

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

A Bill

SENATE BILL 554

5 By: Senator J. Key
6 By: Representative McLean
7

For An Act To Be Entitled

9 AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE ARKANSAS
10 CODE CONCERNING PUBLIC EDUCATION; AND FOR OTHER
11 PURPOSES.
12
13

Subtitle

14 TO MAKE TECHNICAL CORRECTIONS TO THE
15 ARKANSAS CODE CONCERNING PUBLIC
16 EDUCATION.
17
18
19

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

22 SECTION 1. Arkansas Code § 6-10-106(a)(1), concerning uniform dates
23 for beginning and end of school year, is amended to add an additional
24 subdivision to read as follows:

25 (D) As used in this section, "week" means a seven-day
26 period that begins on a Sunday and ends on a Saturday.
27

28 SECTION 2. Arkansas Code § 6-11-102(c)(1)(D), concerning the
29 qualifications of the Commissioner of Education, is amended to read as
30 follows:

31 (D) Hold a valid state teacher's ~~certificate~~ license.
32

33 SECTION 3. Arkansas Code § 6-11-105(a)(4), concerning the powers and
34 duties of the State Board of Education, is amended to read as follows:

35 (4) Issue ~~certificates~~ licenses based upon credentials presented
36 by applicants for ~~certificates~~ licenses to teach in the public schools of the



1 state;

2

3 SECTION 4. Arkansas Code § 6-11-105(a)(9)(B), concerning the powers
4 and duties of the State Board of Education, is amended to read as follows:

5 (B) However, ~~nothing in this act~~ this section shall not
6 prohibit the state board and the Department of Education from issuing
7 teachers' ~~certificates~~ licenses upon the results of teachers' examinations as
8 now provided by law;

9

10 SECTION 5. Arkansas Code § 6-13-1010(b), concerning the qualifications
11 of an education service cooperative director, is amended to read as follows:

12 (b) The director of each education service cooperative shall:

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

16 (2) Have an equivalent level of education and administrative
17 experience and obtain the approval of the state board.

18

19 SECTION 6. Arkansas Code § 6-13-1011(b), concerning education service
20 cooperative personnel, is amended to read as follows:

21 (b) ~~Certificate~~ Licensure requirements shall be the same as those
22 expected of persons holding similar positions in local school districts.

23

24 SECTION 7. Arkansas Code § 6-13-1403(a)(1), concerning conditions
25 under which the State Board of Education may annex school districts, is
26 amended to read as follows:

27 (1) The state board, after providing thirty (30) ~~days~~ days'
28 written notice to the affected school districts, determines that annexation
29 is in the best interest of the affected district or districts and the
30 receiving district based upon failure to meet standards for accreditation or
31 failure to meet academic, ~~or~~ fiscal, or facilities distress requirements
32 pursuant to The Quality Education Act of 2003, § 6-15-201 et seq., the
33 Arkansas Comprehensive Testing, Assessment, and Accountability Program Act, §
34 6-15-401 et seq., ~~and~~ the Arkansas Fiscal Assessment and Accountability
35 Program, § 6-20-1901 et seq., and the Arkansas Public School Academic
36 Facilities Program Act, § 6-21-801 et seq.;

1
2 SECTION 8. Arkansas Code § 6-13-1404(a)(1), concerning conditions
3 under which the State Board of Education may consolidate school districts, is
4 amended to read as follows:

5 (1) The state board, after providing thirty (30) ~~days~~ days'
6 written notice to the affected school districts, determines consolidation is
7 in the best interest of the affected district or districts and the resulting
8 district based upon failure to meet standards for accreditation or academic,
9 ~~or fiscal, or facilities~~ distress requirements pursuant to The Quality
10 Education Act of 2003, § 6-15-201 et seq., the Arkansas Comprehensive
11 Testing, Assessment, and Accountability Program Act, § 6-15-401 et seq., ~~and~~
12 the Arkansas Fiscal Assessment and Accountability Program, § 6-20-1901 et
13 seq., and the Arkansas Public School Academic Facilities Program Act, § 6-21-
14 801 et seq.; or

