

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4

*As Engrossed: S3/9/11*  
**A Bill**

SENATE BILL 383

5 By: Senator J. Jeffress  
6 By: Representative Cheatham  
7

**For An Act To Be Entitled**

9 AN ACT TO AMEND VARIOUS PROVISIONS OF ARKANSAS CODE  
10 TITLE 6 CONCERNING PUBLIC EDUCATION; TO MAKE  
11 TECHNICAL CORRECTIONS TO TITLE 6; AND FOR OTHER  
12 PURPOSES.  
13

**Subtitle**

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

19  
20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
21

22 SECTION 1. Arkansas Code § 6-11-105(a), concerning the powers and  
23 duties of the State Board of Education, is amended to add an additional  
24 subdivision to read as follows:

25 (12)(A) If the state board orders the takeover of a school  
26 district under authority granted under this title and also orders the removal  
27 of the school district board of directors, the state board may assume all  
28 authority of the school district board of directors as may be necessary for  
29 the day-to-day governance of the school district.

30 (B) The state board may designate the authority granted  
31 under this subdivision (a)(12) to the Commissioner of Education.  
32

33 SECTION 2. Arkansas Code § 6-11-129(a)(1)(B), concerning data to be  
34 accessible on a school district's website, is amended to read as follows:

35 (B) Each school district's personnel policies required  
36 under § 6-17-201 et seq. and § 6-17-2301 et seq.



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SECTION 3. Arkansas Code § 6-13-104 is amended to add an additional subsection to read as follows:

6-13-104. Uncertain boundaries.

~~(a) In case there is any~~ When there is a doubt as to the boundaries of a school district because of lost records or other uncertainty, the State Board of Education shall:

~~(1) issue~~ Issue an order fixing the boundaries; and

~~(2) shall file~~ File the order with the ~~county clerk, who shall make a permanent record of the order, and thereafter the:~~

(A) County clerk of each county where the school district lies;

(B) Secretary of State; and

(C) Arkansas Geographic Information Office.

(b) The county clerk shall make a permanent record of the order.

(c) The school district boundaries ~~so~~ fixed under this section shall be the boundaries of the school district until changes are made according to the provisions of law, ~~and the school district shall be a school district according to the provisions of this act.~~

SECTION 4. Arkansas Code § 6-13-701(e)(1), concerning the powers and duties of school district treasurers, is amended to read as follows:

(e) The duties of the school district treasurer shall be as follows:

~~(1)~~(A) To receive and disburse funds of the school district.

Disbursements of such funds shall be made only upon:

~~(i) Checks or warrants signed by the president and secretary of the school district board of directors and countersigned~~ disbursing officer of the school district board of directors and by the superintendent ~~of schools~~ of the school district; or

(ii) The electronic transfer of funds if the electronic transfer is:

(a) Initiated by the school district; and

(b) Authorized in writing by both the disbursing officer of the board of directors and the superintendent of the school district.

(B) As an evidence of authority for disbursement of any

1 funds, ~~he or she~~ the school district treasurer shall have on hand approved:

2 ~~(i) invoices and~~ Invoices;

3 ~~(ii) payrolls, such payrolls to be in conformance~~

4 Payrolls that conform with written contracts on file in his or her office;

5 and

6 ~~(iii) Other appropriate documentation that indicates~~

7 an authority for disbursement;

8  
9 SECTION 5. Arkansas Code § 6-13-1401 is amended to read as follows:

10 6-13-1401. Definitions.

11 As used in this subchapter:

12 (1) "Affected district" means a school district that:

13 ~~(A) loses~~ Loses territory or students as a result of  
14 annexation; or

15 ~~(B) Is involved in a consolidation;~~

16 (2) "Aggrieved district" means the lawfully constituted and  
17 existing board of directors of a school district that gains or loses  
18 territory or students as a result of an annexation or consolidation;

19 ~~(3) "Annexation" means the joining of an affected school~~  
20 ~~district or part thereof with a receiving district;~~

21 ~~(4) "Consolidation" means the joining of two (2) or more~~  
22 ~~school districts or parts thereof to create a new single school district;~~

23 ~~(5) "Receiving district" means a school district or districts~~  
24 ~~that receive territory or students, or both, from an affected district as a~~  
25 ~~result of annexation; and~~

26 ~~(6) "Resulting district" means the new school district~~  
27 ~~created from an affected district or districts as a result of consolidation;~~  
28 ~~and~~

29 ~~(7) "State board" means the State Board of Education.~~

30  
31 SECTION 6. Arkansas Code § 6-13-1403(e), concerning the duties of the  
32 State Board of Education regarding the annexation of school districts, is  
33 amended to read as follows:

34 (e)(1) The state board shall:

35 ~~(A) issue~~ Issue an order establishing the changed  
36 boundaries; and

- 1                    (B) shall file File the order with the;
- 2                    (i) county clerk or clerks of the county or counties
- 3 County clerk of each county where ~~the~~ a receiving district ~~or districts are~~
- 4 is located;
- 5                    (ii) Secretary of State; and
- 6                    (iii) Arkansas Geographic Information Office.
- 7                    (2) The county clerk shall make a permanent record of the order
- 8 ~~and, thereafter, the.~~
- 9                    (3) The boundaries ~~se~~ established under this subsection (e)
- 10 shall be the boundaries of the receiving district until changes are made
- 11 according to the provisions of law.

12

13                    SECTION 7. Arkansas Code § 6-13-1404(e), concerning the duties of the

14 State Board of Education regarding the consolidation of school districts, is

15 amended to read as follows:

16                    (e)(1) The state board shall:

17                    (A) issue Issue an order establishing the changed

18 boundaries; and

19                    (B) shall file File the order with the;

20                    (i) county clerk or clerks County clerk of each

21 county where ~~the~~ a resulting district ~~or districts are~~ is located;

22                    (ii) Secretary of State; and

23                    (iii) Arkansas Geographic Information Office.

24                    (2) The county clerk shall make a permanent record of the order

25 ~~and, thereafter, the.~~

26                    (3) The boundaries ~~se~~ established under this subsection (e)

27 shall be the boundaries of the resulting district until changes are made

28 according to the provisions of law.

29

30                    SECTION 8. Arkansas Code § 6-13-1410 is amended to read as follows:

31                    6-13-1410. Appeal and election.

32                    Notwithstanding any other provision of law, The the decision of the

33 State Board of Education regarding a consolidation or annexation shall be

34 final with no further right of appeal except that only an aggrieved ~~school~~

35 district may appeal to Pulaski County Circuit Court pursuant to the Arkansas

36 Administrative Procedure Act, § 25-15-201 et seq.

1  
2 SECTION 9. Arkansas Code § 6-13-1414(e), concerning school district  
3 boundary changes, is amended to read as follows:

4 (e)(1) The state board shall:

5 (A) issue Issue an order establishing the changed  
6 boundaries ~~and shall file;~~ and

7 (B) File the order with the:

8 (i) county County clerk in each county in which  
9 every affected school district lies;

10 (ii) Secretary of State; and

11 (iii) Arkansas Geographic Information Office.

12 (2) The county clerk shall make a permanent record of the order,  
13 ~~and thereafter the.~~

14 (3) The boundaries ~~se~~ established under this subsection (e)  
15 shall be the boundaries of the affected school districts until changes are  
16 made according to the provisions of law.

17  
18 SECTION 10. Arkansas Code § 6-13-1602, concerning the administrative  
19 consolidation list, is amended to read as follows:

20 6-13-1602. Administrative consolidation list.

21 By ~~February 1, 2004, and each~~ January 1 of each year thereafter, the  
22 Department of Education shall publish a:

23 (1) List of all school districts with fewer than three hundred  
24 fifty (350) students according to the school district average daily  
25 membership in the school year immediately preceding the current school year;  
26 and

27 (2) consolidation Consolidation list that includes all school  
28 districts with fewer than three hundred fifty (350) students according to the  
29 school district average daily membership in each of the two (2) school years  
30 immediately preceding the current school year.

