

State of Arkansas
87th General Assembly
Regular Session, 2009

A Bill

SENATE BILL 814

By: Senators Broadway, Bryles
By: Representatives Cook, Betts

For An Act To Be Entitled

AN ACT TO AMEND VARIOUS PROVISIONS OF THE
ARKANSAS CODE CONCERNING PUBLIC SCHOOL EDUCATION;
AND FOR OTHER PURPOSES.

Subtitle

TO AMEND VARIOUS PROVISIONS OF THE
ARKANSAS CODE CONCERNING PUBLIC SCHOOL
EDUCATION.

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

SECTION 1. Arkansas Code § 6-10-106(d), concerning uniform dates for the beginning and end of a school year, is amended to read as follows:

(d) A school district shall adopt an academic calendar that includes five (5) make-up days, in addition to the number of student-teacher interaction days required by the Standards for Accreditation of Arkansas Public Schools and School Districts established by the State Board of Education, for days unavoidably lost due to exceptional or emergency circumstances resulting from a contagious disease outbreak, inclement weather, or other acts of God.

(e) No other waiver from the requirements of this section shall be granted.

SECTION 2. Arkansas Code § 6-14-102(c)(1), concerning annual and special school elections, is amended to read as follows:

(c)(1) In any election year, if no more than one (1) candidate for any



1 school district director position presents a petition or notice in writing to
 2 the county board of election commissioners as required by § 6-14-111 and if
 3 there are no other ballot issues to be submitted to school district electors
 4 for consideration, with the exception of the local tax rate if that rate is
 5 not being changed or restructured, the board of directors of any school
 6 district, by resolution, may request the county board of election
 7 commissioners to reduce the number of polling places or to open no polling
 8 places on election day so that the election can be conducted by absentee
 9 ballot and early voting only.

10
 11 SECTION 3. Arkansas Code § 6-15-203(a), concerning appeals of
 12 notifications of failure to meet standards for accreditation, is amended to
 13 read as follows:

14 (a)(1) The Department of Education ~~shall annually~~ annually shall
 15 notify all schools or school districts failing to meet standards for
 16 accreditation for elementary and secondary schools not later than May 15 of
 17 each year of this determination.

18 (2)(A) Except as under subdivision (a)(2) of this section, the
 19 department may notify a school district failing to meet standards for
 20 accreditation for elementary and secondary schools when the failure is
 21 discovered by the department under § 6-15-202(i).

22 (B) Any public school or school district notified by the
 23 department of the public school's or school district's failure to meet
 24 standards for accreditation due to actions taken under § 6-15-202(i) may
 25 appeal to the State Board of Education under § 6-15-203(b).

26
 27 SECTION 4. Arkansas Code § 6-15-1012 is repealed.

28 ~~6-15-1012. Model learning standards in the basic core of knowledge and~~
 29 ~~skills.~~

30 ~~(a) The Department of Education shall identify the learning standards~~
 31 ~~needed in the basic core of knowledge and skills as required of students in~~
 32 ~~the public schools by § 6-15-1003.~~

33 ~~(b)(1) Beginning with the 2000-2001 school year, the department shall~~
 34 ~~develop the learning standards into a model format and issue the model~~
 35 ~~standards in pamphlet form describing the standards for the basic core of~~
 36 ~~knowledge and skills in kindergarten through grade eight (K-8). The model~~

1 ~~shall be prepared for each grade level.~~

2 ~~(2) The department shall develop model learning standards for~~
 3 ~~the common core required for graduation in grades nine through twelve (9-12)~~
 4 ~~and shall prepare them in pamphlet format for the high school level.~~

5 ~~(c) The department shall make the model standards available to every~~
 6 ~~school district in Arkansas.~~

7 ~~(d) Local school districts shall prepare a report in pamphlet form~~
 8 ~~describing the basic core of knowledge and skills prescribed for the schools~~
 9 ~~in their school districts and publish it in enough quantity for all students.~~

