

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

A Bill

SENATE BILL 264

5 By: Senator D. Johnson
6 By: Representatives Williams, Vines
7

For An Act To Be Entitled

9 AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 6 OF
10 THE ARKANSAS CODE, CONCERNING EDUCATION LAW; AND FOR
11 OTHER PURPOSES.
12
13

Subtitle

15 AN ACT TO MAKE TECHNICAL CORRECTIONS TO
16 TITLE 6 OF THE ARKANSAS CODE, CONCERNING
17 EDUCATION LAW.
18
19

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

22 SECTION 1. Arkansas Code § 6-5-307(a), concerning teacher salary
23 increases, is amended to correct references to licensed public school
24 personnel to read as follows:

25 (a) Any increase in Educational Excellence Trust Fund funds allocated
26 for teacher salaries shall be used by school districts to provide salary
27 increases for current ~~certified~~ licensed personnel positions and for no other
28 purpose, except that required social security and teacher retirement matching
29 required to be paid by the school districts for ~~certified~~ licensed personnel
30 may be paid from the funds.
31

32 SECTION 2. Arkansas Code § 6-10-106(b), concerning employment
33 contracts for school district employees, is amended to correct references to
34 licensed and nonlicensed school district employees to read as follows:

35 (b) Contracts of employment for ~~certified~~ licensed and ~~noncertified~~
36 nonlicensed employees of school districts may require school district



1 employees to begin performance under their contract of employment prior to
2 the first day of student attendance.

3
4 SECTION 3. Arkansas Code § 6-10-114(b)(2), concerning license
5 suspension for teachers, is amended to correct a reference to a person
6 licensed by the State Board of Education to read as follows:

7 (2) If the State Board of Education determines that a person
8 ~~certified~~ licensed by the State Board of Education knowingly violated this
9 section, the State Board of Education shall suspend the person's
10 ~~certification~~ license for a period not to exceed one (1) year.

11
12 SECTION 4. Arkansas Code § 6-11-102(c)(1)(D), concerning
13 qualifications for the Commissioner, is amended to correct a reference to a
14 teacher's license to read as follows:

15 (D) Hold a valid state teacher's ~~certificate~~ license.

16
17 SECTION 5. Arkansas Code § 6-11-105(a)(4), concerning duties of the
18 State Board of Education, is amended to correct references to public school
19 teaching licenses to read as follows:

20 (4) Issue ~~certificates~~ licenses based upon credentials presented
21 by applicants for ~~certificates~~ licenses to teach in the public schools of the
22 state;

23
24 SECTION 6. Arkansas Code § 6-11-105(a)(9)(B), concerning duties of the
25 State Board of Education, is amended as follows to correct references to
26 public school teaching licenses to read as follows:

27 (B) However, nothing in this act shall prohibit the state
28 board and the Department of Education from issuing teachers' ~~certificates~~
29 licenses upon the results of teachers' examinations as now provided by law;

30
31 SECTION 7. Arkansas Code § 6-13-1010(b)(1), concerning qualifications
32 of a director of an education service cooperative, is amended to correct a
33 reference to a public school administrator's license to read as follows:

34 (1) Hold an administrator's ~~certificate~~ license and meet all
35 requirements to serve as a superintendent of schools in the State of
36 Arkansas; or

1
2 SECTION 8. Arkansas Code § 6-13-1011(b), concerning personnel
3 requirements for employees of an education service cooperative, is amended to
4 correct a reference to the teaching license of an education service
5 cooperative employee to read as follows:

6 (b) ~~Certificate~~ License requirements shall be the same as those
7 expected of persons holding similar positions in local school districts.
8

9 SECTION 9. Arkansas Code § 6-13-1302(1) and (2), concerning
10 definitions, are amended to correct references to licensed and nonlicensed
11 public school employees to read as follows:

12 (1) "~~Certified~~ Licensed employee" means any person for whom
13 ~~certification licensure~~ licensure is required as the basis of employment in the public
14 schools of the state;

15 (2) "~~Classified~~ Nonlicensed employee" means any person for whom
16 ~~certification licensure~~ licensure is not required as the basis of employment in the
17 public schools of the state;
18

19 SECTION 10. Arkansas Code § 6-13-1303(a), concerning a vote to
20 implement site-based decision making, is amended to correct a reference to
21 licensed public school employees and make technical corrections to read as
22 follows:

23 (a) Following a secret ballot vote by two-thirds (2/3) of the
24 ~~certified licensed~~ employees in a local building site to implement site-based
25 decision making, the local school district board of directors may adopt a
26 policy for implementing site-based decision making in the school district, to
27 include, but not be limited to, a description of how school district policies
28 have been amended to allow school employees at the local school building site
29 to be involved in the decision-making process as they work to meet
30 educational goals.
31

32 SECTION 11. Arkansas Code § 6-13-1304 is amended to correctly
33 subdivide the section and correct references to licensed and nonlicensed
34 public school employees to read as follows:

35 6-13-1304. School council established – Members.

36 The school district policy adopted by the board of directors and

1 ~~certified~~ licensed faculty of a local school district shall require the
 2 following when any local school building site elects to implement site-based
 3 decision making under the provisions of this subchapter:

4 (1)(A)(i) A school council shall be established, composed of
 5 teachers, ~~classified~~ nonlicensed employees, and the building principal or
 6 administrator.

7 (ii) A majority of the council shall be made up of
 8 teachers.

9 (B)(i) The teacher representatives on the council shall be
 10 elected by a majority of the teachers in a secret ballot election conducted
 11 by the teachers in the building.

12 (ii) The ~~classified~~ nonlicensed employee
 13 representatives shall be elected by a majority of the ~~classified~~ nonlicensed
 14 employees in a secret ballot election conducted by the ~~classified~~ nonlicensed
 15 employees+;

16 (2)(A) The school council may include parent representatives if
 17 two-thirds (2/3) of the parents present at a meeting called for that purpose
 18 vote to participate in site-based decision making.

19 (B) The parent representatives on the council shall be
 20 elected by the parents at a meeting called for that purpose and shall not be
 21 relatives of any employee of the school or any board member+; and

22 (3) Members of the school council shall elect a chair, vice
 23 chair, and secretary.

24
 25 SECTION 12. Arkansas Code § 6-13-1309(b)(2), concerning applications
 26 for approval of a model to implement site-based decision making, is amended
 27 to correct a reference to licensed public school employees to read as
 28 follows:

29 (2) The application for approval of the model shall show
 30 evidence that it has been developed by representatives of the parents,
 31 students, and employees of the school and that two-thirds (2/3) of the
 32 ~~certified~~ licensed employees voting in a secret ballot election have agreed
 33 to the model.

34
 35 SECTION 13. Arkansas Code § 6-15-101(2), concerning academic
 36 standards, is amended to correct a grammatical error to read as follows:

1 (2) Require that the academic standards and expected outcomes be
2 adopted by local school ~~board~~ boards of directors; and

3
4 SECTION 14. Arkansas Code § 6-15-102(f)(5), concerning
5 responsibilities of the Division of Public School Accountability, is amended
6 to correct a reference to public school teacher licensure to read as follows:

7 (5) To work with program approval and ~~certification~~ licensure
8 sections of the Department of Education, the Department of Higher Education,
9 the Department of Career Education, and the individual colleges to provide
10 information that will contribute to reasonable, equitable, and excellent
11 preparation of ~~certified~~ licensed personnel in public and private
12 institutions of higher education.

13
14 SECTION 15. Arkansas Code § 6-15-202(f)(27), concerning superintendent
15 written statements, is amended to correct a reference to public school
16 teacher licensure to read as follows:

17 (27) § 6-17-309 concerning ~~certification~~ licensure;

18
19 SECTION 16. Arkansas Code § 6-15-202(f)(30), concerning superintendent
20 written statements, is amended to correct a reference to another section of
21 the Arkansas Code to read as follows:

22 (30) ~~§ 6-17-2402~~ § 6-17-2403 concerning teacher compensation;

23
24 SECTION 17. Arkansas Code § 6-15-213(a)(3), concerning requirements
25 for a course to be considered taught, is amended to correct a reference to a
26 licensed public school teacher to read as follows:

27 (3) The school district provides written proof, as required by
28 the department, that the school district had a properly ~~certified~~ licensed
29 teacher employed and able to teach the required course during the entire time
30 the course was required to be taught and the course was listed on the school
31 district's master course schedule;

32
33 SECTION 18. Arkansas Code § 6-15-1004(c)(2)(A)(ii), concerning
34 professional development, is amended to correct a reference to teacher
35 licensure to read as follows:

36 (ii) Part of the requirements for the teacher to

1 obtain additional ~~certification~~ licensure in a subject matter that has been
2 designated by the Department of Education as having a critical shortage of
3 teachers; or

4
5 SECTION 19. Arkansas Code § 6-15-1004(c)(2)(C), concerning
6 professional development, is amended to correct a reference to licensed
7 public school personnel to read as follows:

8 (C) For purposes of the requirement for continuing
9 education and professional development under this section, each hour of
10 training received by ~~certified~~ licensed personnel related to teaching an
11 advanced placement class for a subject covered by the College Board and
12 Educational Testing Service shall be counted as professional development up
13 to a maximum of thirty (30) hours.

14
15 SECTION 20. Arkansas Code § 6-15-1402(b)(2)(B)(ii), concerning school
16 performance reports, is amended to correct a reference to nonlicensed public
17 school employees to read as follows:

18 (ii) The school's teachers, administrators,
19 ~~classified nonlicensed~~ school employees, and volunteers have been provided
20 with appropriate student discipline training; and

21
22 SECTION 21. Arkansas Code § 6-15-1702(c), concerning parent
23 facilitators, is amended to correct a reference to licensed public school
24 personnel to read as follows:

25 (c)(1) The principal of each school in a school district shall
26 designate one (1) ~~certified~~ licensed staff member who is willing to serve as
27 a parent facilitator to:

28 (A) Help organize meaningful training for staff and
29 parents;

30 (B) Promote and encourage a welcoming atmosphere to foster
31 parental involvement in the school; and

32 (C) Undertake efforts to ensure that parental
33 participation is recognized as an asset to the school.

34 (2) The ~~certified~~ licensed staff member serving as a parental
35 facilitator shall receive supplemental pay for the assigned duties as
36 required by law.

