

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 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: S2/19/09

A Bill

SENATE BILL 68

5 By: Senator Madison
6
7

For An Act To Be Entitled

9 AN ACT TO MAKE VARIOUS CORRECTIONS TO TITLE 6 OF
10 THE ARKANSAS CODE OF 1987 ANNOTATED; AND FOR
11 OTHER PURPOSES.
12

Subtitle

14 AN ACT TO MAKE VARIOUS CORRECTIONS TO
15 TITLE 6 OF THE ARKANSAS CODE OF 1987
16 ANNOTATED.
17
18

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

21 SECTION 1. Arkansas Code § 6-5-202(a) is amended to read as follows to
22 make stylistic changes:

23 (a) ~~No~~ A student of any school, college, university, or other
24 educational institution in Arkansas shall not engage in ~~what is commonly~~
25 ~~known and recognized as~~ hazing or encourage, aid, or assist any other student
26 ~~in the commission of this offense~~ hazing.
27

28 SECTION 2. Arkansas Code § 6-5-404(a) is amended to read as follows to
29 correct a reference and to make stylistic changes:

30 (a) The State Board of Education, the Department of Education, and the
31 public schools of Arkansas shall:

32 (1) cooperate ~~Cooperate~~ with the Arkansas Higher Education
33 Coordinating Board, the Department of Higher Education, and the institutions
34 of higher education in providing the information; and

35 (2) shall assist ~~Assist~~ as requested by the ~~department~~ Arkansas
36 Higher Education Coordinating Board.



1
2 SECTION 3. Arkansas Code § 6-11-101(e) is amended to read as follows
3 to correct a reference:

4 (e) The members of the state board shall be appointed by the Governor,
5 subject to the confirmation of the Senate, and shall take the oath of office
6 for officers prescribed by the Arkansas Constitution.

7
8 SECTION 4. Arkansas Code § 6-11-111 is amended to read as follows to
9 clarify the section and to make stylistic changes:

10 (a) The State Board of Education shall keep in the office of the
11 Commissioner of Education a complete record of the minutes of its meetings
12 and other proceedings and annually shall make a report to the Governor ~~which~~
13 that shall embody the report of the commissioner to the state board.

14 (b) At the opening of each regular session of the General Assembly,
15 ~~The annual report of the state board to the Governor shall be transmitted by~~
16 ~~him or her transmit~~ to the General Assembly at the opening of the legislative
17 ~~session~~ each annual report of the state board for each year of the biennium
18 preceding the regular session of the General Assembly.

19 (c)(1) Each annual report of the state board shall be printed by the
20 state board and distributed among the various school officers of the state or
21 made available to public school districts by including a link to the annual
22 report on the Department of Education website.

23 (2) The annual report shall include without limitation the
24 information required by § 6-20-2304(b).

25
26 SECTION 5. Arkansas Code § 6-11-124(c) is amended to read as follows
27 to correct a reference and to make a stylistic change:

28 (c) The ~~director~~ Commissioner of Education ~~is hereby authorized to may~~
29 request from the Chief Fiscal Officer of the State a transfer of
30 appropriation authorized for school district management and statewide data
31 collection by the General Assembly to any other line item appropriation
32 authorized for the department for the same purpose.

33
34 SECTION 6. Arkansas Code § 6-12-112(c) is amended to read as follows
35 to correct a reference and to make a stylistic change:

36 (c) In cases of undue demands upon the division for these audits, the

1 ~~office~~ division will be considered justified in charging a fee for the
2 service rendered, the fee not to be ~~in excess of~~ more than payments made for
3 help employed in the audit in addition to the legally provided personnel of
4 the ~~office~~ division.

5
6 SECTION 7. Arkansas Code § 6-13-701(f)(1) is amended to read as
7 follows to correct a reference and to make stylistic changes:

8 (f)(1)(A) All local taxes of the school district shall be remitted to
9 the county treasurer by the county collector.

10 (B) The county treasurer shall remit the funds in a timely
11 manner to the school district treasurer in those school districts maintaining
12 a school district treasurer.

13
14 SECTION 8. Arkansas Code § 6-13-1005(b) is amended to read as follows
15 to repeal obsolete language and to make stylistic changes:

16 (b) Consistent with ~~provisions of~~ § 6-13-1003, ~~no member of an~~
17 ~~existing pilot cooperative established under Acts 1983 (1st Ex. Sess.), No.~~
18 ~~103 [repealed] nor any~~ a member of an education service cooperative formed
19 after January 1, 1984, under The Public School Educational Cooperative Act of
20 1981, § 6-13-901 et seq., may not be moved to another education service
21 cooperative without that member's consent.

22
23 SECTION 9. Arkansas Code § 6-13-1010(b)(2) is amended to read as
24 follows to clarify a reference:

25 (2) Have an equivalent level of education and administrative
26 experience and obtain the approval of the state board.

27
28 SECTION 10. Arkansas Code § 6-13-1021(c)(2) is amended to read as
29 follows to clarify references and to make a stylistic change:

30 (2) The state board shall acknowledge receipt of the report and
31 comment on any deficiencies identified in the report ~~which~~ that should be
32 corrected for the education service cooperative to remain eligible for base
33 funding.

34
35 SECTION 11. Arkansas Code § 6-13-1306 is amended to read as follows to
36 make stylistic changes and to clarify language:

1 6-13-1306. School council powers and duties.

