

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

*As Engrossed: S3/6/13*

# 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 positions 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 employees in certified licensed*  
36 *personnel positions and ~~noncertified~~ employees in nonlicensed personnel*



1 positions of school districts may require school district employees to begin  
2 performance under their contract of employment prior to the first day of  
3 student attendance.

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

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

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

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

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

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

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

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

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

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

1 Arkansas; or

2

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

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

9

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

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

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

19

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

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

32

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

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

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

9 (2) The application for approval of the model shall show  
10 evidence that it has been developed by representatives of the parents,  
11 students, and employees of the school and that two-thirds (2/3) of the  
12 ~~certified~~ licensed employees voting in a secret ballot election have agreed  
13 to the model.  
14

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

17 (2) Require that the academic standards and expected outcomes be  
18 adopted by local school ~~board~~ boards of directors; and  
19

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

23 (5) To work with program approval and ~~certification~~ licensure  
24 sections of the Department of Education, the Department of Higher Education,  
25 the Department of Career Education, and the individual colleges to provide  
26 information that will contribute to reasonable, equitable, and excellent  
27 preparation of ~~certified~~ licensed personnel in public and private  
28 institutions of higher education.  
29

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

33 (27) § 6-17-309 concerning ~~certification~~ licensure;  
34

35 SECTION 16. Arkansas Code § 6-15-202(f)(30), concerning superintendent  
36 written statements, is amended to correct a reference to another section of

1 the Arkansas Code to read as follows:

2 (30) ~~§ 6-17-2402~~ § 6-17-2403 concerning teacher compensation;

3

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

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

12

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

16 (ii) Part of the requirements for the teacher to  
17 obtain additional ~~certification~~ licensure in a subject matter that has been  
18 designated by the Department of Education as having a critical shortage of  
19 teachers; or

20

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

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

30

31 SECTION 20. Arkansas Code § 6-15-1702(c), concerning parent  
32 facilitators, is amended to correct a reference to licensed public school  
33 personnel to read as follows:

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

1 (A) Help organize meaningful training for staff and  
2 parents;

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

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

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

10  
11 SECTION 21. Arkansas Code § 6-15-1901(b)(4), concerning the Arkansas  
12 Teacher Corps, is amended to correct a reference to licensed public school  
13 teachers to read as follows:

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

16  
17 SECTION 22. Acts 2011, No. 989, § 23, is repealed to effectuate the  
18 intent of the General Assembly in enacting legislation that revised this  
19 entire subchapter under Acts 2011, No. 879.

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

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

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

29 ~~(3) If a school district has available capacity after all  
30 students who have completed the eleventh grade and all high school graduates  
31 have been given the opportunity to participate in the program, the department  
32 may permit a student who has completed the tenth grade to enroll in the  
33 program.~~

34  
35 SECTION 23. Arkansas Code § 6-16-127(b)(2) - (4), concerning the  
36 purpose of the Arkansas Foreign Language Teacher Training, are amended to

1 correct references to licensed foreign language teachers and licensure of  
2 foreign language teachers to read as follows:

3 (2) Encourage currently ~~certified~~ licensed foreign language  
4 teachers to pursue additional training or an advanced degree in a foreign  
5 language;

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

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

10  
11 SECTION 24. Arkansas Code § 6-16-130(a)(3), concerning instruction in  
12 visual art or music, is amended to correct a reference to a licensed public  
13 school teacher to read as follows:

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

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

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

23  
24 SECTION 26. Arkansas Code § 6-16-132(e), concerning physical  
25 education, is amended to correct a reference to a licensed public school  
26 teacher to read as follows:

27 (e) Nothing in this section shall be construed to require any school  
28 or school district to hire personnel ~~certified~~ licensed in physical  
29 education.

30  
31 SECTION 27. Arkansas Code § 6-16-137(f)(2), concerning a statement of  
32 assurance, is amended to correct a reference to licensed public school  
33 personnel to read as follows:

34 (2) If it is determined by the department that a superintendent  
35 or chief academic officer or any other ~~certified~~ licensed personnel has  
36 knowingly provided false or misleading information in the statement of

1 assurance required under this section, the state board may take appropriate  
2 action on the license of that individual pursuant to § 6-17-410.