10 ~~(1) A report shall be prepared for each grade kindergarten~~
 11 ~~through eight (K-8); and~~

12 ~~(2) A report for the common core required for graduation from~~
 13 ~~high school shall also be prepared by the local school district for parents~~
 14 ~~of high school students.~~

15 ~~(e) Local school districts shall distribute the pamphlets to every~~
 16 ~~parent and guardian of a child in grades kindergarten through twelve (K-12)~~
 17 ~~in the public schools of Arkansas.~~

18
 19 SECTION 5. Arkansas Code § 6-15-1702(b), concerning parental
 20 involvement plans, is amended to read as follows:

21 (B) To encourage communication with parents, the school shall:

22 (i) prepare ~~Prepare~~ an informational packet to be
 23 distributed annually to the parent of each child in the school, appropriate
 24 for the age and grade of the child, describing:

25 ~~(i)-(a)~~ (a) The school's parental involvement
 26 program;

27 ~~(ii)-(b)~~ (b) The recommended role of the parent,
 28 student, teacher, and school;

29 ~~(iii)-(c)~~ (c) Ways for the parent to become
 30 involved in the school and his or her child's education;

31 ~~(iv)-(d)~~ (d) A survey for the parent regarding his
 32 or her interests concerning volunteering at the school;

33 ~~(v)-(e)~~ (e) Activities planned throughout the
 34 school year to encourage parental involvement; and

35 ~~(vi)-(f)~~ (f) A system to allow the parents and
 36 teachers to communicate in a regular, two-way, and meaningful manner with the

1 child's teacher and the school principal; and

2 (ii) Schedule no fewer than two (2) parent-teacher
3 conferences per school year.

4 (D) The school may plan and engage in other activities
5 determined by the school to be beneficial to encourage communication with
6 parents;

7
8 SECTION 6. Arkansas Code § 6-16-604(b)(1), concerning optional summer
9 programs, is amended to read as follows:

10 (b)(1) The length of the summer school term ~~is to~~ shall be five (5)
11 weeks, during which time a school shall provide not less than:

12 (A) Twenty (20) days of instruction; and

13 (B) Seventy-five (75) hours of instruction.

14
15 SECTION 7. Arkansas Code § 6-17-301 is amended to read as follows:
16 6-17-301. Employment of certified personnel.

17 (a) ~~Except as prohibited under subsections (c) and (d) of this~~
18 ~~section, school boards~~ A school board of directors may employ
19 superintendents, deputy superintendents, assistant superintendents, and high
20 school principals, as well as department heads, coaches, teachers, and other
21 certified personnel, by written contract for a period of time not more than
22 three (3) years.

23 (b) The contracts may be renewed annually.

24 ~~(c) Beginning on July 16, 2003, through July 1, 2004, notwithstanding~~
25 ~~any other provision of law except for currently binding contractual~~
26 ~~obligations or enforceable court ordered mandates, no public school board of~~
27 ~~directors or the governing board of an education service cooperative or~~
28 ~~charter school may employ or extend the employment contract of any~~
29 ~~superintendent, assistant superintendent, school principal, department head,~~
30 ~~coach, teacher, or other certified or noncertified personnel for a period of~~
31 ~~time more than one (1) fiscal year without the prior written approval of the~~
32 ~~State Board of Education or the Commissioner of Education as allowed in~~
33 ~~emergency situations.~~

34 ~~(d) No employment contract or extension to an employment contract~~
35 ~~entered on or after July 16, 2003, through July 1, 2004, may have a combined~~
36 ~~total increase in salaries, income, and benefits of greater than seven and~~

~~one-half percent (7.5%) of the immediate previous existing contract for the same or substantially similar personnel position without the prior written approval of the state board, except for salary or benefit increases legislatively approved and mandated by the General Assembly, specifically including, but not limited to, pay increases under The Educator Compensation Act of 2001, §§ 6-17-2101 et seq. [Repealed], 6-5-307(a), and 6-20-412 or any salary increase based on an increment for experience or training published in a currently approved school district salary schedule.~~

