

1 State of Arkansas *As Engrossed: H3/13/13 H3/14/13*

2 89th General Assembly

A Bill

3 Regular Session, 2013

HOUSE BILL 1810

4

5 By: Representative Carnine

6 By: Senator Rapert

7

8

For An Act To Be Entitled

9 AN ACT TO REPEAL CERTAIN PROVISIONS OF TITLE 6 OF THE
10 ARKANSAS CODE RELATING TO EDUCATION BOARDS AND
11 COMMISSIONS; AND FOR OTHER PURPOSES.

12

13

14

Subtitle

15

TO REPEAL CERTAIN PROVISIONS OF TITLE 6

16

OF THE ARKANSAS CODE RELATING TO

17

EDUCATION BOARDS AND COMMISSIONS.

18

19

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

21

22 SECTION 1. Arkansas Code § 6-1-102 is repealed.

23 ~~6-1-103. State boards to meet.~~

24 ~~The State Board of Education, the Arkansas Higher Education~~
25 ~~Coordinating Board, and the State Board of Workforce Education and Career~~
26 ~~Opportunities shall meet at least once annually or more often as necessary in~~
27 ~~a joint meeting to address matters which will assist the furtherance of~~
28 ~~excellence of education in this state and increase coordination among the~~
29 ~~three (3) boards.~~

30

31 SECTION 2. Title 6, Chapter 1, Subchapter 5, of the Arkansas Code is
32 repealed.

33 ~~SUBCHAPTER 5 — THE ARKANSAS PROJECT GRADUATION COMMISSION~~

34 ~~6-1-501. Findings.~~

35 ~~The General Assembly finds that:~~

36 ~~(1) Graduation rates are an:~~



1 ~~(A) Important economic indicator for the state's economy; and~~

2 ~~(B) Essential indicator of school performance for parents,~~
3 ~~policy makers, and other concerned community members;~~

4 ~~(2) Arkansans who fail to earn a high school diploma or postsecondary~~
5 ~~degree are:~~

6 ~~(A) At a great disadvantage when it comes to obtaining:~~

7 ~~(i) High paying jobs; and~~

8 ~~(ii) Health care; and~~

9 ~~(B) More likely to:~~

10 ~~(i) Become parents at a young age; and~~

11 ~~(ii) Be involved in the criminal justice system; and~~

12 ~~(3) Low graduation rates adversely affect the economic opportunities~~
13 ~~of the state and decrease the state's competitive edge.~~

14
15 ~~6-1-502. Purpose.~~

16 ~~The purpose of the Arkansas Project Graduation Commission is to:~~

17 ~~(1) Investigate high school dropout prevention strategies;~~

18 ~~(2) Analyze the relationship between high school graduation rates and~~
19 ~~the state's economy; and~~

20 ~~(3) Recommend strategies that will increase the overall high school~~
21 ~~graduation rate of Arkansas students by helping parents, schools, and~~
22 ~~students identify academic warning signs of dropout.~~

23
24 ~~6-1-503. Arkansas Project Graduation Commission.~~

25 ~~(a) There is created the "Arkansas Project Graduation Commission".~~

26 ~~(b) The commission is composed of the following members:~~

27 ~~(1) Three (3) members appointed by the Governor, one (1) of whom~~
28 ~~shall act as the chair of the commission;~~

29 ~~(2) Three (3) members appointed by the Speaker of the House of~~
30 ~~Representatives;~~

31 ~~(3) Three (3) members appointed by the President Pro Tempore of~~
32 ~~the Senate;~~

33 ~~(4) The Commissioner of Education or his or her designee;~~

34 ~~(5) The Director of the Department of Higher Education or his or~~
35 ~~her designee; and~~

36 ~~(6) The Director of the Department of Career Education or his or~~

1 ~~her designee.~~

2 ~~(c) Each member of the commission shall be a resident of the State of~~
3 ~~Arkansas throughout his or her term.~~

4 ~~(d) The appointed members of the commission shall serve staggered~~
5 ~~terms of three (3) years to be decided by a random draw at the first meeting~~
6 ~~of the commission with:~~

7 ~~(1) Four (4) members serving terms of three (3) years;~~

8 ~~(2) Four (4) members serving terms of two (2) years; and~~

9 ~~(3) Four (4) members serving a term of one (1) year.~~

10 ~~(e) If a vacancy occurs in an appointed position, the vacancy shall be~~
11 ~~filled for the unexpired term by an appointment made in the same manner as~~
12 ~~the original appointment.~~

13

14 ~~6-1-504.—Organization and operation.~~

15 ~~(a) The Arkansas Project Graduation Commission shall elect annually a~~
16 ~~chair, a vice chair, and a secretary.~~

17 ~~(b) The commission shall meet one (1) time each month, rotating~~
18 ~~meeting locations between the:~~

