

1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4

# A Bill

HOUSE BILL 1122

5 By: Representative Vaught  
6

## For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING THE DATES FOR THE  
9 BEGINNING AND END OF THE SCHOOL YEAR; TO AMEND THE  
10 DEFINITION OF A SCHOOL DAY; TO DECLARE AN EMERGENCY;  
11 AND FOR OTHER PURPOSES.  
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## Subtitle

14 TO AMEND THE LAW CONCERNING THE DATES FOR  
15 THE BEGINNING AND END OF THE SCHOOL YEAR;  
16 TO AMEND THE DEFINITION OF A SCHOOL DAY;  
17 AND TO DECLARE AN EMERGENCY.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 SECTION 1. Arkansas Code § 6-10-106(a), concerning the dates for the  
24 beginning and end of the school year, is amended to read as follows:

25 (a)(1)(A) ~~Beginning with the 2023-2024~~ Each school year, the first day  
26 of the school year for student attendance in public elementary and secondary  
27 schools shall ~~not be earlier than the Monday two (2) weeks before Labor Day;~~

28 (i) On or after the Monday of the week in which  
29 August 19 falls;

30 (ii) Not earlier than August 14; and

31 (iii) Not later than August 26.

32 (B) The date for beginning the school year shall be  
33 determined by the board of directors of each school district ~~in accordance~~  
34 ~~with subdivision (a)(1)(A) of this section.~~

35 (C) Labor Day shall be celebrated as a school holiday in  
36 all the school districts of the state, and school shall not be held on that



1 date.

2 (D) As used in this section, "week" means a seven-day  
3 period that begins on a Sunday and ends on a Saturday.

4 (2)(A) The Division of Elementary and Secondary Education may  
5 grant a school district a waiver to begin school on an earlier or a later  
6 date if the division determines that there exists a material and substantial  
7 reason for the school district to begin school on an earlier or a later date  
8 due to very exceptional or emergency circumstances such as a contagious  
9 disease outbreak, inclement weather, or other acts of God.

10 ~~(B) The division shall not grant a public school district~~  
11 ~~a waiver under § 6-15-103 to begin school on an earlier date.~~

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13 SECTION 2. Arkansas Code § 6-10-106(f) and (g), concerning make-up  
14 days built into a school calendar and alternate school calendars, are amended  
15 to read as follows:

16 (f) ~~Except as provided under subsection (g) of this section, a~~ A  
17 school district shall adopt an academic calendar that includes five (5) make-  
18 up days, in addition to the number of student-teacher interaction days  
19 required by the Standards for Accreditation of Arkansas Public Schools and  
20 School Districts established by the State Board of Education, for days  
21 unavoidably lost due to exceptional or emergency circumstances resulting from  
22 a contagious disease outbreak, inclement weather, or other acts of God.

23 ~~(g)(1) Beginning with the 2022-2023 school year, a public school~~  
24 ~~district board of directors may elect to implement an alternate school~~  
25 ~~calendar.~~

26 ~~(2)(A) An alternate school calendar implemented under~~  
27 ~~subdivision (g)(1) of this section shall consist of:~~

28 ~~(i) At least one thousand sixty eight (1,068) hours~~  
29 ~~of instructional time; and~~

30 ~~(ii)(a) At least thirty (30) make-up hours, in~~  
31 ~~addition to the number of hours required of instructional time, for days~~  
32 ~~unavoidably lost due to exceptional or emergency circumstances resulting from~~  
33 ~~inclement weather.~~

34 ~~(b) If additional make-up hours are needed,~~  
35 ~~the public school district board of directors shall modify its alternate~~  
36 ~~school calendar to include make-up hours for the additional hours needed.~~

1                   ~~(B) However, there shall not be a minimum number of school~~  
 2 ~~days required to meet the required one thousand sixty-eight (1,068) hours of~~  
 3 ~~instructional time.~~

4                   ~~(3) A public school district board of directors that elects to~~  
 5 ~~implement an alternate school calendar under subdivision (g)(1) of this~~  
 6 ~~section shall:~~

7                   ~~(A) Notify the division by July 1 of each year that the~~  
 8 ~~public school district intends to implement the alternate school calendar;~~

9                   ~~(B) Post the alternate school calendar on the public~~  
 10 ~~school district's website by August 1 of each year that the public school~~  
 11 ~~district intends to implement the alternate school calendar;~~