15
16 SECTION 9. Arkansas Code § 6-13-1411(b), concerning the use of school
17 district fund balances, is amended to read as follows:

18 (b) The provisions of this section shall not apply if the
19 consolidation or annexation is because of the school district's failure to
20 meet standards for accreditation or failure to meet academic, ~~or fiscal, or~~
21 facilities distress requirements pursuant to The Quality Education Act of
22 2003, § 6-15-201 et seq., the Arkansas Comprehensive Testing, Assessment, and
23 Accountability Program Act, § 6-15-401 et seq., ~~or the Arkansas Fiscal~~
24 Assessment and Accountability Program, § 6-20-1901 et seq., or the Arkansas
25 Public School Academic Facilities Program Act, § 6-21-801 et seq.

26
27 SECTION 10. Arkansas Code § 6-13-1416(e)(1)(B), concerning voluntary
28 consolidation or annexation of school districts, is amended to read as
29 follows:

30 (B) All the members of the permanent board of directors of
31 the resulting district or receiving district are elected at-large, then the
32 ~~state board~~ written agreement may stagger the terms of the interim board of
33 directors, which shall be determined by lot so that no more than two (2)
34 members' terms expire during any one (1) year.

35
36 SECTION 11. Arkansas Code § 6-13-1417(b)(3)(C), concerning formation

1 of a permanent board of directors of consolidated or annexed school
2 districts, is amended to read as follows:

3 (C) ~~File a digital map detailing the election zone~~
4 ~~boundaries of the resulting district or receiving district with the Secretary~~
5 ~~of State and the Arkansas Geographic Information Office in a format~~
6 ~~prescribed by the Arkansas Geographic Information Office no~~ No later than one
7 hundred twenty (120) calendar days before the second school election
8 following the effective date of the consolidation or annexation, file a
9 digital map, in a format prescribed by the Arkansas Geographic Information
10 Office, detailing the election zone boundaries of the resulting district or
11 receiving district with the:

12 (i) Secretary of State;
13 (ii) Arkansas Geographic Information Office; and
14 (iii) County clerk of each county that contains
15 school district territory of each affected district, receiving district, or
16 resulting district.

17
18 SECTION 12. Arkansas Code § 6-13-1601(4), concerning the definition of
19 "average daily membership" in the Public Education Reorganization Act, is
20 amended to read as follows:

21 (4)(A) ~~“Average daily membership” means the total number of days~~
22 ~~attended plus the total number of days absent by students in grades~~
23 ~~kindergarten through twelve (K-12) during the first three (3) quarters of~~
24 ~~each school year divided by the number of school days actually taught in the~~
25 ~~school district during that period of time rounded up to the nearest~~
26 ~~hundredth.~~ has the same meaning as defined in § 6-20-2303;

27 (B) ~~Students who may be counted for average daily~~
28 ~~membership are:~~

29 (i) ~~Students who reside within the boundaries of the~~
30 ~~school district and who are enrolled in a public school operated by the~~
31 ~~school district or a private school for special education students, with~~
32 ~~their attendance resulting from a written tuition agreement approved by the~~
33 ~~Department of Education;~~

34 (ii) ~~Legally transferred students living outside the~~
35 ~~school district but attending a public school in the school district; and~~

36 (iii) ~~Students who reside within the boundaries of~~

1 ~~the school district and who are enrolled in the Arkansas National Guard Youth~~
 2 ~~Challenge Program, so long as the students are participants in the program;~~

3
 4 SECTION 13. Arkansas Code § 6-15-430(b)(2), concerning State Board of
 5 Education authority over a school in academic distress, is amended to read as
 6 follows:

7 (2) The cost of transporting the student from the resident
 8 district to the nonresident district shall be the cost of the resident
 9 district under § 6-18-227.