19 ~~(1) Department of Education;~~

20 ~~(2) Department of Higher Education; and~~

21 ~~(3) Department of Career Education.~~

22 ~~(c) A majority of the commission members constitute a quorum for~~
23 ~~conducting business.~~

24 ~~(d) The Department of Education shall provide staff support for the~~
25 ~~commission.~~

26 ~~(e)(1) The members of the commission may receive an expense~~
27 ~~reimbursement for attendance at each monthly meeting in accordance with § 25-~~
28 ~~16-902.~~

29 ~~(2) The expense reimbursement shall be paid by the Department of~~
30 ~~Education from funds available for that purpose.~~

31

32 ~~6-1-505.—Report.~~

33 ~~(a) The Arkansas Project Graduation Commission shall report by~~
34 ~~November 1, 2009, and each year thereafter, to the House Committee on~~
35 ~~Education and the Senate Committee on Education.~~

36 ~~(b) The report shall contain without limitation:~~

1 ~~(1) Information on:~~
2 ~~(A) High school graduation rates in the state; and~~
3 ~~(B) Postsecondary graduation rates in the state;~~
4 ~~(2) Effective strategies for increasing the:~~
5 ~~(A) High school graduation rate; and~~
6 ~~(B) Postsecondary degree completion rate; and~~
7 ~~(3) The impact high school graduation rates and postsecondary~~
8 ~~degree completion rates have on the state's economy.~~

9
10 SECTION 3. Title 6, Chapter 4, Subchapter 2, of the Arkansas Code is
11 repealed.

12 ~~SUBCHAPTER 2 — COMPACT FOR EDUCATION~~

13 ~~6-4-201. Text of compact.~~

14 ~~The Compact for Education is entered into and enacted into law with all~~
15 ~~jurisdictions legally joined therein, in the form substantially as follows:~~

16
17 ~~COMPACT FOR EDUCATION~~

18 ~~ARTICLE I. Purpose and Policy~~

19
20 ~~A. It is the purpose of this compact to:~~
21 ~~1. Establish and maintain close cooperation and~~
22 ~~understanding among executive, legislative, professional educational and lay~~
23 ~~leadership on a nationwide basis at the state and local levels;~~
24 ~~2. Provide a forum for the discussion, development,~~
25 ~~crystallization, and recommendation of public policy alternatives in the~~
26 ~~field of education;~~
27 ~~3. Provide a clearinghouse of information on matters~~
28 ~~relating to educational problems and how they are being met in different~~
29 ~~places throughout the nation, so that the executive and legislative branches~~
30 ~~of state government and of local communities may have ready access to the~~
31 ~~experience and record of the entire country, and so that both lay and~~
32 ~~professional groups in the field of education may have additional avenues for~~
33 ~~the sharing of experience and the interchange of ideas in the formation of~~
34 ~~public policy in education;~~
35 ~~4. Facilitate the improvement of state and local~~
36 ~~educational systems so that all of them will be able to meet adequate and~~

1 ~~desirable goals in a society which requires continuous qualitative and~~
2 ~~quantitative advance in educational opportunities, methods, and facilities.~~

3 ~~B. It is the policy of this compact to encourage and promote~~
4 ~~local and state initiative in the development, maintenance, improvement, and~~
5 ~~administration of educational systems and institutions in a manner which will~~
6 ~~accord with the needs and advantages of diversity among localities and~~
7 ~~states.~~

8 ~~C. The party states recognize that each of them has an interest~~
9 ~~in the quality and quantity of education furnished in each of the other~~
10 ~~states, as well as in the excellence of its own educational systems and~~
11 ~~institutions, because of the highly mobile character of individuals within~~
12 ~~the nation and because the products and services contributing to the health,~~
13 ~~welfare, and economic advancement of each state are supplied in significant~~
14 ~~part by persons educated in other states.~~

15
16 ~~ARTICLE II.—State Defined~~

17
18 ~~As used in this compact, “state” means a state, territory, or~~
19 ~~possession of the United States, the District of Columbia, or the~~
20 ~~Commonwealth of Puerto Rico.~~

21
22 ~~ARTICLE III.—The Commission~~

23
24 ~~A. The Education Commission of the states, hereafter called “the~~
25 ~~commission,” is hereby established. The commission shall consist of seven (7)~~
26 ~~members representing each party state. One (1) of such members shall be the~~
27 ~~Governor; two (2) shall be members of the state legislature selected by its~~
28 ~~respective houses and serving in such manner as the legislature may~~
29 ~~determine; and four (4) shall be appointed by and serve at the pleasure of~~
30 ~~the Governor, unless the laws of the state otherwise provide. If the laws of~~
31 ~~a state prevent legislators from serving on the commission, six (6) members~~
32 ~~shall be appointed and serve at the pleasure of the Governor, unless the laws~~
33 ~~of the state otherwise provide. In addition to any other principles or~~
34 ~~requirements which a state may establish for the appointment and service of~~
35 ~~its members of the commission, the guiding principle for the composition of~~
36 ~~the membership on the commission from each party state shall be that the~~