SECTION 8. Arkansas Code § 6-17-309(a)(2)(B), concerning the waiver of certification, is amended to read as follows:

(B) Those persons teaching through a distance learning program or provider approved by the Department of Education to teach the grade level or subject matter of the class in the Department of Education's distance learning program;

SECTION 9. Arkansas Code § 6-18-1602(2), concerning the definition of "Smart Core", is amended to read as follows:

(2) "Smart Core" means the required curriculum that is part of ~~Next Step Smart Future~~, a state initiative focused on improving Arkansas public schools for all students so they are prepared for life beyond graduation.

SECTION 10. Arkansas Code § 6-20-402(f), concerning the limitation on current indebtedness of a school district, is amended to read as follows:

(f) If the state board withholds state aid from a school district ~~pursuant to~~ under subsection (e) of this section, the school district shall be classified as a ~~Phase III school district in distress as described in § 6-20-1609 [repealed]~~ school district in fiscal distress under § 6-20-1906.

SECTION 11. Arkansas Code § 6-20-1201 is amended to read as follows:
6-20-1201. Authority to borrow money and issue negotiable bonds.

~~(a) Except as prohibited by subsection (b) of this section, all school districts are authorized to~~ A school district may borrow money and ~~to~~ issue negotiable bonds ~~for the repayment thereof~~ to repay borrowed moneys from school funds for:

1 ~~(1) the building~~ Building and equipping of school buildings;
 2 ~~(2) for making~~ Making additions and repairs ~~thereto~~ to school
 3 buildings;
 4 ~~(3) for purchasing sites therefor,~~ Purchasing sites for school
 5 buildings;
 6 ~~(4) for purchasing~~ Purchasing new or used school buses;
 7 ~~(5) for refurbishing~~ Refurbishing school buses;
 8 ~~(6) for the professional~~ Providing professional development and
 9 training of teachers or other programs authorized under the federally
 10 recognized Qualified Zone Academy Bond program, 26 U.S.C. § 1397E; and
 11 ~~(7) for paying~~ Paying off outstanding postdated warrants,
 12 installment contracts, revolving loans, and lease-purchase agreements, as
 13 provided ~~in this act~~ by law.

14 ~~(b) No school district shall have the authority to act in accordance~~
 15 ~~with the provisions of subsection (a) of this section from July 16, 2003,~~
 16 ~~through July 1, 2004, without the prior written approval of the State Board~~
 17 ~~of Education or the Commissioner of Education as allowed in emergency~~
 18 ~~situations.~~

20 SECTION 12. Arkansas Code § 6-20-1905(a), concerning notification to
 21 and appeal by a school district of identification of the school district's
 22 fiscal distress, is amended to read as follows:

23 (a)(1)(A)(i) The Department of Education shall provide written notice,
 24 via certified mail, return receipt requested, to the president of the school
 25 board of directors and the superintendent of each school district identified
 26 as being in fiscal distress.

27 ~~(2)(ii) Beginning in 2008, the~~ The department shall
 28 provide the notice required under this subdivision ~~(a)(1) (a)(1)(A) of this~~
 29 ~~section~~ on or before March 30 of each year.

30 (B) Except as provided under subdivision (a)(1)(A) of this
 31 section, the department may identify a school district as being in fiscal
 32 distress at any time a fiscal condition of a school district is discovered to
 33 have a detrimental negative impact on the continuation of educational
 34 services by the school district.

36 SECTION 13. Arkansas Code § 6-20-2202(a)(1), concerning public school

1 budget and expenditure reports, is amended to read as follows:

2 (a)(1) The board of directors of each school district, open-enrollment
3 public charter school, and education service cooperative ~~shall annually~~
4 ~~prepare annually shall prepare~~ a budget of expenditures and receipts that
5 shall be filed with the Department of Education by ~~September 15~~ September 30
6 of each year ~~pursuant to~~ under this subchapter.