2 The school council established under this subchapter may implement
3 policies in the following areas:

4 (1) Planning and resolution of issues regarding instructional
5 practices;

6 (2) Selection and implementation of discipline and classroom
7 management techniques, including responsibilities of the student, parent,
8 teacher, counselor, and principal;

9 (3) Curriculum, including:

10 (A) Needs assessment;

11 (B) Curriculum development;

12 (C) Alignment with state standards;

13 (D) Technology utilization; and

14 (E) Program appraisal;

15 ~~(4)(A)~~ Assignment of all instructional and noninstructional
16 staff time; ~~and~~

17 (5)(B) Provision for planning time for instructional staff;

18 ~~(6)(5)~~ Assignment of students to classes and programs within the
19 school;

20 ~~(7)(6)~~ Determination of the schedule of the school day and week,
21 subject to the beginning and ending times of the school day and school
22 calendar year as specified in the personnel policies or negotiated
23 agreements;

24 ~~(8)(7)~~ Determination of use of school space during the school
25 day and week; and

26 ~~(9)(8)~~ Selection of extracurricular programs and determination
27 of policies relating to student participation based on academic
28 qualifications and attendance requirements, program evaluation, and
29 supervision.

30

31 SECTION 12. Arkansas Code § 6-13-1606(a) is amended to read as follows
32 to make terminology consistent with defined terms and to make stylistic
33 changes:

34 (a) Following the administrative consolidation or administrative
35 annexation under §§ 6-13-1601 – 6-13-1603, 6-13-1604 [repealed], and 6-13-
36 1605 [repealed] effective ~~prior to~~ before December 1, 2004, and ~~prior to~~

1 before any consolidation, annexation, detachment, approval of a conversion
2 charter, or any other type of reclassification or reorganization of a school
3 district after December 1, 2004, each receiving district or resulting ~~school~~
4 district and the Department of Education shall develop a plan to track the
5 educational progress of all students from the affected district and the
6 following subgroups of those students:

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

9 (2) Economically disadvantaged students;

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

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

14
15 SECTION 13. Arkansas Code § 6-13-1609 is amended to read as follows to
16 make terminology consistent with defined terms and to make stylistic changes:

17 6-13-1609. Preservation of historical school artifacts.

18 Following the administrative consolidations or administrative
19 annexations under §§ 6-13-1601 – 6-13-1603, 6-13-1604 [repealed], and 6-13-
20 1605 [repealed] effective ~~prior to~~ before December 1, 2004, and ~~prior to~~
21 before any consolidation, annexation, detachment, approval of a conversion
22 charter, or any other type of reclassification or reorganization of a school
23 district after December 31, 2004, a receiving district or resulting ~~school~~
24 district shall obtain, retain, preserve, and, as appropriate, display
25 historical artifacts of the ~~former school~~ affected district in the same
26 manner as if the historical artifacts were those of the receiving district or
27 resulting ~~school~~ district.

28
29 SECTION 14. Arkansas Code § 6-13-1611(a) is amended to read as follows
30 to make terminology consistent with defined terms and to make stylistic
31 changes:

32 (a) By ~~October 1, 2005, and by~~ October 1 of each year ~~thereafter~~, the
33 resulting district or receiving ~~districts~~ district of any school district
34 that was administratively consolidated or administratively annexed under §§
35 6-13-1601 – 6-13-1603, 6-13-1604 [repealed], and 6-13-1605 [repealed] shall
36 file a written report with the House Interim Committee on Education, the

1 Senate Interim Committee on Education, and the Department of Education
2 indicating:

3 (1) What efforts were made and the results of those efforts for
4 inclusion of parents from the affected district in the receiving district's
5 or the resulting district's activities, including, ~~but not limited to,~~
6 without limitation:

7 (A) ~~parent-teacher~~ Parent-teacher associations;

8 (B) ~~booster~~ Booster clubs; and

9 (C) ~~parent~~ Parent involvement committees;

10 (2) The number and percentage of students from the affected
11 districts participating in an extracurricular activity, itemized by each
12 extracurricular activity offered by the school district and, for each
13 activity, which school district the student attended ~~prior to~~ before
14 reorganization; and

15 (3) The employment status of each administrator by name, gender,
16 and race before the administrative annexation or administrative
17 consolidation, which school employed the administrator ~~prior to~~ before
18 administrative consolidation, and his or her employment status in the
19 receiving district or the resulting district.

20

21 SECTION 15. Arkansas Code § 6-15-102(h)(2)(E)-(G) is amended to read
22 as follows to make stylistic changes:

23 (E) One (1) member ~~appointed~~ selected by the President Pro
24 Tempore of the Senate, who shall be a representative of Arkansas businesses;

25 (F) One (1) member ~~appointed~~ selected by the Chair of the
26 Senate Committee on Education, who is currently employed as a teacher in
27 grades kindergarten through twelve (K-12) in a public school system in the
28 State of Arkansas; and

29 (G) One (1) member ~~appointed~~ selected by the Chair of the
30 House Committee on Education, who shall be a representative of the
31 administration of a public school in the State of Arkansas.

32

33 SECTION 16. Arkansas Code § 6-15-426(i)(3) is amended to read as
34 follows to make stylistic changes:

35 (3) The department shall use the information obtained through
36 monitoring comprehensive school improvement plans under this section to:

1 (A) Determine the compliance of the public school or
2 school district with ~~the provisions of~~ this subchapter; ~~and~~

3 (B) Evaluate whether the assessment conducted by the
4 public school or school district under subsection (h) of this section was
5 conducted properly; ~~;~~ and

6 (C) ~~assess~~ Assess the areas in which the public school or
7 school district needs to revise its plan.