3  
4 SECTION 28 Arkansas Code § 6-16-313(a), concerning rules for  
5 kindergarten programs, is amended to correct a reference to public school  
6 teacher licensure to read as follows:

7 (a) The State Board of Education shall promulgate and adopt such rules  
8 and regulations as it deems appropriate providing minimum standards,  
9 including program standards and teacher ~~certification~~ licensure standards,  
10 for the conduct of public school kindergarten programs.

11  
12 SECTION 29. Arkansas Code § 6-16-702(a)(2)(A), concerning optional  
13 summer school programs, is amended to correct a reference to public school  
14 teacher licensure to read as follows:

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

17  
18 SECTION 30. Arkansas Code § 6-17-111(b), concerning lunch room  
19 supervisors, is amended to correct a reference to nonlicensed public school  
20 personnel to read as follows:

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

23  
24 SECTION 31. Arkansas Code § 6-17-119(a) and (b)(1) - (3)(B),  
25 concerning an alternative pay program, are amended to correct references to  
26 licensed and nonlicensed school employees to read as follows:

27 (a) As used in this section:

28 (1) "Alternative pay" means a salary amount that is part of the  
29 ~~certified~~ licensed employee's or *classified* employee's total compensation for  
30 additional responsibilities, mastery of new knowledge and skills, advanced  
31 career opportunities, increased student achievement, attracting highly  
32 qualified teachers, or professional development exceeding state minimums;

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

36 (3) "*Classified* employee" means a person employed by a public



1 school district under a written annual contract who is not required to have a  
2 teaching ~~certificate~~ license issued by the department as a condition of  
3 employment; and

4 (4) "Teacher" means:

5 (A) Any person who is:

6 (i) Required to hold a teaching license from the  
7 department; and

8 (ii) Is engaged directly in instruction with  
9 students in a classroom setting for more than seventy percent (70%) of the  
10 individual's contracted time;

11 (B) A guidance counselor; or

12 (C) A librarian.

13 (b) A public school district may offer or participate in an  
14 alternative pay program for its ~~certified~~ licensed employees, *classified*  
15 employees, or both employee groups if:

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

18 (2) Every eligible ~~certified~~ licensed employee or *classified*  
19 employee may participate in the program;

20 (3)(A) The program from the beginning is a collaborative effort  
21 among the participating school board of directors, administrators, teachers,  
22 *classified* employees, association representatives, and parents with children  
23 attending the school district.

24 (B) The school board of directors, administrators,  
25 teachers, and *classified* employees shall each approve a show of interest  
26 resolution in the program by at least seventy percent (70%) or another  
27 percentage established by a majority vote of the teachers and approved by the  
28 local school board of directors.

29  
30 SECTION 32. Arkansas Code § 6-17-119(b)(8), concerning alternative pay  
31 programs, is amended to correct references to licensed and nonlicensed school  
32 employees to read as follows:

33 (8) The program is part of a larger set of reforms rather than  
34 an isolated approach to improving performance or rewarding certain ~~certified~~  
35 licensed or *classified* employees;

36

1 SECTION 33. The section heading of Arkansas Code § 6-17-309 is amended  
2 to correct a reference to public school teacher licensure to read as follows:  
3 6-17-309. ~~Certification~~ Licensure -- Waiver.

4  
5 SECTION 34. Arkansas Code § 6-17-425(a)(3)(C)(ii), concerning  
6 providing testimony to the Professional Licensure Standards Board or the  
7 State Board of Education, is amended to correct a reference to the board  
8 issuing a subpoena to read as follows:

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

13  
14 SECTION 35. Arkansas Code § 6-17-707(b), concerning teacher  
15 professional development, is amended to correct a reference to licensed  
16 public school personnel to read as follows:

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

21  
22 SECTION 36. Arkansas Code § ~~6-17-805(f)~~ is amended to correct  
23 references to nonlicensed public school employees to read as follows:

24 (f) As used in this section:

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

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

33  
34 SECTION 37. Arkansas Code § 6-17-1111 is amended to correctly  
35 subdivide the section and to conform language to code style to read as  
36 follows:

1 6-17-1111. Life and disability insurance -- Employee eligibility --  
2 Allocation of costs.