1 ~~members representing such state shall, by virtue of their training,~~
2 ~~experience, knowledge, or affiliations, be in a position collectively to~~
3 ~~reflect broadly the interests of the state government, higher education, the~~
4 ~~state education system, local education, lay and professional, public and~~
5 ~~nonpublic educational leadership. Of those appointees, one (1) shall be the~~
6 ~~head of a state agency or institution, designated by the Governor, having~~
7 ~~responsibility for one (1) or more programs of public education. In addition~~
8 ~~to the members of the commission representing the party states, there may be~~
9 ~~not to exceed ten (10) nonvoting commissioners selected by the steering~~
10 ~~committee for terms of one (1) year. Such commissioners shall represent~~
11 ~~leading national organizations of professional educators or persons concerned~~
12 ~~with educational administration.~~

13 ~~B. The members of the commission shall be entitled to one (1)~~
14 ~~vote each on the commission. No action of the commission shall be binding~~
15 ~~unless taken at a meeting at which a majority of the total number of votes on~~
16 ~~the commission are cast in favor thereof. Action of the commission shall be~~
17 ~~only at a meeting at which a majority of the commissioners are present. The~~
18 ~~commission shall meet at least once a year. In its bylaws and subject to such~~
19 ~~directions and limitations as may be contained therein, the commission may~~
20 ~~delegate the exercise of any of its powers to the steering committee or the~~
21 ~~Executive Director, except for the power to approve budgets or requests for~~
22 ~~appropriations, the power to make policy recommendations pursuant to Article~~
23 ~~IV, and adoption of the annual report pursuant to Article III-J.~~

24 ~~C. The commission shall have a seal.~~

25 ~~D. The commission shall elect annually, from among its members,~~
26 ~~a chairman, who shall be a Governor, a vice chairman, and a treasurer. The~~
27 ~~commission shall provide for the appointment of an executive director. Such~~
28 ~~executive director shall serve at the pleasure of the commission, and~~
29 ~~together with the treasurer and such other personnel as the commission may~~
30 ~~deem appropriate shall be bonded in such amount as the commission shall~~
31 ~~determine. The executive director shall be secretary.~~

32 ~~E. Irrespective of the civil service, personnel, or other merit~~
33 ~~system laws of any of the party states, the executive director subject to the~~
34 ~~approval of the steering committee shall appoint, remove, or discharge such~~
35 ~~personnel as may be necessary for the performance of the functions of the~~
36 ~~commission and shall fix the duties and compensation of such personnel. The~~

1 ~~commission in its bylaws shall provide for the personnel policies and~~
2 ~~programs of the commission.~~

3 ~~F. The commission may borrow, accept, or contract for the~~
4 ~~services of personnel from any party jurisdiction, the United States, or any~~
5 ~~subdivision or agency of the aforementioned governments, or from any agency~~
6 ~~of two (2) or more of the party jurisdictions or their subdivisions.~~

7 ~~G. The commission may accept for any of its purposes and~~
8 ~~functions under this compact any and all donations, and grants of money,~~
9 ~~equipment, supplies, materials, and services, conditional or otherwise, from~~
10 ~~any state, the United States, or any other governmental agency, or from any~~
11 ~~person, firm, association, foundation, or corporation, and may receive,~~
12 ~~utilize, and dispose of the same. Any donation or grant accepted by the~~
13 ~~commission pursuant to this paragraph or services borrowed pursuant to~~
14 ~~paragraph F of this Article shall be reported in the annual report of the~~
15 ~~commission. Such report shall include the nature, amount, and conditions, if~~
16 ~~any, of the donation, grant, or services borrowed, and the identity of the~~
17 ~~donor or lender.~~

18 ~~H. The commission may establish and maintain such facilities as~~
19 ~~may be necessary for the transacting of its business. The commission may~~
20 ~~acquire, hold, and convey real and personal property and any interest~~
21 ~~therein.~~

22 ~~I. The commission shall adopt bylaws for the conduct of its~~
23 ~~business and shall have the power to amend and rescind these bylaws. The~~
24 ~~commission shall publish its bylaws in convenient form and shall file a copy~~
25 ~~thereof and a copy of any amendment thereto, with the appropriate agency or~~
26 ~~officer in each of the party states.~~

27 ~~J. The commission annually shall make to the Governor and~~
28 ~~legislature of each party state a report covering the activities of the~~
29 ~~commission for the preceding year. The commission may make such additional~~
30 ~~reports as it may deem desirable.~~

31
32 ~~ARTICLE IV.—Powers~~

33
34 ~~In addition to authority conferred on the commission by other~~
35 ~~provisions of the compact, the commission shall have authority to:~~