31  
32 SECTION 11. Arkansas Code § 6-13-1608, concerning financial audits of  
33 school districts involved in administrative annexation or consolidations, is  
34 amended to add an additional subsection to read as follows:

35 (f) A school district may not incur debt without the prior written  
36 approval of the department if the school district is identified by the

1 department under § 6-13-1602(1) as having fewer than three hundred fifty  
2 (350) students according to the school district average daily membership in  
3 the school year immediately preceding the current school year.

4  
5 SECTION 12. Arkansas Code § 6-15-203(a)(1), concerning the  
6 notification of violations of the standards for accreditation, is amended to  
7 read as follows:

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

12  
13 SECTION 13. Arkansas Code § 6-15-203(b)(3), concerning the appeal of a  
14 determination of a violation of the Standards for Accreditation of Arkansas  
15 Public Schools and School Districts, is amended to read as follows:

16 (3) Appeals must be filed not later than ~~May 30~~ May 15 following  
17 the ~~May 15~~ May 1 determination of accreditation status, and the state board  
18 hearing must be held prior to ~~August 15~~ June 30 of the same calendar year.

19  
20 SECTION 14. Arkansas Code § 6-15-403, concerning the authority of the  
21 State Board of Education pertaining to the Arkansas Comprehensive Testing,  
22 Assessment, and Accountability Program, is amended to add an additional  
23 subsection to read as follows:

24 (b) To transition to and implement the Common Core State  
25 Standards, the State Board of Education may:

26 (1) Modify curriculum and assessment requirements;

27 (2) Adopt new curriculum and assessment requirements; and

28 (3) Direct the Department of Education to:

29 (A) Propose to the state board rules and procedures; and

30 (B) Develop the professional development needed to train  
31 educators on the transition and implementation.

32  
33 SECTION 15. Arkansas Code § 6-15-404(j)(2), concerning implementation  
34 of the Arkansas Comprehensive Testing, Assessment, and Accountability  
35 Program, is amended to read as follows:

36 (2) The results of ~~the~~ the general and high-stakes end-of-course

1 testing shall become a part of each student's transcript or permanent record  
2 and shall be recorded on these documents in a manner prescribed by the state  
3 board.

4  
5 SECTION 16. Arkansas Code § 6-15-419(10), concerning definitions under  
6 the Arkansas Comprehensive Testing, Assessment, and Accountability Program,  
7 is amended to read as follows:

8 (10) "Arkansas Comprehensive Testing, Assessment, and  
9 Accountability Program" means a ~~comprehensive system that focuses on high~~  
10 ~~academic standards, professional development, student assessment, and~~  
11 ~~accountability for schools~~ system of measurement and reporting designed to  
12 ensure that all students in the public schools of this state demonstrate  
13 academic achievement through the application of knowledge and skills in core  
14 academic subjects consistent with state curriculum frameworks and performance  
15 standards;

16  
17 SECTION 17. Arkansas Code § 6-15-1402(i), concerning the annual school  
18 performance report, is amended to read as follows:

19 (i) The department shall issue the annual school performance report no  
20 later than ~~March 15~~ April 15 of each school year.

21  
22 SECTION 18. Arkansas Code § 6-15-2107(c), concerning the Arkansas  
23 School Recognition Program, is amended to read as follows:

24 (c)(1) If funds are available, Each a school meeting the requirements  
25 set out in subdivision (b)(1) or (2) of this section shall receive  
26 performance-based funding in the amount of one hundred dollars (\$100) per  
27 student who participated in the school's assessment program.

28 (2) The Department of Education may disburse available  
29 performance-based funding appropriated by the General Assembly on a pro-rata  
30 basis.

31 (3) All schools meeting both criteria shall receive rewards for  
32 both categories.

33 ~~(3)(4)~~ (4) Each school that receives performance-based funding shall  
34 submit a proposal for its spending of the performance-based funding to the  
35 ~~Department of Education~~ department.

36 ~~(4)(5)~~ (5) The department shall:

- 1 (A) Review and approve each proposal; and  
2 (B) Approve spending of performance-based funding for  
3 academic expenses only as set forth in subsection (f) of this section.  
4

5 SECTION 19. Arkansas Code § 6-16-102, concerning the length of a  
6 school day, is amended to add an additional subsection to read as follows:

7 (c) A school district is deemed to have fulfilled the requirements of  
8 subsection (a) of this section if the planned instructional time in each  
9 school day does not average less than six (6) hours each day or thirty (30)  
10 hours each week.

11  
12 SECTION 20. Arkansas Code § 6-16-604(a), concerning optional summer  
13 programs, is amended to read as follows:

14 (a)(1) ~~Students~~ A student who ~~plan~~ plans to enroll in a postsecondary  
15 ~~programs~~ program in Arkansas may enroll in a state-approved intensive  
16 noncredit preparatory program during the summer following the junior year of  
17 high school.

18 (2) The Department of Education ~~is also authorized to~~ may permit ~~the~~  
19 ~~enrollment in these programs of~~ an Arkansas high school ~~graduates~~ graduate to  
20 enroll in a program.

21 (3) If a school district has available capacity after all  
22 students who have completed the eleventh grade and all high school graduates  
23 have been given the opportunity to participate in the program, the department  
24 may permit a student who has completed the tenth grade to enroll in the  
25 program.

26  
27 SECTION 21. Arkansas Code § 6-17-111(a)(1), concerning the duty-free  
28 lunch period, is amended to read as follows:

29 (a)(1) Each school district in this state shall provide at least a  
30 thirty-minute uninterrupted duty-free lunch period during each student  
31 instructional day for each ~~certified~~ licensed school employee in its  
32 employment.  
33

34 SECTION 22. Arkansas Code § 6-17-112(b), concerning immunity from  
35 liability for corporal punishment, is amended to read as follows:

36 (b) As used in subsection (a) of this section, "teachers and



1 administrators” means those persons employed by a school district and  
2 required to have a state-issued ~~certificate~~ license as a condition of their  
3 employment.

4  
5 SECTION 23. Arkansas Code § 6-17-201(d), concerning school district  
6 personnel policies and teacher salary schedules for licensed personnel, is  
7 amended to read as follows:

8 (d)(1)(A) ~~No~~ A school district shall not receive in any year any  
9 additional ~~state foundation~~ funding from the Public School Fund ~~until unless~~  
10 the school district ~~has filed electronically by the established deadline its~~  
11 ~~current personnel policies in a format specified by the Department of~~  
12 Education posts by September 15 its current personnel policies on the school  
13 district’s website, including the salary schedule as required by this  
14 subchapter.

15 (B) A written copy of the policies signed by the president  
16 of the local school board of directors shall be retained by the school  
17 district in a central records location.

18 (2) ~~The policy and schedule shall be filed electronically with~~  
19 ~~the department no later than September 15 of each year~~ By September 15 of  
20 each year, a school district shall provide the Department of Education with  
21 the website address at which its current personnel policies, including the  
22 salary schedule, may be found.

23  
24 SECTION 24. Arkansas Code § 6-17-204(a) – (c), concerning the  
25 incorporation of school district personnel policies into teachers’ contracts,  
26 are amended to read as follows:

27 (a) The personnel policies of all school districts shall be considered  
28 to be incorporated as terms of the ~~certified~~ licensed personnel contracts and  
29 shall be binding ~~upon~~ on the ~~certified~~ licensed personnel and the school  
30 district.

31 (b)(1) Any changes or additions to the personnel policies shall not be  
32 considered a part of ~~certified~~ licensed personnel contracts until the next  
33 fiscal year.