3 (a) Eligible employees shall include:

4 (1) All licensed employees in public schools who are normally  
5 expected to work nine hundred (900) hours or more per year, whose salaries  
6 are paid from the school district's teacher salary fund, and all other  
7 employees of public schools who are normally expected to work nine hundred  
8 (900) hours or more per year and whose salaries are paid from the school  
9 district's local or state revenue; and

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

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

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

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

27  
28 SECTION 38. Arkansas Code § 6-17-1113(a)(1)(P), concerning a School  
29 Worker Defense is amended to correct a reference to a public school teaching  
30 license to read as follows:

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

33  
34 SECTION 39. Arkansas Code § 6-17-1117(c)(2) and (3), concerning  
35 employer contribution rates for health insurance, are amended to correct  
36 references to public school licensed and nonlicensed employees to read as

1 follows:

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

10 (3) Any school district that entered into contracts with  
11 *classified* personnel prior to July 31, 2007, and the contracts provided for a  
12 higher employer contribution funding amount than is paid for ~~certified~~  
13 licensed personnel in the school district shall freeze the employer  
14 contribution funding amount for *classified* employees until such time as the  
15 funding amount contributed for ~~certified~~ licensed personnel equals or exceeds  
16 the funding amount provided for *classified* employees.

17  
18 SECTION 40. Arkansas Code § 6-17-1702(1), concerning the definition of  
19 "employee", is amended to correct a reference to a teaching license and make  
20 technical corrections to read as follows:

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

25  
26 SECTION 41. Arkansas Code § 6-17-2403(b) - (f), concerning the Teacher  
27 Compensation Program of 2003, is amended to repeal expired provisions and to  
28 amend the remaining provisions as a result of the repeal to read as follows:

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

<del>Years of Experience</del>	<del>BA Degree Salary</del>	<del>MA Degree Salary</del>
0	\$28,897	\$33,231
1	29,347	33,731
2	29,797	34,231

1	3	30,247	34,731
2	4	30,697	35,231
3	5	31,147	35,731
4	6	31,597	36,231
5	7	32,047	36,731
6	8	32,497	37,231
7	9	<del>32,947</del>	37,731
8	10	33,397	38,231
9	11	<del>33,847</del>	38,731
10	12	34,297	39,231
11	13	34,747	39,731
12	14	35,197	40,231
13	15	35,647	40,731

14

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

18

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

36

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

4               (A) Public school accredited by the Department of  
5 Education or a nationally recognized accrediting association;

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

8               (C) Institution of higher education within the State of  
9 Arkansas accredited by a nationally recognized higher education institution  
10 accrediting association; or

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

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

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

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

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

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

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

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

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

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

35       ~~(3) A teacher is entitled to additional pay if the number of  
36 days in the teacher's contract for the 2006-2007 school year exceeds the~~

1 ~~number of days in the teacher's contract for the 2005-2006 school year.~~

2 ~~(4) The additional pay is at least equal to the number of~~  
3 ~~contract days for the 2006-2007 school year exceeding the number of days in~~  
4 ~~the teacher's contract for the 2005-2006 school year multiplied by the daily~~  
5 ~~rate calculated using the teacher's 2005-2006 salary.~~

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

8  
9 SECTION 42. Arkansas Code § 6-17-2405 is amended to correct references  
10 to interim committees and a reference to another section of the Arkansas Code  
11 to read as follows:

12 6-17-2405. Future adjustments of the compensation system.  
13 Each biennium, the interim House ~~Interim~~ Committee on Education and the  
14 interim Senate ~~Interim~~ Committee on Education shall analyze the compensation  
15 levels provided in this subchapter, review relevant data, and make  
16 recommendations to the General Assembly for any adjustments to the  
17 compensation levels as needed to further the objective provided in ~~§ 6-17-~~  
18 ~~2402~~ § 6-17-2403.

19  
20 SECTION 43. Arkansas Code § 6-17-2602 is amended to correct references  
21 to licensed public school employees to read as follows:

22 6-17-2602. Definitions.

23 As used in this subchapter:

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

26 (A) A public or private school;

27 (B) An institution of higher education;

28 (C) An education service cooperative;

29 (D) The Department of Education;

30 (E) An adult education setting; or

31 (F) Another agency or organization that employs licensed  
32 teachers for educational purposes;

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

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

5  
6           SECTION 44. Arkansas Code § 6-17-2701(6), concerning findings of the  
7 General Assembly, is amended to correct a reference to licensed public school  
8 teachers to read as follows:

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

14  
15           SECTION 45. Arkansas Code § 6-18-227(j)(4), concerning school district  
16 reports on school choice, is amended to correct references to interim  
17 committees to read as follows:

18           (4) A copy of the report shall be provided to the ~~Joint Interim~~  
19 interim House Committee on Education and the interim Senate Committee on  
20 Education.

