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

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

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

30

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

33 (2) To coordinate the analysis, dissemination, and reporting of all
34 ~~critierion-referenced and norm-referenced testing~~ augmented, criterion-
35 referenced, or norm-referenced assessment information;

36

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

4 (d) The state board shall establish a clear, concise system of
5 reporting the academic performance of each school on the state-mandated
6 ~~critierion-referenced exam which~~ augmented, criterion-referenced, or norm-
7 referenced assessments that conforms with the requirements of the No Child
8 Left Behind Act of 2001.

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

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

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

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

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

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

28 (4) A public school or public school district classified as in
29 "school improvement" shall develop and file with the department a
30 comprehensive school improvement plan designed to ensure that all students
31 demonstrate proficiency on all portions of state-mandated ~~critierion-~~
32 ~~referenced assessment~~ augmented, criterion-referenced, or norm-referenced
33 assessments. The comprehensive school improvement plan shall include
34 strategies to address the achievement gap existing for any identifiable group
35 or subgroup as identified in the Arkansas Comprehensive Testing, Assessment,
36 and Accountability Program and the gap of that subgroup from the academic

1 standard.

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

10

11 SECTION 4. Arkansas Code § 6-15-419 is amended to read as follows:
12 6-15-419. Definitions.

13 The following definitions shall apply in this subchapter and in §§ 6-
14 15-2001 et seq., 6-15-2101 et seq., 6-18-227, 6-15-2201, 6-15-2301, and 6-15-
15 2401:

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

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

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

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

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

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

34 (C) In any instance in which a student with disabilities
35 identified under the Individuals with Disabilities Education Act has an
36 individualized education program that already addresses any academic area or

1 areas in which the student is not proficient on state-mandated augmented,
 2 criterion-referenced, or norm-referenced assessments, the individualized
 3 education program shall serve to meet the requirement of an academic
 4 improvement plan;

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

12 (4) "Annexation" means the joining of an affected school
 13 district or part of the school district with a receiving district under § 6-
 14 13-1401 et seq.;

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

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

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

27 (A) Developmentally appropriate augmented, criterion-
 28 referenced, or norm-referenced assessments ~~for~~ in kindergarten through grade
 29 ~~two (K-2)~~ twelve (K-12), as determined by the state board;

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

32 ~~(C)~~(B) Any other assessments as required by the state
 33 board;

34 ~~(D) Criterion-referenced tests for grades three through~~
 35 ~~eight (3-8);~~

36 ~~(E)~~(C) Other assessments that are based on researched best

1 practices as determined by qualified experts which would be in compliance
2 with federal and state law; and

3 ~~(F)(D)~~ End-of-course examinations for designated grades
4 and content areas;

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

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

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

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

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

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

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

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

32 ~~(14)(13)~~ "End of course" means an examination taken at the
33 completion of a course of study to determine whether a student demonstrates
34 attainment of the knowledge and skills necessary to mastery of that subject;

35 ~~(15)(14)~~ "Grade inflation rate" means the statistical gap
36 between actual grades assigned for core classes at the secondary level and

1 student performance on corresponding subjects on nationally normed college
2 entrance exams such as the American College Test;

3 ~~(16)~~(15) "Grade level" means performing at the proficient or
4 advanced level on state-mandated Arkansas Comprehensive Assessment Program
5 tests;

6 ~~(17)~~(16) "High school" means grades nine through twelve (9-12);

7 ~~(18)~~(17) "Longitudinal tracking" means tracking individual
8 student yearly academic achievement gains based on scheduled and annual
9 assessments;

10 ~~(19)~~(18) "Middle level" means grades five through eight (5-8);

11 ~~(20)~~(19) "No Child Left Behind Act" means the No Child Left
12 Behind Act of 2001 signed into federal law on January 8, 2002;

13 ~~(21)~~(20) "Parent" means:

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

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

18 ~~(22)~~(21) "Point-in-time intervention and remediation" means
19 intervention and remediation applied during the academic year upon the
20 discovery that a student is not performing at grade level;

21 ~~(23)~~(22) "Primary" means kindergarten through grade four (K-4);

22 ~~(24)~~(23) "Public school" means those schools or school districts
23 created pursuant to title 6 of the Arkansas Code and subject to the Arkansas
24 Comprehensive Testing, Assessment, and Accountability Program except
25 specifically excluding those schools or educational programs created by or
26 receiving authority to exist pursuant to § 6-15-501, § 9-28-205, § 12-29-301
27 et seq., or other provisions of Arkansas law;

28 ~~(25)~~(24) "Public school in school improvement" or "school in
29 school in need of immediate improvement" means any public school or public
30 school district identified as failing to meet certain established levels of
31 academic achievement on the state-mandated ~~critierion-referenced and norm-~~
32 ~~referenced tests~~ augmented, criterion-referenced, or norm-referenced
33 assessments as required by the state board in the program;

34 ~~(26)~~(25) "Reconstitution" means a reorganization intervention in
35 the administrative unit or governing body of a public school district,
36 including, but not limited to, the suspension, reassignment, replacement, or

1 removal of a current superintendent or the suspension, removal, or
 2 replacement of some or all of the current school board members, or both;