1
2 SECTION 22. Arkansas Code § 6-15-1901(b)(4), concerning the Arkansas
3 Teacher Corps, is amended to correct a reference to licensed public school
4 teachers to read as follows:

5 (4) Development of an Arkansas Teacher Corps to increase the
6 number of new and ~~certified~~ licensed teachers;

7
8 SECTION 23. Acts 2011, No. 989, § 23, is repealed to effectuate the
9 intent of the General Assembly in enacting legislation that revised this
10 entire subchapter under Acts 2011, No. 879.

11 ~~SECTION 23. Arkansas Code § 6-16-604(a), concerning optional summer~~
12 ~~programs, is amended to read as follows:~~

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

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

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

25
26 SECTION 24. Arkansas Code § 6-16-127(b)(2) – (4), concerning the
27 purpose of the Arkansas Foreign Language Teacher Training, are amended to
28 correct references to licensed foreign language teachers and licensure of
29 foreign language teachers to read as follows:

30 (2) Encourage currently ~~certified~~ licensed foreign language
31 teachers to pursue additional training or an advanced degree in a foreign
32 language;

33 (3) Encourage ~~certified~~ licensed personnel to add foreign
34 language to their areas of ~~certification~~ licensure; and

35 (4) Encourage individuals to seek ~~certification~~ licensure as a
36 foreign language teacher in grades kindergarten through eight (K-8).

1
2 SECTION 25. Arkansas Code § 6-16-130(a)(3), concerning instruction in
3 visual art or music, is amended to correct a reference to a licensed public
4 school teacher to read as follows:

5 (3) Prior to June 1, 2005, the instruction required by this
6 subsection may be provided by a volunteer or by a ~~certified~~ licensed teacher.
7

8 SECTION 26. Arkansas Code § 6-16-130(b)(3), concerning instruction in
9 visual art or music, is amended to correct a reference to a licensed public
10 school teacher to read as follows:

11 (3) The instruction required by subdivision (b)(1) of this
12 section shall be provided by a ~~licensed~~ teacher ~~certified~~ licensed to teach
13 art or music, as applicable.
14

15 SECTION 27. Arkansas Code § 6-16-132(e), concerning physical
16 education, is amended to correct a reference to a licensed public school
17 teacher to read as follows:

18 (e) Nothing in this section shall be construed to require any school
19 or school district to hire personnel ~~certified~~ licensed in physical
20 education.
21

22 SECTION 28. Arkansas Code § 6-16-137(f)(2), concerning a statement of
23 assurance, is amended to correct a reference to licensed public school
24 personnel to read as follows:

25 (2) If it is determined by the department that a superintendent
26 or chief academic officer or any other ~~certified~~ licensed personnel has
27 knowingly provided false or misleading information in the statement of
28 assurance required under this section, the state board may take appropriate
29 action on the license of that individual pursuant to § 6-17-410.
30

31 SECTION 29. Arkansas Code § 6-16-313(a), concerning rules for
32 kindergarten programs, is amended to correct a reference to public school
33 teacher licensure to read as follows:

34 (a) The State Board of Education shall promulgate and adopt such rules
35 and regulations as it deems appropriate providing minimum standards,
36 including program standards and teacher ~~certification~~ licensure standards,

1 for the conduct of public school kindergarten programs.

2

3 SECTION 30. Arkansas Code § 6-16-702(a)(2)(A), concerning optional
4 summer school programs, is amended to correct a reference to public school
5 teacher licensure to read as follows:

6 (A) The teachers shall meet ~~certification~~ licensure
7 requirements for the courses taught; and

8

9 SECTION 31. Arkansas Code § 6-17-111(b), concerning lunch room
10 supervisors, is amended to correct a reference to nonlicensed public school
11 personnel to read as follows:

12 (b) Lunchroom supervisors who have been in-serviced may be volunteers,
13 ~~noncertified~~ nonlicensed personnel, or aides.

14

15 SECTION 32. Arkansas Code § 6-17-119(a) and (b)(1) - (3)(B),
16 concerning an alternative pay program, are amended to correct references to
17 licensed and nonlicensed school employees to read as follows:

18 (a) As used in this section:

19 (1) "Alternative pay" means a salary amount that is part of the
20 ~~certified~~ licensed employee's or ~~classified~~ nonlicensed employee's total
21 compensation for additional responsibilities, mastery of new knowledge and
22 skills, advanced career opportunities, increased student achievement,
23 attracting highly qualified teachers, or professional development exceeding
24 state minimums;

25 (2) "~~Certified~~ Licensed employee" means a person employed by a
26 public school who is required to hold a license issued by the Department of
27 Education;

28 (3) "~~Classified~~ Nonlicensed employee" means a person employed by
29 a public school district under a written annual contract who is not required
30 to have a teaching ~~certificate~~ license issued by the department as a
31 condition of employment; and

32 (4) "Teacher" means:

33 (A) Any person who is:

34 (i) Required to hold a teaching license from the
35 department; and

36 (ii) Is engaged directly in instruction with

1 students in a classroom setting for more than seventy percent (70%) of the
2 individual's contracted time;

3 (B) A guidance counselor; or

4 (C) A librarian.

5 (b) A public school district may offer or participate in an
6 alternative pay program for its ~~certified~~ licensed employees, ~~classified~~
7 nonlicensed employees, or both employee groups if:

8 (1) The program is implemented school district-wide or on a
9 school-by-school basis;

10 (2) Every eligible ~~certified~~ licensed employee or ~~classified~~
11 nonlicensed employee may participate in the program;

12 (3)(A) The program from the beginning is a collaborative effort
13 among the participating school board of directors, administrators, teachers,
14 ~~classified~~ nonlicensed employees, association representatives, and parents
15 with children attending the school district.

16 (B) The school board of directors, administrators,
17 teachers, and ~~classified~~ nonlicensed employees shall each approve a show of
18 interest resolution in the program by at least seventy percent (70%) or
19 another percentage established by a majority vote of the teachers and
20 approved by the local school board of directors.

21
22 SECTION 33. Arkansas Code § 6-17-119(b)(8), concerning alternative pay
23 programs, is amended to correct references to licensed and nonlicensed school
24 employees to read as follows:

25 (8) The program is part of a larger set of reforms rather than
26 an isolated approach to improving performance or rewarding certain ~~certified~~
27 licensed or ~~classified~~ nonlicensed employees;

28
29 SECTION 34. Arkansas Code § 6-17-119(b)(10)(A), concerning alternative
30 pay programs, is amended to correct a reference to nonlicensed school
31 employees to read as follows:

32 (10)(A) The program respects the right of any teacher or
33 ~~classified~~ nonlicensed employee to elect not to participate in the program.

34
35 SECTION 35. Arkansas Code § 6-17-306 is amended to correct references
36 to nonlicensed school employees to read as follows:

1 6-17-306. Leaves of absence.

2 (a) As used in this section:

3 (1) "~~Classified~~ Nonlicensed employee" means a person employed by
4 a public school in this state who is not a licensed employee;

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

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

9 (4) "Licensed employee" means a teacher or administrator
10 employed by a public school in this state who is required to be licensed by
11 the State Board of Education as a condition of the teacher's or
12 administrator's employment.

13 (b)(1) A teacher, administrator, or ~~noncertified~~ nonlicensed personnel
14 who is employed by a public school in this state is entitled to a leave of
15 absence for fifteen (15) days plus necessary travel time in any fiscal year
16 for the purpose of participating in:

17 (A) Military training programs or other official duties
18 made available by the armed forces of this state or any other state,
19 including without limitation the National Guard or a reserve component of the
20 armed forces; or

21 (B) The civil defense and public health training programs
22 made available by the United States Public Health Service.

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

26 (c)(1) When a licensed employee or a ~~classified~~ nonlicensed employee
27 is granted a leave of absence under this section, he or she shall be entitled
28 to his or her regular salary during the time he or she is away from his or
29 her duties during such leave of absence.

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

32 (d)(1) A licensed employee or a ~~classified~~ nonlicensed employee who is
33 called to duty in an emergency situation by the Governor or by the President
34 shall be granted leave with pay not to exceed thirty (30) working days, after
35 which leave without pay will be granted. (2) This leave shall be
36 granted in addition to all other leave to which the licensed employee or

1 ~~certified~~ nonlicensed employee is entitled.

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

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

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

17 (f) When a licensed employee or a ~~classified~~ nonlicensed employee is
18 granted military leave for a period of fifteen (15) days per calendar year or
19 fiscal year under this section, the military leave will accumulate for use in
20 succeeding calendar years or fiscal years until it totals fifteen (15) days
21 at the beginning of the calendar year or fiscal year, for a maximum number of
22 military leave days available in any one (1) calendar year or fiscal year to
23 be thirty (30) days.

24
25 SECTION 36. The section heading of Arkansas Code § 6-17-309 is amended
26 to correct a reference to public school teacher licensure to read as follows:

27 6-17-309. ~~Certification~~ Licensure -- Waiver.

28
29 SECTION 37. Arkansas Code § 6-17-421(a)(2), concerning the definition
30 of "fiscal officer", is amended to correct a reference to a nonlicensed
31 public school employee to read as follows:

32 (2) "Fiscal officer" means any licensed or ~~classified~~
33 nonlicensed employee of a school district or education service cooperative
34 who has any right, duty, or responsibility to access funds of a school
35 district in excess of five thousand dollars (\$5,000), specifically including,
36 but not limited to, superintendents, fiscal officers, and bookkeepers; and

1
2 SECTION 38. Arkansas Code § 6-17-425(a)(3)(C)(ii), concerning
3 providing testimony to the Professional Licensure Standards Board or the
4 State Board of Education, is amended to correct a reference to the board
5 issuing a subpoena to read as follows:

6 (ii) The manner of providing testimony under the
7 subpoena shall be conducted by video conference testimony unless another
8 manner is agreed upon by the board ~~or commission~~ hearing the proceeding and
9 the person who is the subject of the subpoena.

10
11 SECTION 39. Arkansas Code § 6-17-704(a), concerning the definition of
12 "professional development", is amended to correct a reference to nonlicensed
13 public school employees to read as follows:

14 (a) As used in this section, "professional development" means a
15 coordinated set of planned learning activities for teachers, administrators,
16 and ~~classified~~ nonlicensed employees that are standards-based and continuous.

17
18 SECTION 40. Arkansas Code § 6-17-704(c)(1) and (2)(A), concerning
19 professional development plans, are amended to remove outdated language and
20 to correct a reference to nonlicensed public school employees to read as
21 follows:

22 (c)(1) ~~Beginning with school year 2004-2005, each~~ Each school district
23 shall prepare a professional development plan.

