

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

A Bill

SENATE BILL 383

5 By: Senator J. Jeffress
6 By: Representative Cheatham
7

For An Act To Be Entitled

9 AN ACT TO AMEND VARIOUS PROVISIONS OF ARKANSAS CODE
10 TITLE 6 CONCERNING PUBLIC EDUCATION; TO MAKE
11 TECHNICAL CORRECTIONS TO TITLE 6; AND FOR OTHER
12 PURPOSES.
13
14

Subtitle

15 TO AMEND VARIOUS PROVISIONS OF ARKANSAS
16 CODE TITLE 6 CONCERNING PUBLIC EDUCATION.
17
18
19

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

22 SECTION 1. Arkansas Code § 6-11-105(a), concerning the powers and
23 duties of the State Board of Education, is amended to add an additional
24 subdivision to read as follows:

25 (12)(A) If the state board orders the takeover of a school
26 district under authority granted under this title and also orders the removal
27 of the school district board of directors, the state board may assume all
28 authority of the school district board of directors as may be necessary for
29 the day-to-day governance of the school district.

30 (B) The state board may designate the authority granted
31 under this subdivision (a)(12) to the Commissioner of Education.
32

33 SECTION 2. Arkansas Code § 6-11-129(a)(1)(B), concerning data to be
34 accessible on a school district's website, is amended to read as follows:

35 (B) Each school district's personnel policies required
36 under § 6-17-201 et seq. and § 6-17-2301 et seq.



1
 2 SECTION 3. Arkansas Code § 6-13-104 is amended to add an additional
 3 subsection to read as follows:

4 6-13-104. Uncertain boundaries.

5 ~~(a) In case there is any~~ When there is a doubt as to the boundaries of
 6 a school district because of lost records or other uncertainty, the State
 7 Board of Education shall:

8 (1) issue Issue an order fixing the boundaries; and

9 (2) shall file File the order with the ~~county clerk, who shall~~
 10 ~~make a permanent record of the order, and thereafter the:~~

11 (A) County clerk of each county where the school district
 12 lies;

13 (B) Secretary of State; and

14 (C) Arkansas Geographic Information Office.

15 (b) The county clerk shall make a permanent record of the order.

16 (c) The school district boundaries ~~so~~ fixed under this section shall
 17 be the boundaries of the school district until changes are made according to
 18 the provisions of law, ~~and the school district shall be a school district~~
 19 ~~according to the provisions of this act.~~

20
 21 SECTION 4. Arkansas Code § 6-13-701(e)(1), concerning the powers and
 22 duties of school district treasurers, is amended to read as follows:

23 (e) The duties of the school district treasurer shall be as follows:

24 ~~(1)~~(A) To receive and disburse funds of the school district.

25 Disbursements of such funds shall be made only upon:

26 (i) Checks or warrants signed by the ~~president and~~
 27 ~~secretary of the school district board of directors and countersigned~~
 28 disbursing officer of the school district board of directors and by the
 29 superintendent ~~of schools~~ of the school district; or

30 (ii) The electronic transfer of funds if the
 31 electronic transfer is:

32 (a) Initiated by the school district; and

33 (b) Authorized in writing by both the
 34 disbursing officer of the board of directors and the superintendent of the
 35 school district.

36 (B) As an evidence of authority for disbursement of any

1 funds, ~~he or she~~ the school district treasurer shall have on hand approved:

2 (i) ~~invoices~~ Invoices; and

3 (ii) ~~payrolls, such payrolls to be in conformance~~
 4 Payrolls that conform with written contracts on file in his or her office;

5
 6 SECTION 5. Arkansas Code § 6-13-1402, concerning the definitions used
 7 for consolidation and annexation of school districts, is amended to add an
 8 additional subdivision to read as follows:

9 (6) "Aggrieved district" means the lawfully constituted and
 10 existing board of directors of a school district that gains or loses
 11 territory or students as a result of an annexation or consolidation.

12
 13 SECTION 6. Arkansas Code § 6-13-1403(e), concerning the duties of the
 14 State Board of Education regarding the annexation of school districts, is
 15 amended to read as follows:

16 (e)(1) The state board shall:

17 (A) ~~issue~~ Issue an order establishing the changed
 18 boundaries; and

19 (B) ~~shall file~~ File the order with the:

20 (i) ~~county clerk or clerks of the county or counties~~
 21 County clerk of each county where the a receiving district or districts are
 22 is located;

23 (ii) Secretary of State; and

24 (iii) Arkansas Geographic Information Office.

25 (2) The county clerk shall make a permanent record of the order
 26 ~~and, thereafter, the.~~

27 (3) The boundaries ~~so~~ established under this subsection (e)
 28 shall be the boundaries of the receiving district until changes are made
 29 according to the provisions of law.

30
 31 SECTION 7. Arkansas Code § 6-13-1404(e), concerning the duties of the
 32 State Board of Education regarding the consolidation of school districts, is
 33 amended to read as follows:

34 (e)(1) The state board shall:

35 (A) ~~issue~~ Issue an order establishing the changed
 36 boundaries; and

1 ~~(B) shall file~~ File the order with the:
 2 ~~(i) county clerk or clerks~~ County clerk of each
 3 county where ~~the a~~ resulting district ~~or districts are~~ is located;
 4 ~~(ii) Secretary of State; and~~
 5 ~~(iii) Arkansas Geographic Information Office.~~

6 (2) The county clerk shall make a permanent record of the order
 7 ~~and, thereafter, the.~~

8 ~~(3) The~~ boundaries ~~so~~ established under this subsection (e)
 9 shall be the boundaries of the resulting district until changes are made
 10 according to the provisions of law.

11
 12 SECTION 8. Arkansas Code § 6-13-1410 is amended to read as follows:
 13 6-13-1410. Appeal and election.

14 Notwithstanding any other provision of law, The the decision of the
 15 State Board of Education regarding a consolidation or annexation shall be
 16 final with no further right of appeal except that only an aggrieved school
 17 district may appeal to Pulaski County Circuit Court pursuant to the Arkansas
 18 Administrative Procedure Act, § 25-15-201 et seq.

19
 20 SECTION 9. Arkansas Code § 6-13-1414(e), concerning school district
 21 boundary changes, is amended to read as follows:

22 (e)(1) The state board shall:

23 ~~(A) issue~~ Issue an order establishing the changed
 24 boundaries ~~and shall file; and~~

25 ~~(B) File~~ the order with the:

26 ~~(i) county~~ County clerk in each county in which
 27 every affected school district lies;

28 ~~(ii) Secretary of State; and~~

29 ~~(iii) Arkansas Geographic Information Office.~~

30 ~~(2) The~~ county clerk shall make a permanent record of the order,
 31 ~~and thereafter the.~~

32 ~~(3) The~~ boundaries ~~so~~ established under this subsection (e)
 33 shall be the boundaries of the affected school districts until changes are
 34 made according to the provisions of law.