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

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

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

14 ~~(28)(27)~~ "School district in academic distress" means any public
 15 school district failing to meet the minimum level of academic achievement on
 16 the state-mandated ~~criterion-referenced examinations~~ augmented, criterion-
 17 referenced, or norm-referenced assessments as required by the state board in
 18 the program;

19 ~~(29)(28)~~ "School improvement plan" means the individual school's
 20 comprehensive plan based on priorities indicated by assessment and other
 21 pertinent data and designed to ensure that all students demonstrate
 22 proficiency on all portions of the state-mandated Arkansas Comprehensive
 23 Assessment Program examinations;

24 ~~(30)(29)~~ "Social promotion" means the passage or promotion from
 25 one (1) grade to the next of a student who has not demonstrated knowledge or
 26 skills required for grade-level academic proficiency;

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

28 ~~(32)(30)~~ "Uniform school readiness screening" means uniform,
 29 objective evaluation procedures which are geared to either kindergarten or
 30 first grade, as appropriate, and developed by the state board and
 31 specifically formulated for children entering public school for the first
 32 time; and

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

1
2 SECTION 5. Arkansas Code § 6-15-420(c) and (d), concerning remediation
3 and intervention following state-mandated assessments, is amended to read as
4 follows:

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

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

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

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

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

25
26 SECTION 6. Arkansas Code § 6-15-421(c), concerning awards and
27 sanctions for state-mandated assessments, is amended to read as follows:

28 (c) The State Board of Education shall develop a clear, concise system
29 of reporting the academic performance of each public school on the state-
30 mandated ~~eriterion referenced tests~~, augmented, criterion-referenced, or
31 norm-referenced assessments, developmentally appropriate assessments for
32 grades kindergarten through two (K-2), benchmark examinations, and end-of-
33 course examinations, which conforms with current state and federal law.
34

35 SECTION 7. Arkansas Code § 6-15-424 is amended to read as follows:
36 6-15-424. Rules and regulations.

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

9
10 SECTION 8. Arkansas Code § 6-15-426(e), concerning school improvement,
11 is amended to read as follows:

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

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

23
24 SECTION 9. Arkansas Code § 6-15-433(b)(3)(A)(ii)(a), concerning the
25 statewide assessment program, is amended to read as follows:

26 (ii)(a) ~~Norm-referenced tests using nationally~~
27 ~~normed metrices in grades three through nine (3-9), and critierion-referenced~~
28 ~~tests, as defined in § 6-15-404(g)(1), known as the benchmark exams, in~~
29 ~~grades three through eight (3-8)~~ Developmentally appropriate augmented,
30 criterion-referenced, or norm-referenced assessments in kindergarten through
31 grade twelve (K-12), as determined by the state board; or

32
33 SECTION 10. Arkansas Code § 6-15-433(c)(2)(A), concerning the
34 statewide assessment program, is amended to read as follows:

35 (2)(A) The testing program, as determined by the state board,
36 shall consist of ~~norm-referenced and critierion-referenced testing~~ augmented,

1 critterion-referenced, or norm-referenced assessments or other assessments as
2 defined in § 6-15-433(b)(3)(A)(ii)(b).

3
4 SECTION 11. Arkansas Code § 6-15-438(b), concerning the violation of
5 the security or confidentiality of a state-mandated test or assessment, is
6 amended to read as follows:

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

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

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

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

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

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

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

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

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

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

33
34 SECTION 12. Arkansas Code § 6-15-1402(b)(2)(A)(iii), concerning school
35 performance report, is amended to read as follows:

36 (iii) ~~Critterion-referenced test~~ Augmented, critterion-referenced, or

1 norm-referenced assessment results;

2
3 SECTION 13. Arkansas Code § 6-15-1402(b)(3)(A)(iii), concerning school
4 performance report, is amended to read as follows:

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

7
8 SECTION 14. Arkansas Code § 6-15-2009(b)(2), concerning the end-of-
9 course assessment program for public schools, is amended to read as follows:

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

17
18 SECTION 15. Arkansas Code § 6-15-2009(f)(1)(A), concerning the end-of-
19 course assessment program for public schools, is amended to read as follows:

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

23
24 SECTION 16. Arkansas Code § 6-15-2101(c), concerning public school
25 annual reports, is amended to read as follows:

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

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

33 (2)(A) One (1) based on performance from the prior year on the
34 ~~criterion-referenced test~~ augmented, criterion-referenced, or norm-referenced
35 assessments as defined in § 6-15-404(g)(1) and end-of-course examinations,
36 hereafter referred to as annual performance pursuant to § 6-15-2103.

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

5
6 SECTION 17. Arkansas Code § 6-15-2102 is amended to read as follows:

7 6-15-2102. School rating system - Annual improvement category levels.

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

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

18 (b) The base year for improvement gains shall be established in the
19 2006-2007 school year, with annual improvement category levels assigned in
20 the 2007-2008 school year and each school year thereafter.