34 (2)(A) Any changes or additions to the personnel policies may  
35 take effect before the next fiscal year only if the changes or additions are  
36 approved by a majority of the ~~certified~~ licensed personnel employed by the

1 school district voting by secret ballot.

2 (B) The voting and counting shall be conducted by the  
3 personnel policy committee.

4 (3) All changes or additions to the personnel policies or new  
5 personnel policies shall be made in accordance with this subchapter.

6 (c)(1) Notwithstanding the provisions listed in subsection (b) of this  
7 section, any change or addition to the personnel policies adopted by the  
8 school board of directors on or before June 30 each year to ensure compliance  
9 with state or federal law or regulation shall be considered a part of  
10 ~~certified~~ licensed personnel contracts on July 1 of the same calendar year.

11 (2) Any changes or additions to the personnel policies adopted  
12 by the school board of directors between May 1 and June 30 each year that are  
13 not required to ensure compliance with state or federal law or regulation  
14 shall be considered a part of ~~certified~~ licensed personnel contracts on July  
15 1 of the same calendar year if:

16 (A) A notice of the change is sent no later than five (5)  
17 working days after final board action by first class letter to the address on  
18 record in the personnel file of each affected employee; and

19 (B) The notice of change includes:

20 (i)(a) The new or modified policy.

21 (b) A modified policy shall be provided in a  
22 form that clearly shows additions underlined and deletions stricken; and

23 (ii)(a) A provision that states that due to the  
24 policy change, each continuing employee under contract shall have the power  
25 to unilaterally exercise the power of rescission within a period of thirty  
26 (30) days after the school board of directors takes final action by providing  
27 to the school board of directors a notice of rescission in the form of a  
28 letter of resignation during the period of thirty (30) days.

29 (b) For continuing contract employees covered  
30 under the Teacher Fair Dismissal Act of 1983, the power of rescission in this  
31 section shall be in addition to the power of rescission provided under § 6-  
32 17-1506.

33  
34 SECTION 25. Arkansas Code § 6-17-209(a)(2), concerning the definition  
35 of interim school board for purposes of interim personnel policy committees,  
36 is amended to read as follows:

1           (2) “Interim ~~school~~ policy review board” means a board  
2 consisting of the presidents of the school district boards of directors of  
3 the school districts to be consolidated that shall be formed for the purpose  
4 of reviewing and adopting a uniform set of policies under this section; and  
5

6           SECTION 26. Arkansas Code § 6-17-209(c), concerning interim personnel  
7 policy committees, is amended to read as follows:

8           (c)(1) After drafting a proposed set of policies for the new school  
9 district, the interim personnel policy committee shall meet with the interim  
10 ~~school~~ policy review board of the new school district to present and explain  
11 to the interim ~~school~~ policy review board the proposed set of policies for  
12 the new school district.

13           (2) Upon request of the interim personnel policy committee, the  
14 interim ~~school~~ policy review board shall be entitled to and shall organize  
15 itself and meet with the interim personnel policy committee at least twice  
16 before June 1 of the school year prior to consolidation for the purpose of  
17 reviewing, receiving, and discussing with the interim personnel policy  
18 committee the proposed policies for the new school district.  
19

20           SECTION 27. Arkansas Code § 6-17-209(e)(1)–(3), concerning interim  
21 personnel policy committees, are amended to read as follows:

22           (e)(1) The interim ~~school~~ policy review board shall adopt a uniform  
23 set of policies before the effective date of the consolidation that shall be  
24 the personnel policies for the new school district.

25           (2) In the event the interim ~~school~~ policy review board decides  
26 to adopt any policy or policies different from those proposed by the interim  
27 personnel policy committee, the interim ~~school~~ policy review board shall  
28 submit the proposals to the interim personnel policy committee at least seven  
29 (7) calendar days before being considered for adoption by the interim ~~school~~  
30 policy review board.

31           (3) The chair of the interim personnel policy committee or a  
32 committee member designated by the chair will have the opportunity to comment  
33 orally on any of the interim ~~school~~ policy review board’s proposals before  
34 their adoption.  
35

36           SECTION 28. Arkansas Code § 6-17-209, concerning interim personnel

1 policy committees, is amended to add an additional subsection to read as  
2 follows:

3 (g) The provisions of this section shall not apply to instances in  
4 which the State Board of Education votes to annex or consolidate one (1)  
5 school district to or with two (2) or more receiving or resulting school  
6 districts due to enforcement by the state board of the provisions of this  
7 title relating to academic distress, academic facilities distress, fiscal  
8 distress, or violations of the Standards for Accreditation of Arkansas Public  
9 Schools and School Districts.

10

11 SECTION 29. Arkansas Code § 6-17-301(a)(1), concerning the employment  
12 of certified personnel, is amended to read as follows:

13 (a)(1) A school board of directors may employ superintendents, deputy  
14 superintendents, assistant superintendents, and high school principals, as  
15 well as department heads, coaches, teachers, and other ~~certified~~ licensed  
16 personnel, by written contract for a period of time not more than three (3)  
17 years.

18

19 SECTION 30. Arkansas Code § 6-17-302(a), concerning the qualifications  
20 and responsibilities of school principals, is amended to read as follows:

21 (a) The school district board of directors shall employ through  
22 written contract public school principals who shall hold valid supervisory or  
23 administrative ~~certificates~~ licenses and who shall supervise the operation  
24 and management of the school and property as the board of directors shall  
25 determine necessary.

26

27 SECTION 31. Arkansas Code § 6-17-306 is amended to read as follows:

28 6-17-306. Leaves of absence.

29 (a) As used in this section:

30 (1) "Classified employee" means a person employed by a public  
31 school in this state who is not a licensed employee;

32 (2) "Emergency situations" shall have the same meaning as it is  
33 defined in § 21-4-212;

34 (3) "Fiscal year" shall be the fiscal year now established for  
35 the United States Government; and

36 (4) "Licensed employee" means a teacher or administrator

1 employed by a public school in this state who is required to be licensed by  
2 the State Board of Education as a condition of the teacher's or  
3 administrator's employment.

4 ~~(b)(1) All teachers, administrators, and noncertified personnel~~  
5 ~~employed by any public school in this state who desire~~ A licensed employee or  
6 a classified employee shall be entitled to take a leave of absence for a  
7 period of fifteen (15) days, in addition to necessary travel time, in any  
8 fiscal year for the purpose of participating in:

9 (A) military ~~Military~~ training programs or other official  
10 duties made available by the Arkansas National Guard or of the reserve  
11 branches of the armed forces ~~and all teachers and administrators employed by~~  
12 ~~a public school who desire to take a leave of absence for the purpose of~~  
13 ~~participating in; or~~

14 (B) the ~~The~~ civil defense and public health training  
15 programs made available by the United States Public Health Service ~~shall be~~  
16 ~~entitled to such a leave of absence for a period of fifteen (15) days, plus~~  
17 ~~necessary travel time, in any fiscal year.~~

18 (2) To the extent that this leave is not used in a fiscal year,  
19 it will accumulate for use in the succeeding fiscal year until it totals  
20 fifteen (15) days at the beginning of a fiscal year.

21 ~~(b)(1)(c)(1) Whenever any teacher, administrator, or noncertified~~ When  
22 a licensed employee or a classified employee is granted a leave of absence  
23 under ~~the provisions of~~ this section, he or she shall be entitled to his or  
24 her regular salary during the time he or she is away from his or her duties  
25 during such leave of absence.

26 (2) The leave of absence shall be in addition to the regular  
27 vacation time allowed the employee.

28 ~~(c)(1)(d)(1) Teachers, administrators, and noncertified personnel~~ A  
29 licensed employee or a classified employee who is called to duty in an  
30 emergency ~~situations~~ situation by the Governor or by the President shall be  
31 granted leave with pay not to exceed thirty (30) working days, after which  
32 leave without pay will be granted.