21  
22           SECTION 46. Arkansas Code § 6-18-230(a), concerning the minimum age  
23 for enrolling in prekindergarten, is amended to repeal expired provisions and  
24 amend remaining provisions as a result of that repeal to read as follows:

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

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

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

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

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

36           (2) ~~For the 2010-2011 school year and each school year~~



1 ~~thereafter;~~

2                   (A) A child may enter a prekindergarten program for  
3 children three (3) years of age if the child will attain three (3) years of  
4 age on or before August 1 immediately preceding the beginning of the school  
5 year; and

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

9

10           SECTION 47. Arkansas Code § 6-18-503(b)(2), concerning the definition  
11 of "teachers and administrators", is amended to correct a reference to a  
12 public school teaching license to read as follows:

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

16

17           SECTION 48. Arkansas Code § 6-18-505(c)(2), concerning the definition  
18 of "teachers and administrators", is amended to correct a reference to a  
19 public school teaching license to read as follows:

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

24

25           SECTION 49. Arkansas Code § 6-20-2206(c)(4), concerning licensed  
26 employee salary schedules, is amended to correct a reference to licensed  
27 public school employees to read as follows:

28                   (4) The school district, open-enrollment public charter school,  
29 and education service cooperative shall file annually with the state board a  
30 salary schedule for its ~~certified~~ licensed employees which recognizes a  
31 minimum level of training and experience. This schedule shall reflect the  
32 actual pay practices of the school district, open-enrollment public charter  
33 school, or education service cooperative, including all fringe benefits and  
34 supplemental salary schedules. Salary increments for experience or education,  
35 or both, shall be identified on the schedule; and

36

1 SECTION 50. Arkansas Code § 6-20-2209, concerning the study of  
2 improved reporting systems in public schools for which the time period  
3 expired on November 1, 2006, is repealed.

4 ~~6-20-2209. Study of improved reporting systems.~~

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

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

14 ~~(b) On or before November 1, 2006, the House Interim Committee on~~  
15 ~~Education, the Senate Interim Committee on Education, and the Department of~~  
16 ~~Education shall jointly study potential upgrades in public school district~~  
17 ~~financial accounting and reporting systems that would result in the prompt~~  
18 ~~availability of crucial information, including, but not limited to:~~

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

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

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

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

28 ~~(c) In conducting the study, the House Interim Committee on Education~~  
29 ~~and the Senate Interim Committee on Education shall seek the cooperation of~~  
30 ~~representatives from the Arkansas Association of Educational Administrators,~~  
31 ~~the Arkansas Association of School Business Officials, the Arkansas Education~~  
32 ~~Association, the education service cooperatives, and the Legislative Joint~~  
33 ~~Auditing Committee.~~

34 ~~(d) On or before December 1, 2006, the House Interim Committee on~~  
35 ~~Education and the Senate Interim Committee on Education shall issue a report~~  
36 ~~to the Speaker of the House of Representatives and the President Pro Tempore~~

1 ~~of the Senate regarding the results of the study and the recommendations of~~  
2 ~~the committees.~~

3  
4 SECTION 51. Arkansas Code § 6-20-2303(9)(A), concerning the definition  
5 of "legal revenues", is amended to correct references to licensed public  
6 school personnel to read as follows:

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

11 (ii) ~~Certified~~ Licensed personnel salaries from  
12 federal programs are excluded;

13  
14 SECTION 52. Arkansas Code § 6-20-2305(f)(4)(A), concerning licensed  
15 employee salary schedules, is amended to correct a reference to licensed  
16 public school employees to read as follows:

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

20  
21 SECTION 53. Arkansas Code § 6-20-2504, concerning the Academic  
22 Facilities Immediate Repair Program which the Department of Education  
23 completed in 2010, is repealed.