36 ~~1. Collect, correlate, analyze, and interpret information~~

1 ~~and data concerning educational needs and resources;~~

2 ~~2.—Encourage and foster research in all aspects of~~
3 ~~education, but with special reference to the desirable scope of instruction,~~
4 ~~organization, administration, and instructional methods and standards~~
5 ~~employed or suitable for employment in public educational systems;~~

6 ~~3.—Develop proposals for adequate financing of education~~
7 ~~as a whole and at each of its many levels;~~

8 ~~4.—Conduct or participate in research of the types~~
9 ~~referred to in this Article in any instance where the commission finds that~~
10 ~~such research is necessary for the advancement of the purposes and policies~~
11 ~~of this compact, utilizing fully the resources of national associations,~~
12 ~~regional compact organizations for higher education, and other agencies and~~
13 ~~institutions, both public and private;~~

14 ~~5.—Formulate suggested policies and plans for the~~
15 ~~improvement of public education as a whole, or for any segment thereof, and~~
16 ~~make recommendations with respect thereto available to the appropriate~~
17 ~~governmental units, agencies, and public officials;~~

18 ~~6.—Do such other things as may be necessary or incidental~~
19 ~~to the administration of any of its authority or functions pursuant to this~~
20 ~~compact.~~

21
22 ~~ARTICLE V.—Cooperation with Federal Government~~

23
24 ~~A.—If the laws of the United States specifically so provide, or~~
25 ~~if administrative provision is made therefor within the federal government,~~
26 ~~the United States may be represented on the commission by not to exceed ten~~
27 ~~(10) representatives. Any such representative or representatives of the~~
28 ~~United States shall be appointed and serve in such manner as may be provided~~
29 ~~by or pursuant to federal law, and may be drawn from any one (1) or more~~
30 ~~branches of the federal government, but no such representative shall have a~~
31 ~~vote on the commission.~~

32 ~~B.—The commission may provide information and make~~
33 ~~recommendations to any executive or legislative agency or officer of the~~
34 ~~federal government concerning the common educational policies of the states~~
35 ~~and may advise with any such agencies or officers concerning any matter of~~
36 ~~mutual interest.~~

1
2 ARTICLE VI.—Committees

3
4 A.—~~To assist in the expeditious conduct of its business when the~~
5 ~~full commission is not meeting, the commission shall elect a steering~~
6 ~~committee of thirty two (32) members which, subject to the provisions of this~~
7 ~~compact and consistent with the policies of the commission, shall be~~
8 ~~constituted and function as provided in the bylaws of the commission. One-~~
9 ~~fourth ($\frac{1}{4}$) of the voting membership of the steering committee shall consist~~
10 ~~of Governors, one fourth ($\frac{1}{4}$) shall consist of legislators, and the remainder~~
11 ~~shall consist of other members of the commission. A federal representative on~~
12 ~~the commission may serve with the steering committee, but without vote. The~~
13 ~~voting members of the steering committee shall serve for terms of two (2)~~
14 ~~years, except that members elected to the first steering committee of the~~
15 ~~commission shall be elected as follows: sixteen (16) for one (1) year and~~
16 ~~sixteen (16) for two (2) years. The chairman, vice chairman, and treasurer of~~
17 ~~the commission shall be members of the steering committee and, anything in~~
18 ~~this paragraph to the contrary notwithstanding, shall serve during their~~
19 ~~continuance in these offices. Vacancies in the steering committee shall not~~
20 ~~affect its authority to act, but the commission at its next regularly ensuing~~
21 ~~meeting following the occurrence of any vacancy shall fill it for the~~
22 ~~unexpired term. No person shall serve more than two (2) terms as a member of~~
23 ~~the steering committee; provided that service for a partial term of one (1)~~
24 ~~year or less shall not be counted toward the two term limitation.~~

25 B.—~~The commission may establish advisory and technical~~
26 ~~committees composed of state, local, and federal officials, and private~~
27 ~~persons to advise it with respect to any one (1) or more of its functions.~~
28 ~~Any advisory or technical committee may, on request of the states concerned,~~
29 ~~be established to consider any matter of special concern to two (2) or more~~
30 ~~of the party states.~~

31 C.—~~The commission may establish such additional committees as~~
32 ~~its bylaws may provide.~~

33
34 ARTICLE VII.—Finance

35
36 A.—~~The commission shall advise the Governor or designated~~

1 ~~officer or officers of each party state of its budget and estimated~~
2 ~~expenditures for such period as may be required by the laws of that party~~
3 ~~state. Each of the commission's budgets of estimated expenditures shall~~
4 ~~contain specific recommendations of the amount or amounts to be appropriated~~
5 ~~by each of the party states.~~

6 ~~B. The total amount of appropriation requests under any budget~~
7 ~~shall be apportioned among the party states. In making such apportionment,~~
8 ~~the commission shall devise and employ a formula which takes equitable~~
9 ~~account of the populations and per capita income levels of the party states.~~