10
 11 SECTION 14. Arkansas Code § 6-15-441(a)(2), concerning the Arkansas
 12 College and Career Readiness Planning Program, is amended to read as follows:

13 (2) "College readiness assessment" means a test ~~of student~~
 14 ~~educational development~~ that measures student readiness for ~~future~~
 15 postsecondary learning that is used by and is:

16 (A) Institutions Administered under this section; or

17 (B) Used by institutions of higher education as part of
 18 their admissions, placement, and scholarship processes; ~~and~~

19 ~~(B) High schools to improve college and workforce~~
 20 ~~readiness;~~

21
 22 SECTION 15. Arkansas Code § 6-15-1402(a), concerning the annual school
 23 performance report, is amended to read as follows:

24 (a)(1) In order to generally improve public school accountability, to
 25 provide benchmarks for measuring individual school improvement, and to
 26 empower parents and guardians of children enrolled in Arkansas public schools
 27 by providing them with the information to judge the quality of their schools,
 28 the Department of Education shall annually prepare and publish a school
 29 performance report for each individual public school in the state, including
 30 the Arkansas School for the Deaf, the Arkansas School for the Blind, and the
 31 Arkansas School for Mathematics, Sciences, and the Arts, and shall distribute
 32 the report to the House Committee on Education and the Senate Committee on
 33 Education no later than ~~March 15~~ April 15 each year.

34 (2) The school performance report for each school shall be made
 35 available to every parent or guardian of a child in kindergarten through
 36 grade twelve (K-12) in the public schools of Arkansas by posting the school

1 performance report for each school on the website of the department and the
 2 website of the school district in which the public schools addressed in the
 3 school performance report are located no later than ~~March 15~~ April 15 each
 4 year.

5
 6 SECTION 16. Arkansas Code § 6-15-1402(b)(3)(A)(xiv), concerning the
 7 annual school performance report, is amended to read as follows:

8 (xiv) Student participation in ~~College Preparatory~~
 9 ~~Enrichment Program (CPEP)~~ the Arkansas College and Career Readiness Planning
 10 Program under § 6-15-441; and

11
 12 SECTION 17. Arkansas Code § 6-15-2101(a)(3), concerning the public
 13 school rating system, is amended to read as follows:

14 (3) Annual school performance reports shall be:

15 (A) ~~sent~~ Made available in hard copy to all parents or
 16 guardians;

17 (B) ~~posted~~ Posted on the department's website;

18 (C) Posted on the local school district's website; and

19 (D) ~~published~~ Published by the local school district in
 20 the local newspaper.

21
 22 SECTION 18. Arkansas Code § 6-16-507 is repealed:

23 ~~6-16-507. Removal of vehicle involved in accident.~~

24 ~~The Department of Education and the Department of Arkansas State Police~~
 25 ~~shall include instruction within the Department of Education Driver Education~~
 26 ~~and Training Program and the Driver's Manual of the Department of Arkansas~~
 27 ~~State Police concerning the times when a driver involved in an accident must~~
 28 ~~remove his or her vehicle from the roadway. The Department of Arkansas State~~
 29 ~~Police shall include the subject on the examination for a driver's license.~~

30
 31 SECTION 19. Arkansas Code § 6-16-603(b)(1), concerning local
 32 postsecondary preparatory programs and placement tests, is amended to read as
 33 follows:

34 (1) Counsel and strongly encourage each student enrolled in
 35 grades eight through eleven (8-11) who is identified through college
 36 readiness assessments as not meeting the college readiness benchmarks in

1 mathematics, English, or reading to enroll in a postsecondary preparatory
2 program, if a program is available to the student;

3
4 SECTION 20. Arkansas Code § 6-17-201(e), concerning personnel policy
5 requirements, is amended to read as follows:

6 (e) The department shall notify any school district that has not ~~filed~~
7 posted its policies on the school district website or provided the department
8 with the website address in accordance with this section.

9
10 SECTION 21. Arkansas Code § 6-17-306(d)(2), concerning leaves of
11 absence, is amended to read as follows:

12 (2) This leave shall be granted in addition to all other leave
13 to which the licensed employee or ~~certified~~ classified employee is entitled.

14
15 SECTION 22. Arkansas Code § 6-17-402(e), concerning professional
16 development for retired teachers, is repealed.