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

23 (1) A combination of student achievement scores as measured by
24 annual academic gain scores on ~~critierion-referenced tests~~ augmented,
25 critierion-referenced, or norm-referenced assessments, as defined in § 6-15-
26 404(g)(1), or assessments in grades kindergarten through twelve (K-12); and

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

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

32 (e) Schools that receive an annual improvement category level of level
33 5 or level 4 are eligible for school recognition awards and performance-based
34 funding pursuant to § 6-15-2109.

35
36 SECTION 18. Arkansas Code § 6-15-2103 is amended to read as follows:

1 6-15-2103. School rating system – Annual performance goals – School
2 annual performance category levels.

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

8 (1) "Level 5", schools of excellence;

9 (2) "Level 4", schools exceeding standards;

10 (3) "Level 3", schools meeting standards;

11 (4) "Level 2", schools on alert; or

12 (5) "Level 1", schools in need of immediate improvement.

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

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

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

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

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

28 (e) Schools that receive an annual performance category level of level
29 5 or level 4 are eligible for school recognition awards and performance-based
30 funding pursuant to § 6-15-2107.

31
32 SECTION 19. Arkansas Code § 6-15-2201 is amended to read as follows:

33 6-15-2201. Implementation of state system of school improvement and
34 education accountability.

35 (a) The Department of Education is responsible for implementing and
36 maintaining a system of intensive school improvement and education

1 accountability that shall include policies and programs to implement the
2 following:

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

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

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

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

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

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

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

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

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

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

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

35 ~~(B) Included in the report shall be a list of the schools~~
36 ~~for which district school boards have developed assistance and intervention~~

1 ~~plans and an analysis of the various strategies used by the school boards,~~

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

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

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

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

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

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

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

25 (3) The department shall provide technical assistance to each
26 school that is designated as a level 1 school or a level 2 school under § 6-
27 15-2103 to develop a revised school improvement plan.

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

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

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

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

36 (4) Conduct or contract with any provider for implementation for

1 any part or portion of this act; and

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

5
6 SECTION 20. Arkansas Code § 6-15-2401 is amended to read as follows:

7 6-15-2401. Review of Arkansas Placement Status Reports - Reports of
8 students needing remediation.

9 (a)(1) Representatives from the Department of Higher Education and the
10 Department of Education ~~will~~ shall meet with the ~~chair~~ respective Chairs of
11 the Senate Education Committee and the House Education Committee or their
12 designees along with the selected superintendents, high school principals,
13 and high school counselors ~~once~~ one (1) time every biennium to review the
14 Arkansas Placement Status Reports to determine whether any revisions in the
15 format of the reports, the information that is reported, or the reporting
16 process need to be made.

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

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

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

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

34 ~~(d)~~(b) As a part of the school improvement plan pursuant to § 6-15-
35 2201, the state board shall ensure that each school district and high school
36 develops strategies to improve student readiness for the public postsecondary

1 level based on annual analysis of the feedback report data.

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

6
 7 SECTION 21. Arkansas Code § 6-15-2503(a), concerning the inclusion of
 8 schools within a designated education renewal zone, is amended to read as
 9 follows:

10 (a)(1) The Division of Education Renewal Zones, the State Board of
 11 Education, and the local school districts shall exercise due diligence to
 12 assure, to the extent that funds are available, that each school classified
 13 as a school in school improvement under the federal No Child Left Behind Act
 14 of 2001, 20 U.S.C. § 6301 et seq., as in existence on December 1, 2003, is
 15 included in a designated education renewal zone.

16 (2) The state board may promulgate rules establishing criteria
 17 for the placement of schools in school improvement in a designated education
 18 renewal zone if insufficient funds exist to place all schools in school
 19 improvement in a designated education renewal zone.

20
 21 SECTION 22. Arkansas Code § 6-17-309(a)(1), concerning teachers
 22 licensed in subject areas, is amended to read as follows:

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

27
 28 SECTION 23. Arkansas Code § 6-17-410(c)-(j), concerning teacher
 29 licensure, is amended to read as follows:

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

- 1 (1) Capital murder as prohibited in § 5-10-101;
- 2 (2) Murder in the first degree as prohibited in § 5-10-102 and
3 murder in the second degree as prohibited in § 5-10-103;
- 4 (3) Manslaughter as prohibited in § 5-10-104;
- 5 (4) Battery in the first degree as prohibited in § 5-13-201 and
6 battery in the second degree as prohibited in § 5-13-202;
- 7 (5) Aggravated assault as prohibited in § 5-13-204;
- 8 (6) Terroristic threatening in the first degree as prohibited in
9 § 5-13-301;
- 10 (7) Kidnapping as prohibited in § 5-11-102;
- 11 (8) Rape as prohibited in § 5-14-103;
- 12 (9) Sexual assault in the first degree, second degree, third
13 degree, and fourth degree as prohibited in §§ 5-14-124 - 5-14-127;
- 14 (10) Incest as prohibited in § 5-26-202;
- 15 (11) Engaging children in sexually explicit conduct for use in
16 visual or print media, transportation of minors for prohibited sexual
17 conduct, employing or consenting to the use of a child in a sexual
18 performance, or producing, directing, or promoting a sexual performance by a
19 child as prohibited in §§ 5-27-303, 5-27-305, 5-27-402, and 5-27-403;
- 20 (12) Distribution to minors as prohibited in § 5-64-406;
- 21 (13) Any felony in violation of the Uniform Controlled
22 Substances Act, § 5-64-101 et seq.;
- 23 (14) Sexual indecency with a child as prohibited in § 5-14-110;
- 24 (15) Endangering the welfare of a minor in the first degree as
25 prohibited in § 5-27-205;
- 26 (16) Pandering or possessing visual or print medium depicting
27 sexually explicit conduct involving a child as prohibited by § 5-27-304;
- 28 (17) False imprisonment in the first degree as prohibited in §
29 5-11-103;
- 30 (18) Permanent detention or restraint as prohibited in § 5-11-
31 106;
- 32 (19) Permitting abuse of a child as prohibited in § 5-27-
33 221(a)(1) and (3);
- 34 (20) Negligent homicide as prohibited by § 5-10-105(a);
- 35 (21) Assault in the first degree as prohibited by § 5-13-205;
- 36 (22) Coercion as prohibited by § 5-13-208;