33 (2) This leave shall be granted in addition to all other leave  
34 to which the ~~teacher, administrator, or noncertified person shall be~~ licensed  
35 employee or certified employee is entitled.

36 ~~(2) "Emergency situations" shall have the same meaning as it is~~

1 ~~defined in § 21-4-212(e).~~

2 ~~(d)(1)(e)(1)~~ During a leave of absence, ~~teachers, administrators, and~~  
3 ~~noncertified personnel~~ shall be a licensed employee or a classified employee  
4 is entitled to preserve all seniority rights, efficiency or performance  
5 ratings, promotional status, retirement privileges, life and disability  
6 insurance benefits, and any other rights, privileges, and benefits to which  
7 ~~they~~ he or she ~~have~~ has become entitled.

8 (2) The period of military service shall, for purposes of  
9 computations to determine whether ~~such persons may be~~ the licensed employee  
10 or the classified employee is entitled to retirement under the laws of the  
11 State of Arkansas, be deemed continuous service, and the ~~teacher,~~  
12 ~~administrator, or noncertified~~ licensed employee or the classified employee  
13 shall not be required to make contributions to any retirement fund.

14 (3) The school district shall continue to contribute its portion  
15 of any life and disability insurance premiums during the leave of absence on  
16 behalf of the ~~teacher, administrator, or noncertified~~ licensed employee or  
17 the classified employee, if requested, so that continuous coverage may be  
18 maintained.

19 ~~(e) For the purpose of this section, "fiscal year" shall be the fiscal~~  
20 ~~year now established for the United States Government.~~

21 ~~(f) Whenever any teacher, administrator, or noncertified person~~  
22 ~~employed by any public school in this state~~ When a licensed employee or a  
23 classified employee is granted military leave for a period of fifteen (15)  
24 days per calendar year or fiscal year under ~~the provisions of~~ this section,  
25 the military leave will accumulate for use in succeeding calendar years or  
26 fiscal years until it totals fifteen (15) days at the beginning of the  
27 calendar year or fiscal year, for a maximum number of military leave days  
28 available in any one (1) calendar year or fiscal year to be thirty (30) days.

29  
30 SECTION 32. Arkansas Code § 6-17-402(a), concerning the definition of  
31 certified teaching license, is amended to read as follows:

32 ~~(a) As used in this section, "certified teaching license" means the~~  
33 The State Board of Education shall issue the license of a ~~licensed~~ classroom  
34 teacher, an administrator, a guidance counselor, or a ~~librarian~~ library media  
35 specialist ~~issued by the State Board of Education.~~

36

1 SECTION 33. Arkansas Code § 6-17-403 is amended to read as follows:

2 6-17-403. Provisional ~~certification~~ licensure for teachers trained and  
3 ~~certified~~ licensed in other states.

4 (a) The State Board of Education ~~is authorized to~~ may issue a one-year  
5 nonrenewable provisional ~~certificate~~ license to any teacher who seeks  
6 Arkansas ~~certification~~ licensure and is trained in and ~~certified~~ licensed by  
7 a state other than Arkansas.

8 (b)(1) Any person who has not successfully completed the ~~National~~  
9 ~~Teacher's Examination or a similar~~ licensure examination designated by the  
10 state board under § 6-17-601 et seq. and who has not previously held an  
11 Arkansas ~~certificate~~ license but meets degree, course work, and experience  
12 requirements for a standard ~~certificate~~ license and who otherwise qualifies  
13 to teach in the public schools of this state may receive a one-year  
14 nonrenewable provisional ~~certificate~~ license and be employed by any public  
15 school district in this state for a period not to exceed one (1) year.

16 (2) Any school district that hires a teacher who has not  
17 successfully completed the examination shall not be penalized by the state  
18 board provided that the length of employment of the teacher while  
19 ~~noncertified~~ nonlicensed does not exceed one (1) year.

20  
21 SECTION 34. Arkansas Code § 6-17-409 is amended to read as follows:

22 6-17-409. Nontraditional licensure ~~certification~~.

23 (a) The Department of Education may offer and operate a nontraditional  
24 licensure program.

25 (b) The department is hereby authorized to provide grants of financial  
26 assistance to entities that train individuals seeking to obtain  
27 nontraditional licensure ~~certification~~ through the nontraditional  
28 ~~certification~~ licensure process administered by the department. The  
29 department shall pay the grants from funds appropriated by the General  
30 Assembly to the department for such purpose.

31 (c) The ~~department is hereby authorized to~~ State Board of Education  
32 may promulgate rules and regulations to determine eligibility for and amount  
33 of awards of the grants concerning the operation of the nontraditional  
34 licensure program authorized by this section and for such other purposes as  
35 may be necessary in carrying out the intent of this section.

36 (d) If the ~~department requires~~ rules require an applicant for

1 nontraditional licensure ~~certification~~ to complete one (1) or more additional  
2 college-level courses and the applicant has obtained a bachelor's degree, the  
3 required course or courses shall meet one (1) or more of the following  
4 conditions:

5 (1)(A) Each course shall be offered at every state-supported,  
6 two-year institution of higher education.

7 (B) If more than one (1) course is required, all courses  
8 shall be offered in a one-semester block; or

9 (2) Each course shall be available as an online course, a  
10 traditional face-to-face course, or a hybrid course that is part online  
11 instruction and part face-to-face instruction, as approved by the department.  
12

13 SECTION 35. Arkansas Code § 6-17-412(c), concerning National Board for  
14 Professional Teaching Standards certification, is amended to read as follows:

15 (c)(1) The State Board of Education ~~is authorized to~~ may issue a  
16 standard Arkansas teaching ~~certificate~~ license to any teacher, building-level  
17 principal, or building-level assistant principal trained in and ~~certified~~  
18 licensed by a state other than Arkansas who seeks Arkansas ~~certification~~  
19 licensure and who has received national board certification from the national  
20 board while teaching in a state other than Arkansas.

21 (2) Any applicant ~~meeting this description seeking initial~~  
22 ~~certification in Arkansas~~ under subdivision (c)(1) of this section who seeks  
23 employment as an Arkansas teacher, building-level principal, or building-  
24 level assistant principal shall not have to comply with § 6-17-402 or § 6-17-  
25 403 but shall comply with § 6-17-410.  
26

27 SECTION 36. Arkansas Code § 6-17-415 is amended to read as follows:

28 6-17-415. Criminal records check and Child Maltreatment Central  
29 Registry check for existing ~~noncertified~~ nonlicensed employees.

30 (a) It is the clear intent of the General Assembly to authorize each  
31 public school district at its discretion to require criminal background  
32 checks and Child Maltreatment Central Registry checks of existing  
33 ~~noncertified~~ nonlicensed employees in the same manner and subject to the same  
34 terms and conditions as set forth in this act for newly hired ~~noncertified~~  
35 nonlicensed applicants.

36 (b) Any school district which by a vote of its local school board of



1 directors requires criminal background checks and Child Maltreatment Central  
2 Registry checks for existing ~~noncertified~~ nonlicensed employees shall pay the  
3 full cost of the criminal background checks and Child Maltreatment Central  
4 Registry checks.

5  
6 SECTION 37. Arkansas Code § 6-17-418 is amended to read as follows:

7 6-17-418. Teacher ~~certification~~ licensure – Arkansas history  
8 requirement.

9 (a) ~~Beginning July 1, 2001, no~~ A person shall not be ~~certified~~  
10 licensed as a social studies teacher or as an elementary school teacher  
11 unless the person has successfully completed at least three (3) hours of  
12 college course work in Arkansas history.

13 (b) However, social studies teachers and elementary school teachers  
14 entering Arkansas from another state shall receive a one-year nonrenewable  
15 provisional ~~certificate~~ license to teach in Arkansas schools as authorized by  
16 § 6-17-403.