24 (2)(A) Teachers, administrators, and ~~classified~~ nonlicensed
25 school employees shall be involved in the design, implementation, and
26 evaluation of their respective professional development offerings under the
27 plan.

28
29 SECTION 41. Arkansas Code § 6-17-707(b), concerning teacher
30 professional development, is amended to correct a reference to licensed
31 public school personnel to read as follows:

32 (b) Under the initiative, the Commissioner of Education shall identify
33 teacher professional development needs in the state and prioritize the needs
34 based on the areas of professional development most needed to improve
35 academic and teaching knowledge and skills of ~~certified~~ licensed personnel.

36

1 SECTION 42. Arkansas Code § 6-17-805 is amended to correct references
2 to nonlicensed public school employees to read as follows:

3 6-17-805. Deduction for professional membership dues.

4 (a) Upon the written request of any teacher or ~~classified~~ nonlicensed
5 employee, the board of directors of any school district of the state shall
6 deduct from the salary of that teacher or ~~classified~~ nonlicensed employee
7 such sums as the teacher or ~~classified~~ nonlicensed employee shall specify for
8 the payment of membership dues in any bona fide teacher's or employee's
9 educational professional organization designated by the teacher or ~~classified~~
10 nonlicensed employee in the request.

11 (b) The teacher or ~~classified~~ nonlicensed employee may request a lump-
12 sum deduction or have the sum to be deducted spread over the school year.

13 (c) The board of directors, or its authorized representative, shall
14 transmit the sum deducted to the organizations designated by the teacher or
15 ~~classified~~ nonlicensed employee in the request.

16 (d) All requests shall bear the manual signature of the teacher or
17 ~~classified~~ nonlicensed employee.

18 (e) The request shall be filed with the contract of the teacher or
19 ~~classified~~ nonlicensed employee and shall be subject to audit by the Division
20 of Legislative Audit.

21 (f) As used in this section:

22 (1) "~~Classified~~ Nonlicensed employee" means any person employed
23 by a school district under a written annual contract who is not required to
24 have a teaching ~~certificate~~ license issued by the Department of Education as
25 a condition of employment; and

26 (2) "Teacher" means any person holding a ~~certificate~~ license
27 issued by the State of Arkansas and employed by a school district in a
28 teaching, instructional, supervisory, administrative, or educational and
29 scientific capacity.

30
31 SECTION 43. Arkansas Code § 6-17-915 is amended to correct a reference
32 to nonlicensed public school personnel to read as follows:

33 6-17-915. Filing of personnel lists.

34 The ex officio financial secretary of each school district in the state
35 shall file on or before October 1 of each year a list of all licensed
36 personnel and all ~~classified~~ nonlicensed personnel employed by the school

1 district for the current year setting forth the annual salary of each and
 2 such other information as the State Board of Education may prescribe.

3
 4 SECTION 44. Arkansas Code § 6-17-1111 is amended to correctly
 5 subdivide the section and to conform language to code style to read as
 6 follows:

7 6-17-1111. Life and disability insurance -- Employee eligibility --
 8 Allocation of costs.

9 (a) Eligible employees shall include:

10 (1) All licensed employees in public schools who are normally
 11 expected to work nine hundred (900) hours or more per year, whose salaries
 12 are paid from the school district's teacher salary fund, and all other
 13 employees of public schools who are normally expected to work nine hundred
 14 (900) hours or more per year and whose salaries are paid from the school
 15 district's local or state revenue; and

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

20 (B) The employing school district is required to pay the
 21 same amount per month for ~~these~~ the employees in subdivision (a)(2)(A) of
 22 this section as the General Assembly appropriates for employees in
 23 subdivision ~~(1)~~ (a)(1) of this section.

24 (C) The State and Public School Life and Health Insurance
 25 Board may establish the manner in which this payment is to be made if the
 26 manner of payment is not in violation of any other law, rule, or regulation
 27 governing the school district.

28 ~~(3)(b) In the event that~~ If an employee ~~shall draw~~ draws part of his
 29 or her salary from the school district's local or state revenue and part of
 30 his or her salary from another fund administered by the school district, the
 31 employer's share of the cost of his or her insurance shall be prorated
 32 between the provisions of subdivisions (a)(1) and (a)(2) of this section.

33
 34 SECTION 45. Arkansas Code § 6-17-1113(a)(1)(P), concerning a School
 35 Worker Defense is amended to correct a reference to a public school teaching
 36 license to read as follows:

1 (P) Each employee of the following who is required to hold
2 a teaching ~~certificate~~ license issued by the department:

3
4 SECTION 46. Arkansas Code § 6-17-1117(c)(2) and (3), concerning
5 employer contribution rates for health insurance, are amended to correct
6 references to public school licensed and nonlicensed employees to read as
7 follows:

8 (2) If a school district entered into a contract with a
9 superintendent, teacher, or other personnel prior to April 11, 2006, and the
10 contract provides for a higher employer contribution rate than is paid for a
11 majority of the ~~certified~~ licensed personnel in the school district, then the
12 school district may continue to pay the higher contribution rate as provided
13 under the existing contract but not under extensions, addendums, or new
14 contracts created after April 11, 2006, without increasing all other
15 employees to the same rate.

16 (3) Any school district that entered into contracts with
17 ~~classified~~ nonlicensed personnel prior to July 31, 2007, and the contracts
18 provided for a higher employer contribution funding amount than is paid for
19 ~~certified~~ licensed personnel in the school district shall freeze the employer
20 contribution funding amount for ~~classified~~ nonlicensed employees until such
21 time as the funding amount contributed for ~~certified~~ licensed personnel
22 equals or exceeds the funding amount provided for ~~classified~~ nonlicensed
23 employees.

24
25 SECTION 47. Arkansas Code § 6-17-1302(3), concerning the definition of
26 "school employee", is amended to correct a reference to nonlicensed public
27 school employees and make technical corrections to read as follows:

28 (3) "School employee" ~~includes~~ means any employee of a school
29 district who works not less than twenty (20) hours per week and who is not
30 compelled by law to secure a teaching license from the State Board of
31 Education as a condition precedent to employment. This subchapter covers
32 those employees who are normally and usually designated as ~~noncertified~~
33 nonlicensed employees; and

34
35 SECTION 48. Arkansas Code § 6-17-1702(1), concerning the definition of
36 "employee", is amended to correct a reference to a teaching license and make

1 technical corrections to read as follows:

2 (1) "Employee" ~~shall mean~~ means any person employed by a school
3 district under a written annual contract, who is not required to have a
4 teaching ~~certificate~~ license issued by the Department of Education as a
5 condition of employment;

6
7 SECTION 49. Arkansas Code § 6-17-2201 is amended to correct a
8 reference to nonlicensed public school employees to read as follows:

9 6-17-2201. Title.

10 This subchapter shall be known and may be cited as the "~~Classified~~
11 Nonlicensed School Employee Minimum Salary Act".

12
13 SECTION 50. Arkansas Code § 6-17-2202 is amended to correct references
14 to nonlicensed public school employees to read as follows:

15 6-17-2202. Definitions.

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

17 (1) "~~Classified~~ Nonlicensed employee" means any employee of a public
18 school district in Arkansas who performs work for the school district and who
19 is not required to hold a valid teaching license issued by the State Board of
20 Education as a condition of employment; and

21 (2) "Full-time ~~classified~~ nonlicensed employee" means any ~~classified~~
22 nonlicensed employee who works twenty (20) or more hours per week for the
23 public school district.

24
25 SECTION 51. Arkansas Code § 6-17-2203 is amended to remove outdated
26 language and to correct references to nonlicensed public school employees to
27 read as follows:

28 6-17-2203. Minimum salary.

29 (a) A full-time ~~classified~~ nonlicensed employee shall not receive an
30 hourly rate of compensation less than six dollars twenty-five cents (\$6.25)
31 per hour.

32 (b) No ~~classified~~ nonlicensed employee's hourly rate of compensation
33 shall be reduced as a result of this subchapter.

34 (c) ~~Beginning July 1, 2003, and each year thereafter~~ Annually, the
35 minimum hourly rate provided in this subchapter shall be increased by a
36 percentage equal to the percentage increase of the ~~consumer price index~~

1 Consumer Price Index for All Urban Consumers.

2

3 SECTION 52. Arkansas Code § 6-17-2204 is amended to correct a
4 reference to a nonlicensed public school employee to read as follows:

5 6-17-2204. Rules and regulations.

6 The State Board of Education ~~is authorized to~~ may promulgate rules ~~and~~
7 ~~regulations~~ to establish a method of determining whether a ~~classified~~
8 nonlicensed employee shall be considered to work twenty (20) or more hours
9 per week.

10

11 SECTION 53. Arkansas Code § 6-17-2205 is amended to correct references
12 to nonlicensed public school employees to read as follows:

13 6-17-2205. Paid breaks for certain ~~classified~~ nonlicensed employees.

14 For ~~those~~ a ~~classified nonlicensed employees~~ employee working more than
15 twenty (20) hours per week:

16 (1)(A) Each school district in the state shall provide no fewer
17 than two (2) paid fifteen-minute breaks during each regular workday for ~~each~~
18 a ~~classified~~ nonlicensed school employee.

19 (B) The contract day shall not be extended to provide for
20 this section; and

21 (2) Each school district shall file an affidavit for compliance
22 with the Department of Education regarding the Fair Labor Standards Act for
23 ~~classified~~ nonlicensed employees unless the school district policies or state
24 laws impose higher standards.

25

26 SECTION 54. Arkansas Code § 6-17-2301(a) - (d), are amended to correct
27 references to nonlicensed public school employees to read as follows:

28 (a) Each school district in the State of Arkansas shall have a set of
29 written personnel policies, including the salary schedule for ~~classified~~
30 nonlicensed employees.

31 (b) For the purposes of this subchapter, there shall be five (5)
32 classifications of ~~classified~~ nonlicensed employees as provided in § 6-17-
33 2303.

34 (c) Personnel policies of concern to the ~~classified~~ nonlicensed
35 personnel policies committee shall include, but are not limited to, the
36 following terms and conditions of employment:

- 1 (1) Salary schedule, fringe benefits, and other compensation
- 2 issues;
- 3 (2) Annual school calendar, including work days and holidays;
- 4 (3) Evaluation procedures;
- 5 (4) Leave;
- 6 (5) Grievance procedures;
- 7 (6) Termination, nonrenewal, or suspension;
- 8 (7) Reduction in force; and
- 9 (8) Assignments.