24 ~~6-20-2504. Academic Facilities Immediate Repair Program.~~

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

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

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

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

36 ~~(3) The facility condition index of the academic facility~~

1 involved in the proposed repair project is less than a threshold amount  
2 determined by the division; and

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

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

6 ~~(B) Floors;~~

7 ~~(C) Roofs;~~

8 ~~(D) Sewage systems;~~

9 ~~(E) Water supplies;~~

10 ~~(F) Asbestos abatement;~~

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

12 ~~(H) Exterior doors;~~

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

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

15 ~~individuals with disabilities; and~~

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

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

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

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

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

27 ~~(C) The extraordinary deterioration of the public school~~  
28 ~~academic facility;~~

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

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

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

36 ~~(d)(1) The division shall evaluate a school district's immediate~~

1 ~~repair application and may conduct an on-site inspection prior to making a~~  
2 ~~decision on the application as it deems necessary.~~

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

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

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

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

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

15 ~~(E) The academic facilities wealth index of the school~~  
16 ~~district; and~~

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

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

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

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

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

36 ~~(g) A school district shall use state financial participation in an~~

1 ~~immediate repair project to pay the cost of only the portion of an immediate~~  
2 ~~repair project that is not covered by insurance or other public or private~~  
3 ~~emergency assistance received by or payable to the school district.~~

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

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

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

13  
14 SECTION 54. Arkansas Code § 6-20-2505, concerning the Academic  
15 Equipment Program which the Department of Education completed in 2010, is  
16 repealed.

17 ~~6-20-2505. Academic Equipment Program.~~

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

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

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

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

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

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

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

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

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

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

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

6                     ~~(2) Consistency with current academic equipment standards and~~  
7 ~~sound educational practices;~~

8                     ~~(3) The academic facilities wealth index of the school district;~~  
9 ~~and~~

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

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

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

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

24           ~~(f) Every effort shall be made to conform the purchase of academic~~  
25 ~~equipment to current academic equipment standards and sound educational~~  
26 ~~practices unless in the judgment of the division it is impractical to conform~~  
27 ~~the purchase to current standards.~~

28  
29           SECTION 55. Arkansas Code § 6-20-2506, concerning the Transitional  
30 Academic Facilities Program, which the Department of Education completed in  
31 2010, is repealed.

32           ~~6-20-2506. Transitional Academic Facilities Program.~~

33           ~~(a) There is established the Transitional Academic Facilities Program~~  
34 ~~under which the Division of Public School Academic Facilities and~~  
35 ~~Transportation shall provide state financial participation based on a school~~  
36 ~~district's academic facilities wealth index in the form of reimbursement to a~~

1 ~~school district for eligible new construction projects for which debt is~~  
2 ~~incurred or funds are spent after January 1, 2005, and on or before June 30,~~  
3 ~~2006.~~

4 ~~(b) Under the program, a school district may proceed with new~~  
5 ~~construction of an academic facility through the expenditure of local~~  
6 ~~resources prior to the school district's eligibility for state financial~~  
7 ~~participation and may apply the expenditure of local resources after January~~  
8 ~~1, 2005, and on or before June 30, 2006, toward meeting the school district's~~  
9 ~~share of financial participation in the cost of the new construction project~~  
10 ~~when, and if, the school district becomes eligible for state financial~~  
11 ~~participation.~~

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

14 ~~(1) A new construction project for which debt was incurred or~~  
15 ~~funds were spent after January 1, 2005, and on or before June 30, 2006;~~

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

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

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

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

26 ~~(5) The allocation of project costs between new construction~~  
27 ~~activities and maintenance, repair, and renovation activities if the new~~  
28 ~~construction project includes improvements that could be classified as~~  
29 ~~maintenance, repair, and renovation; and~~

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

34 ~~(d)(1) The division shall evaluate a school district's application for~~  
35 ~~state financial participation under the program and shall conduct an on-site~~  
36 ~~inspection prior to making a determination of the new construction project's~~



1 ~~eligibility for reimbursement from the state.~~

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

4 ~~(A) Student health and safety, including, without~~  
5 ~~limitation, critical health and safety needs;~~

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

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

11 ~~(D) Curriculum improvement and diversification, including,~~  
12 ~~without limitation, the use of instructional technology, distance learning,~~  
13 ~~and access to advanced courses in science, mathematics, language arts, and~~  
14 ~~social studies;~~

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

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

19 ~~(G) Regularly scheduled maintenance, repair, and~~  
20 ~~renovation.~~

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

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

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

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

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

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

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 a new construction project~~  
11 ~~to current academic facilities standards, including, without limitation,~~  
12 ~~appropriate space utilization requirements unless in the judgment of the~~  
13 ~~division it is impractical to conform the new construction project to current~~  
14 ~~standards.~~

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

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

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

25  
26 SECTION 56. Arkansas Code § 6-21-304(b)(3), concerning a school buses  
27 advisor committee, is amended to correct a reference to the Commission for  
28 Arkansas Public School Academic Facilities and Transportation to read as  
29 follows:

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

34  
35 SECTION 57. Arkansas Code § 6-21-413 is amended to correct a reference  
36 to licensed public school personnel to read as follows:

1 6-21-413. Local selection committee.