17 (c) The provisions of this section are not applicable to  
18 ~~recertification of teachers certified prior to~~ the renewal of a license for a  
19 teacher who was licensed before March 24, 1997.

20  
21 SECTION 38. Arkansas Code § 6-17-421(a)(2), concerning the definition  
22 of fiscal officer for the purpose of criminal records checks for fraudulent  
23 acts, is amended to read as follows:

24 (2) "Fiscal officer" means any ~~certified or noncertified~~  
25 licensed or classified employee of a school district or education service  
26 cooperative who has any right, duty, or responsibility to access funds of a  
27 school district in excess of five thousand dollars (\$5,000), specifically  
28 including, but not limited to, superintendents, fiscal officers, and  
29 bookkeepers; and

30  
31 SECTION 39. Arkansas Code § 6-17-423(b), concerning professional  
32 development after retirement, is amended to read as follows:

33 (b)(1) A person who retires while possessing a valid teacher's license  
34 under § 6-17-401 and returns to a ~~certified~~ licensed employment position with  
35 a public school district shall complete within the school year of the return  
36 to employment the professional development required for the year in which the

1 person returns to ~~certified~~ licensed employment.

2 (2) The person shall complete all professional development  
3 required during his or her ~~certified~~ licensed employment.

4  
5 SECTION 40. Arkansas Code § 6-17-601 is amended to read as follows:

6 6-17-601. Board authority and directive.

7 The State Board of Education ~~is authorized and directed to~~ shall  
8 establish and implement a ~~certified~~ licensed personnel testing program.

9  
10 SECTION 41. Arkansas Code § 6-17-602 is amended to read as follows:

11 6-17-602. Application for new ~~certification~~ licensure.

12 Any teacher, administrator, or other ~~certified~~ licensed person who is  
13 not eligible for ~~recertification~~ renewal of the license due to failure to  
14 comply with this subchapter is eligible to apply for new ~~certification~~  
15 licensure under initial ~~certification~~ licensure regulations or ~~such~~ other  
16 regulations ~~as are~~ promulgated by the State Board of Education.

17  
18 SECTION 42. Arkansas Code § 6-17-603(a), concerning the  
19 confidentiality of licensed personnel test scores, is amended to read as  
20 follows:

21 (a) Scores from the tests required under the provisions of this  
22 subchapter shall not be disclosed but shall be retained by the Department of  
23 Education as confidential records not subject to the Freedom of Information  
24 Act of 1967, § 25-19-101 et seq., or any other act which would require the  
25 disclosure thereof. However, the department shall provide each ~~certified~~  
26 licensed personnel with that person's test score and the grader's analysis of  
27 the writing portion of the test.

28  
29 SECTION 43. Arkansas Code § 6-17-706(a), concerning professional  
30 development credit exemptions, is amended to read as follows:

31 (a) ~~Certified~~ Licensed personnel working part time shall be exempt  
32 from one-half ( $\frac{1}{2}$ ) of the professional development hours required under the  
33 Standards for Accreditation of Arkansas Public Schools and School Districts  
34 if they work solely in any of the following adult education programs:

- 35 (1) Adult basic education;  
36 (2) General adult education;

- 1 (3) English as a second language for adults; and  
2 (4) General Educational Development Test examiners.

3  
4 SECTION 44. Arkansas Code § 6-17-707(c)(7), concerning professional  
5 development courses in the Arkansas Online Professional Development  
6 Initiative, is amended to read as follows:

7 (7) Include an assessment at the end of the program designed to  
8 measure each ~~certified~~ licensed person's level of understanding and ability  
9 to implement or apply the information presented in the program.

10  
11 SECTION 45. Arkansas Code § 6-17-707(g) – (i), concerning the Arkansas  
12 Online Professional Development Initiative, is amended to read as follows:

13 (g) The initiative shall include a method for the department, the  
14 network, school districts, schools, and ~~certified~~ licensed personnel to  
15 annually evaluate the effectiveness of the initiative and its online  
16 professional development course and programs.

17 (h)(1) ~~Beginning with the 2006-2007 school year, the~~ The department  
18 may include as part of a school improvement plan guidelines for the  
19 professional development programs to be delivered to the ~~certified~~ licensed  
20 personnel employed by a school in school improvement status or a school  
21 district in school improvement status or academic distress.

22 (2)(A) As part of the school improvement plan, the department  
23 may require the participation and completion of professional development  
24 courses or programs by ~~certified~~ licensed personnel in the school or school  
25 district as appropriate for the ~~certified~~ licensed personnel's job  
26 assignments and duties.

27 (B) ~~Certified~~ Licensed personnel employed by any school in  
28 school improvement or school district in school improvement or academic  
29 distress shall participate in, complete, and pass the assessment for the  
30 professional development requirements included in the school's or school  
31 district's school improvement plan.

32 (i) The department shall further enhance its leadership role in  
33 professional development for ~~certified~~ licensed personnel by:

34 (1) Developing technology-based professional development  
35 programs and other enhanced professional development options for school  
36 districts and ~~certified~~ licensed personnel; and

1 (2) Employing two (2) persons who have a high level of expertise  
2 in professional development for the purpose of enhancing professional  
3 development opportunities as set forth in this section.  
4

5 SECTION 46. Arkansas Code § 6-17-803(b)(3), concerning optional  
6 contracts payable in twelve monthly installments, is amended to read as  
7 follows:

8 (3) If any teacher fails to repay any money owed to a school  
9 district upon a contract breached by him or her, the secretary of the school  
10 district shall certify the failure to the Department of Education, and the  
11 ~~department revoke such~~ State Board of Education shall suspend the teacher's  
12 license ~~to teach~~ until all of the money is repaid.  
13

14 SECTION 47. Arkansas Code § 6-17-807(e) – (g), concerning additional  
15 days worked by teachers, are amended to read as follows:

16 (e) This section shall not apply to separate contracts for employment  
17 with a teacher to teach summer school or to perform services that do not  
18 require the teacher to hold a teaching ~~certificate~~ license to perform those  
19 services.

20 (f) ~~In the event that~~ If the school district desires to employ a  
21 teacher part time to perform services for the school district in the  
22 teacher's field of ~~certification~~ licensure after expiration of the normal  
23 base contract, as part of the teacher's normal teaching contract, the school  
24 district may contract for such part-time work as long as the teacher is  
25 agreeable and is paid on a pro rata basis for that work.

26 (g) A school district which contracts with a teacher to teach summer  
27 school or to perform services that do not require the teacher to hold a  
28 teaching ~~certificate~~ license to perform those services shall enter into a  
29 separate contract with the teacher for those services and shall not condition  
30 initial employment of the teacher or renewal of the teacher's regular  
31 teaching contract on entering into such a separate contract.  
32

33 SECTION 48. Arkansas Code § 6-17-809 is amended to read as follows:

34 6-17-809. Teachers for the visually impaired entering state service.

35 Upon the superintendent's certification to the state personnel  
36 administrator of prior service at an educational institution and of the most

1 recent contractual salary, the salary of teachers holding ~~certification~~  
2 licensure in teaching the visually impaired and entering state service as  
3 teachers for the sensory impaired may be adjusted to a rate of pay closest to  
4 but not less than their most recent annual salary.

5  
6 SECTION 49. Arkansas Code § 6-17-810 is amended to read as follows:

7 6-17-810. Teachers for the hearing impaired entering state service.

8 Upon the superintendent's certification to the state personnel  
9 administrator of prior service at an educational institution and of the most  
10 recent contractual salary, the salary of teachers holding ~~certification~~  
11 licensure in teaching the hearing impaired and entering state service as  
12 teachers for the sensory impaired may be adjusted to a rate of pay closest to  
13 but not less than their most recent annual salary.