10 (d)(1) A school district shall not receive in any year any additional
 11 state funding from the Public School Fund until the school district has
 12 posted on the school district’s website, in accordance with § 6-11-129, its
 13 current personnel policies for ~~classified~~ nonlicensed employees signed by the
 14 president of the school board, including any salary schedules as required by
 15 this subchapter.

16 (2) By September 15 of each year, a school district shall
 17 provide the Department of Education with the website address at which its
 18 current personnel policies for ~~classified~~ nonlicensed employees, including
 19 the salary schedule, may be found.

20
 21 SECTION 55. Arkansas Code § 6-17-2302 is amended to correct references
 22 to nonlicensed public school employees to read as follows:

23 6-17-2302. Applicability.

24 (a) The provisions of this subchapter shall not apply if the school
 25 district chooses to officially recognize in its policies an organization
 26 representing the majority of the nonmanagement ~~classified~~ nonlicensed
 27 employees of the school district for the purpose of negotiating personnel
 28 policies, salaries, and educational matters of mutual concern under a written
 29 policy agreement.

30 (b)(1) ~~“Classified~~ “Nonlicensed employee” means any person employed by
 31 a school district under a written annual contract who is not required to have
 32 a teaching license issued by the Department of Education as a condition of
 33 employment.

34 (2) ~~“Classified~~ “Nonlicensed employee administrator” means any
 35 ~~classified~~ nonlicensed or licensed employee who evaluates nonmanagement
 36 ~~classified~~ nonlicensed employees and any ~~classified~~ nonlicensed employee who

1 supervises but does not evaluate other ~~classified~~ nonlicensed employees if
 2 the nonmanagement ~~classified~~ nonlicensed employees exclude them.

3 (3) "Nonmanagement ~~classified~~ nonlicensed employee" means any
 4 ~~classified~~ nonlicensed employee who does not evaluate other ~~classified~~
 5 nonlicensed employees. The nonmanagement ~~classified~~ nonlicensed employees in
 6 a school district, at their discretion in an election conducted in accordance
 7 with § 6-17-2303(c), include in this definition ~~classified~~ nonlicensed
 8 employees who supervise but do not evaluate other ~~classified~~ nonlicensed
 9 employees.

10
 11 SECTION 56. Arkansas Code § 6-17-2203(a) - (d), concerning a school
 12 district committee on personnel policies, are amended to correct references
 13 to nonlicensed public school employees and make technical corrections to read
 14 as follows:

15 (a)(1) Each school district shall have a committee on personnel
 16 policies for ~~classified~~ nonlicensed employees ~~which consist~~ that consists of
 17 at least one (1) nonmanagement ~~classified~~ nonlicensed representative from
 18 each of the following five (5) classifications:

- 19 (A) Maintenance, operation, and custodians;
- 20 (B) Transportation;
- 21 (C) Food service;
- 22 (D) Secretary and clerk; and
- 23 (E) Aides and paraprofessionals.

24 (2) All other job classifications of ~~classified~~ nonlicensed
 25 employees not identified in the five (5) classifications may be grouped
 26 together and added as an at-large classification and shall have at least one
 27 (1) nonmanagement ~~classified~~ nonlicensed representative on the committee on
 28 ~~classified~~ nonlicensed personnel policies.

29 (b)(1) There shall be no more than three (3) ~~classified~~ nonlicensed
 30 employee administrators on the committee, one (1) of whom may be the
 31 superintendent of schools.

32 (2) The ~~classified~~ nonlicensed employee administrators on the
 33 committee shall be appointed by the school board of directors or its
 34 designee.

35 (c) The nonmanagement ~~classified~~ nonlicensed employee member of the
 36 committee shall be elected by a majority of all nonmanagement ~~classified~~

1 nonlicensed employees voting by secret ballot.

2 (d) The election shall be conducted solely and exclusively by the
3 nonmanagement ~~classified~~ nonlicensed employees, including distribution of
4 ballots to all nonmanagement ~~classified~~ nonlicensed employees.

5
6 SECTION 57. Arkansas Code § 6-17-2304 is amended to correct references
7 to nonlicensed public school employees to read as follows:

8 6-17-2304. Incorporation into employee contracts.

9 (a) The personnel policies of each school district shall be considered
10 to be incorporated as terms of the ~~classified~~ nonlicensed employees'
11 contracts and shall be binding upon the ~~classified~~ nonlicensed employees and
12 the school district.

13 (b)(1) Any changes or additions to the personnel policies shall not be
14 considered a part of ~~classified~~ nonlicensed employee contracts until the next
15 fiscal year.

16 (2)(A) Any changes or additions to the personnel policies may
17 take effect before the next fiscal year only if the changes or additions are
18 approved by a majority of the ~~classified~~ nonlicensed employees employed by
19 the school district voting by secret ballot.

20 (B) The voting and counting of ballots shall be conducted
21 by the ~~classified~~ nonlicensed personnel policy committee.

22 (3) All changes or additions to the ~~classified~~ nonlicensed
23 personnel policies or new personnel policies shall be made in accordance with
24 this subchapter.

25
26 SECTION 58. Arkansas Code § 6-17-2305(a), concerning a school
27 district's committee on personnel policies, is amended to correct a reference
28 to nonlicensed public school employees to read as follows:

29 (a) The school district's committee on personnel policies for
30 ~~classified~~ nonlicensed employees shall organize itself in October, elect a
31 chair and secretary, and develop a calendar of meetings throughout the year
32 to review the school district's personnel policies to:

33 (1) Determine whether additional policies or amendments to
34 existing policies are needed;

35 (2) Review any policies or changes to policies proposed by the
36 board of directors; and

1 (3) Propose additional policies or amendments to existing
2 personnel policies to the board of directors.

3
4 SECTION 59. Arkansas Code § 6-17-2306(a) - (b)(1), concerning a school
5 district's personnel policies, and the section heading are amended to correct
6 references to nonlicensed public school employees to read as follows:

7 6-17-2306. Copies furnished ~~classified~~ to nonlicensed employees.

8 (a)(1) Each ~~classified nonlicensed~~ employee being employed by a school
9 district for the first time shall be given a copy of the school district's
10 personnel policies in effect at the time of his or her employment.

11 (2) A digital copy provided to an employee or an online copy
12 that is accessible by Internet or intranet will meet the requirements of
13 subdivision (a)(1) of this section.

14 (3) A hard copy of all ~~classified nonlicensed employee~~ policies
15 shall be available to review at each work location.

16 (4) The individual employee shall be offered the choice of a
17 hard copy or a digital copy.

18 (b)(1) Each ~~classified nonlicensed~~ employee shall be furnished a copy
19 of any amendments to the personnel policies within thirty (30) days after
20 approval of the amendments by the board of directors of the school district.

21
22 SECTION 60. Arkansas Code § 6-17-2403(b) - (f), concerning the Teacher
23 Compensation Program of 2003, is amended to repeal expired provisions and to
24 amend the remaining provisions as a result of the repeal to read as follows:

25 (b) ~~In school year 2007-2008, each school district in the state shall~~
26 ~~have in place a salary schedule with at least the following minimum levels of~~
27 ~~compensation for a basic contract:~~

| 29 Years of Experience | BA Degree Salary | MA Degree Salary |
|-----------------------------------|-----------------------------|-----------------------------|
| 30 0 | \$28,897 | \$33,231 |
| 31 1 | 29,347 | 33,731 |
| 32 2 | 29,797 | 34,231 |
| 33 3 | 30,247 | 34,731 |
| 34 4 | 30,697 | 35,231 |
| 35 5 | 31,147 | 35,731 |
| 36 6 | 31,597 | 36,231 |

| | | | |
|---|----|-------------------|--------|
| 1 | 7 | 32,047 | 36,731 |
| 2 | 8 | 32,497 | 37,231 |
| 3 | 9 | 32,947 | 37,731 |
| 4 | 10 | 33,397 | 38,231 |
| 5 | 11 | 33,847 | 38,731 |
| 6 | 12 | 34,297 | 39,231 |
| 7 | 13 | 34,747 | 39,731 |
| 8 | 14 | 35,197 | 40,231 |
| 9 | 15 | 35,647 | 40,731 |

10

11 ~~(c) In school year 2008-2009 and each school year thereafter, each~~
 12 Each school district in the state shall have in place a salary schedule with
 13 at least the following minimum levels of compensation for a basic contract:

14

| 15 | Years of Experience | BA Degree Salary | MA Degree Salary |
|----|---------------------|------------------|------------------|
| 16 | 0 | \$29,244 | \$33,630 |
| 17 | 1 | 29,694 | 34,130 |
| 18 | 2 | 30,144 | 34,630 |
| 19 | 3 | 30,594 | 35,130 |
| 20 | 4 | 31,044 | 35,630 |
| 21 | 5 | 31,494 | 36,130 |
| 22 | 6 | 31,944 | 36,630 |
| 23 | 7 | 32,394 | 37,130 |
| 24 | 8 | 32,844 | 37,630 |
| 25 | 9 | 33,294 | 38,130 |
| 26 | 10 | 33,744 | 38,630 |
| 27 | 11 | 34,194 | 39,130 |
| 28 | 12 | 34,644 | 39,630 |
| 29 | 13 | 35,094 | 40,130 |
| 30 | 14 | 35,544 | 40,630 |
| 31 | 15 | 35,994 | 41,130 |

32

33 ~~(d)(1)(c)(1)~~ For purposes of the salary schedules described in this
 34 section, the teacher's experience is his or her total years' experience as a
 35 teacher with a valid Arkansas teaching license and teaching at any:

36 (A) Public school accredited by the Department of

1 Education or a nationally recognized accrediting association;

2 (B) Private school within the State of Arkansas accredited
3 by a nationally recognized accrediting association;

4 (C) Institution of higher education within the State of
5 Arkansas accredited by a nationally recognized higher education institution
6 accrediting association; or

7 (D) Any facility operated by the Division of Youth
8 Services or any facility contracting with the division to provide care for
9 juveniles committed to the division.