8
9 SECTION 17. Arkansas Code § 6-15-437 is amended to read as follows to
10 make stylistic changes:

11 The State Board of Education shall adopt any rules necessary to
12 implement ~~the Arkansas Comprehensive Testing, Assessment, and Accountability~~
13 ~~Program, § 6-15-401 et seq.,~~ this subchapter pursuant to under the Arkansas
14 Administrative Procedure Act, § 25-15-201 et seq.

15
16 SECTION 18. Arkansas Code § 6-15-2605(a)(2)(B) is amended to read as
17 follows to correct a reference:

18 (B) In selecting participants, the ~~Department of Education~~
19 State Board of Education shall consider qualified applicants from various
20 locations and of various sizes and demographics.

21
22 SECTION 19. Arkansas Code § 6-15-2605(f)(2)(A) is amended to read as
23 follows to use the defined term:

24 (2)(A) A teacher in the ~~participating~~ participant school or
25 school district may elect not to participate in the Rewarding Excellence in
26 Achievement plan.

27
28 SECTION 20. Arkansas Code § 6-15-2606(a) is amended to read as follows
29 to make stylistic changes:

30 (a) A Rewarding Excellence in Achievement plan approved for
31 participation in the Rewarding Excellence in Achievement Program shall
32 describe how:

33 (1) ~~Describe how teachers~~ Teachers can achieve career
34 advancement and additional compensation;

35 (2) ~~Describe how the~~ The public school district or public
36 charter school will provide teachers with career advancement options that

1 allow teachers to retain primary roles in student instruction and ~~facilitates~~
 2 facilitate site-focused professional development that helps other teachers
 3 improve their skills;

4 (3) ~~Describe how the~~ The public school district or public
 5 charter school will prevent any teacher's compensation paid before
 6 implementing the pay system from being reduced as a result of initial
 7 implementation of the Rewarding Excellence in Achievement plan;

8 (4) ~~Describe how the~~ The forty percent (40%) to sixty percent
 9 (60%) performance portion of compensation will be determined;

10 (5) ~~Describe how the~~ The forty percent (40%) to sixty percent
 11 (60%) knowledge and skill base portion of compensation will be determined;

12 (6) ~~Describe how the~~ The plan will reform the steps and lanes
 13 salary schedule;

14 (7) ~~Describe how the~~ The public school district or public
 15 charter school will encourage a collaborative relationship among teachers;
 16 and

17 (8) ~~Describe how, after~~ After full plan implementation, the
 18 alternative compensation system will be:

19 (A) Sustained; or

20 (B) Phased out if the Rewarding Excellence in Achievement
 21 plan evaluation reveals that the plan does not work for the school.

22
 23 SECTION 21. Arkansas Code § 6-16-305(a) and (b) are amended to read as
 24 follows to correct a reference and to make stylistic changes:

25 (a) Irrespective of any language in this subchapter, nothing ~~shall be~~
 26 ~~construed as prohibiting~~ prohibits the General Assembly from providing funds
 27 ~~for the purpose of establishing~~ to establish centers for research or
 28 demonstration purposes in order to provide state-level leadership in ~~the area~~
 29 ~~of~~ early childhood education.

30 (b) In such instances, however, ~~all such~~ the funds shall be
 31 appropriated for the use of the ~~board~~ State Board of Education and shall be
 32 subject to cooperative agreements in writing between the Department of
 33 Education and the sponsoring teacher training institutions or school
 34 districts.

35
 36 SECTION 22. Arkansas Code § 6-16-306(c) is amended to read as follows

1 to make stylistic changes:

2 (c) Enrollments in such institutions may include students ~~under~~
3 twenty-one (21) years of age or younger and students ~~over~~ twenty-one (21)
4 years of age or older.

5
6 SECTION 23. Arkansas Code § 6-16-409 is repealed because Acts 2007,
7 No. 153, § 3 abolished the committee.

8 ~~6-16-409. Advisory Committee on Educational Access to Technology.~~

9 ~~(a) There is created a committee to be known as the "Advisory~~
10 ~~Committee on Educational Access to Technology".~~

11 ~~(b) (1) The Advisory Committee on Educational Access to Technology~~
12 ~~shall consist of five (5) members as follows:~~

13 ~~(A) Two (2) members appointed by a majority vote of the Senate~~
14 ~~Technology and Legislative Affairs Committee;~~

15 ~~(B) Two (2) members appointed by a majority vote of the House~~
16 ~~Committee on Advanced Communication and Information Technology; and~~

17 ~~(C) One (1) member appointed by a majority vote of the Joint~~
18 ~~Committee on Advanced Communication and Information Technology.~~

19 ~~(2) The appointees shall be members of Arkansas's business community~~
20 ~~engaged in business involving the delivery of technology.~~

21 ~~(c) The Senate Technology and Legislative Affairs Committee and the~~
22 ~~House Committee on Advanced Communication and Information Technology shall~~
23 ~~each name one (1) of the committees' appointees to serve as cochairs of the~~
24 ~~Advisory Committee on Educational Access to Technology.~~

25 ~~(d) If a vacancy occurs in an appointed position for any reason, the~~
26 ~~vacancy shall be filled in the same manner as the original appointment.~~

27 ~~(e)(1) The Advisory Committee on Educational Access to Technology~~
28 ~~shall meet upon call of either or both of the cochairs of the Advisory~~
29 ~~Committee on Educational Access to Technology.~~