10 ~~C. The commission shall not pledge the credit of any party~~
11 ~~states. The commission may meet any of its obligations in whole or in part~~
12 ~~with funds available to it pursuant to Article III-G of this compact,~~
13 ~~provided that the commission takes specific action setting aside such funds~~
14 ~~prior to incurring an obligation to be met in whole or in part in such~~
15 ~~manner. Except where the commission makes use of funds available to it~~
16 ~~pursuant to Article III-G thereof, the commission shall not incur any~~
17 ~~obligation prior to the allotment of funds by the party states adequate to~~
18 ~~meet the same.~~

19 ~~D. The commission shall keep accurate accounts of all receipts~~
20 ~~and disbursements. The receipts and disbursements of the commission shall be~~
21 ~~subject to the audit and accounting procedures established by its bylaws.~~
22 ~~However, all receipts and disbursements of funds handled by the commission~~
23 ~~shall be audited yearly by a qualified public accountant, and the report of~~
24 ~~the audit shall be included in and become part of the annual reports of the~~
25 ~~commission.~~

26 ~~E. The accounts of the commission shall be open at any~~
27 ~~reasonable time for inspection by duly constituted officers of the party~~
28 ~~states and by any persons authorized by the commission.~~

29 ~~F. Nothing contained herein shall be construed to prevent~~
30 ~~commission compliance with laws relating to audit or inspection of accounts~~
31 ~~by or on behalf of any government contributing to the support of the~~
32 ~~commission.~~

33
34 ~~ARTICLE VIII. Eligible Parties; Entry into and Withdrawal~~

35
36 ~~A. This compact shall have as eligible parties all states,~~

1 ~~territories, and possessions of the United States, the District of Columbia,~~
2 ~~and the Commonwealth of Puerto Rico. In respect of any such jurisdiction not~~
3 ~~having a Governor, the term "Governor," as used in this compact, shall mean~~
4 ~~the closest equivalent official of such jurisdiction.~~

5 ~~B. Any state or other eligible jurisdiction may enter into this~~
6 ~~compact and it shall become binding thereon when it has adopted the same;~~
7 ~~provided that in order to enter into initial effect, adoption by at least ten~~
8 ~~(10) eligible party jurisdictions shall be required.~~

9 ~~C. Adoption of the compact may be either by enactment thereof or~~
10 ~~by adherence thereto by the Governor; provided that in the absence of~~
11 ~~enactment, adherence by the Governor shall be sufficient to make his state a~~
12 ~~party only until December 31, 1967. During any period when a state is~~
13 ~~participating in this compact through gubernatorial action, the Governor~~
14 ~~shall appoint those persons who, in addition to himself, shall serve as the~~
15 ~~members of the commission from his state, and shall provide to the commission~~
16 ~~an equitable share of the financial support of the commission from any source~~
17 ~~available to him.~~

18 ~~D. Except for a withdrawal effective on December 31, 1967, in~~
19 ~~accordance with paragraph C of this Article, any party state may withdraw~~
20 ~~from this compact by enacting a statute repealing the same, but no such~~
21 ~~withdrawal shall take effect until one (1) year after the Governor of the~~
22 ~~withdrawing state has given notice in writing of the withdrawal to the~~
23 ~~Governors of all other party states. No withdrawal shall affect any liability~~
24 ~~already incurred by or chargeable to a party state prior to the time of such~~
25 ~~withdrawal.~~

26
27 ~~ARTICLE IX. Construction and Severability~~
28

29 ~~This compact shall be liberally construed so as to effectuate the~~
30 ~~purposes thereof. The provisions of this compact shall be severable and if~~
31 ~~any phrase, clause, sentence, or provision of this compact is declared to be~~
32 ~~contrary to the constitution of any state or of the United States, or the~~
33 ~~applicability thereof to any government, agency, person, or circumstance is~~
34 ~~held invalid, the validity of the remainder of this compact and the~~
35 ~~applicability thereof to any government, agency, person, or circumstance~~
36 ~~shall not be affected thereby. If this compact shall be held contrary to the~~

1 ~~constitution of any state participating therein, the compact shall remain in~~
2 ~~full force and effect as to the state affected as to all severable matters.~~

3
4 ~~6-4-202. Compact for Education Commissioners of Arkansas.~~

5 ~~(a) The seven (7) members to represent the State of Arkansas on the~~
6 ~~Education Commission of the states authorized in Article III of the Compact~~
7 ~~for Education, § 6-4-201, shall be known and designated as the "Compact for~~
8 ~~Education Commissioners of Arkansas".~~

9 ~~(b) The members of the commission shall consist of the following~~
10 ~~members:~~

11 ~~(1) The Governor of the State of Arkansas, who shall serve as~~
12 ~~chair thereof;~~