10 (2) A teacher's years of experience shall be based upon:

11 (A) The years in the school district in which the teacher
12 is employed when the salary schedule in this section is considered; and

13 (B) The teacher's years of experience with a valid
14 Arkansas teaching license at an institution in subdivision ~~(d)(1)~~ (c)(1) of
15 this section.

16 (3) For purposes of this section, "years of service" means:

17 (A) Performing the full-time duties of a teacher for a
18 full school year with a valid Arkansas teaching license;

19 (B) Years of employment with an Arkansas public school in
20 a full-time position that requires that the teacher have an Arkansas teaching
21 license; or

22 (C) Years of employment in an educational capacity with an
23 institution in subdivision ~~(d)(1)(C)~~ (c)(1)(C) of this section with a valid
24 Arkansas teaching license.

25 ~~(e)(1) A teacher is entitled to additional pay if the number of days
26 in the teacher's contract for the 2005-2006 school year exceeds the number of
27 days in the teacher's contract for the 2004-2005 school year.~~

28 ~~(2) The additional pay is at least equal to the number of
29 additional contract days under subdivision (e)(1) of this section multiplied
30 by the daily rate calculated using the teacher's 2004-2005 salary.~~

31 ~~(3) A teacher is entitled to additional pay if the number of
32 days in the teacher's contract for the 2006-2007 school year exceeds the
33 number of days in the teacher's contract for the 2005-2006 school year.~~

34 ~~(4) The additional pay is at least equal to the number of
35 contract days for the 2006-2007 school year exceeding the number of days in
36 the teacher's contract for the 2005-2006 school year multiplied by the daily~~

1 ~~rate calculated using the teacher's 2005-2006 salary.~~

2 ~~(f) For purposes of this section, "daily rate" means the teacher~~
 3 ~~contract salary divided by the number of days in the teacher contract.~~

4
 5 SECTION 61. Arkansas Code § 6-17-2405 is amended to correct references
 6 to interim committees and a reference to another section of the Arkansas Code
 7 to read as follows:

8 6-17-2405. Future adjustments of the compensation system.
 9 Each biennium, the interim House ~~Interim~~ Committee on Education and the
 10 interim Senate ~~Interim~~ Committee on Education shall analyze the compensation
 11 levels provided in this subchapter, review relevant data, and make
 12 recommendations to the General Assembly for any adjustments to the
 13 compensation levels as needed to further the objective provided in ~~§ 6-17-~~
 14 ~~2402~~ § 6-17-2403.

15
 16 SECTION 62. Arkansas Code § 6-17-2602 is amended to correct references
 17 to licensed public school employees to read as follows:

18 6-17-2602. Definitions.

19 As used in this subchapter:

20 (1) "Educational setting" means the employment setting where the
 21 ~~certified~~ licensed employee works, including without limitation:

- 22 (A) A public or private school;
- 23 (B) An institution of higher education;
- 24 (C) An education service cooperative;
- 25 (D) The Department of Education;
- 26 (E) An adult education setting; or
- 27 (F) Another agency or organization that employs licensed

28 teachers for educational purposes;

29 (2) "Professional development" means a coordinated set of
 30 planned, learning development activities for teachers that are standards-
 31 based and that meet the focus areas for professional development required by
 32 the department; and

33 (3) "Teaching experience" means the experience gained while
 34 working in an educational setting as a teacher, librarian, counselor,
 35 administrator, educational consultant, substitute teacher, or other ~~certified~~
 36 licensed employee.

1
2 SECTION 63. Arkansas Code § 6-17-2701(6), concerning findings of the
3 General Assembly, is amended to correct a reference to licensed public school
4 teachers to read as follows:

5 (6) Approximately four thousand (4,000) of the seven thousand
6 four hundred thirty-three (7,433) ~~certified~~ licensed teachers in Arkansas are
7 actively teaching science, technology, engineering, and math-related courses
8 and may qualify for the science, technology, engineering, and math
9 supplemental income grant; and

10
11 SECTION 64. Arkansas Code § 6-18-227(j)(4), concerning school district
12 reports on school choice, is amended to correct references to interim
13 committees to read as follows:

14 (4) A copy of the report shall be provided to the ~~Joint Interim~~
15 interim House Committee on Education and the interim Senate Committee on
16 Education.

17
18 SECTION 65. Arkansas Code § 6-18-230(a), concerning the minimum age
19 for enrolling in prekindergarten, is amended to repeal expired provisions and
20 amend remaining provisions as a result of that repeal to read as follows:

21 (a)(1) ~~For the 2009-2010 school year:~~

22 ~~(A) A child may enter a prekindergarten program for~~
23 ~~children three (3) years of age if the child will attain three (3) years of~~
24 ~~age on or before August 1, 2009; and~~

25 ~~(B) A child may enter a prekindergarten program for~~
26 ~~children four (4) years of age if:~~

27 ~~(i) The child will attain four (4) years of age on~~
28 ~~or before August 15, 2009; or~~

29 ~~(ii) The child was enrolled in a prekindergarten~~
30 ~~program for children three (3) years of age for a minimum of one hundred~~
31 ~~(100) days during the 2008-2009 school year.~~

32 ~~(2) For the 2010-2011 school year and each school year~~
33 ~~thereafter:~~

34 ~~(A) A child may enter a prekindergarten program for~~
35 ~~children three (3) years of age if the child will attain three (3) years of~~
36 ~~age on or before August 1 immediately preceding the beginning of the school~~

1 year; and

2 ~~(B)~~(2) A child may enter a prekindergarten program for children
3 four (4) years of age if the child will attain four (4) years of age on or
4 before August 1 immediately preceding the beginning of the school year.

5

6 SECTION 66. Arkansas Code § 6-18-501 is amended to correct references
7 to nonlicensed public school employees to read as follows:

8 6-18-501. Duty of teachers, ~~classified~~ nonlicensed school employees,
9 and volunteers.

10 (a) Every teacher shall seek to exercise wholesome discipline in his
11 or her school and endeavor by precept and otherwise to instill and cultivate
12 in the pupils good morals and gentle manners.

13 (b) ~~Classified~~ Nonlicensed school employees and volunteers shall have
14 as a minimum the responsibility to appropriately assist and support teachers
15 in these efforts.

16

17 SECTION 67. Arkansas Code § 6-18-502(f), concerning student discipline
18 training, is amended to correct a reference to a nonlicensed public school
19 employee to read as follows:

20 (f) Teachers and administrators, ~~classified~~ nonlicensed school
21 employees, and volunteers shall be provided with appropriate student
22 discipline training.

23

24 SECTION 68. Arkansas Code § 6-18-503(b)(2), concerning the definition
25 of "teachers and administrators", is amended to correct a reference to a
26 public school teaching license to read as follows:

27 (2) As used in this section, "teachers and administrators" means
28 those persons employed by a school district and required to have a state-
29 issued ~~certificate~~ license as a condition of their employment.

30

31 SECTION 69. Arkansas Code § 6-18-505(c)(2), concerning the definition
32 of "teachers and administrators", is amended to correct a reference to a
33 public school teaching license to read as follows:

34 (2) As used in subdivision (c)(1) of this section, "teachers and
35 administrators" means those persons employed by a school district and
36 required to have a state-issued ~~certificate~~ license as a condition of their

1 employment.

2
3 SECTION 70. Arkansas Code § 6-18-506(b), concerning school discipline
4 policies, is amended to correct a reference to nonlicensed public school
5 employees to read as follows:

6 (b) Every school district board of directors shall adopt and file with
7 the Department of Education written policies concerning the violation of
8 school standards such as disrespect for teachers and ~~classified~~ nonlicensed
9 school employees, vandalism, and other undesirable behavioral patterns.

10
11 SECTION 71. Arkansas Code § 6-20-2206(c)(4), concerning licensed
12 employee salary schedules, is amended to correct a reference to licensed
13 public school employees to read as follows:

14 (4) The school district, open-enrollment public charter school,
15 and education service cooperative shall file annually with the state board a
16 salary schedule for its ~~certified~~ licensed employees which recognizes a
17 minimum level of training and experience. This schedule shall reflect the
18 actual pay practices of the school district, open-enrollment public charter
19 school, or education service cooperative, including all fringe benefits and
20 supplemental salary schedules. Salary increments for experience or education,
21 or both, shall be identified on the schedule; and

22
23 SECTION 72. Arkansas Code § 6-20-2209, concerning the study of
24 improved reporting systems in public schools for which the time period
25 expired on November 1, 2006, is repealed.

26 ~~6-20-2209. Study of improved reporting systems.~~

27 ~~(a)(1) The General Assembly finds that ensuring the provision of an~~
28 ~~adequate and equitable education to the children of the State of Arkansas~~
29 ~~requires prompt and reliable information on school finances, including, but~~
30 ~~not limited to, reports on school district expenditures and school district~~
31 ~~fund balances and interfund transfers.~~

32 ~~(2) The General Assembly further finds that current financial~~
33 ~~accounting and reporting systems do not promptly provide the crucial~~
34 ~~information necessary to make informed decisions on matters pertaining to~~
35 ~~public education in this state.~~

36 ~~(b) On or before November 1, 2006, the House Interim Committee on~~

1 ~~Education, the Senate Interim Committee on Education, and the Department of~~
 2 ~~Education shall jointly study potential upgrades in public school district~~
 3 ~~financial accounting and reporting systems that would result in the prompt~~
 4 ~~availability of crucial information, including, but not limited to:~~

5 ~~(1) The cost to the state of any potential upgrades;~~

6 ~~(2) The time necessary to implement any upgrades; and~~

7 ~~(3)(A) A definition of the term "unallocated balances" that will~~
 8 ~~ensure uniform treatment of fund balances throughout public school districts.~~

9 ~~(B) In studying possible definitions of the term~~
 10 ~~"unallocated balances", the House Interim Committee on Education and the~~
 11 ~~Senate Interim Committee on Education shall consider the amount, if any,~~
 12 ~~appropriate for a public school district to maintain as a fund balance for~~
 13 ~~future contingencies.~~

14 ~~(c) In conducting the study, the House Interim Committee on Education~~
 15 ~~and the Senate Interim Committee on Education shall seek the cooperation of~~
 16 ~~representatives from the Arkansas Association of Educational Administrators,~~
 17 ~~the Arkansas Association of School Business Officials, the Arkansas Education~~
 18 ~~Association, the education service cooperatives, and the Legislative Joint~~
 19 ~~Auditing Committee.~~

20 ~~(d) On or before December 1, 2006, the House Interim Committee on~~
 21 ~~Education and the Senate Interim Committee on Education shall issue a report~~
 22 ~~to the Speaker of the House of Representatives and the President Pro Tempore~~
 23 ~~of the Senate regarding the results of the study and the recommendations of~~
 24 ~~the committees.~~

25
 26 SECTION 73. Arkansas Code § 6-20-2303(9)(A), concerning the definition
 27 of "legal revenues", is amended to correct references to licensed public
 28 school personnel to read as follows:

29 (A)(i) The teacher's salary fund, which means the set of
 30 accounts used to record the receipts and expenditures for payment of salaries
 31 for ~~certified~~ licensed personnel, ~~certified~~ licensed substitutes, tuition,
 32 and fringe benefits as defined by § 6-17-908.