30 ~~(2) Three (3) members of the Advisory Committee on Educational~~
31 ~~Access to Technology shall constitute a quorum for the purpose of transacting~~
32 ~~business.~~

33 ~~(3) A quorum is required for any action of the Advisory~~
34 ~~Committee on Educational Access to Technology.~~

35 ~~(f)(1) The Advisory Committee on Educational Access to Technology~~
36 ~~shall review the technology needs of the Arkansas public schools serving the~~

1 ~~needs of students in grades kindergarten through twelve (K-12) and recommend~~
2 ~~a method to ensure that all school districts and students have substantially~~
3 ~~equal access to technology.~~

4 ~~(2) The Advisory Committee on Educational Access to Technology~~
5 ~~shall work with members of the education community, the business community,~~
6 ~~and the Department of Education to determine methods for effectively teaching~~
7 ~~students to use technology and the most effective manner in which to~~
8 ~~incorporate technology into instruction for students.~~

9 ~~(g) The Advisory Committee on Educational Access to Technology shall~~
10 ~~report its findings and recommendations to the chairs of the Joint Committee~~
11 ~~on Advanced Communication and Information Technology, the House Committee on~~
12 ~~Education, and the Senate Committee on Education no later than September 1,~~
13 ~~2003, and every six (6) months thereafter.~~

14 ~~(h) The Bureau of Legislative Research employees providing staff~~
15 ~~assistance to the Joint Committee on Advanced Communication and Information~~
16 ~~Technology shall also furnish reasonable staff assistance to the Advisory~~
17 ~~Committee on Educational Access to Technology.~~

18 ~~(i)(1) The members of the Advisory Committee on Educational Access to~~
19 ~~Technology shall serve without pay.~~

20 ~~(2) The members of the Advisory Committee on Educational Access~~
21 ~~to Technology may receive expense reimbursement in accordance with § 25-16-~~
22 ~~902, to be paid by the bureau.~~

23
24 SECTION 24. Arkansas Code § 6-17-410(c)(32), concerning criminal
25 offenses that disqualify a teacher from licensure, is amended to read as
26 follows to update the list of criminal offenses:

27 (32) Burglary as prohibited by § 5-39-201 and aggravated
28 residential burglary as prohibited by § 5-39-204;

29
30 SECTION 25. Arkansas Code § 6-17-414(b)(32), concerning criminal
31 offenses that disqualify a person from school district employment, is amended
32 to read as follows to update the list of criminal offenses:

33 (32) Burglary as prohibited by § 5-39-201 and aggravated
34 residential burglary as prohibited by § 5-39-204;

35
36 SECTION 26. Arkansas Code § 6-17-422(b)(3) is amended to read as

1 follows to clarify language and to make stylistic changes:

2 (3)~~(A)~~ Four (4) persons with valid Arkansas teaching and
3 administrator's licenses who represent the four (4) congressional districts
4 in Arkansas and are +

5 ~~(A)~~ ~~Recommended~~ recommended by the Arkansas Association of
6 Educational Administrators.

7 (B)~~(i)~~ One (1) ~~of whom~~ person shall hold a P-8 building
8 level leader license and serve as a middle-level building leader; .

9 ~~(C)~~~~(ii)~~ Two (2) ~~of whom~~ persons shall be public
10 school superintendents with valid Arkansas teaching and administrator's
11 licenses recommended by the Arkansas Association of School Administrators;
12 and .

13 ~~(D)~~~~(iii)~~ One (1) person shall be a public school
14 administrator with a valid Arkansas teaching and administrator's license
15 recommended by the Arkansas Association of School Personnel Administrators;
16

17 SECTION 27. Arkansas Code § 6-17-422(b)(5)(B)(iii) is amended to read
18 as follows to make stylistic changes:

19 (B)(iii) One (1) ~~of whom~~ dean shall have knowledge of
20 licensure issues;

21

22 SECTION 28. Arkansas Code § 6-17-808 is repealed because Acts 2007,
23 No. 153, § 3 abolished the commission.

24 ~~6-17-808. Arkansas Classified Personnel Salaries Study Commission.~~

25 ~~(a) There is hereby created the Arkansas Classified Personnel Salaries~~
26 ~~Study Commission, to be composed of the following;~~

27 ~~(1) An appointee of the Chair of the House Interim Committee on~~
28 ~~Education;~~

29 ~~(2) An appointee of the Chair of the Senate Interim Committee on~~
30 ~~Education;~~

31 ~~(3) The Commissioner of Education;~~

32 ~~(4) The Director of the Department of Workforce Education;~~

33 ~~(5) One (1) representative of the Arkansas Association of~~
34 ~~Educational Administrators;~~

35 ~~(6) One (1) representative of the Arkansas Education~~
36 ~~Association;~~

1 ~~(7) One (1) representative of the Arkansas School Boards~~
2 ~~Association; and~~

3 ~~(8) The following persons to be appointed by the Governor:~~

4 ~~(A) Five (5) public school classified personnel~~
5 ~~representatives, who shall include one (1) active employee from each of the~~
6 ~~following job categories:~~

7 ~~(i) School secretary or clerk;~~

8 ~~(ii) School maintenance;~~

9 ~~(iii) Bus driver;~~

10 ~~(iv) Food service; and~~

11 ~~(v) Aide or paraprofessional;~~

12 ~~(B) One (1) public school superintendent; and~~

13 ~~(C) Two (2) lay persons appointed from the state at large~~
14 ~~who shall not be former school administrators.~~