17 ~~(e)(1)(A) The State Board of Education shall waive the requirement for~~
18 ~~professional development for a retired teacher who:~~

19 ~~(i) Maintains a valid license; and~~

20 ~~(ii) Reenters the educational setting prior to~~
21 ~~sixty five (65) years of age due to a teacher shortage.~~

22 ~~(B) "Educational setting" means the employment setting~~
23 ~~where the certified employee works, including without limitation:~~

24 ~~(i) A public or private school;~~

25 ~~(ii) An institution of higher education;~~

26 ~~(iii) An education service cooperative;~~

27 ~~(iv) The Department of Education;~~

28 ~~(v) An adult education setting; or~~

29 ~~(vi) Another agency or organization that employs~~
30 ~~licensed teachers for educational purposes.~~

31 ~~(2) A retired teacher who receives a waiver under subdivision~~
32 ~~(e)(1) of this section shall participate in the staff development programs~~
33 ~~required by the school district where he or she is employed.~~

34
35 SECTION 23. Arkansas Code § 6-17-403(c)(5)(B), concerning the
36 qualifications for provisional licensure for teachers trained and licensed in

1 other states, is amended to read as follows:

2 (B) Teacher education accredited by the National Council
3 for Accreditation of Teacher Education, Teacher Education Accreditation
4 Council, or Council for Accreditation of Educator Preparation; or

5
6 SECTION 24. Arkansas Code § 6-17-423(c), concerning renewal of a
7 retired teacher's license, is amended to read as follows:

8 (c) A retired teacher whose license has expired may renew his or her
9 license upon completion of the professional development required for the year
10 in which the person applies for license renewal+

11 ~~(1) More than one (1) year prior to July 31, 2007, may renew his~~
12 ~~or her license upon completion of sixty (60) hours of professional~~
13 ~~development; and~~

14 ~~(2) Less than one (1) year prior to July 31, 2007, shall be~~
15 ~~under subsections (a) and (b) of this section.~~

16
17 SECTION 25. Arkansas Code § 6-17-1113(a)(1)(P), concerning the School
18 Worker Defense Program, is amended to read as follows:

19 (P) Each employee of the following who is required to hold
20 ~~a teaching certificate~~ an educator license issued by the department:

- 21 (i) A public school district;
22 (ii) The Arkansas School for Mathematics, Sciences,
23 and the Arts;
24 (iii) The Arkansas School for the Deaf; and
25 (iv) The Arkansas School for the Blind;

26
27 SECTION 26. Arkansas Code § 6-17-1113(b)(1), concerning the School
28 Worker Defense Program, is amended to read as follows:

29 (b)(1) The program is further authorized to provide limited financial
30 reimbursement not to exceed five thousand dollars (\$5,000) for attorney's
31 fees and costs for the defense of criminal charges if the covered person is
32 exonerated by a court of law or if all charges are subsequently withdrawn or
33 dismissed unless ~~such withdrawal~~;

34 (A) Withdrawal or dismissal of the criminal charges is
35 conditioned upon termination of employment or surrender of a professional
36 license; or

1 (B) The covered person enters a plea of guilty or nolo
2 contendere to the criminal charges.

3
4 SECTION 27. Arkansas Code § 6-17-1702(1), concerning definitions for
5 the Public School Employee Fair Hearing Act, is amended to read as follows:

6 (1) "Employee" ~~shall mean~~ means any person employed by a school
7 district under a written annual contract, who is not required to have a
8 ~~teaching certificate~~ an educator license issued by the Department of
9 Education as a condition of employment;

10
11 SECTION 28. Arkansas Code § 6-17-2301(d) and (e), concerning
12 requirements for written personnel policies, is amended to read as follows:

13 (d)(1)(A) A school district shall not receive in any year any
14 additional state funding from the Public School Fund until the school
15 district has posted on the school district's website, in accordance with § 6-
16 11-129, its current personnel policies for classified employees ~~signed by the~~
17 ~~president of the school board~~, including any salary schedules as required by
18 this subchapter.

19 (B) The school district shall maintain in a central
20 records location a written copy of the policies signed by the president of
21 the school district's board of directors.

22 (2) By September 15 of each year, a school district shall
23 provide the Department of Education with the website address at which its
24 current personnel policies for classified employees, including the salary
25 schedule, may be found.