33 (ii) ~~Certified~~ Licensed personnel salaries from
 34 federal programs are excluded;

35
 36 SECTION 74. Arkansas Code § 6-20-2305(f)(4)(A), concerning licensed

1 employee salary schedules, is amended to correct a reference to licensed
 2 public school employees to read as follows:

3 (4)(A) Each school year the school district shall file with the
 4 State Board of Education a salary schedule for its ~~certified~~ licensed
 5 employees that recognizes a minimum level of training and experience.
 6

7 SECTION 75. Arkansas Code § 6-20-2504, concerning the Academic
 8 Facilities Immediate Repair Program which the Department of Education
 9 completed in 2010, is repealed.

10 ~~6-20-2504. Academic Facilities Immediate Repair Program.~~

11 ~~(a) There is established the Academic Facilities Immediate Repair~~
 12 ~~Program under which the Division of Public School Academic Facilities and~~
 13 ~~Transportation shall provide school districts with state financial~~
 14 ~~participation for eligible repair projects based on the school district's~~
 15 ~~academic facilities wealth index.~~

16 ~~(b) A school district may apply for state financial participation in~~
 17 ~~an immediate repair project if:~~

18 ~~(1) The school district's application is received by the~~
 19 ~~division no later than July 1, 2005;~~

20 ~~(2) The condition for which the repair is needed was in~~
 21 ~~existence on January 1, 2005;~~

22 ~~(3) The facility condition index of the academic facility~~
 23 ~~involved in the proposed repair project is less than a threshold amount~~
 24 ~~determined by the division; and~~

25 ~~(4) The repair project involves one (1) or more of the~~
 26 ~~following:~~

27 ~~(A) Heating, ventilation, and air conditioning systems;~~

28 ~~(B) Floors;~~

29 ~~(C) Roofs;~~

30 ~~(D) Sewage systems;~~

31 ~~(E) Water supplies;~~

32 ~~(F) Asbestos abatement;~~

33 ~~(G) Fire alarm systems;~~

34 ~~(H) Exterior doors;~~

35 ~~(I) Emergency exit or egress passageway lighting;~~

36 ~~(J) Academic program or facility accessibility for~~

1 ~~individuals with disabilities; and~~

2 ~~(K) Any other repair to a building system necessary to~~
 3 ~~satisfy life safety code requirements as determined by the division.~~

4 ~~(c) As part of its application for state financial participation in an~~
 5 ~~immediate repair project, a school district shall provide the division with~~
 6 ~~evidence of:~~

7 ~~(1) The deficiency in need of correction and how it presents an~~
 8 ~~immediate hazard to:~~

9 ~~(A) The health or safety of students, teachers,~~
 10 ~~administrators, or staff of a school district;~~

11 ~~(B) The integrity of the public school academic facility~~
 12 ~~with regard to meeting minimum health and safety standards; or~~

13 ~~(C) The extraordinary deterioration of the public school~~
 14 ~~academic facility;~~

15 ~~(2) The estimated cost of the immediate repair project, which~~
 16 ~~shall be a minimum of one hundred dollars (\$100) per student or fifty~~
 17 ~~thousand dollars (\$50,000), whichever is less;~~

18 ~~(3) The availability of insurance and any other public or~~
 19 ~~private emergency assistance to pay for the immediate repair project; and~~

20 ~~(4) Whether or not the academic facility is reasonably expected~~
 21 ~~to close or be substantially replaced within three (3) years.~~

22 ~~(d)(1) The division shall evaluate a school district's immediate~~
 23 ~~repair application and may conduct an on-site inspection prior to making a~~
 24 ~~decision on the application as it deems necessary.~~

25 ~~(2) The division shall notify the school district of the~~
 26 ~~division's decision on the application and, if applicable, the amount of~~
 27 ~~state financial participation. The division shall base its decision on~~
 28 ~~several factors, including, without limitation:~~

29 ~~(A) The seriousness of the deficiency that the immediate~~
 30 ~~repair project is intended to correct;~~

31 ~~(B) Compliance with current academic facility standards,~~
 32 ~~including, without limitation, appropriate space utilization;~~

33 ~~(C) The amount and availability of insurance and any other~~
 34 ~~public or private emergency assistance;~~

35 ~~(D) Whether the academic facility is reasonably expected~~
 36 ~~to close or be substantially replaced within three (3) years;~~

1 ~~(E) The academic facilities wealth index of the school~~
2 ~~district; and~~

3 ~~(F) The prudent and resourceful expenditure of state funds~~
4 ~~with regard to public school academic facilities.~~

5 ~~(e)(1)(A) If a school district qualifies for state financial~~
6 ~~participation under this section, the division shall certify the amount of~~
7 ~~state financial participation to the Commission for Arkansas Public School~~
8 ~~Academic Facilities and Transportation for oversight purposes.~~

9 ~~(B) The commission shall certify the amount to the~~
10 ~~Department of Education for payment.~~

11 ~~(2) For tracking purposes, the school district shall account for~~
12 ~~the funds received as state financial participation under this section as~~
13 ~~restricted funds and shall account for the funds in accordance with~~
14 ~~provisions of law, including, without limitation, the Arkansas Educational~~
15 ~~Financial Accounting and Reporting Act of 2004, § 6-20-2201 et seq., and~~
16 ~~rules established by the State Board of Education and the commission.~~

17 ~~(f) Every effort shall be made to conform an immediate repair project~~
18 ~~to current academic facilities standards, including, without limitation,~~
19 ~~appropriate space utilization requirements, unless in the judgment of the~~
20 ~~division it is impractical to conform the immediate repair project to current~~
21 ~~standards.~~

22 ~~(g) A school district shall use state financial participation in an~~
23 ~~immediate repair project to pay the cost of only the portion of an immediate~~
24 ~~repair project that is not covered by insurance or other public or private~~
25 ~~emergency assistance received by or payable to the school district.~~

26 ~~(h)(1) Within thirty (30) days after the completion of all approved~~
27 ~~immediate repair projects, the division shall certify to the commission that~~
28 ~~all approved immediate repair projects have been completed and all approved~~
29 ~~state financial participation under this section has been distributed.~~

30 ~~(2) Upon acceptance by the commission of the division's~~
31 ~~certification, the Academic Facilities Immediate Repair Program shall expire.~~

32 ~~(3) An approved project that is not verified as being complete~~
33 ~~by January 1, 2008, shall be declared canceled by the commission and program~~
34 ~~funds shall be reallocated as the commission directs.~~

35
36 SECTION 76. Arkansas Code § 6-20-2505, concerning the Academic

1 Equipment Program which the Department of Education completed in 2010, is
2 repealed.

3 ~~6-20-2505. Academic Equipment Program.~~

4 ~~(a) There is established the Academic Equipment Program under which~~
5 ~~the Division of Public School Academic Facilities and Transportation shall~~
6 ~~provide school districts with state financial participation to support the~~
7 ~~purchase of eligible academic equipment based on the school district's~~
8 ~~academic facilities wealth index.~~

9 ~~(b) A school district may apply for state financial participation to~~
10 ~~support the purchase of academic equipment if:~~

11 ~~(1) The school district's application is received by the~~
12 ~~division no later than July 1, 2005;~~

13 ~~(2) The need for the academic equipment was in existence on~~
14 ~~January 1, 2005; and~~

15 ~~(3) The academic equipment supports an adequate education as~~
16 ~~described in § 6-20-2302.~~

17 ~~(c) As part of its application for state financial participation under~~
18 ~~this section, a school district shall provide the division with evidence of:~~

19 ~~(1) The need for the academic equipment;~~

20 ~~(2) The estimated cost of the academic equipment; and~~

21 ~~(3) Any additional information determined by the division to be~~
22 ~~necessary to evaluate the school district's application.~~

23 ~~(d) The division shall evaluate a school district's application and~~
24 ~~notify the school district of the division's decision on the application and,~~
25 ~~if applicable, the amount of state financial participation. The division~~
26 ~~shall base its decision on several factors, including, without limitation:~~

27 ~~(1) The nature of and need for the academic equipment;~~

28 ~~(2) Consistency with current academic equipment standards and~~
29 ~~sound educational practices;~~

30 ~~(3) The academic facilities wealth index of the school district;~~
31 ~~and~~

32 ~~(4) The prudent and resourceful expenditure of state funds with~~
33 ~~regard to public school academic facilities and equipment.~~

34 ~~(e)(1)(A) If a school district qualifies for state financial~~
35 ~~participation under this section, the division shall certify the amount of~~
36 ~~state financial participation to the Commission for Arkansas Public School~~

1 ~~Academic Facilities and Transportation for oversight purposes.~~

2 ~~(B) The commission shall certify the amount to the~~
3 ~~Department of Education for payment.~~

4 ~~(2) For tracking purposes, the school district shall account for~~
5 ~~the funds received as state financial participation under this section as~~
6 ~~restricted funds and shall account for the funds in accordance with~~
7 ~~provisions of law, including, without limitation, the Arkansas Educational~~
8 ~~Financial Accounting and Reporting Act of 2004, § 6-20-2201 et seq., and~~
9 ~~rules established by the State Board of Education and the commission.~~

10 ~~(f) Every effort shall be made to conform the purchase of academic~~
11 ~~equipment to current academic equipment standards and sound educational~~
12 ~~practices unless in the judgment of the division it is impractical to conform~~
13 ~~the purchase to current standards.~~

14
15 SECTION 77. Arkansas Code § 6-20-2506, concerning the Transitional
16 Academic Facilities Program, which the Department of Education completed in
17 2010, is repealed.