15 ~~(b)(1) The commission shall collect from Arkansas public schools the~~
16 ~~salary schedules by job category for classified personnel and conduct a study~~
17 ~~of the disparity and inadequacies in classified personnel salaries among the~~
18 ~~state's school districts.~~

19 ~~(2) The commission shall recommend solutions to the 2001 General~~
20 ~~Assembly, including minimum salary guarantees for classified personnel~~
21 ~~salaries by specific job and classification.~~

22 ~~(c) Technical support to the commission shall be provided by the~~
23 ~~Department of Education.~~

24 ~~(d)(1) The school districts of this state shall adopt written salary~~
25 ~~schedules for classified personnel annually and shall file the schedules with~~
26 ~~the department no later than September 15 for the school year in which they~~
27 ~~are in effect.~~

28 ~~(2) The schedules shall reflect the actual pay practices of the~~
29 ~~school district for classified personnel.~~

30 ~~(e) As used herein, "classified personnel" means all public school~~
31 ~~personnel who are not required to hold a valid teaching certificate issued by~~
32 ~~the department as a condition of employment and includes, but need not be~~
33 ~~limited to, secretaries, maintenance employees, bus drivers, food service~~
34 ~~employees, instructional aides, and paraprofessionals.~~

35
36 SECTION 29. Arkansas Code § 6-17-908(a) is amended to read as follows

1 to clarify the language and to make stylistic changes:

2 (a) Only warrants or checks in payment of the following shall be paid
3 from the teachers' salary fund:

4 (1) ~~salaries~~ Salaries of teachers, ~~as defined in § 6-17-902,;~~

5 (2) ~~in payment of dues~~ Dues of teachers to professional
6 organizations,;

7 (3) ~~in payment of teachers'~~ Teachers' contributions to the
8 Arkansas Teacher Retirement System, ; and

9 (4)(A) ~~in payment of insurance~~ Insurance or other fringe
10 benefits for teachers ~~shall be paid from the teachers' salary fund.~~

11 (B) However, insurance or other fringe benefits must be
12 approved by a majority of the teachers in the school district voting in a
13 secret election.

14

15 SECTION 30. Arkansas Code § 6-17-1109 is amended to read as follows to
16 correct references and to make stylistic changes:

17 (a) Before selecting ~~any~~ a policy or entering into ~~any~~ an agreement
18 with an insurance company for the providing of life or disability insurance
19 for public school employees as authorized in this subchapter, the ~~committee~~
20 State and Public School Life and Health Insurance Board shall publicize, by
21 inserting in one (1) or more newspapers having a general circulation in the
22 State of Arkansas, notice that bid proposals for the providing of life or
23 disability insurance for public school employees will be received by the
24 ~~committee~~ board on the date and at the place stated in the notice.

25 (b) ~~Such~~ The notice shall be published by two (2) insertions, with the
26 first insertion to be at least thirty (30) days ~~prior to~~ before the date for
27 receiving bids, and with the second insertion to be not later than two (2)
28 weeks ~~prior to~~ before the date for receiving bids.

29 (c)(1) ~~At the time and place established in the notice for receiving~~
30 ~~bid proposals, the committee~~ The board shall, open all bids in a public
31 meeting, ~~open all bids,~~ at the time and place established in the notice for
32 receiving bid proposals. ~~and~~

33 (2) ~~all~~ All bids so opened shall be made available for public
34 inspection.

35 (d)(1) The board ~~Each bid proposal shall be evaluated~~ evaluate each
36 bid proposal in accordance with according to the uniform criteria established

1 by the Insurance Commissioner for evaluating benefits in relation to premiums
2 to be charged ~~therefor~~ for the benefits., and

3 ~~(2) the committee~~ The board shall also ~~make a determination~~
4 determine that each insurance company submitting a bid meets the minimum
5 standards for financial solvency and ability to provide services as
6 promulgated by the commissioner.

7 (e) After reviewing all bids, the ~~committee~~ board may approve the
8 policy proposal with the insurance company ~~which~~ that the ~~committee~~ board
9 determines has submitted the bid with the best benefit coverage in relation
10 to the premiums to be paid, as the ~~committee~~ board determines to be in the
11 best interest of the public school employees' life or disability program.

12 (f) A bid contract shall be for a minimum of five (5) years.

13 (g) However, the ~~committee~~ board may reject any ~~and all bids~~ bid and
14 readvertise for bids ~~in the manner herein~~ as set forth in this section.

15
16 SECTION 31. Arkansas Code § 6-17-1111(2)(C) is amended to read as
17 follows to correct a reference and to make stylistic changes:

18 (C) The ~~committee~~ State and Public School Life and Health
19 Insurance Board ~~is authorized to~~ may establish the manner in which this
20 payment is to be made, ~~provided such~~ if the manner of payment ~~shall not be~~ is
21 not in violation of any other law, rule, or regulation governing the school
22 district.

23
24 SECTION 32. Arkansas Code § 6-17-1114 is amended to read as follows to
25 correct a reference and to make stylistic changes:

26 It ~~shall be~~ is the duty of the ~~committee~~ State and Public School Life
27 and Health Insurance Board, the Supervisor of the Public School Employees
28 Insurance Section and the insurance section employees, the Department of
29 Education, and ~~of~~ each public school district and ~~the~~ their officers and
30 employees ~~respectively thereof~~:

31 (1) To cooperate with ~~each other~~ one another, whenever called
32 upon to do so, in all such reasonable ways as will assist or further the
33 objectives of the ~~committee~~ board by making available records and statistical
34 or other data or information to provide legal and actuarial advice; and

35 (2) If required, to occasionally make available the services of
36 their officers and employees.