35
 36 SECTION 10. Arkansas Code § 6-13-1602, concerning the administrative

1 consolidation list, is amended to read as follows:

2 6-13-1602. Administrative consolidation list.

3 By ~~February 1, 2004, and each~~ January 1 of each year thereafter, the
 4 Department of Education shall publish a:

5 (1) List of all school districts with fewer than three hundred
 6 fifty (350) students according to the school district average daily
 7 membership in the school year immediately preceding the current school year;
 8 and

9 (2) ~~consolidation~~ Consolidation list that includes all school
 10 districts with fewer than three hundred fifty (350) students according to the
 11 school district average daily membership in each of the two (2) school years
 12 immediately preceding the current school year.

13
 14 SECTION 11. Arkansas Code § 6-13-1608, concerning financial audits of
 15 school districts involved in administrative annexation or consolidations, is
 16 amended to add an additional subsection to read as follows:

17 (f) A school district may not incur debt without the prior written
 18 approval of the department if the school district is identified by the
 19 department under § 6-13-1602(1) as having fewer than three hundred fifty
 20 (350) students according to the school district average daily membership in
 21 the school year immediately preceding the current school year.

22
 23 SECTION 12. Arkansas Code § 6-15-203(a)(1), concerning the
 24 notification of violations of the standards for accreditation, is amended to
 25 read as follows:

26 (a)(1) The Department of Education annually shall notify all schools
 27 or school districts failing to meet standards for accreditation for
 28 elementary and secondary schools not later than ~~May 15~~ May 1 of each year of
 29 this determination.

30
 31 SECTION 13. Arkansas Code § 6-15-203(b)(3), concerning the appeal of a
 32 determination of a violation of the Standards for Accreditation of Arkansas
 33 Public Schools and School Districts, is amended to read as follows:

34 (3) Appeals must be filed not later than ~~May 30~~ May 15 following
 35 the ~~May 15~~ May 1 determination of accreditation status, and the state board
 36 hearing must be held prior to ~~August 15~~ June 30 of the same calendar year.

1
 2 SECTION 14. Arkansas Code § 6-15-403, concerning the authority of the
 3 State Board of Education pertaining to the Arkansas Comprehensive Testing,
 4 Assessment, and Accountability Program, is amended to add an additional
 5 subsection to read as follows:

6 (b) To transition to and implement the Common Core State
 7 Standards, the State Board of Education may:

8 (1) Modify curriculum and assessment requirements;

9 (2) Adopt new curriculum and assessment requirements; and

10 (3) Direct the Department of Education to:

11 (A) Propose to the state board rules and procedures; and

12 (B) Develop the professional development needed to train
 13 educators on the transition and implementation.

14
 15 SECTION 15. Arkansas Code § 6-15-404(j)(2), concerning implementation
 16 of the Arkansas Comprehensive Testing, Assessment, and Accountability
 17 Program, is amended to read as follows:

18 (2) The results of ~~the~~ general and high-stakes end-of-course
 19 testing shall become a part of each student’s transcript or permanent record
 20 and shall be recorded on these documents in a manner prescribed by the state
 21 board.

22
 23 SECTION 16. Arkansas Code § 6-15-419(10), concerning definitions under
 24 the Arkansas Comprehensive Testing, Assessment, and Accountability Program,
 25 is amended to read as follows:

26 (10) “Arkansas Comprehensive Testing, Assessment, and
 27 Accountability Program” means a ~~comprehensive system that focuses on high~~
 28 ~~academic standards, professional development, student assessment, and~~
 29 ~~accountability for schools~~ system of measurement and reporting designed to
 30 ensure that all students in the public schools of this state demonstrate
 31 academic achievement through the application of knowledge and skills in core
 32 academic subjects consistent with state curriculum frameworks and performance
 33 standards;

34
 35 SECTION 17. Arkansas Code § 6-15-1402(i), concerning the annual school
 36 performance report, is amended to read as follows:

1 (i) The department shall issue the annual school performance report no
 2 later than ~~March 15~~ April 15 of each school year.

3
 4 SECTION 18. Arkansas Code § 6-15-2107(c), concerning the Arkansas
 5 School Recognition Program, is amended to read as follows:

6 (c)(1) If funds are available, Each a school meeting the requirements
 7 set out in subdivision (b)(1) or (2) of this section shall receive
 8 performance-based funding in the amount of one hundred dollars (\$100) per
 9 student who participated in the school’s assessment program.

10 (2) The Department of Education may disburse available
 11 performance-based funding appropriated by the General Assembly on a pro-rata
 12 basis.

13 (3) All schools meeting both criteria shall receive rewards for
 14 both categories.

15 ~~(3)(4)~~ Each school that receives performance-based funding shall
 16 submit a proposal for its spending of the performance-based funding to the
 17 ~~Department of Education~~ department.

18 ~~(4)(5)~~ The department shall:

19 (A) Review and approve each proposal; and

20 (B) Approve spending of performance-based funding for
 21 academic expenses only as set forth in subsection (f) of this section.

22
 23 SECTION 19. Arkansas Code § 6-16-102, concerning the length of a
 24 school day, is amended to add an additional subsection to read as follows:

25 (c) A school district is deemed to have fulfilled the requirements of
 26 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
 30 SECTION 20. Arkansas Code § 6-16-604(a), concerning optional summer
 31 programs, is amended to read as follows:

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

36 (2) The Department of Education ~~is also authorized to~~ may permit the

1 ~~enrollment in these programs of an~~ Arkansas high school ~~graduates~~ to enroll
2 in a program.

3 (3) If a school district has available capacity after all
4 students who have completed the eleventh grade and all high school graduates
5 have been given the opportunity to participate in the program, the department
6 may permit a student who has completed the tenth grade to enroll in the
7 program.

8
9 SECTION 21. Arkansas Code § 6-17-111(a)(1), concerning the duty-free
10 lunch period, is amended to read as follows:

11 (a)(1) Each school district in this state shall provide at least a
12 thirty-minute uninterrupted duty-free lunch period during each student
13 instructional day for each ~~certified~~ licensed school employee in its
14 employment.