14  
15 SECTION 50. Arkansas Code § 6-17-915 is amended to read as follows:

16 6-17-915. Filing of personnel lists.

17 The ex officio financial secretary of each school district in the state  
18 shall file on or before October 1 of each year a list of all licensed  
19 ~~personnel, certified and noncertified and all classified personnel,~~ employed  
20 by the school district for the current year setting forth the annual salary  
21 of each and such other information as the State Board of Education may  
22 prescribe.

23  
24 SECTION 51. Arkansas Code § 6-17-1111(1) and (2)(A), concerning  
25 employees eligible for life and disability insurance, are amended to read as  
26 follows:

27 (1) All ~~certified~~ licensed employees in public schools who are  
28 normally expected to work nine hundred (900) hours or more per year, whose  
29 salaries are paid from the school district's teacher salary fund, and all  
30 other employees of public schools who are normally expected to work nine  
31 hundred (900) hours or more per year and whose salaries are paid from the  
32 school district's local or state revenue;

33 (2)(A) All other employees of the school district whose salaries  
34 are not paid from the school district's local or state revenues, provided  
35 these employees are ~~certified~~ licensed or they are normally expected to work  
36 nine hundred (900) hours or more per year.

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SECTION 52. Arkansas Code § 6-17-1502(a)(1), concerning the definition of teacher under the Teacher Fair Dismissal Act, is amended to read as follows:

(1) "Teacher" means any person, exclusive of the superintendent or assistant superintendent, employed in an Arkansas public school district who is required to hold a teaching ~~certificate from the Department~~ license from the State Board of Education as a condition of employment; and

SECTION 53. Arkansas Code § 6-17-1507(a), concerning notices of termination recommendations for teachers, is amended to read as follows:

(a) A teacher may be terminated only during the term of any contract when there is a reduction in force created by districtwide reduction in ~~certified~~ licensed staff or for incompetent performance, conduct which materially interferes with the continued performance of the teacher's duties, repeated or material neglect of duty, or other just and reasonable cause.

SECTION 54. Arkansas Code § 6-17-1510(b), concerning school board action concerning the nonrenewal or termination of a teacher, is amended to read as follows:

(b) Any ~~certified~~ licensed teacher who has been employed continuously by the school district three (3) or more years or who may have achieved nonprobationary status pursuant to § 6-17-1502 may only be terminated or the board of directors may refuse to renew the contract of the teacher when there is a reduction in force created by districtwide reduction in ~~certified staff~~ licensed personnel, for incompetent performance, conduct which materially interferes with the continued performance of the teacher's duties, repeated or material neglect of duty, or other just and reasonable cause. Upon completion of the hearing, the board of directors, within ten (10) days after the holding of the hearing, shall:

(1) Uphold the recommendation of the superintendent to terminate or not renew the teacher's contract;

(2) Reject or modify the superintendent's recommendation to terminate or not renew the teacher's contract; or

(3) Vote to continue the contract of the teacher under such restrictions, limitations, or assurances as the board of directors may deem

1 to be in the best interest of the school district. The decision shall be  
2 reached by the board of directors within ten (10) days from the date of the  
3 hearing, and a copy shall be furnished in writing to the teacher involved,  
4 either by personally delivering it to the teacher or by addressing it to the  
5 teacher's last known address by registered or certified mail.

6  
7 SECTION 55. Arkansas Code § 6-17-2301(d), concerning the requirement  
8 for written personnel policies for classified personnel, is amended to read  
9 as follows:

10 (d)(1) ~~No~~ A school district shall not receive in any year any ~~funds~~  
11 additional state funding from the Public School Fund until the school  
12 district has ~~filed by the established deadline posted on the school~~  
13 district's website, in accordance with § 6-11-129, its current personnel  
14 policies for classified employees signed by the president of the school  
15 board, including any salary schedules as required by this subchapter.

16 (2) ~~The policies and schedules shall be filed with the~~  
17 ~~Department of Education no later than September 15 of each year~~ By September  
18 15 of each year, a school district shall provide the Department of Education  
19 with the website address at which its current personnel policies for  
20 classified employees, including the salary schedule, may be found.

21  
22 SECTION 56. Arkansas Code § 6-17-2302(b)(1) and (2), concerning the  
23 definition of classified employee under the Classified School Employee  
24 Personnel Policy Law, are amended to read as follows:

25 (b)(1) "Classified employee" means any person employed by a school  
26 district under a written annual contract who is not required to have a  
27 teaching ~~certificate~~ license issued by the Department of Education as a  
28 condition of employment.

29 (2) "Classified employee administrator" means any classified or  
30 ~~eertified~~ licensed employee who evaluates nonmanagement classified employees  
31 and any classified employee who supervises but does not evaluate other  
32 classified employees if the nonmanagement classified employees exclude them.

33  
34 SECTION 57. Arkansas Code § 6-17-2703(a), concerning applications made  
35 for grants from the Science, Technology, Engineering, and Math Fund, is  
36 amended to read as follows

1 (a) ~~Certified Licensed~~ math and science teachers who are currently  
2 teaching science, technology, engineering, and math subjects in kindergarten  
3 through grade twelve (K-12) may apply to the Arkansas Economic Development  
4 Commission for a supplemental grant from the Science, Technology,  
5 Engineering, and Math Fund for that portion of the day in which they are  
6 teaching science, technology, engineering, or math subjects or laboratories.  
7

8 SECTION 58. Arkansas Code Title 6, Chapter 18, Subchapter 4, is  
9 repealed.

10 ~~6-18-401. Title.~~

11 ~~This subchapter shall be known and may be cited as the "Arkansas~~  
12 ~~American College Test Assessment Assistance Pilot Program Act of 1999".~~  
13

14 ~~6-18-402. Purpose.~~

15 ~~(a) The purpose of this subchapter is to serve as a legislative~~  
16 ~~charter and guidance for the continuation of the establishment of pilot~~  
17 ~~locations, organization, and administration of a program designed to improve~~  
18 ~~the academic preparation of public high school students for postsecondary~~  
19 ~~education throughout the state.~~

20 ~~(b) It is the intent of the General Assembly that the Arkansas~~  
21 ~~American College Test Assessment Assistance Pilot Program continue as set~~  
22 ~~forth in this subchapter.~~  
23

24 ~~6-18-403. Definitions.~~

25 ~~As used in this subchapter:~~

26 ~~(1) "American College Test assessment" means a test of student~~  
27 ~~educational development that measures student readiness for future learning~~  
28 ~~produced by ACT, Incorporated, that may be used by an institution of higher~~  
29 ~~education as a part of its admissions process;~~

30 ~~(2) "American College Test Fee Waiver Program" means the~~  
31 ~~assessment fee waiver program established and administered by ACT,~~  
32 ~~Incorporated;~~

33 ~~(3) "Board" means the State Board of Education;~~

34 ~~(4) "Department" means the Department of Education;~~

35 ~~(5) "Commissioner" means the Commissioner of Education;~~

36 ~~(6) "Program" means the Arkansas American College Test~~



1 ~~Assessment Assistance Pilot Program.~~

2  
3 ~~6-18-404. Creation—Fees—Rules.~~

4 ~~(a)(1) The Arkansas American College Test Assessment Assistance Pilot~~  
5 ~~Program is hereby established, to be administered by the Commissioner of~~  
6 ~~Education.~~

7 ~~(2) Each academic year, the Department of Education shall~~  
8 ~~gradually increase the number of pilot locations allowed to participate in~~  
9 ~~the program until all or substantially all school districts in the state with~~  
10 ~~students in grades eleven (11) and twelve (12) are allowed to participate in~~  
11 ~~the program.~~

12 ~~(b)(1) Contingent upon legislative appropriations, the state will pay~~  
13 ~~all or part of the American College Test assessment registration fee.~~