1
2 SECTION 33. Arkansas Code § 6-17-1504 is amended to read as follows to
3 repeal an obsolete subsection and to make stylistic changes:

4 6-17-1504. Evaluation - Effect.

5 (a) Each teacher employed by the board of directors of a school
6 district ~~must~~ shall be evaluated in writing annually.

7 (b) ~~Evaluation criteria and procedures shall be established in the~~
8 ~~manner prescribed in Acts 1975, No. 400 [repealed].~~

9 ~~(c) Whenever~~ When a superintendent or other school administrator
10 charged with the supervision of a teacher believes or has reason to believe
11 that a teacher is having difficulties or problems meeting the expectations of
12 the school district or its administration and the administrator believes or
13 has reason to believe that the problems could lead to termination or
14 nonrenewal of contract, the administrator shall:

15 (1) ~~bring~~ Bring in writing the problems and difficulties to the
16 attention of the teacher involved ~~in writing~~; and

17 (2) ~~shall document~~ Document the efforts ~~which~~ that have been
18 undertaken to assist the teacher to correct whatever appears to be the cause
19 for potential termination or nonrenewal.

20
21 SECTION 34. Arkansas Code § 6-18-101(d) and (e) are amended to read as
22 follows to remove obsolete language, to make language consistent, and to make
23 stylistic changes:

24 (d) ~~A student who is a member of any academic honor society on August~~
25 ~~13, 1993, shall be exempt from the provisions of subsection (c) of this~~
26 ~~section.~~

27 ~~(e)(1)~~ (1) A school district may establish an honor roll system to
28 recognize or reward students for academic achievement.

29 (2) ~~No~~ A school district shall not be prohibited from
30 identifying students who qualify for the honor roll or who are eligible to
31 serve as valedictorian or salutatorian of the students' graduating class or
32 who qualify for honor graduate status ~~as provided~~ under this section.

33 (3)(A) ~~Any~~ A parent or student who does not want to have the
34 student identified as an honor student or listed on the honor roll shall
35 submit a written request to the principal of the school requesting that the
36 student not be identified.

1 (B) The school and school district shall not identify any
2 student who has submitted or whose parent has submitted a written request
3 under subdivision ~~(e)(3)(A)~~ (d)(3)(A) of this section.

4
5 SECTION 35. Arkansas Code § 6-18-104 is amended to read as follows to
6 remove obsolete language and to make stylistic changes:

7 ~~(a)~~ All students in grades kindergarten through twelve (K-12) of the
8 public schools of this state shall be placed in an educational program that
9 includes the minimum core curriculum established ~~pursuant to~~ under § 6-61-217
10 unless a medical doctor and the parent or custodian of the student ~~certifies~~
11 certify that a medical condition exists that impairs the student's cognitive
12 functioning and that the student should not pursue the minimum core
13 curriculum.

14 ~~(b) For the purposes of this section, students in the class of 2002~~
15 ~~shall meet all of these requirements and be better prepared to make career~~
16 ~~choices.~~

17
18 SECTION 36. Arkansas Code § 6-18-201(a)(3)-(5) is amended to read as
19 follows to remove obsolete language and to make stylistic changes:

20 (3) Any child ~~age~~ sixteen (16) years of age or ~~above~~ older who
21 is enrolled in a postsecondary vocational-technical institution, a community
22 college, or a two-year or four-year institution of higher education is not
23 subject to the attendance requirement; and

24 (4)(A) Any child ~~age~~ sixteen (16) years of age or ~~above~~ older
25 who is enrolled in an adult education program ~~as provided for in~~ under
26 subsection (b) of this section or in the Arkansas National Guard Youth
27 Challenge Program is not subject to the attendance requirement.

28 (B) The requirements in subsection (b) of this section
29 ~~shall not~~ do not apply to the Arkansas National Guard Youth Challenge
30 Program; ~~and~~ .

31 ~~(5) Any child age sixteen (16) or above enrolled in an adult~~
32 ~~education program prior to June 13, 1994, under a waiver granted by the local~~
33 ~~school district who is currently attending the program is not subject to the~~
34 ~~attendance requirement.~~

35
36 SECTION 37. Arkansas Code § 6-18-1406(d)(1) is amended to read as

1 follows to make stylistic changes:

2 (d) The implementation plan may include the following components for
3 each site:

4 (1)(A) Information and referral activities:

5 (i) ~~for~~ For off-site services to assist participants
6 in having their basic needs met; and

7 ~~(B)(ii) Information and referral activities that~~ That
8 provide participants with a point of entry to available support networks.

9 ~~(C)(B) Examples of off-site service referrals include, but~~
10 ~~are not limited to,~~ without limitation the following:

11 (i) Child care centers;

12 (ii) Health care providers;

13 (iii) Counseling services;

14 (iv) Legal aid;

15 (v) Food banks;

16 (vi) Housing and domestic violence shelters; and

17 (vii) Federal agencies, state agencies, or other

18 entities that provide benefits or services that the participants may need;

19

20 SECTION 38. Arkansas Code § 6-20-412(e) is amended to read as follows
21 to make stylistic changes:

22 (e) ~~Payments~~ A payment to a targeted ~~educators~~ educator made in the
23 form of a ~~supplements~~ supplement as ~~addendums~~ an addendum to a contract in
24 fulfilling ~~the provisions of~~ this section, § 6-5-307(a), and § 6-17-2101 et
25 seq. [repealed] shall not be considered a nonrecurring salary payment under
26 this section.