15
16 SECTION 22. Arkansas Code § 6-17-112(b), concerning immunity from
17 liability for corporal punishment, is amended to read as follows:

18 (b) As used in subsection (a) of this section, “teachers and
19 administrators” means those persons employed by a school district and
20 required to have a state-issued ~~certificate~~ license as a condition of their
21 employment.

22
23 SECTION 23. Arkansas Code § 6-17-201(d), concerning school district
24 personnel policies and teacher salary schedules for licensed personnel, is
25 amended to read as follows:

26 (d)(1)(A) ~~No~~ A school district shall not receive in any year any
27 additional ~~state foundation~~ funding from the Public School Fund ~~until~~ unless
28 the school district ~~has filed electronically by the established deadline its~~
29 ~~current personnel policies in a format specified by the Department of~~
30 Education posts by September 15 its current personnel policies on the school
31 district’s website, including the salary schedule as required by this
32 subchapter.

33 (B) A written copy of the policies signed by the president
34 of the local school board of directors shall be retained by the school
35 district in a central records location.

36 (2) ~~The policy and schedule shall be filed electronically with~~

1 ~~the department no later than September 15 of each year~~ By September 15 of
 2 each year, a school district shall provide the Department of Education with
 3 the website address at which its current personnel policies, including the
 4 salary schedule, may be found.

5

6 SECTION 24. Arkansas Code § 6-17-204(a) – (c), concerning the
 7 incorporation of school district personnel policies into teachers’ contracts,
 8 are amended to read as follows:

9 (a) The personnel policies of all school districts shall be considered
 10 to be incorporated as terms of the ~~certified~~ licensed personnel contracts and
 11 shall be binding ~~upon~~ on the ~~certified~~ licensed personnel and the school
 12 district.

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

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

20 (B) The voting and counting shall be conducted by the
 21 personnel policy committee.

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

24 (c)(1) Notwithstanding the provisions listed in subsection (b) of this
 25 section, any change or addition to the personnel policies adopted by the
 26 school board of directors on or before June 30 each year to ensure compliance
 27 with state or federal law or regulation shall be considered a part of
 28 ~~certified~~ licensed personnel contracts on July 1 of the same calendar year.

29 (2) Any changes or additions to the personnel policies adopted
 30 by the school board of directors between May 1 and June 30 each year that are
 31 not required to ensure compliance with state or federal law or regulation
 32 shall be considered a part of ~~certified~~ licensed personnel contracts on July
 33 1 of the same calendar year if:

34 (A) A notice of the change is sent no later than five (5)
 35 working days after final board action by first class letter to the address on
 36 record in the personnel file of each affected employee; and

1 (B) The notice of change includes:

2 (i)(a) The new or modified policy.

3 (b) A modified policy shall be provided in a
4 form that clearly shows additions underlined and deletions stricken; and

5 (ii)(a) A provision that states that due to the
6 policy change, each continuing employee under contract shall have the power
7 to unilaterally exercise the power of rescission within a period of thirty
8 (30) days after the school board of directors takes final action by providing
9 to the school board of directors a notice of rescission in the form of a
10 letter of resignation during the period of thirty (30) days.

11 (b) For continuing contract employees covered
12 under the Teacher Fair Dismissal Act of 1983, the power of rescission in this
13 section shall be in addition to the power of rescission provided under § 6-
14 17-1506.

15
16 SECTION 25. Arkansas Code § 6-17-209(a)(2), concerning the definition
17 of interim school board for purposes of interim personnel policy committees,
18 is amended to read as follows:

19 (2) “Interim ~~school~~ policy review board” means a board
20 consisting of the presidents of the school district boards of directors of
21 the school districts to be consolidated that shall be formed for the purpose
22 of reviewing and adopting a uniform set of policies under this section; and
23

24 SECTION 26. Arkansas Code § 6-17-209(c), concerning interim personnel
25 policy committees, is amended to read as follows:

26 (c)(1) After drafting a proposed set of policies for the new school
27 district, the interim personnel policy committee shall meet with the interim
28 ~~school~~ policy review board of the new school district to present and explain
29 to the interim ~~school~~ policy review board the proposed set of policies for
30 the new school district.

31 (2) Upon request of the interim personnel policy committee, the
32 interim ~~school~~ policy review board shall be entitled to and shall organize
33 itself and meet with the interim personnel policy committee at least twice
34 before June 1 of the school year prior to consolidation for the purpose of
35 reviewing, receiving, and discussing with the interim personnel policy
36 committee the proposed policies for the new school district.

1
2 SECTION 27. Arkansas Code § 6-17-209(e)(1)–(3), concerning interim
3 personnel policy committees, are amended to read as follows:

4 (e)(1) The interim ~~school~~ policy review board shall adopt a uniform
5 set of policies before the effective date of the consolidation that shall be
6 the personnel policies for the new school district.

7 (2) In the event the interim ~~school~~ policy review board decides
8 to adopt any policy or policies different from those proposed by the interim
9 personnel policy committee, the interim ~~school~~ policy review board shall
10 submit the proposals to the interim personnel policy committee at least seven
11 (7) calendar days before being considered for adoption by the interim ~~school~~
12 policy review board.

13 (3) The chair of the interim personnel policy committee or a
14 committee member designated by the chair will have the opportunity to comment
15 orally on any of the interim ~~school~~ policy review board's proposals before
16 their adoption.

17
18 SECTION 28. Arkansas Code § 6-17-209, concerning interim personnel
19 policy committees, is amended to add an additional subsection to read as
20 follows:

21 (g) The provisions of this section shall not apply to instances in
22 which the State Board of Education votes to annex or consolidate one (1)
23 school district to or with two (2) or more receiving or resulting school
24 districts due to enforcement by the state board of the provisions of this
25 title relating to academic distress, academic facilities distress, fiscal
26 distress, or violations of the Standards for Accreditation of Arkansas Public
27 Schools and School Districts.

28
29 SECTION 29. Arkansas Code § 6-17-301(a)(1), concerning the employment
30 of certified personnel, is amended to read as follows:

31 (a)(1) A school board of directors may employ superintendents, deputy
32 superintendents, assistant superintendents, and high school principals, as
33 well as department heads, coaches, teachers, and other ~~certified~~ licensed
34 personnel, by written contract for a period of time not more than three (3)
35 years.

36

1 SECTION 30. Arkansas Code § 6-17-302(a), concerning the qualifications
 2 and responsibilities of school principals, is amended to read as follows:

3 (a) The school district board of directors shall employ through
 4 written contract public school principals who shall hold valid supervisory or
 5 administrative ~~certificates~~ licenses and who shall supervise the operation
 6 and management of the school and property as the board of directors shall
 7 determine necessary.