7
8 SECTION 14. Arkansas Code § 6-20-2202(d)(1)(B)(i), concerning public
9 school budget and expenditure reports, is amended to read as follows:

10 (B)(i) An annual report summarizing the information
11 required in subdivision (d)(1)(A) of this section in a format required by the
12 Department of Education shall be filed by ~~September 15~~ September 30 of each
13 year with the Department of Education.

14
15 SECTION 15. Arkansas Code § 6-20-2303(3)(C), concerning the definition
16 of "average daily membership", is amended to read as follows:

17 (C) As applied to this subchapter, students who may be
18 counted for average daily membership are:

19 (i) Students who reside within the boundaries of the
20 school district and who are enrolled in a public school operated by the
21 school district;

22 (ii) Legally transferred students living outside the
23 school district but attending a public school in the school district under a
24 provision of the Arkansas Code; ~~and~~

25 (iii) Students who are eligible to attend and who
26 reside within the boundaries of a school district and are enrolled in the
27 Arkansas National Guard Youth Challenge Program, so long as the students are
28 participants in the program; and

29 (iv) Students who are enrolled in a curriculum that
30 fulfills the graduation requirements established by the state board under the
31 Standards for Accreditation of Arkansas Public Schools and School Districts
32 established by the state board.

33
34 SECTION 16. Arkansas Code § 6-20-2303(11), as amended by Section 1 of
35 Act 154 of 2009, concerning the definition of miscellaneous funds used in
36 calculating foundation funding for public school districts, is amended to

1 read as follows:

2 ~~11(A)~~(11)(A) "Miscellaneous funds" means the average of those
3 funds collected in the ~~previous~~ five (5) school years ~~and reported to the~~
4 ~~Department of Education by April 15 of each school year~~ immediately preceding
5 the previous school year:

6 (i) Consisting of:

7 (a) Funds received by a school district from
8 federal forest reserves, federal grazing rights, federal mineral rights,
9 federal impact aid, federal flood control, wildlife refuge funds, and
10 severance taxes; and

11 (b) Funds received by the school district in
12 lieu of taxes, and local sales and use taxes dedicated to education under §
13 26-74-201 et seq., § 26-74-301 et seq., § 26-75-301 et seq., and the Local
14 Government Bond Act of 1985, § 14-164-301 et seq.; and

15 (ii) Multiplied by the ratio of the uniform rate of
16 tax to the school district's total millage rate in effect as of December 31
17 of the most recent school year used to calculate the five-year average.

18 (B) If the school district ~~no longer receives~~ did not
19 receive funds from a source of funds listed in subdivision (11)(A) of this
20 section during the most recent school year used to calculate the five-year
21 average, then previous collections from that source of funds shall not be
22 included in the five-year average+.

23 (C) For the purpose of calculating the amount of
24 miscellaneous funds of a school district under this subdivision (11), a
25 school year is the period beginning on July 1 of a calendar year and ending
26 on June 30 of the next calendar year.

27
28 SECTION 17. Arkansas Code § 6-20-2303(12)(A), concerning the
29 definition of "national school lunch students", is amended to read as
30 follows:

31 (12)(A) "National school lunch students" means those identified
32 students or the percentage of enrolled students from low socioeconomic
33 backgrounds as indicated by ~~eligibility~~ identification for free or reduced-
34 price meals under the National School Lunch Act as determined on October 1 of
35 each previous school year and submitted to the Department of Education,
36 unless the school district is identified by the Department of Education as

1 participating in the special assistance certification and reimbursement
 2 alternative implemented under 42 U.S.C. § 1759a, as interpreted in 7 C.F.R. §
 3 245.9.