12                   ~~(C) Input into eSchool, eFinance, or the Arkansas Public~~  
 13 ~~School Computer Network all data that:~~

14                   ~~(i) Affects the average daily membership of the~~  
 15 ~~public school district; and~~

16                   ~~(ii) Ensures compliance with the required minimum~~  
 17 ~~number of school instructional hours under subdivision (g)(2)(A)(i) of this~~  
 18 ~~section; and~~

19                   ~~(D)(i) Not be eligible for the use of alternative methods~~  
 20 ~~of instruction granted under § 6-10-127.~~

21                   ~~(ii) However, a public school district that~~  
 22 ~~implements an alternate school calendar under subdivision (g)(1) of this~~  
 23 ~~section may submit an application to operate a virtual learning option.~~

24                   ~~(4) The total number of instructional hours under an alternate~~  
 25 ~~school calendar shall be converted to school days for purposes of the:~~

26                   ~~(A) Number of days required in a teacher employment basic~~  
 27 ~~contract under § 6-17-2402(1);~~

28                   ~~(B) Number of days counted during the official reporting~~  
 29 ~~period for attendance under § 6-18-213(b)(1); and~~

30                   ~~(C) Average daily membership calculated under § 6-20-~~  
 31 ~~2303(3).~~

32                   ~~(5) The division may promulgate rules as necessary to administer~~  
 33 ~~this section.~~

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 35                   SECTION 3. Arkansas Code § 6-16-102(a)(1)-(3), concerning the  
 36 definition of "school day", are amended to read as follows:

1           (a)(1)~~(A)~~ ~~Except as provided under subdivision (a)(1)(B) of this~~  
 2 ~~section, as As used in this section, “school day” shall mean a day in which~~  
 3 ~~classes are in session and students receive at least six (6) hours of~~  
 4 ~~instructional time.~~

5                           ~~(B) However, “school day” for purposes of a public school~~  
 6 ~~district that implements an alternate school calendar under § 6-10-106(g)~~  
 7 ~~means a day in which classes are in session and students are under the~~  
 8 ~~guidance and direction of a teacher or public school employee.~~

9           (2)~~(A)~~ Any day in which less than six (6) hours of instructional  
 10 time are provided to students shall be counted as one-half ( $\frac{1}{2}$ ) of a school  
 11 day if at least three (3) hours of instructional time are provided to  
 12 students.

13                           ~~(B) However, subdivision (a)(2)(A) of this section shall~~  
 14 ~~not apply to a public school district that implements an alternate school~~  
 15 ~~calendar under § 6-10-106(g).~~

16           (3)~~(A)~~ Any day in which less than three (3) hours of  
 17 instructional time are provided to students shall not be counted as any part  
 18 of a school day.

19                           ~~(B) However, subdivision (a)(3)(A) of this section shall~~  
 20 ~~not apply to a public school district that implements an alternate school~~  
 21 ~~calendar under § 6-10-106(g).~~

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 23           SECTION 4. Arkansas Code § 6-16-102(c), concerning planned  
 24 instructional time during a school day, is amended to read as follows:

25           (c)~~(1)~~ A school district is deemed to have fulfilled the requirements  
 26 of subsection (a) of this section if the planned instructional time in each  
 27 school day does not average less than six (6) hours each day or thirty (30)  
 28 hours each week.

29                           ~~(2) However, subdivision (c)(1) of this section shall not apply~~  
 30 ~~to a public school district that implements an alternate school calendar~~  
 31 ~~under § 6-10-106(g).~~

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 33           SECTION 5. EMERGENCY CLAUSE. It is found and determined by the  
 34 General Assembly of the State of Arkansas that public schools need a certain  
 35 amount of time to determine the school calendar for the upcoming school year,  
 36 which requires meetings and determinations of dates certain; that for

1 purposes of teacher and administrator contracts, establishing the school  
2 calendar is important; and that this act is immediately necessary because  
3 public schools need to know as soon as practicable what the statutory  
4 requirements are with respect to establishing the school calendars for the  
5 upcoming school year. Therefore, an emergency is declared to exist, and this  
6 act being immediately necessary for the preservation of the public peace,  
7 health, and safety shall become effective on:

8 (1) The date of its approval by the Governor;

9 (2) If the bill is neither approved nor vetoed by the Governor,  
10 the expiration of the period of time during which the Governor may veto the  
11 bill; or

12 (3) If the bill is vetoed by the Governor and the veto is  
13 overridden, the date the last house overrides the veto.

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