8
 9 SECTION 31. Arkansas Code § 6-17-306 is amended to read as follows:
 10 6-17-306. Leaves of absence.

11 (a) As used in this section:

12 (1) "Classified employee" means a person employed by a public
 13 school in this state who is not a licensed employee;

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

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

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

22 ~~(b)(1) All teachers, administrators, and noncertified personnel~~
 23 ~~employed by any public school in this state who desire~~ A licensed employee or
 24 a classified employee shall be entitled to take a leave of absence for a
 25 period of fifteen (15) days, in addition to necessary travel time, in any
 26 fiscal year for the purpose of participating in;

27 (A) ~~military~~ Military training programs or other official
 28 duties made available by the Arkansas National Guard or of the reserve
 29 branches of the armed forces ~~and all teachers and administrators employed by~~
 30 ~~a public school who desire to take a leave of absence for the purpose of~~
 31 ~~participating in; or~~

32 (B) ~~the~~ The civil defense and public health training
 33 programs made available by the United States Public Health Service ~~shall be~~
 34 ~~entitled to such a leave of absence for a period of fifteen (15) days, plus~~
 35 ~~necessary travel time, in any fiscal year.~~

36 (2) To the extent that this leave is not used in a fiscal year,

1 it will accumulate for use in the succeeding fiscal year until it totals
2 fifteen (15) days at the beginning of a fiscal year.

3 ~~(b)(1)(c)(1) Whenever any teacher, administrator, or noncertified~~ When
4 a licensed employee or a classified employee is granted a leave of absence
5 under ~~the provisions of~~ this section, he or she shall be entitled to his or
6 her regular salary during the time he or she is away from his or her duties
7 during such leave of absence.

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

10 ~~(e)(1)(d)(1) Teachers, administrators, and noncertified personnel~~ A
11 licensed employee or a classified employee who is called to duty in an
12 emergency ~~situations~~ situation by the Governor or by the President shall be
13 granted leave with pay not to exceed thirty (30) working days, after which
14 leave without pay will be granted.

15 (2) This leave shall be granted in addition to all other leave
16 to which the ~~teacher, administrator, or noncertified person shall be~~ licensed
17 employee or certified employee is entitled.

18 ~~(2) "Emergency situations" shall have the same meaning as it is~~
19 ~~defined in § 21-4-212(e).~~

20 ~~(d)(1)(e)(1) During a leave of absence, teachers, administrators, and~~
21 ~~noncertified personnel shall be~~ a licensed employee or a classified employee
22 is entitled to preserve all seniority rights, efficiency or performance
23 ratings, promotional status, retirement privileges, life and disability
24 insurance benefits, and any other rights, privileges, and benefits to which
25 ~~they~~ he or she ~~have~~ has become entitled.

26 (2) The period of military service shall, for purposes of
27 computations to determine whether ~~such persons may be~~ the licensed employee
28 or the classified employee is entitled to retirement under the laws of the
29 State of Arkansas, be deemed continuous service, and the ~~teacher,~~
30 ~~administrator, or noncertified~~ licensed employee or the classified employee
31 shall not be required to make contributions to any retirement fund.

32 (3) The school district shall continue to contribute its portion
33 of any life and disability insurance premiums during the leave of absence on
34 behalf of the ~~teacher, administrator, or noncertified~~ licensed employee or
35 the classified employee, if requested, so that continuous coverage may be
36 maintained.

1 ~~(e) For the purpose of this section, “fiscal year” shall be the fiscal~~
 2 ~~year now established for the United States Government.~~

3 ~~(f) Whenever any teacher, administrator, or noncertified person~~
 4 ~~employed by any public school in this state~~ When a licensed employee or a
 5 classified employee is granted military leave for a period of fifteen (15)
 6 days per calendar year or fiscal year under ~~the provisions of~~ this section,
 7 the military leave will accumulate for use in succeeding calendar years or
 8 fiscal years until it totals fifteen (15) days at the beginning of the
 9 calendar year or fiscal year, for a maximum number of military leave days
 10 available in any one (1) calendar year or fiscal year to be thirty (30) days.

11
 12 SECTION 32. Arkansas Code § 6-17-402(a), concerning the definition of
 13 certified teaching license, is amended to read as follows:

14 ~~(a) As used in this section, “certified teaching license” means the~~
 15 The State Board of Education shall issue the license of a ~~licensed~~ classroom
 16 teacher, an administrator, a guidance counselor, or a ~~librarian~~ library media
 17 specialist ~~issued by the State Board of Education.~~

18
 19 SECTION 33. Arkansas Code § 6-17-403 is amended to read as follows:

20 ~~6-17-403. Provisional certification licensure~~ for teachers trained and
 21 ~~certified~~ licensed in other states.

22 ~~(a) The State Board of Education is authorized to~~ may issue a one-year
 23 nonrenewable provisional ~~certificate~~ license to any teacher who seeks
 24 Arkansas ~~certification~~ licensure and is trained in and ~~certified~~ licensed by
 25 a state other than Arkansas.

26 ~~(b)(1) Any person who has not successfully completed the National~~
 27 ~~Teacher’s Examination or a similar~~ licensure examination designated by the
 28 state board under § 6-17-601 et seq. and who has not previously held an
 29 Arkansas ~~certificate~~ license but meets degree, course work, and experience
 30 requirements for a standard ~~certificate~~ license and who otherwise qualifies
 31 to teach in the public schools of this state may receive a one-year
 32 nonrenewable provisional ~~certificate~~ license and be employed by any public
 33 school district in this state for a period not to exceed one (1) year.

34 (2) Any school district that hires a teacher who has not
 35 successfully completed the examination shall not be penalized by the state
 36 board provided that the length of employment of the teacher while

1 ~~noncertified~~ nonlicensed does not exceed one (1) year.

2
3 SECTION 34. Arkansas Code § 6-17-409 is amended to read as follows:

4 6-17-409. Nontraditional licensure ~~certification~~.

5 (a) The Department of Education may offer and operate a nontraditional
6 licensure program.

7 (b) The department is hereby authorized to provide grants of financial
8 assistance to entities that train individuals seeking to obtain
9 nontraditional licensure ~~certification~~ through the nontraditional
10 ~~certification~~ licensure process administered by the department. The
11 department shall pay the grants from funds appropriated by the General
12 Assembly to the department for such purpose.