1 (23) Public sexual indecency as prohibited by § 5-14-111;

2 (24) Indecent exposure as prohibited by § 5-14-112;

3 (25) Endangering the welfare of a minor in the second degree as
4 prohibited by § 5-27-206;

5 (26) Criminal attempt, criminal solicitation, or criminal
6 conspiracy as prohibited in §§ 5-3-201, 5-3-202, 5-3-301, and 5-3-401, to
7 commit any of the offenses listed in this subsection;

8 (27) Computer child pornography as prohibited in § 5-27-603; and

9 (28) Computer exploitation of a child in the first degree as
10 prohibited in § 5-27-605-;

11 (29) Felony theft as prohibited in §§ 5-36-103 - 5-36-106, and
12 5-36-203;

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

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

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

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

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

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

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

23 ~~(B) An affected applicant for licensure; or~~

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

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

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

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

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

30 ~~(D) Subsequent work history;~~

31 ~~(E) Employment references;~~

32 ~~(F) Character references; and~~

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

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

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

2 (i) Holding a license obtained by fraudulent means;

3 (ii) Revocation of a license in another state;

4 (iii) Intentionally compromising the validity or
5 security of any student test or testing program administered by or required
6 by the state board or the Department of Education;

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

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

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

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

21 (viii) Knowingly falsifying or directing another to
22 falsify any grade given to a student, whether the grade was given for an
23 individual assignment or examination or at the conclusion of a regular
24 grading period; and

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

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

29 (A) Revoke a license permanently;

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

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

35 (e)(1) Before taking an action under subsections (c) or (d) of this
36 section, the state board shall provide a written notice of the reason for the

1 action and shall afford the person against whom the action is being
2 considered the opportunity to request a hearing.

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

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

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

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

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

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

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

23 ~~(e)(1) For cause as set forth in subdivision (e)(2) of this section,~~
24 ~~the state board may revoke, suspend, or place on probation the license of any~~
25 ~~person but only after an opportunity for a hearing before the state board~~
26 ~~upon reasonable written notice of the cause to be considered and only if a~~
27 ~~written request for a hearing is received by the state board no less than~~
28 ~~thirty (30) days after the notice of the cause is received by the person~~
29 ~~holding the license.~~

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

32 ~~(A) Pleading guilty or nolo contendere to or having been~~
33 ~~found guilty of a felony not listed in subsection (e) of this section in any~~
34 ~~court in this state or of a similar felony in a court in another state or in~~
35 ~~a federal court;~~

36 ~~(B) Pleading guilty or nolo contendere to or having been~~

1 ~~found guilty in a court;~~

2 ~~(i) In this state of a nonfelony negligent homicide~~
3 ~~or a misdemeanor not listed in subsection (c) of this section and involving~~
4 ~~physical injury, mistreatment, or abuse against a child or against a~~
5 ~~household member of the licensee; or~~

6 ~~(ii) In another state or in federal court of a crime~~
7 ~~similar to a nonfelony negligent homicide or a misdemeanor not listed in~~
8 ~~subsection (c) of this section and involving physical injury, mistreatment,~~
9 ~~or abuse against a child or against a household member of the licensee;~~

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

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

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

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

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

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

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

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

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

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

- 1 (A) The board of a local school district;
 2 (B) An affected applicant for licensure; or
 3 (C) The person holding a license subject to revocation.
 4 (2) Circumstances for which a waiver may be granted shall
 5 include, but not be limited to, the following:
 6 (A) The age at which the crime was committed;
 7 (B) The circumstances surrounding the crime;
 8 (C) The length of time since the crime;
 9 (D) Subsequent work history;
 10 (E) Employment references;
 11 (F) Character references; and
 12 (G) Other evidence demonstrating that the applicant does
 13 not pose a threat to the health or safety of school children or school
 14 personnel.