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

5  
6 SECTION 58. Arkansas Code § 6-22-101(a), concerning public school  
7 volunteers, is amended to correct a reference to licensed public school  
8 personnel to read as follows:

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

15  
16 SECTION 59. Arkansas Code § 6-22-103(3), concerning the definition of  
17 "registered volunteer", is amended to correct a reference to licensed public  
18 school personnel to read as follows:

19 (3) "Registered volunteer" means any volunteer who, subject to  
20 Arkansas Activities Association regulations and rules set by the local school  
21 district, is given written authorization by the school district to lead  
22 extracurricular activities or to assist a staff member who is a ~~certified~~  
23 licensed employee of the school district in extracurricular activities or  
24 interscholastic activities; and

25  
26 SECTION 60. Arkansas Code § 6-22-108 is amended to correct a reference  
27 to licensed public school personnel to read as follows:

28 6-22-108. Construction.

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

32  
33 SECTION 61. Arkansas Code § 6-23-201(b)(1)(B)(i), concerning notice of  
34 a public hearing on a conversion public charter school application, is  
35 amended to correct a reference to licensed public school personnel to read as  
36 follows:

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

2 (i) Distributed to the community, ~~certified~~ licensed  
3 personnel, and the parents of all students enrolled at the public school for  
4 which the public school district initiated the application; and  
5

6 SECTION 62. Arkansas Code § 6-23-201(b)(4) - (c), concerning a  
7 conversion public charter school application, are amended to correct  
8 references to licensed public school personnel to read as follows:

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

13 (5) Describe how the concerns of ~~certified~~ licensed employees  
14 and parents of students enrolled in the conversion public charter school will  
15 be solicited and addressed in evaluating the effectiveness of the improvement  
16 plan; and

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

20 (c)(1) A ~~certified~~ licensed teacher employed by a public school in the  
21 school year immediately preceding the effective date of a charter for a  
22 public school conversion within that public school district may not be  
23 transferred to or be employed by the conversion public charter school over  
24 the ~~certified~~ licensed teacher's objection, nor shall that objection be used  
25 as a basis to deny continuing employment within the public school district in  
26 another public school at a similar grade level.

27 (2) If the transfer of a teacher within the public school  
28 district is not possible because only one (1) public school exists for that  
29 teacher's ~~certification~~ licensure level, then the local school board shall  
30 call for a vote of the ~~certified~~ licensed teachers in the proposed conversion  
31 public charter school site and proceed, at the local school board's option,  
32 with the conversion public charter school application if a majority of the  
33 ~~certified~~ licensed teachers approve the proposal.  
34

35 SECTION 63. Arkansas Code § 6-23-202(3), concerning State Board of  
36 Education approval of a conversion public charter school application, is

1 amended to correct a reference to licensed public school employees to read as  
2 follows:

3 (3) Includes a proposal to directly and substantially involve  
4 the parents of students to be enrolled in the conversion public charter  
5 school, as well as the ~~certified~~ licensed employees and the broader  
6 community, in the process of carrying out the terms of the charter; and  
7

8 SECTION 64. Arkansas Code § 6-23-205 is amended to correct references  
9 to licensed public school teachers to read as follows:

10 6-23-205. Teacher hires when charter revoked.