4
 5 SECTION 18. Arkansas Code § 6-20-2305(b)(4)(A) – (B)(iii), concerning
 6 national school lunch student state categorical funding, is amended to read
 7 as follows:

8 (4)(A) Beginning with the ~~2007-2008~~ 2009-2010 school year,
 9 national school lunch student funding for each identified national school
 10 lunch student shall be as follows:

11 (i) For a school district in which ninety percent
 12 (90%) or greater of the previous school year's enrolled students are
 13 identified national school lunch students, the amount of per-student national
 14 school lunch state categorical funding shall be one thousand four hundred
 15 eighty-eight dollars (\$1,488);

16 (ii) For school districts in which at least seventy
 17 percent (70%) but less than ninety percent (90%) of the previous school
 18 year's enrolled students are identified national school lunch students, the
 19 amount of per-student national school lunch state categorical funding shall
 20 be nine hundred ninety-two dollars (\$992); and

21 (iii) For school districts in which less than
 22 seventy percent (70%) of the previous school year's enrolled students are
 23 identified national school lunch students, the amount of per student national
 24 school lunch state categorical funding shall be four hundred ninety-six
 25 dollars (\$496).

26 (B)(i)(a) Funding under this subdivision (b)(4) for
 27 identified national school lunch students shall be based on the ~~percentage~~
 28 number of identified national school lunch students for the immediately
 29 preceding school year determined ~~in § 6-20-2303(12)~~ under § 6-20-2303(12)(A)
 30 multiplied by the number of ~~the previous school year's~~ enrolled students for
 31 the immediately preceding school year.

32 (b) If the school district is participating
 33 under 42 U.S.C. § 1759a, funding under this subdivision (b)(4) is based on
 34 the percentage determined in § 6-20-2303(12)(B) multiplied by the number of
 35 enrolled students for the immediately preceding school year.

36 ~~(ii) Beginning with the 2007-2008 school year, for~~

~~school districts that are to receive funding under this subdivision (b)(4) based on a different percentage than the preceding school year as determined in § 6-20-2303(12), the funding shall be paid or reduced in three (3) equal amounts over a three-year period following the year in which a school district's number of national school lunch students:~~

~~(a) Meets, exceeds, or falls below ninety percent (90%); or~~

~~(b) Meets, exceeds, or falls below seventy percent (70%) but is less than ninety percent (90%).~~

(ii)(a) Beginning with the 2009-2010 school year, if a school district will receive in the current school year national school lunch student state categorical funding under subdivision (b)(4)(A) of this section that is based on a different per-student amount of national school lunch student state categorical funding than the school district received in the immediately preceding school year, the department shall distribute the funding to the school district in a transitional three-year period.

(b) The amount of national school lunch student state categorical funding under this subdivision (b)(4)(B)(ii) shall be increased or decreased in each year of a three-year transition period by one-third (1/3) of the difference between the amount of national school lunch state categorical funding per student for the current year and the amount of national school lunch state categorical funding per student for the immediately preceding year.

(iii)(a) The Department of Education shall establish rules to implement the transitional national school lunch student state categorical funding provided in subdivision (b)(4)(B)(ii) of this section.

~~(b) The rules shall include a method of transitional funding the methods of transition for a school district that both falls below and exceeds a funding level identified in subdivision (b)(4)(A) of this section within a three-year period.;~~

(1) Experiences a decrease in the amount of national school lunch state categorical funding per student under subdivision (b)(4)(A) of this section received by the school district;

(2) Experiences an increase in the amount of national school lunch state categorical funding per student under subdivision (b)(4)(A) of this section received by the school district; or

1 (3) Within a three-year transition
 2 period, experiences both a decrease and an increase in the amount of national
 3 school lunch state categorical funding per student under subdivision
 4 (b)(4)(A) of this section received by the school district;

5
 6 SECTION 19. Arkansas Code § 6-20-2305(b)(4)(C)(viii)(a), concerning
 7 school district reporting of categorical funding expenditures, is amended to
 8 read as follows:

9 (viii)(a) ~~By the end of each school year, each~~ By
 10 September 15 of each school year, a school district shall submit to the
 11 Department of Education a report for the immediately preceding school year
 12 listing each program upon which funds allocated under this subdivision (b)(4)
 13 were expended, the amount expended, and any other information required by the
 14 Department of Education on the use of funds allocated under this subdivision
 15 (b)(4).
 16