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

- 19 (A) Has pleaded guilty or nolo contendere to or has been
 20 found guilty of a felony or any misdemeanor listed in ~~ne69~~ subsection (c) of
 21 this section;
 22 (B) Holds a license obtained by fraudulent means;
 23 (C) Has had a similar license revoked in another state;
 24 (D) Has intentionally compromised the validity or security
 25 of any student test or testing program administered or required by the
 26 Department of Education;
 27 (E) Has knowingly submitted falsified information or
 28 failed to submit information requested or required by law to the Department
 29 of Education, the state board, or the division; or
 30 (F) Has failed to establish or maintain the necessary
 31 requirements and standards set forth in Arkansas law or Department of
 32 Education rules ~~and regulations~~ for teacher licensure.

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

36 ~~(g) For cause as stated in subsection (e) of this section, the state~~

1 ~~board is authorized to:~~

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

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

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

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

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

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

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

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

19 ~~(i)(1)(h)(1)~~ Any information received by the Department of Education
20 from the Identification Bureau of the Department of Arkansas State Police
21 pursuant to subsection (a) of this section shall not be available for
22 examination except by the affected applicant for licensure or his or her duly
23 authorized representative, and no record, file, or document shall be removed
24 from the custody of the Department of Education.

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

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

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

33
34 SECTION 24. Arkansas Code § 6-17-414 is amended to read as follows:

35 6-17-414. Criminal records check as a condition for initial employment
36 of nonlicensed personnel.

1 *this section.*

2 *(b) A person shall not be eligible for employment by a local school*
3 *district or education service cooperative in a ~~noncertified~~ nonlicensed staff*
4 *position if that person has pleaded guilty or nolo contendere to or has been*
5 *found guilty of any of the following offenses by any court in the State of*
6 *Arkansas or of any similar offense by a court in another state or of any*
7 *similar offense by a federal court:*

8 *(1) Capital murder as prohibited in § 5-10-101;*

9 *(2) Murder in the first degree as prohibited in § 5-10-102 and*
10 *murder in the second degree as prohibited in § 5-10-103;*

11 *(3) Manslaughter as prohibited in § 5-10-104;*

12 *(4) Battery in the first degree as prohibited in § 5-13-201 and*
13 *battery in the second degree as prohibited in § 5-13-202;*

14 *(5) Aggravated assault as prohibited in § 5-13-204;*

15 *(6) Terroristic threatening in the first degree as prohibited in*
16 *§ 5-13-301;*

17 *(7) Kidnapping as prohibited in § 5-11-102;*

18 *(8) Rape as prohibited in § 5-14-103;*

19 *(9) Sexual assault in the first degree, second degree, third*
20 *degree, and fourth degree, as prohibited in §§ 5-14-124 - 5-14-127;*

21 *(10) Incest as prohibited in § 5-26-202;*

22 *(11) Engaging children in sexually explicit conduct for use in*
23 *visual or print media, transportation of minors for prohibited sexual*
24 *conduct, employing or consenting to the use of a child in a sexual*
25 *performance, or producing, directing, or promoting a sexual performance by a*
26 *child as prohibited in §§ 5-27-303, 5-27-305, 5-27-402, and 5-27-403;*

27 *(12) Distribution to minors as prohibited in § 5-64-406;*

28 *(13) Any felony in violation of the Uniform Controlled*
29 *Substances Act, § 5-64-101 et seq.;*

30 *(14) Criminal attempt, criminal solicitation, or criminal*
31 *conspiracy as prohibited in §§ 5-3-201, 5-3-202, 5-3-301, and 5-3-401, to*
32 *commit any of the offenses listed in this subsection;*

33 *(15) Sexual indecency with a child as prohibited in § 5-14-110;*

34 *(16) Endangering the welfare of a minor in the first degree as*
35 *prohibited in § 5-27-205;*

36 *(17) Pandering or possessing visual or print medium depicting*

1 sexually explicit conduct involving a child as prohibited by § 5-27-304;

2 (18) False imprisonment in the first degree as prohibited in §
3 5-11-103;

4 (19) Permanent detention or restraint as prohibited in § 5-11-
5 106;

6 (20) Permitting abuse of a child as prohibited in § 5-27-
7 221(a)(1) and (3);

8 (21) Negligent homicide as prohibited by § 5-10-105(a);

9 (22) Assault in the first degree as prohibited by § 5-13-205;

10 (23) Coercion as prohibited by § 5-13-208;

11 (24) Public sexual indecency as prohibited by § 5-14-111;

12 (25) Indecent exposure as prohibited by § 5-14-112;

13 (26) Endangering the welfare of a minor in the second degree as
14 prohibited by § 5-27-206;

15 (27) Computer child pornography as prohibited in § 5-27-603; ~~and~~

16 (28) Computer exploitation of a child in the first degree as
17 prohibited in § 5-27-605-~~r~~;

18 (29) Felony theft as prohibited in §§ 5-36-103 - 5-36-106, and
19 5-36-203;

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

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

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

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

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

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

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

36 (2) Any information made available to the affected applicant for

1 employment shall be information pertaining to that applicant only.