14 ~~(2) The State Board of Education shall create a sliding scale~~  
15 ~~based on family income.~~

16 ~~(c) The board is authorized to promulgate rules and regulations~~  
17 ~~necessary to implement this subchapter, including the criteria for waiving~~  
18 ~~the American College Test assessment fee.~~

19  
20 ~~6-18-405. Participation.~~

21 ~~Every public high school student in the pilot locations who is enrolled~~  
22 ~~in the core curriculum established pursuant to § 6-61-217 shall take the~~  
23 ~~American College Test assessment prior to the completion of the spring~~  
24 ~~semester of his or her junior year unless the student's parents, guardians,~~  
25 ~~or persons in loco parentis request in writing that the student not~~  
26 ~~participate.~~

27  
28 ~~6-18-406. Fee waiver request.~~

29 ~~Public high school counselors shall request a waiver of the American~~  
30 ~~College Test assessment fee for any student for whom a waiver would be~~  
31 ~~appropriate based on the guidelines for waivers set forth by ACT, Inc.~~  
32

33 ~~6-18-407. Fee waiver eligibility—Review committee.~~

34 ~~(a) The American College Test assessment fee may be waived if a~~  
35 ~~student can demonstrate that the payment of the fee would cause a financial~~  
36 ~~hardship upon the student or his or her family.~~

1           ~~(b) To qualify for the waiver, the student and the student's parents,~~  
2 ~~guardians, or persons in loco parentis shall petition the public high school~~  
3 ~~principal in writing prior to the start of the spring semester of the~~  
4 ~~student's junior year.~~

5           ~~(c) Upon receipt of the request for waiver of the fee, the principal~~  
6 ~~shall establish a committee composed of the following school personnel to~~  
7 ~~evaluate and accept or reject the request for a waiver:~~

8                     ~~(1) The high school principal;~~

9                     ~~(2) The high school counselor; and~~

10                    ~~(3) Two (2) high school teachers.~~

11           ~~(d) The committee shall meet at least thirty (30) days prior to the~~  
12 ~~first administration of the American College Test assessment during the~~  
13 ~~spring semester to review the requests and shall issue a written notice of~~  
14 ~~the committee's recommendation to the student and the student's parents,~~  
15 ~~guardians, or persons in loco parentis.~~

16           ~~(e) Upon receipt of notice of denial of the waiver request, the~~  
17 ~~student or the student's parents, guardians, or persons in loco parentis may~~  
18 ~~petition the superintendent for a review of the denial.~~

19           ~~(f) The superintendent's written decision on the request for review~~  
20 ~~shall be considered the final decision regarding the fee waiver request.~~

21  
22           ~~6-18-408. Donations and grants.~~

23           ~~(a) The awards granted under the provisions of this subchapter may be~~  
24 ~~funded by donations, grants, or legislative appropriation.~~

25           ~~(b) All donations, grants, and appropriations received shall be~~  
26 ~~accounted for by the Department of Education.~~

27           ~~(c) The Commissioner of Education may solicit and receive donations~~  
28 ~~and grants for the purpose of making awards.~~

29  
30           ~~SECTION 59. Arkansas Code § 6-20-412 is amended to read as follows:~~

31           ~~6-20-412. Nonrecurring salary payments.~~

32           ~~(a) Any A school district in the this state may pay certified licensed~~  
33 ~~personnel a nonrecurring salary payment from revenues not considered to be~~  
34 ~~recurring sources of revenue.~~

35           ~~(b) A nonrecurring salary payment under this section shall not be~~  
36 ~~construed to increase the base salary of the teacher recipient for purposes~~

1 of calculation of future salary requirements.

2 (c) ~~Any~~ A nonrecurring salary payment under the provisions of this  
3 section shall be divided equally among ~~certified~~ licensed personnel employed  
4 by the school district at the time ~~of payment~~ approved by the board of  
5 directors of the school district unless the board of directors ~~of the~~  
6 ~~district~~ and a majority of the ~~teachers~~ licensed personnel agree to a  
7 different distribution.

8 ~~(d) A report indicating the source of the moneys and the name and~~  
9 ~~amount paid to each recipient shall be furnished to the Department of~~  
10 ~~Education and the Division of Legislative Audit by the ex officio financial~~  
11 ~~secretary of the school district.~~

12 ~~(e)(d)~~ A payment to a targeted educator made in the form of a  
13 supplement as an addendum to a contract in fulfilling this section, and § 6-  
14 5-307(a), ~~and § 6-17-2101 et seq. [repealed]~~ shall not be considered a  
15 nonrecurring salary payment under this section.

16  
17 SECTION 60. Arkansas Code § 6-20-815(d), concerning refunding  
18 obligations under the Revolving Loan Program, is amended to read as follows:

19 (d) Refunding obligations shall enjoy the same security for their  
20 payment as was enjoyed by the bonds or certificates refunded thereby,  
21 including particularly and without limitation, any continuing annual ~~building~~  
22 debt service fund tax voted and pledged to their payment.

23  
24 SECTION 61. Arkansas Code § 6-20-1209 is amended to read as follows:

25 6-20-1209. ~~Building~~ Debt service fund – Establishment and purpose.

26 All school districts in Arkansas proceeding under this act to borrow  
27 money and issue bonds, in addition to other security herein authorized, may  
28 and are authorized to establish a ~~building~~ debt service fund in an amount  
29 sufficient to pay the maturities of bond principal and interest, as they  
30 accrue, of the issue of bonds, that the ~~building~~ debt service fund shall be  
31 set aside out of the first revenues of the school district, ~~from whatever~~  
32 source derived, and shall be held by the county treasurer, or school district  
33 treasurer if the school district has its own treasurer, solely in the manner  
34 and for the purposes set out throughout this act.

35  
36 SECTION 62. Arkansas Code § 6-20-1210 is amended to read as follows:

1           6-20-1210. ~~Building~~ Debt service fund – Use.

2           (a) ~~No part of any building~~ The debt service fund shall not be used  
3 for any other purpose in any year than to pay the bonds and interest thereon  
4 maturing that year and any that may be past due, until the maturities are  
5 paid in full or until the funds are set aside to pay the full amount of the  
6 bonds; provided, the surplus in any year over and above the amount necessary  
7 to pay bonds and interest maturing that year, whether hereafter or heretofore  
8 issued, may be used by the respective school districts for any other school  
9 purposes.

10           (b) The county treasurer, or school district treasurer if the school  
11 district has its own treasurer, shall see to it that all warrants on the  
12 ~~building~~ debt service fund of any school district are drawn only to pay  
13 maturities of principal or interest on bonds of this school district, other  
14 school purposes as herein provided, or past due interest as shown by the  
15 records in his or her office, ~~and he or she shall countersign all warrants on~~  
16 ~~the building fund before they are valid.~~

17           (c) It is intended that the provisions of this section are to be  
18 cumulative and are not to repeal the provisions of any other act now in force  
19 except such laws and parts of laws as may be in conflict herewith.

20  
21           SECTION 63. Arkansas Code § 6-20-1211 is amended to read as follows:

22           6-20-1211. Tax records – Separate ~~building~~ debt service fund records.

23           (a) In showing school taxes on the tax books, it shall not be  
24 necessary to show separate amounts for the ~~building~~ debt service fund or any  
25 other fund that may be created by the school district board of directors, but  
26 there shall be one (1) amount extended on the tax books showing the total of  
27 the school district tax for that year.

28           (b) However, the county treasurer, or school district treasurer, if  
29 the school district has its own treasurer, shall keep separate records in his  
30 or her office showing separately the ~~building~~ debt service fund and shall see  
31 to it that on all settlements made with him or her of tax money or state  
32 apportionment money, the ~~building~~ debt service fund is credited with all  
33 funds set apart ~~therefor~~ for debt service by the electors or by the school  
34 district board of directors.