27

28 SECTION 39. Arkansas Code § 6-20-502(7) is amended to read as follows
29 to update the references to the proper code sections:

30 (7) "State funds" means any state funds received by the school
31 district under ~~§ 6-20-301 et seq. [repealed]~~ the Public School Funding Act of
32 2003, § 6-20-2301 et seq., the Arkansas Public School Academic Facilities
33 Funding Act, § 6-20-2501 et seq., or other state special education funds.

34

35 SECTION 40. Arkansas Code § 6-20-1101 is repealed because it is
36 obsolete.

1 ~~6-20-1101. Scope.~~

2 ~~The authority granted by this subchapter is supplementary and~~
3 ~~additional to that granted under the revolving loan fund laws, § 6-20-801 et~~
4 ~~seq., and the existing laws shall be and remain in full force and effect.~~

5
6 SECTION 41. Arkansas Code § 6-20-1407(d)(1) is amended to read as
7 follows to correct a reference and to make stylistic changes:

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

13
14 SECTION 42. Arkansas Code § 6-20-2208(c)(2)(A) is amended to read as
15 follows to correct a reference and to make a stylistic change:

16 (2)(A) Expend the sums allocated to the school district under §
17 ~~6-20-2005(b)~~ § 6-20-2305(b) for salaries and other instructional aid
18 components to benefit students in the special needs categories within the
19 school district unless other expenditures are allowed by law or rule of the
20 State Board of Education or the Department of Education.

21
22 SECTION 43. Arkansas Code § 6-20-2306 is amended to read as follows to
23 insert the proper connector and to make stylistic changes:

24 (a) If the Department of Education determines that an overpayment has
25 been made to a school district under any appropriation authorized by this
26 subchapter, the department ~~is authorized to~~ may:

27 (1) Withhold the overpayment from subsequent state funding;
28 (2) Transfer the amount withheld for the overpayment to the line
29 item appropriation from which the overpayment was initially made; ~~and~~ or
30 (3) Request a refund from the school district in the amount of
31 the overpayment.

32 (b) The school district shall comply as directed by the department.

33
34 SECTION 44. Arkansas Code § 6-20-2507(b)(1)(C)(ii) is amended to read
35 as follows to correct a reference and to make stylistic changes:

36 (ii) The division may waive the minimum requirement

1 ~~set forth in~~ under subdivision (b)(1)(C)(i) of this section ~~may be waived by~~
 2 ~~the division~~ upon a recommendation ~~being made~~ by the Director of the Division
 3 of Public School Academic Facilities and Transportation to the ~~Commissioners~~
 4 ~~for the Division of~~ Commission for Arkansas Public School Academic Facilities
 5 and Transportation for the minimum to be waived for cause and a majority of
 6 the commission votes to support the waiver;

7
 8 SECTION 45. Arkansas Code § 6-21-106(d)(2)(B), concerning a fire
 9 chief's inspection report for schools, is amended to read as follows to make
 10 stylistic changes:

11 (B) What action will be taken in response to the
 12 inspection report ~~by the chief executive officer of the fire department~~ and
 13 the anticipated date of completion of the action.

14
 15 SECTION 46. Arkansas Code § 6-23-304(c) and (d) are amended to read as
 16 follows to make stylistic changes:

17 (c)(1) The state board may grant no more than a total of twenty-four
 18 (24) charters for open-enrollment public charter schools.

19 (2) An open-enrollment public charter applicant's school campus
 20 shall be limited to a single open-enrollment public charter school per
 21 charter except as allowed in subdivision ~~(e)(6)~~ (d)(3) of this section.

22 (3) An open-enrollment public charter school shall not open in
 23 the service area of a public school district administratively reorganized
 24 ~~pursuant to the provisions of~~ under § 6-13-1601 et seq. until after the third
 25 year of the administrative reorganization.

26 (4) A private or parochial elementary or secondary school shall
 27 not be eligible for open-enrollment public charter school status.

28 (d)(1) The General Assembly ~~hereby~~ recognizes by established relevant
 29 demonstrated educational accountability measures that the Knowledge Is Power
 30 Program (KIPP) Delta College Preparatory Open-Enrollment Charter School has:

31 (A) Improved student learning through innovative ideas and
 32 techniques;

33 (B) Increased learning opportunities for all students; and

34 (C) Created special emphasis on expanded learning
 35 experiences for students who were previously identified as low-achieving.

36 ~~(2)(5)~~ As a result, the Knowledge Is Power Program is recognized

1 as an effective method for:

2 (A) Meeting the statutory intent of this chapter;

3 (B) Closing the achievement gap in public schools for
4 economically disadvantaged, racial, and ethnic subgroups, which is addressed
5 by the Arkansas Comprehensive Testing, Assessment, and Accountability Program
6 Act, § 6-15-401 et seq., and § 6-15-1601 et seq.; and

7 (C) Otherwise providing an alternative education that has
8 been proven adequate and equitable to Arkansas students.