13 ~~(2) One (1) member of the House of Representatives to be~~
14 ~~designated by the Speaker of the House and one (1) member of the Senate of~~
15 ~~the State of Arkansas to be designated by the President of the Senate, each~~
16 ~~of whom shall serve until the next regular biennial session of the General~~
17 ~~Assembly at which their successors shall be designated in the same manner;~~

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

19 ~~(4) One (1) member of the Arkansas Higher Education Coordinating~~
20 ~~Board, to be designated by the Governor, to serve a term of two (2) years;~~
21 ~~and~~

22 ~~(5) Two (2) additional members, to be appointed by the Governor,~~
23 ~~who are residents of this state and who have demonstrated interest in public~~
24 ~~education. Such two (2) appointed members shall serve staggered terms of two~~
25 ~~(2) years.~~

26 ~~(c) The Commissioner of Education shall serve ex officio as secretary~~
27 ~~of the members of the commission, and the members of the commission may elect~~
28 ~~additional officers as deemed appropriate.~~

29 ~~(d) The Compact for Education Commissioners of Arkansas shall meet on~~
30 ~~the call of its chair or at the request in writing of the majority of its~~
31 ~~members.~~

32 ~~(e) The members of the commission may consider any and all matters~~
33 ~~relating to public education policies and any matters relating to~~
34 ~~recommendations of the Education Commission of the States and the activities~~
35 ~~of the members in representing this state thereon.~~

36 ~~(f) The members of the commission shall serve without pay, provided~~

1 ~~that they may receive expense reimbursement in accordance with § 25-16-901 et~~
2 ~~seq.~~

3 ~~(g) In the event of the death or resignation of any member of the~~
4 ~~commission, his or her successor shall be chosen in the same manner as~~
5 ~~provided herein for his or her original designation or appointment.~~

6 ~~(h) In the event the courts of this state may hold that the membership~~
7 ~~of any members on the commission is contrary to the laws of this state, the~~
8 ~~Governor may appoint successors for such members who shall be residents of~~
9 ~~this state and who have demonstrated interest in public education. Such~~
10 ~~successor members shall serve the same term as provided herein for the~~
11 ~~members they replace.~~

12
13 ~~6-4-203. Filing of bylaws.~~

14 ~~Pursuant to Article III-I of the Compact for Education, § 6-4-201, the~~
15 ~~Education Commission of the states shall file a copy of its bylaws and any~~
16 ~~amendment thereto with the Secretary of State, who shall file and retain the~~
17 ~~copy as a public document.~~

18
19 SECTION 4. Arkansas Code § 6-15-102(h), concerning the Arkansas Public
20 Schools Accountability Advisory Council, is repealed.

21 ~~(h)(1) There is created the Arkansas Public Schools Accountability~~
22 ~~Advisory Council, which shall begin operation within one hundred twenty (120)~~
23 ~~calendar days following June 3, 2004.~~

24 ~~(2) The membership of the council shall include:~~

25 ~~(A) One (1) member designated as chair to be selected by~~
26 ~~the Governor, who shall be a representative of Arkansas businesses;~~

27 ~~(B) One (1) member selected by the Governor, who shall be~~
28 ~~a representative of an educators' union in the State of Arkansas;~~

29 ~~(C) One (1) member selected by the Governor, who shall be~~
30 ~~a parent or guardian of at least one (1) student currently enrolled in grades~~
31 ~~kindergarten through twelve (K-12) in a public school in the State of~~
32 ~~Arkansas;~~

33 ~~(D) One (1) member selected by the Speaker of the House of~~
34 ~~Representatives, who shall be a representative of higher education;~~

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

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

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

8 ~~(3) The council shall provide advice and consultation services~~
9 ~~for the assistant commissioner.~~

10 ~~(4) The council may be convened by the chair of the council, by~~
11 ~~the chair of the state board, or by the assistant commissioner.~~

12 ~~(5) Members shall not receive compensation for service on the~~
13 ~~council but may receive expense reimbursement as provided in § 25-16-902.~~

14
15 SECTION 5. The Arkansas Code Revision Commission shall redesignate
16 Arkansas Code § 6-15-102, in light of the repeal of subsection (h).

17
18 SECTION 6. Title 6, Chapter 15, Subchapter 18, of the Arkansas Code is
19 repealed.