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

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

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

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

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

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

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

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

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

19 ~~(D) Subsequent work history;~~

20 ~~(E) Employment references;~~

21 ~~(F) Character references; and~~

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

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

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

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

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

34 ~~(A) In this state of a nonfelony negligent homicide or a~~
35 ~~misdemeanor not listed in subsection (b) of this section and involving~~
36 ~~physical injury, mistreatment, or abuse against a child or against a~~

1 ~~household member of the licensee; or~~

2 ~~(B) In another state or in federal court of a crime~~
 3 ~~similar to a nonfelony negligent homicide or a misdemeanor not listed in~~
 4 ~~subsection (b) of this section and involving physical injury, mistreatment,~~
 5 ~~or abuse against a child or against a household member of the licensee;~~

6 ~~(3)(1)~~ Is required to pass an examination as a requirement of
 7 his or her position and the applicant's completed examination test score was
 8 declared invalid because of the applicant's improper conduct;

9 ~~(4)(2)~~ Has an expunged or a pardoned conviction for any sexual
 10 or physical abuse offense committed against a child or any offense listed in
 11 subsection (b) of this section;

12 ~~(5)(3)~~ Knowingly submits or provides false or misleading
 13 information or knowingly fails to submit or provide information requested or
 14 required by law to the Department of Education, the state board, or the
 15 Division of Legislative Audit; or

16 ~~(6)(4)~~ Knowingly falsifies or directs another to falsify any
 17 grade given to a student, whether the grade was given for an individual
 18 assignment or examination or at the conclusion of a regular grading period.

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

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

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

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

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

34
 35 SECTION 25. Arkansas Code § 6-17-416 is amended to read as follows:
 36 6-17-416. Criminal records check of employees of more than one

1 district.

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

6

7 SECTION 26. Arkansas Code § 6-18-901(d)(1), concerning the transfer of
8 permanent student records, is amended to read as follows:

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

12 (B) The school district shall provide the copy of the
13 student's permanent student record to the receiving school district within
14 ten (10) school days after the date a request from the receiving school
15 district is received.

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

20 (i) Food services;

21 (ii) Unreturned library books; or

22 (iii) Fees.

23

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

26 (F) Interpretation of ~~eriterion-referenced and norm-~~
27 ~~referenced testing~~ augmented, criterion-referenced, or norm-referenced
28 assessments and dissemination of results to the school, students, parents,
29 and community;

30

31 SECTION 28. Arkansas Code § 6-18-1005(a)(1)(L), concerning student
32 services programs, is amended to read as follows:

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

36

1 SECTION 29. Arkansas Code § 6-20-603(b)-(e), concerning isolated
2 schools funding, is amended to read as follows:

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

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

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

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

23
24 SECTION 30. Arkansas Code § 6-20-603, concerning isolated schools
25 funding, is amended to add an additional subsection to read as follows:

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

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

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

36 ~~(i)(j)~~ The State Board of Education may promulgate rules as necessary

1 for the proper implementation of this section.

2
3 SECTION 31. Arkansas Code § 6-20-604(a), concerning additional funding
4 for isolated schools, is amended to read as follows:

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

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

12
13 SECTION 32. Arkansas Code § 6-20-604(h)-(i), concerning additional
14 funding for isolated schools, is amended to read as follows:

15 ~~(h)(1) A school district eligible to receive isolated funding under §~~
16 ~~6-20-603 shall continue to receive partial funding under § 6-20-603 even if~~
17 ~~part of the isolated schools are closed, but a school district shall not~~
18 ~~receive funding under § 6-20-603 for any isolated schools or parts thereof~~
19 ~~that have been closed by the local board of directors.~~

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

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

26
27 SECTION 33. Arkansas Code § 6-20-2503, concerning bonded debt
28 assistance for public school districts, is amended to add an additional
29 subsection to read as follows:

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

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

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

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

7
8 SECTION 34. Arkansas Code § 6-41-202 is amended to read as follows:

9 6-41-202. ~~Policy and purposes~~ Purposes and applicability.

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

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

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

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

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

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

36 (d) Each public agency in the state is responsible for ensuring that

1 the rights and protections under Part B of the Individuals with Disabilities
 2 Education Act are given to children with disabilities referred to or placed
 3 in private schools and facilities by that public agency or placed in private
 4 schools by their parents under the Individuals with Disabilities Education
 5 Act.

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

15
 16 SECTION 35. Arkansas Code § 6-41-203 is amended to read as follows:

17 6-41-203. Definitions.

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

19 (1) "A child with ~~disabilities~~ a disability" means a person
 20 ~~between the ages of three (3) and twenty-one (21) years of age, because of~~
 21 ~~mental, physical, emotional, or learning disabilities, requires special~~
 22 ~~education services as defined by the federal Individuals with Disabilities~~
 23 ~~Education Act. This term is to be specifically interpreted to mean but not~~
 24 ~~to be wholly limited to a child with mental retardation, hearing impairments~~
 25 ~~(including deafness), speech or language impairments, visual impairments,~~
 26 ~~(including blindness), serious emotional disturbance (hereinafter referred to~~
 27 ~~as "emotional disturbance"), orthopedic impairments, autism, traumatic brain~~
 28 ~~injury, other health impairments, or specific learning disabilities who, by~~
 29 ~~reason thereof, needs special education and related services:~~
 30 evaluated in accordance with the Individuals with Disabilities Education Act
 31 as having mental retardation, a hearing impairment including without
 32 limitation deafness, a speech or language impairment, a visual impairment
 33 including without limitation blindness, a serious emotional disturbance, an
 34 orthopedic impairment, autism, traumatic brain injury, other health
 35 impairments, a specific learning disability, deaf-blindness, or multiple
 36 disabilities and who, by reason thereof, needs special education and related

1 services;

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

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

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

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

16 (ii) Travel training; and

17 (iii) Vocational education.