11 If a ~~certified~~ licensed teacher employed by a public school district in  
12 the school year immediately preceding the effective date of the charter is  
13 employed by a conversion public charter school and the charter is revoked,  
14 the ~~certified~~ licensed teacher will receive a priority in hiring for the  
15 first available position for which the ~~certified~~ licensed teacher is  
16 qualified in the public school district where the ~~certified~~ licensed teacher  
17 was formerly employed.  
18

19 SECTION 65. Arkansas Code § 6-23-303(3), concerning State Board of  
20 Education approval of an open-enrollment public charter school application,  
21 is amended to correct a reference to licensed public school employees to read  
22 as follows:

23 (3) Includes a proposal to directly and substantially involve  
24 the parents of students to be enrolled in the open-enrollment public charter  
25 school, the ~~certified~~ licensed employees, and the broader community in  
26 carrying out the terms of the open-enrollment charter;  
27

28 SECTION 66. Arkansas Code § 6-23-308 is amended to correct references  
29 to licensed public school teachers to read as follows:

30 6-23-308. Priority hiring for teachers.

31 If a ~~certified~~ licensed teacher employed by a public school district in  
32 the school year immediately preceding the effective date of the open-  
33 enrollment public charter is employed by an open-enrollment public charter  
34 school and the open-enrollment public charter is revoked, the ~~certified~~  
35 licensed teacher will receive a priority in hiring for the first available  
36 position for which the ~~certified~~ licensed teacher is qualified in the public

1 school district where the ~~certified~~ licensed teacher was formerly employed.

2  
3 SECTION 67. Arkansas Code § 6-23-601(b)(1)(C), concerning an  
4 application for a limited public charter school, is amended to correct a  
5 reference to licensed public school employees to read as follows:

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

10  
11 SECTION 68. Arkansas Code § 6-23-601(b)(3), concerning an application  
12 for a limited public charter school, is amended to correct a reference to  
13 licensed public charter school employees to read as follows:

14 (3) Describe how the ~~certified~~ licensed employees at the limited  
15 public charter school will be involved in developing and implementing the  
16 school improvement plan set forth in subdivision (b)(2) of this section and  
17 in identifying performance criteria;

18  
19 SECTION 69. Arkansas Code § 6-23-601(d), concerning a licensed  
20 teacher's employment in a limited public charter school, is amended to  
21 correct references to licensed public school teachers and the licensure of  
22 public school teachers to read as follows:

23 (d)(1) A ~~certified~~ licensed teacher employed by a public school in the  
24 school year immediately preceding the effective date of a limited public  
25 charter for a limited public charter school within that public school  
26 district may not be transferred to or be employed by the limited public  
27 charter school over the ~~certified~~ licensed teacher's objections, nor shall  
28 that objection be used as a basis to deny continuing employment within the  
29 public school district in another public school at a similar grade level.

30 (2) If the transfer of a teacher within a public school district  
31 is not possible because only one (1) public school exists for the teacher's  
32 ~~certification~~ licensure level, then the local school board shall call for a  
33 vote of the ~~certified~~ licensed teachers in the proposed limited public  
34 charter school site and proceed, at the local school board's option, with the  
35 limited public charter school application if a majority of the  
36 ~~certified~~ licensed teachers approve the proposal.

1 (3)(A) A ~~certified~~ licensed teacher choosing to join the staff  
2 of a limited public charter school shall be employed by the district by a  
3 written contract as set forth in § 6-13-620(4), with the contract being  
4 subject to the provisions of The Teacher Fair Dismissal Act of 1983, § 6-17-  
5 1501 et seq.

6 (B)(i) The ~~certified~~ licensed teacher shall also enter  
7 into a separate supplemental contract specifically for the teacher's  
8 employment in the limited public charter school, with the supplemental  
9 contract being exempt from The Teacher Fair Dismissal Act of 1983, § 6-17-  
10 1501 et seq., and from § 6-17-807.

11 (ii) Termination of the supplemental contract shall  
12 not be used as a basis to deny continued employment of the teacher within the  
13 public school district in another public school at a similar grade level.  
14

15 SECTION 70. Arkansas Code § 6-24-102(16)(B)(ii), concerning the  
16 definition of "initially employed", is amended to correct a reference to a  
17 nonlicensed public school employee to read as follows:

18 (ii) *Renewal of ~~a noncertified employee's~~ the*  
19 *contract of an employee in a nonlicensed personnel position that is required*  
20 *by law; or*  
21

22 SECTION 71. Arkansas Code § 6-26-102(7)(A), concerning the definition  
23 of "high-performance teacher", is amended to correct a reference to a  
24 licensed public school teacher to read as follows:

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

27 (A) Is currently employed at a high-performing school  
28 district as a classroom teacher and has three (3) years or more of experience  
29 teaching in the subject area that the high-priority school district is  
30 seeking;  
31