20 ~~SUBCHAPTER 18 — ARKANSAS PYGMALION COMMISSION ON NONTRADITIONAL~~
21 ~~EDUCATION~~

22 ~~6-15-1801. Purpose.~~

23 ~~(a) It is the purpose of the General Assembly through this subchapter~~
24 ~~to focus public attention on the problems facing those Arkansas students not~~
25 ~~being educated under the current public school system and on the need for~~
26 ~~alternative learning environments to avoid the consequences to all Arkansans~~
27 ~~that will result if nothing is done to better prepare these students.~~

28 ~~(b) The General Assembly believes that many of the problems can be~~
29 ~~conquered. The key is recognizing and identifying how the system is failing a~~
30 ~~child early enough to provide meaningful intervention and then adapting or~~
31 ~~altering the system to meet a child's educational needs. Arkansas schools~~
32 ~~exist solely for the benefit of the children, and the schools must adapt to~~
33 ~~the children's educational needs.~~

34 ~~(c) The Arkansas Pygmalion Commission on Nontraditional Education will~~
35 ~~act to focus public attention, as a clearinghouse for information regarding~~
36 ~~alternative learning environments, and to ensure that needed changes are made~~

1 ~~in curriculum, instructional approaches, school climate, and organization to~~
2 ~~improve educational outcomes for at-risk students.~~

3
4 ~~6-15-1802. Establishment of Arkansas Pygmalion Commission on~~
5 ~~Nontraditional Education.~~

6 ~~(a) The Arkansas Pygmalion Commission on Nontraditional Education is~~
7 ~~established for purposes of, including, but not limited to, the following:~~

8 ~~(1) Identifying and developing additional funding bases,~~
9 ~~including such nontraditional sources to use in implementing intervention~~
10 ~~services for students as private funds and grants, federal education funds~~
11 ~~and grants, and sale of merchandise and services generated by alternative~~
12 ~~education programs, that can be deployed in meeting the educational needs of~~
13 ~~all Arkansas children;~~

14 ~~(2) Conducting a study to determine the cost of various service~~
15 ~~models and the relative cost-effectiveness of each;~~

16 ~~(3) Identifying, in conjunction with school administrators~~
17 ~~responsible for alternative learning environments, factors to consider in~~
18 ~~determining the placement of students in alternative learning environments,~~
19 ~~including, but not limited to, the following:~~

20 ~~(A) Standardized test scores or assessment portfolios~~
21 ~~which indicate that a student is nine (9) months or more behind grade level;~~

22 ~~(B) The student's being one (1) year or more behind grade-~~
23 ~~level peers in accumulating credits for graduation;~~

24 ~~(C) Having been retained one (1) or more times;~~

25 ~~(D) Recurring absences;~~

26 ~~(E) Personal or family problems or situations that have~~
27 ~~negatively affected the student's ability to function in school;~~

28 ~~(F) Referrals for special education in which the student~~
29 ~~is found not eligible for special education; and~~

30 ~~(G) Suspension or expulsion within the previous or current~~
31 ~~school semester;~~

32 ~~(4) Forming guidelines whereby the public schools and other~~
33 ~~agencies work collectively to implement a program for Arkansas children in~~
34 ~~kindergarten through grade twelve (K-12) in both general education and~~
35 ~~vocational education;~~

36 ~~(5) Collecting and compiling research, information, and data~~

1 ~~regarding alternative and nontraditional methods for meeting the educational~~
2 ~~needs of all Arkansas children and disseminating the research, information,~~
3 ~~and data to the public schools; and~~

4 ~~(6) Recommending the implementation of both in-service and~~
5 ~~university level courses designed to enhance the ability of a teacher or an~~
6 ~~administrator to develop interventions that will meet the needs of students~~
7 ~~identified for placement in an alternative or nontraditional learning~~
8 ~~environment.~~

9 ~~(b) The commission shall utilize the proposed Department of Education~~
10 ~~Rules and Regulations for Alternative Learning Environments, dated January~~
11 ~~13, 1993.~~

12
13 ~~6-15-1803. Members.~~

14 ~~(a) The Arkansas Pygmalion Commission on Nontraditional Education~~
15 ~~shall be composed of sixteen (16) members who are currently serving as~~
16 ~~members of the commission and who were appointed in the manner and to~~
17 ~~represent various interests as follows:~~

18 ~~(1) One (1) member representing classroom teachers to be~~
19 ~~recommended by the Arkansas Education Association and appointed by the~~
20 ~~Governor;~~

21 ~~(2) One (1) member representing school district superintendents~~
22 ~~to be recommended by the Arkansas Association of Educational Administrators~~
23 ~~and appointed by the Governor;~~

24 ~~(3) One (1) member representing local school boards of directors~~
25 ~~to be recommended by the Arkansas School Boards Association and appointed by~~
26 ~~the Governor;~~

27 ~~(4) Two (2) members representing school principals with~~
28 ~~alternative education experience to be recommended by the Arkansas~~
29 ~~Association of Educational Administrators and appointed by the Governor;~~

30 ~~(5) One (1) member representing the Department of Health and~~
31 ~~appointed by the Governor;~~

32 ~~(6) One (1) member representing the Department of Human Services~~
33 ~~and appointed by the Governor;~~

34 ~~(7) One (1) member representing the Department of Education and~~
35 ~~appointed by the Governor;~~

36 ~~(8) One (1) member representing the Department of Workforce~~

1 ~~Education and appointed by the Governor;~~

2 ~~(9) One (1) member representing the Department of Higher~~
3 ~~Education and appointed by the Governor;~~