13 (c) The ~~department is hereby authorized to~~ State Board of Education
14 may promulgate rules and regulations to determine eligibility for and amount
15 of awards of the grants concerning the operation of the nontraditional
16 licensure program authorized by this section and for such other purposes as
17 may be necessary in carrying out the intent of this section.

18 (d) If the ~~department requires~~ rules require an applicant for
19 nontraditional licensure ~~certification~~ to complete one (1) or more additional
20 college-level courses and the applicant has obtained a bachelor's degree, the
21 required course or courses shall meet one (1) or more of the following
22 conditions:

23 (1)(A) Each course shall be offered at every state-supported,
24 two-year institution of higher education.

25 (B) If more than one (1) course is required, all courses
26 shall be offered in a one-semester block; or

27 (2) Each course shall be available as an online course, a
28 traditional face-to-face course, or a hybrid course that is part online
29 instruction and part face-to-face instruction, as approved by the department.

30
31 SECTION 35. Arkansas Code § 6-17-412(c), concerning National Board for
32 Professional Teaching Standards certification, is amended to read as follows:

33 (c)(1) The State Board of Education ~~is authorized to~~ may issue a
34 standard Arkansas teaching ~~certificate~~ license to any teacher, building-level
35 principal, or building-level assistant principal trained in and ~~certified~~
36 licensed by a state other than Arkansas who seeks Arkansas ~~certification~~

1 licensure and who has received national board certification from the national
 2 board while teaching in a state other than Arkansas.

3 (2) Any applicant ~~meeting this description seeking initial~~
 4 ~~certification in Arkansas~~ under subdivision (c)(1) of this section who seeks
 5 employment as an Arkansas teacher, building-level principal, or building-
 6 level assistant principal shall not have to comply with § 6-17-402 or § 6-17-
 7 403 but shall comply with § 6-17-410.

8
 9 SECTION 36. Arkansas Code § 6-17-415 is amended to read as follows:

10 6-17-415. Criminal records check and Child Maltreatment Central
 11 Registry check for existing ~~noncertified~~ nonlicensed employees.

12 (a) It is the clear intent of the General Assembly to authorize each
 13 public school district at its discretion to require criminal background
 14 checks and Child Maltreatment Central Registry checks of existing
 15 ~~noncertified~~ nonlicensed employees in the same manner and subject to the same
 16 terms and conditions as set forth in this act for newly hired ~~noncertified~~
 17 nonlicensed applicants.

18 (b) Any school district which by a vote of its local school board of
 19 directors requires criminal background checks and Child Maltreatment Central
 20 Registry checks for existing ~~noncertified~~ nonlicensed employees shall pay the
 21 full cost of the criminal background checks and Child Maltreatment Central
 22 Registry checks.

23
 24 SECTION 37. Arkansas Code § 6-17-418 is amended to read as follows:

25 6-17-418. Teacher ~~certification~~ licensure – Arkansas history
 26 requirement.

27 (a) ~~Beginning July 1, 2001, no~~ A person shall not be ~~certified~~
 28 licensed as a social studies teacher or as an elementary school teacher
 29 unless the person has successfully completed at least three (3) hours of
 30 college course work in Arkansas history.

31 (b) However, social studies teachers and elementary school teachers
 32 entering Arkansas from another state shall receive a one-year nonrenewable
 33 provisional ~~certificate~~ license to teach in Arkansas schools as authorized by
 34 § 6-17-403.

35 (c) The provisions of this section are not applicable to
 36 ~~recertification of teachers certified prior to~~ the renewal of a license for a

1 teacher who was licensed before March 24, 1997.

2
 3 SECTION 38. Arkansas Code § 6-17-421(a)(2), concerning the definition
 4 of fiscal officer for the purpose of criminal records checks for fraudulent
 5 acts, is amended to read as follows:

6 (2) "Fiscal officer" means any ~~certified or noncertified~~
 7 licensed or classified employee of a school district or education service
 8 cooperative who has any right, duty, or responsibility to access funds of a
 9 school district in excess of five thousand dollars (\$5,000), specifically
 10 including, but not limited to, superintendents, fiscal officers, and
 11 bookkeepers; and

12
 13 SECTION 39. Arkansas Code § 6-17-423(b), concerning professional
 14 development after retirement, is amended to read as follows:

15 (b)(1) A person who retires while possessing a valid teacher's license
 16 under § 6-17-401 and returns to a ~~certified~~ licensed employment position with
 17 a public school district shall complete within the school year of the return
 18 to employment the professional development required for the year in which the
 19 person returns to ~~certified~~ licensed employment.

20 (2) The person shall complete all professional development
 21 required during his or her ~~certified~~ licensed employment.

22
 23 SECTION 40. Arkansas Code § 6-17-601 is amended to read as follows:
 24 6-17-601. Board authority and directive.

25 The State Board of Education ~~is authorized and directed to~~ shall
 26 establish and implement a ~~certified~~ licensed personnel testing program.

27
 28 SECTION 41. Arkansas Code § 6-17-602 is amended to read as follows:
 29 6-17-602. Application for new ~~certification~~ licensure.

30 Any teacher, administrator, or other ~~certified~~ licensed person who is
 31 not eligible for ~~recertification~~ renewal of the license due to failure to
 32 comply with this subchapter is eligible to apply for new ~~certification~~
 33 licensure under initial ~~certification~~ licensure regulations or ~~such~~ other
 34 regulations ~~as are~~ promulgated by the State Board of Education.

35
 36 SECTION 42. Arkansas Code § 6-17-603(a), concerning the

1 confidentiality of licensed personnel test scores, is amended to read as
2 follows:

3 (a) Scores from the tests required under the provisions of this
4 subchapter shall not be disclosed but shall be retained by the Department of
5 Education as confidential records not subject to the Freedom of Information
6 Act of 1967, § 25-19-101 et seq., or any other act which would require the
7 disclosure thereof. However, the department shall provide each ~~certified~~
8 licensed personnel with that person's test score and the grader's analysis of
9 the writing portion of the test.

10
11 SECTION 43. Arkansas Code § 6-17-706(a), concerning professional
12 development credit exemptions, is amended to read as follows:

13 (a) ~~Certified~~ Licensed personnel working part time shall be exempt
14 from one-half ($\frac{1}{2}$) of the professional development hours required under the
15 Standards for Accreditation of Arkansas Public Schools and School Districts
16 if they work solely in any of the following adult education programs:

- 17 (1) Adult basic education;
- 18 (2) General adult education;
- 19 (3) English as a second language for adults; and
- 20 (4) General Educational Development Test examiners.