17 SECTION 20. Arkansas Code § 6-23-105(d)(1), concerning notice
 18 procedures for placing a charter school on probation, or for modifying,
 19 revoking, denying renewal of a charter, is amended to read as follows:

20 (d)(1) The procedure adopted under this section shall provide an
 21 opportunity for a hearing to the persons operating the public charter school
 22 ~~and to the parents of students enrolled in the public charter school.~~
 23

24 SECTION 21. Arkansas Code § 6-24-120 is repealed.

25 ~~6-24-120. Penalties.~~

26 ~~(a) Any board member, administrator, employee, or nonemployee of a~~
 27 ~~public school district, education service cooperative, or public charter~~
 28 ~~school who knowingly and intentionally violates the provisions of § 6-13-~~
 29 ~~620(b) [repealed], § 6-13-620(e) [repealed], § 6-17-301(e), § 6-17-301(d),~~
 30 ~~or § 6-20-1201(b) shall be guilty of an unclassified misdemeanor and subject~~
 31 ~~to a fine in the amount of one thousand dollars (\$1,000).~~

32 ~~(b) Any board member of a public school district, education service~~
 33 ~~cooperative, or public charter school who shall knowingly and intentionally~~
 34 ~~violate the provisions of § 6-13-620(b) [repealed], § 6-13-620(e)~~
 35 ~~[repealed], § 6-17-301(e), § 6-17-301(d), or § 6-20-1201(b) be subject to~~
 36 ~~removal from office under § 6-13-612.~~

SECTION 22. Arkansas Code § 6-47-201(c), concerning distance learning, is amended to read as follows:

(c)(1) The elementary or secondary school may import courses from outside the state. ~~However, the course curriculum shall be~~ if the out-of-state course provider is approved by the department prior to offering before the school offers the courses through distance learning.

(2) A course offered through an approved out-of-state course provider under this subsection (c) shall follow department course frameworks.

SECTION 23. Arkansas Code § 6-47-302(b), concerning the implementation of distance learning in elementary and secondary schools, is amended to read as follows:

(b)(1) The elementary or secondary school may utilize courses from outside the state. ~~However, the course curriculum shall be reviewed~~ if the out-of-state course provider is approved by the Department of Education or the Department of Workforce Education ~~prior to offering~~ before the school offers the courses through distance learning.

(2) A course offered through an approved out-of-state course provider under this subsection (b) shall follow Department of Education course frameworks.

SECTION 24. Arkansas Code § 6-47-406 is amended to read as follows:

6-47-406. Public school district and charter school distance learning program.

(a) Except as provided in subsection (b) of this section, a public school district or open-enrollment public charter school may offer and teach distance learning courses to a student enrolled in a private school or a home school if:

(1) The student resides in the public school district where the public school or open-enrollment public charter school is located;

(2) The student agrees to physically attend the public school or open-enrollment public charter school for purposes of taking ~~a~~ all state required tests and assessments appropriate for the distance learning course taught or offered through the public school or charter school; and

(3) The public school or open-enrollment public charter school

1 teaches or offers a distance learning course that has been approved by ~~and~~ or
 2 otherwise complies with Department of Education rules and standards governing
 3 distance learning courses.

4 (b) The State Board of Education shall adopt rules to allow the
 5 Commissioner of Education to waive the requirements under subdivisions (a)(1)
 6 and (2) of this section on an individual basis for a student who is unable to
 7 attend due to conditions that prevent the child from physically attending a
 8 public school or an open-enrollment public charter school.

9 (c)(1) A public school district or open-enrollment public charter
 10 school that teaches or offers a distance learning course to one (1) or more
 11 home-schooled or private school students who meet the conditions of
 12 subsection (a) or subsection (b) of this section shall be entitled to an
 13 amount equal to one-sixth (1/6) of the state foundation funding amount for
 14 each course taught to a private school student or home-schooled student.