4 ~~(10) One (1) member representing the judicial system to be~~
5 ~~appointed by the Governor;~~

6 ~~(11) One (1) member representing students with learning~~
7 ~~disabilities or attention deficit disorder to be appointed by the Governor;~~

8 ~~(12) Two (2) members representing physicians and psychologists~~
9 ~~who specialize in treating children and adolescents to be recommended by the~~
10 ~~Chief of Staff of Arkansas Children's Hospital and appointed by the Governor;~~

11 ~~(13) One (1) member representing parents to be recommended by~~
12 ~~the Arkansas Congress of Parents and Teachers and appointed by the Governor;~~
13 ~~and~~

14 ~~(14) One (1) member at large to be appointed by the Governor.~~

15 ~~(b) Any vacancies shall be filled in accordance with the original~~
16 ~~appointment.~~

17
18 ~~6-15-1804.—Organization.~~

19 ~~(a) The Arkansas Pygmalion Commission on Nontraditional Education~~
20 ~~shall select one (1) of its members to serve as chair.~~

21 ~~(b) The Commissioner of Education shall serve as a disbursing officer~~
22 ~~of any funds received by the commission.~~

23 ~~(c) By July 1 of each year, the commission shall submit a report~~
24 ~~containing recommendations for alternative and nontraditional methods for~~
25 ~~meeting the educational needs of all Arkansas children and for funding these~~
26 ~~recommendations to the Governor, the Senate Interim Committee on Education,~~
27 ~~the House Interim Committee on Education, the Senate Interim Committee on~~
28 ~~Children and Youth, and the Department of Education.~~

29
30 ~~6-15-1805.—Contribution of staff time by certain state agencies.~~

31 ~~(a) The following state agencies and constitutional officers shall~~
32 ~~contribute staff time to work for the Arkansas Pygmalion Commission on~~
33 ~~Nontraditional Education:~~

34 ~~(1) The Department of Education;~~

35 ~~(2) The Department of Workforce Education;~~

36 ~~(3) The Department of Health;~~

1 ~~(4) The Department of Human Services;~~

2 ~~(5) The Administrative Office of the Courts; and~~

3 ~~(6) The office of the Governor.~~

4 ~~(b) The members of the commission shall work cooperatively with the~~
5 ~~various agencies and offices in determining how the work of the commission~~
6 ~~can be scheduled to accommodate both the regular agency duties of the staff~~
7 ~~and the work of the commission.~~

8
9 ~~6-15-1806. Compensation.~~

10 ~~(a)(1) Members of the Arkansas Pygmalion Commission on Nontraditional~~
11 ~~Education shall serve without pay, but the commission may reimburse~~
12 ~~nonlegislative and nonstate employee members for actual and necessary~~
13 ~~expenses incurred in the performance of their duties if sufficient funds are~~
14 ~~available.~~

15 ~~(2) Expenses of state employees serving on the commission shall~~
16 ~~be reimbursed from funds appropriated to that agency for those purposes.~~

17 ~~(b) The commission is authorized to accept gifts, grants, and~~
18 ~~donations from private sources, municipal and county governments, the state,~~
19 ~~and the federal government to be used for the purposes of this subchapter.~~

20
21 SECTION 7. Title 6, Chapter 16, Subchapter 4, of the Arkansas Code is
22 repealed.

23 ~~SUBCHAPTER 4—COMPUTER TECHNOLOGY~~

24 ~~6-16-401. Legislative intent.~~

25 ~~(a) The General Assembly expresses its intent and commitment to use~~
26 ~~every means available to obtain and utilize to the fullest extent computer~~
27 ~~technology in the instructional process in the public schools of this state.~~

28 ~~(b) Recognizing the value and cost of quality education, private~~
29 ~~individuals, firms, and corporations are encouraged to provide assistance in~~
30 ~~this endeavor to the maximum extent possible, including grants, donations,~~
31 ~~and in-kind services.~~

32
33 ~~6-16-402. Commission on Improving Public Schools' Basic Skills~~
34 ~~Opportunities Through Technology—State Board of Education designated as~~
35 ~~successor.~~

36 ~~(a) As a means of obtaining advice and providing assistance to the~~

1 ~~public schools of this state in the development of computer technology in the~~
2 ~~instructional process, the State Board of Education is designated as the~~
3 ~~successor to the Commission on Improving Public Schools' Basic Skills~~
4 ~~Opportunities Through Technology.~~

5 ~~(b) The timing of the process required to complete the transition of~~
6 ~~the functions of the commission to the state board shall be at the discretion~~
7 ~~of the state board.~~

8 ~~(c) In conjunction with the transition of the commission to the state~~
9 ~~board, the Department of Education shall become the successor to the~~
10 ~~Instructional Microcomputer Project for Arkansas Classrooms.~~

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