18
 19 SECTION 36. Arkansas Code § 6-41-204 is amended to read as follows:

20 6-41-204. ~~Separate schooling~~ Least restrictive environment.

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

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

28 (a) Each public agency shall ensure that:

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

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

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

6 (b) The state funding mechanism shall not:

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

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

14
15 SECTION 37. Arkansas Code § 6-41-206(c), concerning school district
16 responsibility to provide free and appropriate public education for children
17 with disabilities, is repealed.

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

25
26 SECTION 38. Arkansas Code § 6-41-214(b) and (c) is repealed.

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

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

34
35 SECTION 39. Arkansas Code § 6-41-220(b) and (c)(1), concerning the
36 efforts and expenditures of school districts for educating children with

1 disabilities, are amended to read as follows:

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

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

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

11
 12 SECTION 40. Arkansas Code § 6-47-404(c)(1), concerning the
 13 establishment and implementation of the Arkansas Distance Learning
 14 Development Program, is amended to read as follows:

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

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

22
 23 SECTION 41. Arkansas Code § 6-80-107 is amended to read as follows:
 24 6-80-107. Transcripts.

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

30 (2) The uniform transcripts shall be transmitted electronically:

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

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

36 (b) After implementation of the uniform method prescribed under

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

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

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

12
 13
 14 SECTION 42. Arkansas Code § 6-11-109 is repealed.

15 ~~6-11-109. Petition for approval.~~

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

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

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

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

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

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

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

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

36 ~~thereof; or~~

1 ~~(iii) Request additional information with respect to~~
2 ~~any part of the petition or additional time to consider the petition; and~~

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

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

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

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

21
22 SECTION 43. Arkansas Code § 6-11-118 is repealed.

23 ~~6-11-118. Office of Rural Services.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31
 32 SECTION 44. Arkansas Code Title 6-13-106 is repealed.

33 ~~6-13-106. Districts where no high school is maintained.~~

34 ~~(a) Any school district in this state wherein high school facilities~~
 35 ~~are not maintained may contract with another school district for the~~
 36 ~~furnishing of high school facilities for the pupils of that district upon~~

1 ~~such terms and conditions as to the respective board of directors may appear~~
2 ~~reasonable and proper.~~

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

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

8
9 SECTION 45. Arkansas Code § 6-13-620(b)-(d) is repealed.

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

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

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

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

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

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

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

33
34 SECTION 46. Arkansas Code Title 6, Chapter 15, Subchapter 8 is
35 repealed.

36 ~~SUBCHAPTER 8 — ACCOUNTABILITY SECTION~~

1
2 ~~6-15-801. [Repealed.]~~

3
4 ~~6-15-802. Legislative intent.~~

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

11
12 ~~6-15-803. Creation—Appropriate staff.~~

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

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

17
18 ~~6-15-804. [Repealed.]~~

19
20 ~~6-15-805. [Expired.]~~

21
22 ~~6-15-806. [Repealed.]~~

23
24 ~~6-15-807. Duties.~~

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

26 ~~(1) Development of longitudinal student and school reporting for~~
27 ~~accurate and fair comparative analysis for purposes of school improvement;~~

28 ~~(2) Development of methods to determine attitudes toward~~
29 ~~educational matters;~~

30 ~~(3) Establishment of schedules for publication of information to~~
31 ~~keep the public and media informed on a regular and timely basis; and~~

32 ~~(4) Working with program approval and certification sections of~~
33 ~~the Department of Education, the Department of Higher Education, and the~~
34 ~~individual colleges to provide information that will contribute to~~
35 ~~reasonable, equitable, and excellent preparation of certified personnel in~~
36 ~~the institutions, both public and private, of higher education.~~

1
2 ~~6-15-808. Furnishing of information and assistance.~~

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

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

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

12
13 ~~6-15-809. [Repealed.]~~

14
15 SECTION 47. Arkansas Code §6-20-413 is repealed.

16 ~~6-20-413. Fiscal distress.~~

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

24
25 SECTION 48. Arkansas Code § 6-11-129(b), concerning written reports of
26 compliance with certain provisions of Arkansas law, is repealed.

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

31
32 SECTION 49. Arkansas Code § 6-15-423 is repealed.

33 ~~6-15-423. Comparing grade point averages with national test scores.~~

34 ~~(a) The Department of Education shall develop specific criteria, based~~
35 ~~on generally accepted statistical procedures, for evaluating the association~~
36 ~~of high school grade point averages and standardized test scores for all~~

1 ~~students participating in the American College Test and the Arkansas~~
2 ~~Comprehensive Testing, Assessment, and Accountability Program's end-of-course~~
3 ~~algebra, geometry, and literacy exams.~~

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

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

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

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

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

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

23
24 SECTION 50. Arkansas Code § 6-15-1604 is repealed.