21
22 SECTION 44. Arkansas Code § 6-17-707(c)(7), concerning professional
23 development courses in the Arkansas Online Professional Development
24 Initiative, is amended to read as follows:

25 (7) Include an assessment at the end of the program designed to
26 measure each ~~certified~~ licensed person's level of understanding and ability
27 to implement or apply the information presented in the program.

28
29 SECTION 45. Arkansas Code § 6-17-707(g) – (i), concerning the Arkansas
30 Online Professional Development Initiative, is amended to read as follows:

31 (g) The initiative shall include a method for the department, the
32 network, school districts, schools, and ~~certified~~ licensed personnel to
33 annually evaluate the effectiveness of the initiative and its online
34 professional development course and programs.

35 (h)(1) ~~Beginning with the 2006-2007 school year, the~~ The department
36 may include as part of a school improvement plan guidelines for the

1 professional development programs to be delivered to the ~~certified~~ licensed
 2 personnel employed by a school in school improvement status or a school
 3 district in school improvement status or academic distress.

4 (2)(A) As part of the school improvement plan, the department
 5 may require the participation and completion of professional development
 6 courses or programs by ~~certified~~ licensed personnel in the school or school
 7 district as appropriate for the ~~certified~~ licensed personnel's job
 8 assignments and duties.

9 (B) ~~Certified~~ Licensed personnel employed by any school in
 10 school improvement or school district in school improvement or academic
 11 distress shall participate in, complete, and pass the assessment for the
 12 professional development requirements included in the school's or school
 13 district's school improvement plan.

14 (i) The department shall further enhance its leadership role in
 15 professional development for ~~certified~~ licensed personnel by:

16 (1) Developing technology-based professional development
 17 programs and other enhanced professional development options for school
 18 districts and ~~certified~~ licensed personnel; and

19 (2) Employing two (2) persons who have a high level of expertise
 20 in professional development for the purpose of enhancing professional
 21 development opportunities as set forth in this section.

22
 23 SECTION 46. Arkansas Code § 6-17-803(b)(3), concerning optional
 24 contracts payable in twelve monthly installments, is amended to read as
 25 follows:

26 (3) If any teacher fails to repay any money owed to a school
 27 district upon a contract breached by him or her, the secretary of the school
 28 district shall certify the failure to the Department of Education, and the
 29 ~~department revoke such~~ State Board of Education shall suspend the teacher's
 30 license ~~to teach~~ until all of the money is repaid.

31
 32 SECTION 47. Arkansas Code § 6-17-807(e) – (g), concerning additional
 33 days worked by teachers, are amended to read as follows:

34 (e) This section shall not apply to separate contracts for employment
 35 with a teacher to teach summer school or to perform services that do not
 36 require the teacher to hold a teaching ~~certificate~~ license to perform those

1 services.

2 (f) ~~In the event that~~ If the school district desires to employ a
 3 teacher part time to perform services for the school district in the
 4 teacher's field of ~~certification~~ licensure after expiration of the normal
 5 base contract, as part of the teacher's normal teaching contract, the school
 6 district may contract for such part-time work as long as the teacher is
 7 agreeable and is paid on a pro rata basis for that work.

8 (g) A school district which contracts with a teacher to teach summer
 9 school or to perform services that do not require the teacher to hold a
 10 teaching ~~certificate~~ license to perform those services shall enter into a
 11 separate contract with the teacher for those services and shall not condition
 12 initial employment of the teacher or renewal of the teacher's regular
 13 teaching contract on entering into such a separate contract.

14

15 SECTION 48. Arkansas Code § 6-17-809 is amended to read as follows:

16 6-17-809. Teachers for the visually impaired entering state service.

17 Upon the superintendent's certification to the state personnel
 18 administrator of prior service at an educational institution and of the most
 19 recent contractual salary, the salary of teachers holding ~~certification~~
 20 licensure in teaching the visually impaired and entering state service as
 21 teachers for the sensory impaired may be adjusted to a rate of pay closest to
 22 but not less than their most recent annual salary.

23

24 SECTION 49. Arkansas Code § 6-17-810 is amended to read as follows:

25 6-17-810. Teachers for the hearing impaired entering state service.

26 Upon the superintendent's certification to the state personnel
 27 administrator of prior service at an educational institution and of the most
 28 recent contractual salary, the salary of teachers holding ~~certification~~
 29 licensure in teaching the hearing impaired and entering state service as
 30 teachers for the sensory impaired may be adjusted to a rate of pay closest to
 31 but not less than their most recent annual salary.

32

33 SECTION 50. Arkansas Code § 6-17-915 is amended to read as follows:

34 6-17-915. Filing of personnel lists.

35 The ex officio financial secretary of each school district in the state
 36 shall file on or before October 1 of each year a list of all licensed

1 personnel, ~~certified and noncertified~~ and all classified personnel, employed
 2 by the school district for the current year setting forth the annual salary
 3 of each and such other information as the State Board of Education may
 4 prescribe.

5
 6 SECTION 51. Arkansas Code § 6-17-1111(1) and (2)(A), concerning
 7 employees eligible for life and disability insurance, are amended to read as
 8 follows:

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

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

19
 20 SECTION 52. Arkansas Code § 6-17-1502(a)(1), concerning the definition
 21 of teacher under the Teacher Fair Dismissal Act, is amended to read as
 22 follows:

23 (1) "Teacher" means any person, exclusive of the superintendent
 24 or assistant superintendent, employed in an Arkansas public school district
 25 who is required to hold a teaching ~~certificate from the Department~~ license
 26 from the State Board of Education as a condition of employment; and

27
 28 SECTION 53. Arkansas Code § 6-17-1507(a), concerning notices of
 29 termination recommendations for teachers, is amended to read as follows:

30 (a) A teacher may be terminated only during the term of any contract
 31 when there is a reduction in force created by districtwide reduction in
 32 ~~certified~~ licensed staff or for incompetent performance, conduct which
 33 materially interferes with the continued performance of the teacher's duties,
 34 repeated or material neglect of duty, or other just and reasonable cause.