9 ~~(3)(6)~~ Therefore, ~~any~~ a charter applicant that receives an
10 approved open-enrollment public charter may petition the state board for
11 additional licenses to establish an open-enrollment public charter school in
12 any of the various congressional districts in Arkansas ~~provided that~~ if the
13 applicant meets the following conditions, subject to the normal application,
14 review, and approval process of the state board:

15 (A) The approved open-enrollment public charter applicant
16 has demonstrated success in student achievement gains, as defined by the
17 state board; and

18 (B) The approved open-enrollment public charter applicant
19 has not:

20 (i) Been subject to any disciplinary action by the
21 state board;

22 (ii) Been classified as in school improvement or
23 academic or fiscal distress; and

24 (iii) Had its open-enrollment public charter placed
25 on probation, or suspended, or revoked; and

26 (C) The state board determines in writing by majority of a
27 quorum of the state board present that the open-enrollment public charter
28 applicant has generally established the educational program results and
29 criteria set forth in this subdivision ~~(e)(6)~~ (d)(3).

30 ~~(d) No private or parochial elementary or secondary school shall be~~
31 ~~eligible for open enrollment public charter school status.~~

32
33 SECTION 47. Arkansas Code § 6-24-106(c)(7) is amended to read as
34 follows to make stylistic changes:

35 (7) ~~No~~ A contract subject to this ~~provision~~ subsection (c) ~~shall~~
36 is not be valid until ~~approved by~~ the commissioner:

1 (A) Approves the contract; or
2 (B) ~~the commissioner fails~~ Fails to respond to the public
3 educational entity within the time periods specified in this section.
4

5 SECTION 48. Arkansas Code § 6-26-304(d), concerning housing benefits
6 for high-performing teachers, is amended to read as follows to correct
7 terminology use:

8 (d) The foundation or its designee shall provide low-interest loans to
9 the selected developers in the amount necessary to construct rental housing
10 units to meet the housing needs for the expected number of ~~high-priority~~
11 high-performing teachers attracted to the area ~~that~~ who will choose rental
12 housing units.
13

14 SECTION 49. Arkansas Code § 6-41-211(g)(4) is amended to read as
15 follows to correct a reference:

16 (4) Advise the department in developing corrective action plans
17 to address findings identified in federal monitoring reports under ~~this part~~
18 Title 20, Chapter 33, Subchapter II of the United States Code; and
19

20 SECTION 50. Arkansas Code § 6-41-217(b)(3)(H)(i)(b) is amended to read
21 as follows to make a stylistic change:

22 (b) The individualized education program shall also include the
23 transition services, including courses of study, needed to assist the child
24 in reaching those goals.
25

26 SECTION 51. Arkansas Code § 6-41-403(b) is amended to read as follows
27 to correct terminology:

28 (b) The results of the assessment shall be used to develop the
29 student's ~~individual educational plan~~ individualized education program.
30

31 SECTION 52. Arkansas Code § 6-45-105(c) is amended to read as follows
32 to change a shortened reference into a full reference and to make stylistic
33 changes:

34 (c)(1) The department ~~is hereby authorized to~~ may expend a maximum of
35 two percent (2%) of available funds to administer the ~~program~~ Arkansas Better
36 Chance Program and to monitor ~~program~~ Arkansas Better Chance Program grantees

1 to ensure compliance with programmatic standards.

2 (2) The department may contract with the Division of Child Care
3 and Early Childhood Education to administer the ~~program~~ Arkansas Better
4 Chance Program.

5
6 SECTION 53. Arkansas Code § 6-46-303(a) is amended to read as follows
7 to correct a reference and to make stylistic changes:

8 (a) The Department of Workforce Education shall prepare the biennial
9 budget request for the Arkansas High Technology Training Center's operation,
10 ~~that~~ which shall be submitted to the State Board of Workforce Education and
11 Career Opportunities for inclusion in the biennial budget request of the
12 department for funding programs from the ~~Vocational Education Fund~~ Department
13 of Workforce Education Fund Account.

14
15 SECTION 54. Arkansas Code § 6-53-602(b)(2) is amended to read as
16 follows to clarify language and to make stylistic changes:

17 (2) The local board or acting local board shall issue a
18 proclamation and set a date for the election ~~in accordance with~~ under § 7-5-
19 103(b), but ~~in no event~~ the date set for the election shall not be later than
20 ninety (90) days after the publication of the proclamation.

21
22 SECTION 55. Arkansas Code § 6-81-706(a)(5) is amended to read as
23 follows to use the defined term and to make stylistic changes:

24 (5) The applicant desires to practice medicine in an eligible
25 ~~qualifying~~ qualified rural community ~~as determined by the board~~; and
26

27 SECTION 56. Arkansas Code § 6-82-1005(e)(3) is amended to read as
28 follows to use the defined term, clarify language, and to make stylistic
29 changes:

30 (3) ~~An enrolled college student~~ A recipient who participates in
31 the tutorial program and fails to meet the Arkansas Academic Challenge
32 Scholarship academic eligibility requirement for the fall or spring semester
33 shall be given the probationary opportunity during the subsequent spring or
34 summer term to continue his or her education and improve his or her academic
35 performance to meet the eligibility requirement ~~prior to~~ before losing
36 scholarship funding in the subsequent semester.

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SECTION 57. Arkansas Code § 6-82-1006(d)(1) is amended to read as follows to make the terminology consistent:

(d)(1) A recipient who agrees to volunteer as a literacy tutor under § 6-82-1005(e) shall receive the prerequisite training in literacy and college readiness skills from an accredited Arkansas institution of higher education.

SECTION 58. The enactment and adoption of this act shall not repeal, expressly or impliedly, the acts passed at the regular session of the 87th General Assembly. All such acts shall have full effect and, so far as those acts intentionally vary from or conflict with any provision contained in this act, those acts shall have the effect of subsequent acts and as amending or repealing the appropriate parts of the Arkansas Code of 1987.

/s/ Madison