15 (2) However, under no circumstances shall a public school
 16 district or open-enrollment public charter school be entitled to more than
 17 the equivalent of state foundation funding for one (1) average daily
 18 membership per student regardless of the number of distance learning courses
 19 received by a particular home-schooled or private school student.

20 (d) A home-schooled student or a private school student enrolled in a
 21 distance learning course shall not be entitled to any rights, privileges,
 22 courses, activities, or services available to a public school student or
 23 open-enrollment public charter school student other than receiving
 24 appropriate credit for a completed distance learning course.

25 (e) This section shall not be construed to entitle a home school
 26 student or private school student to participate in, enroll in, or attend any
 27 other courses, activities, or services provided by a public school district
 28 or an open-enrollment public charter school.

29 (f)(1) ~~Any~~ Before a public school district or public charter school
 30 ~~seeking to offer or teach distance learning courses~~ offers or teaches to
 31 public school students, home-schooled students, or private school students
 32 distance learning courses that are not part of the curriculum required by the
 33 Standards for Accreditation of Arkansas Public Schools and School Districts
 34 established by the state board, the public school district or public charter
 35 school must first have those course offerings approved first shall obtain
 36 approval of the distance learning courses by the ~~Arkansas Distance Learning~~

1 ~~Development Program of the~~ Department of Education.

2 (2) A course offered under this subsection shall follow
 3 Department of Education course frameworks.

4 (g) No public school district or open-enrollment public charter school
 5 shall establish or provide a virtual school or distance learning course
 6 except as allowed by this section.

7
 8 SECTION 25. Arkansas Code § 19-5-921 is amended to read as follows:

9 19-5-921. Educational ~~Building Revenue Bond~~ Buildings Maintenance Fund.

10 (a) There is established on the books of the Treasurer of State, the
 11 Auditor of State, and the Chief Fiscal Officer of the State a trust fund to
 12 be known as the "Educational ~~Building Revenue Bond~~ Buildings Maintenance
 13 Fund".

14 (b) ~~This~~ The fund shall consist of ~~special revenues as designated by~~
 15 law rents and any other revenues that are made available by law.

16 (c) ~~It~~ The fund shall be used for the purposes ~~authorized by Acts~~
 17 ~~1963, No. 443, which is special legislation, as amended~~ of operating
 18 expenses, maintenance, renovations, and repairs.

19
 20 SECTION 26. TEMPORARY. DO NOT CODIFY.

21 Any appropriation or funds payable from the former Educational Building
 22 Revenue Bond Fund shall be deemed payable from the Educational Buildings
 23 Maintenance Fund.

24
 25 SECTION 27. Arkansas Code § 25-6-101 is amended to read as follows:

26 25-6-101. Purpose.

27 It is intended that all authority and responsibility of the State Board
 28 of Education be administered through the Department of Education under the
 29 direction and supervision of the ~~Director of the Department~~ Commissioner of
 30 Education.

31
 32 SECTION 28. Arkansas Code § 25-6-102, concerning the organization of
 33 the Department of Education, is amended to read as follows:

34 25-6-102. Organization – ~~Director~~ Commissioner.

35 (a) The Department of Education shall consist of:

36 (1) The State Board of Education;

1 (2) The Department of Education under the direction and
2 supervision of the ~~Director of the Department~~ Commissioner of Education; and

3 (3) Any divisions or subdivisions as presently exist within the
4 Department of Education or as may be created by the State Board of Education
5 or as created by law and placed under the Department of Education.

6 (b) The State Board of Education shall continue to perform its powers
7 and duties as prescribed by law.

8 (c)(1) The ~~Director of the Department~~ Commissioner of Education shall
9 be a member of the Governor's cabinet.

10 (2) The ~~Director of the Department~~ Commissioner of Education
11 shall perform all duties and exercise all powers relating to general
12 education as may be granted by law.