35
 36 SECTION 54. Arkansas Code § 6-17-1510(b), concerning school board

1 action concerning the nonrenewal or termination of a teacher, is amended to
 2 read as follows:

3 (b) Any ~~certified~~ licensed teacher who has been employed continuously
 4 by the school district three (3) or more years or who may have achieved
 5 nonprobationary status pursuant to § 6-17-1502 may only be terminated or the
 6 board of directors may refuse to renew the contract of the teacher when there
 7 is a reduction in force created by districtwide reduction in ~~certified staff~~
 8 licensed personnel, for incompetent performance, conduct which materially
 9 interferes with the continued performance of the teacher's duties, repeated
 10 or material neglect of duty, or other just and reasonable cause. Upon
 11 completion of the hearing, the board of directors, within ten (10) days after
 12 the holding of the hearing, shall:

13 (1) Uphold the recommendation of the superintendent to terminate
 14 or not renew the teacher's contract;

15 (2) Reject or modify the superintendent's recommendation to
 16 terminate or not renew the teacher's contract; or

17 (3) Vote to continue the contract of the teacher under such
 18 restrictions, limitations, or assurances as the board of directors may deem
 19 to be in the best interest of the school district. The decision shall be
 20 reached by the board of directors within ten (10) days from the date of the
 21 hearing, and a copy shall be furnished in writing to the teacher involved,
 22 either by personally delivering it to the teacher or by addressing it to the
 23 teacher's last known address by registered or certified mail.

24
 25 SECTION 55. Arkansas Code § 6-17-2301(d), concerning the requirement
 26 for written personnel policies for classified personnel, is amended to read
 27 as follows:

28 (d)(1) ~~No~~ A school district shall not receive in any year any ~~funds~~
 29 additional state funding from the Public School Fund until the school
 30 district has ~~filed by the established deadline~~ posted on the school
 31 district's website, in accordance with § 6-11-129, its current personnel
 32 policies for classified employees signed by the president of the school
 33 board, including any salary schedules as required by this subchapter.

34 (2) ~~The policies and schedules shall be filed with the~~
 35 ~~Department of Education no later than September 15 of each year~~ By September
 36 15 of each year, a school district shall provide the Department of Education

1 with the website address at which its current personnel policies for
 2 classified employees, including the salary schedule, may be found.

3
 4 SECTION 56. Arkansas Code § 6-17-2302(b)(1) and (2), concerning the
 5 definition of classified employee under the Classified School Employee
 6 Personnel Policy Law, are amended to read as follows:

7 (b)(1) "Classified employee" means any person employed by a school
 8 district under a written annual contract who is not required to have a
 9 teaching ~~certificate~~ license issued by the Department of Education as a
 10 condition of employment.

11 (2) "Classified employee administrator" means any classified or
 12 ~~certified~~ licensed employee who evaluates nonmanagement classified employees
 13 and any classified employee who supervises but does not evaluate other
 14 classified employees if the nonmanagement classified employees exclude them.

15
 16 SECTION 57. Arkansas Code § 6-17-2703(a), concerning applications made
 17 for grants from the Science, Technology, Engineering, and Math Fund, is
 18 amended to read as follows

19 (a) ~~Certified~~ Licensed math and science teachers who are currently
 20 teaching science, technology, engineering, and math subjects in kindergarten
 21 through grade twelve (K-12) may apply to the Arkansas Economic Development
 22 Commission for a supplemental grant from the Science, Technology,
 23 Engineering, and Math Fund for that portion of the day in which they are
 24 teaching science, technology, engineering, or math subjects or laboratories.

25
 26 SECTION 58. Arkansas Code Title 6, Chapter 18, Subchapter 4, is
 27 repealed.

28 ~~6-18-401. Title.~~

29 ~~This subchapter shall be known and may be cited as the "Arkansas~~
 30 ~~American College Test Assessment Assistance Pilot Program Act of 1999".~~

31
 32 ~~6-18-402. Purpose.~~

33 ~~(a) The purpose of this subchapter is to serve as a legislative~~
 34 ~~charter and guidance for the continuation of the establishment of pilot~~
 35 ~~locations, organization, and administration of a program designed to improve~~
 36 ~~the academic preparation of public high school students for postsecondary~~

1 ~~education throughout the state.~~

2 ~~(b) It is the intent of the General Assembly that the Arkansas~~
 3 ~~American College Test Assessment Assistance Pilot Program continue as set~~
 4 ~~forth in this subchapter.~~

5
 6 ~~6-18-403. Definitions.~~

7 ~~As used in this subchapter:~~

8 ~~(1) "American College Test assessment" means a test of student~~
 9 ~~educational development that measures student readiness for future learning~~
 10 ~~produced by ACT, Incorporated, that may be used by an institution of higher~~
 11 ~~education as a part of its admissions process;~~

12 ~~(2) "American College Test Fee Waiver Program" means the~~
 13 ~~assessment fee waiver program established and administered by ACT,~~
 14 ~~Incorporated;~~

15 ~~(3) "Board" means the State Board of Education;~~

16 ~~(4) "Department" means the Department of Education;~~

17 ~~(5) "Commissioner" means the Commissioner of Education;~~

18 ~~(6) "Program" means the Arkansas American College Test~~
 19 ~~Assessment Assistance Pilot Program.~~

20
 21 ~~6-18-404. Creation — Fees — Rules.~~

22 ~~(a)(1) The Arkansas American College Test Assessment Assistance Pilot~~
 23 ~~Program is hereby established, to be administered by the Commissioner of~~
 24 ~~Education.~~

25 ~~(2) Each academic year, the Department of Education shall~~
 26 ~~gradually increase the number of pilot locations allowed to participate in~~
 27 ~~the program until all or substantially all school districts in the state with~~
 28 ~~students in grades eleven (11) and twelve (12) are allowed to participate in~~
 29 ~~the program.~~

30 ~~(b)(1) Contingent upon legislative appropriations, the state will pay~~
 31 ~~all or part of the American College Test assessment registration fee.~~

32 ~~(2) The State Board of Education shall create a sliding scale~~
 33 ~~based on family income.~~

34 ~~(c) The board is authorized to promulgate rules and regulations~~
 35 ~~necessary to implement this subchapter, including the criteria for waiving~~
 36 ~~the American College Test assessment fee.~~

1
2 ~~6-18-405.—Participation.~~

3 ~~Every public high school student in the pilot locations who is enrolled~~
4 ~~in the core curriculum established pursuant to § 6-61-217 shall take the~~
5 ~~American College Test assessment prior to the completion of the spring~~
6 ~~semester of his or her junior year unless the student's parents, guardians,~~
7 ~~or persons in loco parentis request in writing that the student not~~
8 ~~participate.~~

9
10 ~~6-18-406.—Fee waiver request.~~

11 ~~Public high school counselors shall request a waiver of the American~~
12 ~~College Test assessment fee for any student for whom a waiver would be~~
13 ~~appropriate based on the guidelines for waivers set forth by ACT, Inc.~~
14