32 SECTION 72. Arkansas Code § 6-26-303(b)(2), concerning a rental  
33 housing program in a high-priority school district, is amended to correct  
34 references to licensed and nonlicensed employees of public school districts  
35 to read as follows:

36 (2) Only upon the approval of the board and only if the housing

1 is not able to be used by high-performing teachers in a high-priority school  
2 district, the developer may lease to the following persons in order of  
3 preference:

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

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

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

10  
11 SECTION 73. Arkansas Code § 6-41-403(a), concerning assessments of  
12 visually impaired students, is amended to correct a reference to a licensed  
13 public school teacher to read as follows:

14 (a) Each school district shall ensure that, at least one (1) time per  
15 year, a ~~certified~~ licensed teacher of the visually impaired, or other  
16 qualified person as determined by the Department of Education, conducts an  
17 assessment of the educational progress of each visually impaired student  
18 enrolled in that school district identified as having or suspected of having  
19 a disability pursuant to the Children with Disabilities Act of 1973, § 6-41-  
20 201 et seq. The assessment shall:

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

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

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

28  
29 SECTION 74. Arkansas Code § 6-41-404 is amended to correct a reference  
30 to a licensed public school teacher to read as follows:

31 6-41-404. Braille instruction.

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

36



1 SECTION 75. Arkansas Code § 6-41-503(1), concerning the Task Force on  
2 Medically Fragile, Chronically Ill, or Technology-Dependent Students, is  
3 amended to correct references to licensed and nonlicensed public school  
4 employees to read as follows:

5 (1) Determine and recommend to the State Board of Education  
6 rules and regulations identifying the appropriate role and responsibility of  
7 public school employees, including ~~certified~~ licensed, *classified*, and school  
8 health service personnel, and that of medical personnel in the provision of  
9 services to these students; and

10  
11 SECTION 76. Arkansas Code § 6-43-113(b), concerning salary limitations  
12 of employees of the Arkansas School for the Blind or the Arkansas School for  
13 the deaf, is amended to conform the language to code style to read as  
14 follows:

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

21  
22 SECTION 77. Arkansas Code § 6-43-115 is repealed because similar  
23 language is codified at § 6-43-113.

24 ~~6-43-115. Additional compensation for employees.~~

25 ~~(a) No employee drawing a salary or other form of compensation from~~  
26 ~~the Arkansas School for the Blind or the Arkansas School for the Deaf shall~~  
27 ~~be paid an additional salary or receive additional compensation other than~~  
28 ~~reimbursement for actual expenses from that agency nor from any other agency~~  
29 ~~or institution of higher education except from the superintendent's written~~  
30 ~~certification to and approval by the Chief Fiscal Officer of the State that~~  
31 ~~the work performed by the employee for the other position does not interfere~~  
32 ~~with the proper and required performance of the employee's primary duties and~~  
33 ~~that the combined salary payments from both positions will not exceed the~~  
34 ~~maximum annual salary for whichever of the two (2) positions has the higher~~  
35 ~~authorized maximum annual salary.~~

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 the employee shall repay to the State of~~  
4 ~~Arkansas any sums received by the employee in violation of this section~~  
5 ~~together with interest at a rate of ten percent (10%) per annum.~~

6  
7 SECTION 78. Arkansas Code § 6-51-104 is repealed because similar  
8 language is codified at § 6-51-105.

9 ~~6-51-104. Priorities.~~

10 ~~A high priority of the vocational-technical schools enumerated in this~~  
11 ~~act shall be the combatting of illiteracy and the providing of industrial~~  
12 ~~training in the workplace.~~

13  
14 SECTION 79. Arkansas Code § 6-53-302(d)(1)(C) is amended to correct a  
15 reference to licensed and nonlicensed public school employees to read as  
16 follows:

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

19  
20 SECTION 80. DO NOT CODIFY. The enactment and adoption of this act  
21 shall not repeal, expressly or impliedly, the acts passed at the regular  
22 session of the Eighty-Ninth General Assembly. All such acts shall have the  
23 full force and effect and, so far as those acts intentionally vary from or  
24 conflict with any provision contained in this act, those acts shall have the  
25 effect of subsequent acts and as amending or repealing the appropriate parts  
26 of the Arkansas Code of 1987.

27  
28 /s/D. Johnson  
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