18 ~~6-20-2506. Transitional Academic Facilities Program.~~

19 ~~(a) There is established the Transitional Academic Facilities Program~~
20 ~~under which the Division of Public School Academic Facilities and~~
21 ~~Transportation shall provide state financial participation based on a school~~
22 ~~district's academic facilities wealth index in the form of reimbursement to a~~
23 ~~school district for eligible new construction projects for which debt is~~
24 ~~incurred or funds are spent after January 1, 2005, and on or before June 30,~~
25 ~~2006.~~

26 ~~(b) Under the program, a school district may proceed with new~~
27 ~~construction of an academic facility through the expenditure of local~~
28 ~~resources prior to the school district's eligibility for state financial~~
29 ~~participation and may apply the expenditure of local resources after January~~
30 ~~1, 2005, and on or before June 30, 2006, toward meeting the school district's~~
31 ~~share of financial participation in the cost of the new construction project~~
32 ~~when, and if, the school district becomes eligible for state financial~~
33 ~~participation.~~

34 ~~(c) In order to apply for state financial participation under the~~
35 ~~program, the school district shall provide the division with evidence of:~~

36 ~~(1) A new construction project for which debt was incurred or~~

1 ~~funds were spent after January 1, 2005, and on or before June 30, 2006;~~

2 ~~(2) The total cost of the new construction project;~~

3 ~~(3) The new construction project's conformance with sound~~
4 ~~educational practices;~~

5 ~~(4)(A) The new construction project's compliance with current~~
6 ~~academic facilities standards, including, without limitation, appropriate~~
7 ~~space utilization of existing academic facilities in the district as~~
8 ~~determined by the division.~~

9 ~~(B) The academic facilities standards in effect on the~~
10 ~~date the plans are submitted to the division are the academic facilities~~
11 ~~standards that will apply to the new construction project;~~

12 ~~(5) The allocation of project costs between new construction~~
13 ~~activities and maintenance, repair, and renovation activities if the new~~
14 ~~construction project includes improvements that could be classified as~~
15 ~~maintenance, repair, and renovation; and~~

16 ~~(6) How the new construction project supports the prudent and~~
17 ~~resourceful expenditure of state funds and improves the school district's~~
18 ~~ability to deliver an adequate and equitable education to public school~~
19 ~~students in the district.~~

20 ~~(d)(1) The division shall evaluate a school district's application for~~
21 ~~state financial participation under the program and shall conduct an on-site~~
22 ~~inspection prior to making a determination of the new construction project's~~
23 ~~eligibility for reimbursement from the state.~~

24 ~~(2) During the on-site inspection, the division shall evaluate~~
25 ~~all of the following:~~

26 ~~(A) Student health and safety, including, without~~
27 ~~limitation, critical health and safety needs;~~

28 ~~(B) The new construction project's compliance with current~~
29 ~~academic facilities standards, including, without limitation, appropriate~~
30 ~~space utilization of existing academic facilities in the district;~~

31 ~~(C) The new construction project's conformance with sound~~
32 ~~educational practices;~~

33 ~~(D) Curriculum improvement and diversification, including,~~
34 ~~without limitation, the use of instructional technology, distance learning,~~
35 ~~and access to advanced courses in science, mathematics, language arts, and~~
36 ~~social studies;~~

1 ~~(E) Multischool, multidistrict, and regional planning to~~
2 ~~achieve the most effective and efficient instructional delivery system;~~

3 ~~(F) Reasonable travel time and practical means of~~
4 ~~addressing other demographic considerations; and~~

5 ~~(G) Regularly scheduled maintenance, repair, and~~
6 ~~renovation.~~

7 ~~(3)(A) The division shall notify the school district of the~~
8 ~~division's decision on the application and, if applicable, the amount of~~
9 ~~reimbursement from the state.~~

10 ~~(B) The division shall base its decision on several~~
11 ~~factors, including, without limitation:~~

12 ~~(i) The reasonableness and necessity of the features~~
13 ~~of the academic facility according to criteria developed by the division;~~

14 ~~(ii) Compliance with current academic facility~~
15 ~~standards, including, without limitation, appropriate space utilization;~~

16 ~~(iii) The academic facilities wealth index of the~~
17 ~~school district; and~~

18 ~~(iv) The prudent and resourceful expenditure of~~
19 ~~state funds with regard to public school academic facilities.~~

20 ~~(c)(1)(A) If a school district qualifies for state financial~~
21 ~~participation under this section, the division shall certify the amount of~~
22 ~~state financial participation to the Commission for Arkansas Public School~~
23 ~~Academic Facilities and Transportation for oversight purposes.~~

24 ~~(B) The commission shall certify the amount to the~~
25 ~~Department of Education for payment.~~

26 ~~(2) For tracking purposes, the school district shall account for~~
27 ~~the funds received as state financial participation under this section as~~
28 ~~restricted funds and shall account for the funds in accordance with~~
29 ~~provisions of law, including, without limitation, the Arkansas Educational~~
30 ~~Financial Accounting and Reporting Act of 2004, § 6-20-2201 et seq., and~~
31 ~~rules established by the State Board of Education and the commission.~~

32 ~~(f) Every effort shall be made to conform a new construction project~~
33 ~~to current academic facilities standards, including, without limitation,~~
34 ~~appropriate space utilization requirements unless in the judgment of the~~
35 ~~division it is impractical to conform the new construction project to current~~
36 ~~standards.~~

1 ~~(g)(1) Within thirty (30) days after the completion of all projects~~
 2 ~~approved under this section, the division shall certify to the commission~~
 3 ~~that all projects approved under this section have been completed and all~~
 4 ~~state financial participation approved under this section has been~~
 5 ~~distributed.~~

6 ~~(2) Upon acceptance by the commission of the division's~~
 7 ~~certification, the program shall expire.~~

8 ~~(3) An approved project that is not verified as being complete~~
 9 ~~by July 1, 2009, shall be declared canceled by the commission and program~~
 10 ~~funds shall be reallocated as the commission directs.~~

11
 12 SECTION 78. Arkansas Code § 6-21-304(b)(3), concerning a school buses
 13 advisor committee, is amended to correct a reference to the Commission for
 14 Arkansas Public School Academic Facilities and Transportation to read as
 15 follows:

16 (3) An advisory committee made up of ten (10) school
 17 administrators representing all sizes of schools and all areas of the state
 18 shall assist the ~~department~~ commission in drawing up specifications for
 19 school buses.

20
 21 SECTION 79. Arkansas Code § 6-21-413 is amended to correct a reference
 22 to licensed public school personnel to read as follows:

23 6-21-413. Local selection committee.

24 Each school district shall select a textbook selection committee to be
 25 composed of a majority of ~~certified~~ licensed personnel, which shall include
 26 classroom teachers.

27
 28 SECTION 80. Arkansas Code § 6-22-101(a), concerning public school
 29 volunteers, is amended to correct a reference to licensed public school
 30 personnel to read as follows:

31 (a) The General Assembly recognizes that the effective use of
 32 volunteers in the public schools can provide greater opportunities for
 33 students to participate in school-sponsored extracurricular and
 34 interscholastic activities, which many local school districts otherwise could
 35 not provide due to funding limitations and lack of availability of ~~certified~~
 36 licensed personnel.

1
2 SECTION 81. Arkansas Code § 6-22-103(3), concerning the definition of
3 "registered volunteer", is amended to correct a reference to licensed public
4 school personnel to read as follows:

5 (3) "Registered volunteer" means any volunteer who, subject to
6 Arkansas Activities Association regulations and rules set by the local school
7 district, is given written authorization by the school district to lead
8 extracurricular activities or to assist a staff member who is a ~~certified~~
9 licensed employee of the school district in extracurricular activities or
10 interscholastic activities; and

11
12 SECTION 82. Arkansas Code § 6-22-108 is amended to correct a reference
13 to licensed public school personnel to read as follows:

14 6-22-108. Construction.

15 None of the provisions of this chapter shall be construed as to
16 prohibit a school district from utilizing the services of the volunteers who
17 operate under the supervision of ~~certified~~ licensed school personnel.

18
19 SECTION 83. Arkansas Code § 6-23-201(b)(1)(B)(i), concerning notice of
20 a public hearing on a conversion public charter school application, is
21 amended to correct a reference to licensed public school personnel to read as
22 follows:

23 (B) Notice of the public hearing shall be:

24 (i) Distributed to the community, ~~certified~~ licensed
25 personnel, and the parents of all students enrolled at the public school for
26 which the public school district initiated the application; and

27
28 SECTION 84. Arkansas Code § 6-23-201(b)(4) - (c), concerning a
29 conversion public charter school application, are amended to correct
30 references to licensed public school personnel to read as follows:

31 (4) Describe how the ~~certified~~ licensed employees and parents of
32 students to be enrolled in the conversion public charter school will be
33 involved in developing and implementing the school improvement plan and
34 identifying performance criteria;

35 (5) Describe how the concerns of ~~certified~~ licensed employees
36 and parents of students enrolled in the conversion public charter school will

1 be solicited and addressed in evaluating the effectiveness of the improvement
2 plan; and

3 (6) List the specific provisions of this title and the specific
4 rules and regulations promulgated by the state board from which the
5 conversion public charter school will be exempt.

6 (c)(1) A ~~certified~~ licensed teacher employed by a public school in the
7 school year immediately preceding the effective date of a charter for a
8 public school conversion within that public school district may not be
9 transferred to or be employed by the conversion public charter school over
10 the ~~certified~~ licensed teacher's objection, nor shall that objection be used
11 as a basis to deny continuing employment within the public school district in
12 another public school at a similar grade level.

13 (2) If the transfer of a teacher within the public school
14 district is not possible because only one (1) public school exists for that
15 teacher's ~~certification~~ licensure level, then the local school board shall
16 call for a vote of the ~~certified~~ licensed teachers in the proposed conversion
17 public charter school site and proceed, at the local school board's option,
18 with the conversion public charter school application if a majority of the
19 ~~certified~~ licensed teachers approve the proposal.

20
21 SECTION 85. Arkansas Code § 6-23-202(3), concerning State Board of
22 Education approval of a conversion public charter school application, is
23 amended to correct a reference to licensed public school employees to read as
24 follows:

25 (3) Includes a proposal to directly and substantially involve
26 the parents of students to be enrolled in the conversion public charter
27 school, as well as the ~~certified~~ licensed employees and the broader
28 community, in the process of carrying out the terms of the charter; and
29

30 SECTION 86. Arkansas Code § 6-23-205 is amended to correct references
31 to licensed public school teachers to read as follows:

32 6-23-205. Teacher hires when charter revoked.