35  
36           SECTION 64. Arkansas Code § 6-20-1212 is amended to read as follows:

1 6-20-1212. Resolution setting priority in case of default.

2 On the issuance of any bonds, the school district board of directors  
3 may provide by resolution, which shall be a contract with the holders of the  
4 bonds, that should there be a default in the payment of any installment of  
5 principal or interest when due, the first moneys coming to the school  
6 district from any source, other than the uniform rate of tax, shall be paid  
7 into the ~~building~~ debt service fund and applied on past due principal or  
8 interest on the bonds until paid in full.

9  
10 SECTION 65. Arkansas Code § 6-20-1218(d), concerning the refunding of  
11 school bonds, is amended to read as follows:

12 (d)(1) In order to facilitate the refunding of school bonds, any  
13 school district issuing refunding bonds may issue certificates of  
14 indebtedness maturing in one (1) to five (5) years, payable to bearer and  
15 negotiable, to cover the costs of refunding or interest due on outstanding  
16 bonds at the time they are exchanged for refunding bonds, or both.

17 (2) The certificates of indebtedness shall be paid out of the  
18 ~~building~~ debt service fund of the school district from any surplus that  
19 remains in the ~~building~~ debt service fund in any years after the payment of  
20 the full amount of bonds and interest due that year on the refunding issue.

21 (3) Any certificates of indebtedness issued in connection with  
22 an issue of refunding bonds shall be registered by the county treasurer.

23 (4) All certificates of indebtedness thus issued and registered  
24 shall not be invalidated because at the time of their issuance or at their  
25 maturity date there is not a surplus in the ~~building~~ debt service fund  
26 available for their payment, but they shall continue as valid obligations of  
27 the school district until such a surplus in the building fund has accumulated  
28 for their payment.

29  
30 SECTION 66. Arkansas Code § 6-20-1220 is amended to read as follows:

31 6-20-1220. Refunding bonds – Issuance with election – Validation.

32 Refunding bonds issued by any school district of the State of Arkansas,  
33 when authorized at any general or special school election by a vote of the  
34 electors of the school district for a continuing ~~building~~ debt service fund  
35 to retire refunding bonds, shall be the valid, legal, and binding obligations  
36 of the school district provided that the issuance of the refunding bonds is

1 approved by the State Board of Education or the Commissioner of Education  
2 prior to the issuance of the refunding bonds.

3  
4 SECTION 67. Arkansas Code § 6-20-1223(b)(1), concerning the refunding  
5 of bonds, is amended to read as follows:

6 (b)(1) Refunding bonds, authorized by a resolution of the board of  
7 directors of the school district issuing them, may enjoy the same security  
8 for their payment as was enjoyed by the bonds refunded thereby, including  
9 particularly, and without limitation, any continuing annual ~~building debt~~  
10 service fund taxes voted and pledged to the payment of the bonds refunded  
11 thereby, except that, in all school districts operating pursuant to federal  
12 court desegregation decrees, the refunding bonds may, but shall not be  
13 required to, enjoy the same security for payment as was enjoyed by the bonds  
14 refunded.

15  
16 SECTION 68. Arkansas Code § 6-20-1225(a), concerning certificates of  
17 indebtedness, is amended to read as follows:

18 (a) ~~Any~~ A school district of Arkansas filing a petition in United  
19 States District Court for the composition of its bonded indebtedness and  
20 having more than five (5) years' past due interest on bonds being purchased  
21 at a discount, in order to facilitate such purchase, shall have the right to  
22 issue certificates of indebtedness payable, without interest over a period of  
23 five (5) years, from the surplus in the ~~building debt service~~ fund and any  
24 other available revenue that the school district may pledge, for an amount  
25 not to exceed two (2) years' interest on the bonds being purchased and not to  
26 exceed two percent (2%) of the assessed valuation of all taxable property in  
27 the school district as shown by the last county assessment and may pledge the  
28 surplus and available revenue for their payment.

29  
30 SECTION 69. Arkansas Code § 6-20-2202(a)(3)(A), concerning the format  
31 of the budget and expenditure report of public schools, school districts, and  
32 education service cooperatives, is amended to read as follows:

33 (3)(A) The electronic format required by the Department of  
34 Education shall be available for completion by school districts, open-  
35 enrollment public charter schools, and education service cooperatives not  
36 later than ~~August 1~~ September 15 of each year.

1  
2           SECTION 70. Arkansas Code § 6-20-2303(3)(C), concerning students who  
3 may be included in the definition of average daily membership, is amended to  
4 read as follows:

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

7                           (i) Students who:

8                                   (a) Reside within the boundaries of the school  
9 district;

10                                   (b) Are enrolled in a public school operated  
11 by the school district; and

12                                   (c) Are enrolled in a curriculum that fulfills  
13 the requirements established by the state board under the Standards for  
14 Accreditation of Arkansas Public Schools and School Districts;

15                                   (ii)(a) Students who reside within the boundaries of  
16 the school district but due to geographic barriers attend school out-of-state  
17 under a tuition agreement.

18                                   (b) This subdivision (3)(C)(ii) shall apply  
19 even if the students enrolled in an out-of-state school are not enrolled in a  
20 curriculum that fulfills the requirements established by the state board  
21 under the Standards for Accreditation of Arkansas Public Schools and School  
22 Districts;

23                                   (iii) Legally transferred students living outside  
24 the school district but are:

25   (a) Attending a public school in the school  
26 district under a provision of the Arkansas Code; and

27   (b) Are enrolled in a curriculum that fulfills  
28 the requirements established by the state board under the Standards for  
29 Accreditation of Arkansas Public Schools and School Districts;

30                                   ~~(iii)~~(iv) Open-enrollment public charter school  
31 students who are enrolled in a curriculum that fulfills the requirements  
32 established by the state board under the Standards for Accreditation of  
33 Arkansas Public Schools and School Districts; or

34                                   ~~(iv)~~(v) Students who are eligible to attend and who  
35 reside within the boundaries of a school district and are enrolled in the  
36 Arkansas National Guard Youth Challenge Program, so long as the students are

1 *participants in the program.*

2

3 SECTION 71. Arkansas Code § 6-23-402(b)(2), concerning enrollment  
4 numbers and deadlines for open-enrollment public charter schools, is amended  
5 to read as follows:

6 (2) However, if a student enrolled by ~~July 30~~ July 15 should no  
7 longer choose to attend the open-enrollment public charter school, the open-  
8 enrollment public charter school may enroll a replacement student.

9

10 SECTION 72. Arkansas Code § 6-23-501(a)(2)(A)(i), concerning funding  
11 for open-enrollment public charter schools, is amended to read as follows:

12 (i) The initial funding estimate shall be based on  
13 enrollment as of ~~July 30 preceding~~ July 15 of the school year in which the  
14 students are to attend classes;

15

16 SECTION 73. Arkansas Code § 6-23-501(a)(4)(A), concerning funding for  
17 open-enrollment public charter schools, is amended to read as follows:

18 (A)(i) In the first year of operation the open-enrollment  
19 public charter school shall receive professional development funding based  
20 upon the initial projected enrollment student count as of ~~July 30 preceding~~  
21 July 15 of the school year in which the students are to attend, multiplied by  
22 the per-student professional development funding amount under § 6-20-  
23 2305(b)(5) for that school year.

24

25 SECTION 74. Arkansas Code § 6-23-501(a)(7), concerning funding for  
26 open-enrollment public charter schools, is amended to read as follows:

27 (7) ~~Funding~~ Foundation funding for an open-enrollment public  
28 charter school shall be paid in twelve (12) ~~equal~~ installments each fiscal  
29 year.

30

31

*/s/J. Jeffress*

32

33

34

35

36