26 (e) The department shall notify any school district that has not ~~filed~~
27 posted its policies on the school district website or provided the department
28 with the website address in accordance with this section.

29
30 SECTION 29. Arkansas Code § 6-18-503(b)(2), concerning the requirement
31 of written student discipline policies, is amended to read as follows:

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

35
36 SECTION 30. Arkansas Code § 6-18-505(c)(2), concerning the School

1 Discipline Act, is amended to read as follows:

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

6
7 SECTION 31. Arkansas Code § 6-18-514(i), concerning antibullying
8 policies, is amended to read as follows:

9 (i)~~(1)~~ The school district shall ~~file with~~ provide the Department of
10 Education with the website address at which a copy of the policies adopted in
11 compliance with this section may be found.

12 ~~(2) The State Board of Education shall review the policies~~
13 ~~provided by the school districts and may recommend changes or improvements to~~
14 ~~the districts if the state board determines that the policies need~~
15 ~~improvement.~~

16
17 SECTION 32. Arkansas Code § 6-20-402(f), concerning limitations on
18 current school district indebtedness, postdated warrants, and installment
19 contracts, is amended to read as follows:

20 (f) If the state board withholds state aid from a school district
21 under subsection (e) of this section, the school district shall be ~~classified~~
22 ~~as~~ identified by the department to be a school district in fiscal distress
23 under § 6-20-1906.

24
25 SECTION 33. Arkansas Code § 6-20-604(e)(2)(B), concerning additional
26 funding for isolated schools, is amended to read as follows:

27 (B) The school district closed an isolated facility
28 serving students in grades seven through twelve (7-12) ~~between January 1,~~
29 ~~2008, and July 1, 2008.~~

30
31 SECTION 34. Arkansas Code § 6-20-701(2), concerning definitions for
32 the school lunch program, is amended to read as follows:

33 (2) "School district" means:

34 ~~(A) a voluntary corporation organized for educational~~
35 ~~purposes, having jurisdiction over a political unit of the county government~~
36 A geographic area with an elected board of directors that qualifies as a

1 taxing unit for purposes of school district taxes under § 26-80-101 et seq.,
 2 which board of directors conducts the daily affairs of public schools
 3 pursuant to the supervisory authority vested in it by the General Assembly
 4 and this title; and

5 (B) An open-enrollment public charter school; and
 6

7 SECTION 35. Arkansas Code § 6-47-305(c)(4), concerning the membership
 8 of the Distance Learning Coordinating Council, is amended to read as follows:

9 (4) One (1) member who is an employee of the ~~Office of~~
 10 Information Technology Department of Information Systems appointed by the
 11 Director of the ~~Office of Information Technology~~ Department of Information
 12 Systems;
 13

14 SECTION 36. Arkansas Code § 6-61-109 is repealed.

15 ~~6-61-109. Driver education and training programs.~~

16 ~~(a) Any state supported institution of higher learning offering an~~
 17 ~~approved driver education and training course as a part of a program for the~~
 18 ~~training of teachers of driver education may apply for and shall receive from~~
 19 ~~the Department of Education the sum of twenty dollars (\$20.00) for each high~~
 20 ~~school student completing the course.~~

21 ~~(b) Any state supported institution of higher learning receiving funds~~
 22 ~~under this section and §§ 6-16-501 — 6-16-506 [repealed] must offer the~~
 23 ~~training to high school students subject to the rules and regulations~~
 24 ~~promulgated by the State Board of Education for accredited driver education~~
 25 ~~courses in the high schools.~~
 26

27 SECTION 37. Arkansas Code § 27-18-107 is amended to read as follows:

28 27-18-107. Instruction as to removal of vehicle from roadway.

29 The ~~Department of Education and the~~ Department of Arkansas State Police
 30 shall include instruction within the ~~Department of Education Driver Education~~
 31 ~~and Training Program and the Driver's Manual of the Department of Arkansas~~
 32 ~~State Police~~ department concerning the times when a driver involved in an
 33 accident must remove his or her vehicle from the roadway. The ~~Department of~~
 34 ~~Arkansas State Police~~ department shall include the subject on the examination
 35 for a driver's license.

36 **APPROVED: 04/11/2013**