25 ~~6-15-1604. Reporting dropout rates, suspensions, expulsions, and~~
26 ~~alternative placements.~~

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

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

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

36 ~~(d) The state board shall maintain a separate record of the number of~~

1 ~~students who are expelled from school.~~

2
3 SECTION 51. Arkansas Code § 6-16-123 is repealed.

4 ~~6-16-123. Arkansas laws.~~

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

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

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

12 ~~(A) School attendance;~~

13 ~~(B) Penalties for truancy;~~

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

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

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

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

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

25
26 SECTION 52. Arkansas Code § 6-16-124(c), concerning required social
27 studies courses, is repealed.

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

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

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SECTION 53. Arkansas Code § 6-16-125 is repealed.

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

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

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

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

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

SECTION 54. Arkansas Code § 6-16-132(f), concerning reports to the Department of Education on physical education, is repealed.

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

SECTION 55. Arkansas Code §6-16-138 is repealed.

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

~~*(a) Beginning in the 2005-2006 school year, the Department of Education shall conduct a study to develop a student mentor program by which qualified students in grades nine through twelve (9-12) may be eligible to*~~

1 ~~receive one (1) elective credit that may be applied toward graduation.~~

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

5
6 SECTION 56. Arkansas Code § 6-16-604(h), concerning optional summer
7 programs, is repealed.

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

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

16
17 SECTION 57. Arkansas Code § 6-17-310(f), concerning annual reports on
18 improvements in teacher recruitment, is repealed.

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

24
25 SECTION 58. Arkansas Code § 6-18-1105 is repealed.

26 ~~6-18-1105. Certification.~~

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

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

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

36 ~~(d) A one page form for certification shall be developed by the~~

1 ~~department in cooperation with school administrators and the Arkansas~~
2 ~~Congress of Parents and Teachers Associations.~~

3
4 SECTION 59. Arkansas Code § 6-18-1505 is repealed.

5 ~~6-18-1505. Reporting.~~

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

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

11 ~~(1) The number of children screened;~~

12 ~~(2) The number of children rescreened;~~

13 ~~(3) The number of children who did not receive an eye and vision~~
14 ~~screening;~~

15 ~~(4) The number of children referred for a comprehensive eye~~
16 ~~examination;~~

17 ~~(5) The number of children who failed the eye and vision~~
18 ~~screening who did not receive a comprehensive eye examination; and~~

19 ~~(6) The results of comprehensive eye examinations.~~

20
21 SECTION 60. Arkansas Code § 6-20-605 is repealed.

22 ~~6-20-605. Excessive transportation time.~~

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

27
28 SECTION 61. Arkansas Code § 6-21-303 is amended to read as follows:

29 ~~6-21-303. Rules and regulations.~~

30 (a) The board of directors of each school district shall prescribe the
31 method of soliciting bids ~~by regulation~~ and may adopt other rules ~~and~~
32 ~~regulations~~ governing the procurement of commodities.

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

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

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

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

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

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

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

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

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

21
22 SECTION 62. Arkansas Code § 6-23-207 is repealed.

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

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

28
29 SECTION 63. Arkansas Code § 6-82-104 is repealed.

30 ~~6-82-104. Annual report.~~

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

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

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

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

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

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

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

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

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

19
20 SECTION 64. Uncodified Section 26 of Act 2126 of 2005 is repealed.

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

1 ~~litigation in Pulaski County.~~

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

4 ~~The provisions of this section shall be in effect only from July 1,~~
5 ~~2005 through June 30, 2007.~~

6
7 SECTION 65. Uncodified Section 1 of Act 326 of 1997 is amended to read
8 as follows:

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

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

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

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

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

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

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

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

36 ~~(e)(d)~~ Dissemination of materials and all training required under this

1 act shall be contingent upon the availability of funds appropriated for such
2 purposes.

3
4 SECTION 66. Uncodified Section 11 of Act 1361 of 1997 is amended to
5 read as follows:

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

15
16 SECTION 67. Uncodified Section 12 of Act 35 of the Second
17 Extraordinary Session of 2003 is repealed.

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

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

26
27 SECTION 68. Arkansas Code § 6-15-102(d), concerning the Division of
28 Public School Accountability, is amended to read as follows:

29 (d)(1)(A) The commissioner shall select an individual to serve as the
30 ~~Director~~ assistant commissioner of the Division of Public School
31 Accountability, and the ~~director~~ assistant commissioner shall serve at the
32 pleasure of the commissioner.

33 (B) The commissioner may reassign as necessary appropriate
34 staff for the division sufficient to fulfill all obligations for monitoring
35 and reporting in the division.

36 (2) The person selected as the ~~director~~ assistant commissioner

1 shall:

2 (A) Be a person of good moral character and qualified
3 technically and by experience to direct the work of the division;

4 (B) Hold a master's degree or a higher level degree from
5 an accredited institution; and

6 (C) Have ten (10) years of experience in an
7 administrative, supervisory, or management position.

8 (3) No person who is related within the fourth degree of
9 consanguinity or affinity to any member of the State Board of Education or to
10 the commissioner shall be eligible to serve as the ~~director~~ assistant
11 commissioner.

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