33 If a ~~certified~~ licensed teacher employed by a public school district in
34 the school year immediately preceding the effective date of the charter is
35 employed by a conversion public charter school and the charter is revoked,
36 the ~~certified~~ licensed teacher will receive a priority in hiring for the

1 first available position for which the ~~certified~~ licensed teacher is
2 qualified in the public school district where the ~~certified~~ licensed teacher
3 was formerly employed.

4
5 SECTION 87. Arkansas Code § 6-23-303(3), concerning State Board of
6 Education approval of an open-enrollment public charter school application,
7 is amended to correct a reference to licensed public school employees to read
8 as follows:

9 (3) Includes a proposal to directly and substantially involve
10 the parents of students to be enrolled in the open-enrollment public charter
11 school, the ~~certified~~ licensed employees, and the broader community in
12 carrying out the terms of the open-enrollment charter;

13
14 SECTION 88. Arkansas Code § 6-23-308 is amended to correct references
15 to licensed public school teachers to read as follows:

16 6-23-308. Priority hiring for teachers.

17 If a ~~certified~~ licensed teacher employed by a public school district in
18 the school year immediately preceding the effective date of the open-
19 enrollment public charter is employed by an open-enrollment public charter
20 school and the open-enrollment public charter is revoked, the ~~certified~~
21 licensed teacher will receive a priority in hiring for the first available
22 position for which the ~~certified~~ licensed teacher is qualified in the public
23 school district where the ~~certified~~ licensed teacher was formerly employed.

24
25 SECTION 89. Arkansas Code § 6-23-601(b)(1)(C), concerning an
26 application for a limited public charter school, is amended to correct a
27 reference to licensed public school employees to read as follows:

28 (C) No limited public charter school may be allowed an
29 exemption that would allow a full-time ~~certified~~ licensed employee to be paid
30 less than the salary provided in the public school district's salary schedule
31 for that employee;

32
33 SECTION 90. Arkansas Code § 6-23-601(b)(3), concerning an application
34 for a limited public charter school, is amended to correct a reference to
35 licensed public charter school employees to read as follows:

36 (3) Describe how the ~~certified~~ licensed employees at the limited

1 public charter school will be involved in developing and implementing the
2 school improvement plan set forth in subdivision (b)(2) of this section and
3 in identifying performance criteria;

4
5 SECTION 91. Arkansas Code § 6-23-601(d), concerning a licensed
6 teacher's employment in a limited public charter school, is amended to
7 correct references to licensed public school teachers and the licensure of
8 public school teachers to read as follows:

9 (d)(1) A ~~certified~~ licensed teacher employed by a public school in the
10 school year immediately preceding the effective date of a limited public
11 charter for a limited public charter school within that public school
12 district may not be transferred to or be employed by the limited public
13 charter school over the ~~certified~~ licensed teacher's objections, nor shall
14 that objection be used as a basis to deny continuing employment within the
15 public school district in another public school at a similar grade level.

16 (2) If the transfer of a teacher within a public school district
17 is not possible because only one (1) public school exists for the teacher's
18 ~~certification~~ licensure level, then the local school board shall call for a
19 vote of the ~~certified~~ licensed teachers in the proposed limited public
20 charter school site and proceed, at the local school board's option, with the
21 limited public charter school application if a majority of the
22 ~~certified~~ licensed teachers approve the proposal.

23 (3)(A) A ~~certified~~ licensed teacher choosing to join the staff
24 of a limited public charter school shall be employed by the district by a
25 written contract as set forth in § 6-13-620(4), with the contract being
26 subject to the provisions of The Teacher Fair Dismissal Act of 1983, § 6-17-
27 1501 et seq.

28 (B)(i) The ~~certified~~ licensed teacher shall also enter
29 into a separate supplemental contract specifically for the teacher's
30 employment in the limited public charter school, with the supplemental
31 contract being exempt from The Teacher Fair Dismissal Act of 1983, § 6-17-
32 1501 et seq., and from § 6-17-807.

33 (ii) Termination of the supplemental contract shall
34 not be used as a basis to deny continued employment of the teacher within the
35 public school district in another public school at a similar grade level.

36

1 SECTION 92. Arkansas Code § 6-24-102(16)(B)(ii), concerning the
2 definition of "initially employed", is amended to correct a reference to a
3 nonlicensed public school employee to read as follows:

4 (ii) Renewal of a ~~noncertified~~ nonlicensed
5 employee's contract that is required by law; or

6
7 SECTION 93. Arkansas Code § 6-26-102(7)(A), concerning the definition
8 of "high-performance teacher", is amended to correct a reference to a
9 licensed public school teacher to read as follows:

10 (7) "High-performing teacher" means a ~~certified~~ licensed teacher
11 who meets one (1) of the following criteria:

12 (A) Is currently employed at a high-performing school
13 district as a classroom teacher and has three (3) years or more of experience
14 teaching in the subject area that the high-priority school district is
15 seeking;

16
17 SECTION 94. Arkansas Code § 6-26-303(b)(2), concerning a rental
18 housing program in a high-priority school district, is amended to correct
19 references to licensed and nonlicensed employees of public school districts
20 to read as follows:

21 (2) Only upon the approval of the board and only if the housing
22 is not able to be used by high-performing teachers in a high-priority school
23 district, the developer may lease to the following persons in order of
24 preference:

25 (A) Other ~~certified staff~~ licensed employees of the high-
26 priority school district;

27 (B) Other ~~noncertified staff~~ nonlicensed employees of the
28 high-priority school district; or

29 (C) Any other person with a gross income of thirty-five
30 thousand dollars (\$35,000) or less.

31
32 SECTION 95. Arkansas Code § 6-41-403(a), concerning assessments of
33 visually impaired students, is amended to correct a reference to a licensed
34 public school teacher to read as follows:

35 (a) Each school district shall ensure that, at least one (1) time per
36 year, a ~~certified~~ licensed teacher of the visually impaired, or other

1 qualified person as determined by the Department of Education, conducts an
 2 assessment of the educational progress of each visually impaired student
 3 enrolled in that school district identified as having or suspected of having
 4 a disability pursuant to the Children with Disabilities Act of 1973, § 6-41-
 5 201 et seq. The assessment shall:

6 (1) Address the student's need for braille instruction, using
 7 procedures developed by the department, and specify the learning medium most
 8 appropriate for the student's educational progress;

9 (2) Identify the student's strengths and weaknesses in braille
 10 skills, when that medium is used for instruction; and

11 (3) Identify appropriate and necessary related services and
 12 technologies for use in combination with braille instruction.

13
 14 SECTION 96. Arkansas Code § 6-41-404 is amended to correct a reference
 15 to a licensed public school teacher to read as follows:

16 6-41-404. Braille instruction.

17 Each student who needs braille reading and writing instruction shall
 18 receive instruction from either a ~~certified~~ licensed teacher of the visually
 19 impaired or a person who is qualified in braille instruction as determined by
 20 the Department of Education.

21
 22 SECTION 97. Arkansas Code § 6-41-503(1), concerning the Task Force on
 23 Medically Fragile, Chronically Ill, or Technology-Dependent Students, is
 24 amended to correct references to licensed and nonlicensed public school
 25 employees to read as follows:

26 (1) Determine and recommend to the State Board of Education
 27 rules and regulations identifying the appropriate role and responsibility of
 28 public school employees, including ~~certified licensed, classified~~
 29 nonlicensed, and school health service personnel, and that of medical
 30 personnel in the provision of services to these students; and

31
 32 SECTION 98. Arkansas Code § 6-43-113(b), concerning salary limitations
 33 of employees of the Arkansas School for the Blind or the Arkansas School for
 34 the deaf, is amended to conform the language to code style to read as
 35 follows:

36 (b) Any employee knowingly violating the provisions of this section

1 shall be subject to immediate termination and shall be barred from employment
2 by any agency or institution of the State of Arkansas for a period of not
3 less than three (3) years or until ~~such~~ the employee shall repay to the State
4 of Arkansas any sums received by ~~such~~ the employee in violation of this
5 section, together with interest at a rate of ten percent (10%) per annum.

6
7 SECTION 99. Arkansas Code § 6-43-115 is repealed because similar
8 language is codified at § 6-43-113.

9 ~~6-43-115. Additional compensation for employees.~~

10 ~~(a) No employee drawing a salary or other form of compensation from
11 the Arkansas School for the Blind or the Arkansas School for the Deaf shall
12 be paid an additional salary or receive additional compensation other than
13 reimbursement for actual expenses from that agency nor from any other agency
14 or institution of higher education except from the superintendent's written
15 certification to and approval by the Chief Fiscal Officer of the State that
16 the work performed by the employee for the other position does not interfere
17 with the proper and required performance of the employee's primary duties and
18 that the combined salary payments from both positions will not exceed the
19 maximum annual salary for whichever of the two (2) positions has the higher
20 authorized maximum annual salary.~~

21 ~~(b) Any employee knowingly violating the provisions of this section
22 shall be subject to immediate termination and shall be barred from employment
23 by any agency or institution of the State of Arkansas for a period of not
24 less than three (3) years or until the employee shall repay to the State of
25 Arkansas any sums received by the employee in violation of this section
26 together with interest at a rate of ten percent (10%) per annum.~~

27
28 SECTION 100. Arkansas Code § 6-51-104 is repealed because similar
29 language is codified at § 6-51-105.

30 ~~6-51-104. Priorities.~~

31 ~~A high priority of the vocational technical schools enumerated in this
32 act shall be the combatting of illiteracy and the providing of industrial
33 training in the workplace.~~

34
35 SECTION 101. Arkansas Code § 6-53-302(d)(1)(C) is amended to correct a
36 reference to licensed and nonlicensed public school employees to read as

1 follows:

2 (C) A ~~certified~~ licensed or ~~noncertified~~ nonlicensed
3 employee of a public school district;

4

5 SECTION 102. DO NOT CODIFY. The enactment and adoption of this act
6 shall not repeal, expressly or impliedly, the acts passed at the regular
7 session of the Eighty-Ninth General Assembly. All such acts shall have the
8 full force and effect and, so far as those acts intentionally vary from or
9 conflict with any provision contained in this act, those acts shall have the
10 effect of subsequent acts and as amending or repealing the appropriate parts
11 of the Arkansas Code of 1987.

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