15 ~~6-18-407.—Fee waiver eligibility—Review committee.~~

16 ~~(a) The American College Test assessment fee may be waived if a~~
17 ~~student can demonstrate that the payment of the fee would cause a financial~~
18 ~~hardship upon the student or his or her family.~~

19 ~~(b) To qualify for the waiver, the student and the student's parents,~~
20 ~~guardians, or persons in loco parentis shall petition the public high school~~
21 ~~principal in writing prior to the start of the spring semester of the~~
22 ~~student's junior year.~~

23 ~~(c) Upon receipt of the request for waiver of the fee, the principal~~
24 ~~shall establish a committee composed of the following school personnel to~~
25 ~~evaluate and accept or reject the request for a waiver:~~

26 ~~(1) The high school principal;~~

27 ~~(2) The high school counselor; and~~

28 ~~(3) Two (2) high school teachers.~~

29 ~~(d) The committee shall meet at least thirty (30) days prior to the~~
30 ~~first administration of the American College Test assessment during the~~
31 ~~spring semester to review the requests and shall issue a written notice of~~
32 ~~the committee's recommendation to the student and the student's parents,~~
33 ~~guardians, or persons in loco parentis.~~

34 ~~(e) Upon receipt of notice of denial of the waiver request, the~~
35 ~~student or the student's parents, guardians, or persons in loco parentis may~~
36 ~~petition the superintendent for a review of the denial.~~

1 (2) A nonrecurring salary payment made to full-time classified
 2 personnel under this subsection (b) shall be divided equally among full-time
 3 classified personnel employed by the school district at the time of payment
 4 unless the board of directors of the school district and a majority of the
 5 full-time classified personnel agree to a different distribution.

6 (3) A nonrecurring salary payment made to part-time classified
 7 personnel under this subsection (b) shall be divided equally among part-time
 8 classified personnel employed by the school district at the time of payment
 9 unless the board of directors of the district and a majority of the part-time
 10 classified personnel agree to a different distribution.

11
 12 SECTION 60. Arkansas Code § 6-20-815(d), concerning refunding
 13 obligations under the Revolving Loan Program, is amended to read as follows:

14 (d) Refunding obligations shall enjoy the same security for their
 15 payment as was enjoyed by the bonds or certificates refunded thereby,
 16 including particularly and without limitation, any continuing annual ~~building~~
 17 debt service fund tax voted and pledged to their payment.

18
 19 SECTION 61. Arkansas Code § 6-20-1209 is amended to read as follows:
 20 6-20-1209. ~~Building~~ Debt service fund – Establishment and purpose.

21 All school districts in Arkansas proceeding under this act to borrow
 22 money and issue bonds, in addition to other security herein authorized, may
 23 and are authorized to establish a ~~building~~ debt service fund in an amount
 24 sufficient to pay the maturities of bond principal and interest, as they
 25 accrue, of the issue of bonds, that the ~~building~~ debt service fund shall be
 26 set aside out of the first revenues of the school district, from whatever
 27 source derived, and shall be held by the county treasurer, or school district
 28 treasurer if the school district has its own treasurer, solely in the manner
 29 and for the purposes set out throughout this act.

30
 31 SECTION 62. Arkansas Code § 6-20-1210 is amended to read as follows:
 32 6-20-1210. ~~Building~~ Debt service fund – Use.

33 (a) ~~No part of any building~~ The debt service fund shall not be used
 34 for any other purpose in any year than to pay the bonds and interest thereon
 35 maturing that year and any that may be past due, until the maturities are
 36 paid in full or until the funds are set aside to pay the full amount of the

1 bonds; provided, the surplus in any year over and above the amount necessary
 2 to pay bonds and interest maturing that year, whether hereafter or heretofore
 3 issued, may be used by the respective school districts for any other school
 4 purposes.

5 (b) The county treasurer, or school district treasurer if the school
 6 district has its own treasurer, shall see to it that all warrants on the
 7 ~~building~~ debt service fund of any school district are drawn only to pay
 8 maturities of principal or interest on bonds of this school district, other
 9 school purposes as herein provided, or past due interest as shown by the
 10 records in his or her office, ~~and he or she shall countersign all warrants on~~
 11 ~~the building fund before they are valid.~~

12 (c) It is intended that the provisions of this section are to be
 13 cumulative and are not to repeal the provisions of any other act now in force
 14 except such laws and parts of laws as may be in conflict herewith.

15
 16 SECTION 63. Arkansas Code § 6-20-1211 is amended to read as follows:

17 6-20-1211. Tax records – Separate ~~building~~ debt service fund records.

18 (a) In showing school taxes on the tax books, it shall not be
 19 necessary to show separate amounts for the ~~building~~ debt service fund or any
 20 other fund that may be created by the school district board of directors, but
 21 there shall be one (1) amount extended on the tax books showing the total of
 22 the school district tax for that year.

23 (b) However, the county treasurer, or school district treasurer, if
 24 the school district has its own treasurer, shall keep separate records in his
 25 or her office showing separately the ~~building~~ debt service fund and shall see
 26 to it that on all settlements made with him or her of tax money or state
 27 apportionment money, the ~~building~~ debt service fund is credited with all
 28 funds set apart ~~therefor~~ for debt service by the electors or by the school
 29 district board of directors.

30
 31 SECTION 64. Arkansas Code § 6-20-1212 is amended to read as follows:

32 6-20-1212. Resolution setting priority in case of default.

33 On the issuance of any bonds, the school district board of directors
 34 may provide by resolution, which shall be a contract with the holders of the
 35 bonds, that should there be a default in the payment of any installment of
 36 principal or interest when due, the first moneys coming to the school

1 district from any source, other than the uniform rate of tax, shall be paid
2 into the ~~building~~ debt service fund and applied on past due principal or
3 interest on the bonds until paid in full.

4
5 SECTION 65. Arkansas Code § 6-20-1218(d), concerning the refunding of
6 school bonds, is amended to read as follows:

7 (d)(1) In order to facilitate the refunding of school bonds, any
8 school district issuing refunding bonds may issue certificates of
9 indebtedness maturing in one (1) to five (5) years, payable to bearer and
10 negotiable, to cover the costs of refunding or interest due on outstanding
11 bonds at the time they are exchanged for refunding bonds, or both.

12 (2) The certificates of indebtedness shall be paid out of the
13 ~~building~~ debt service fund of the school district from any surplus that
14 remains in the ~~building~~ debt service fund in any years after the payment of
15 the full amount of bonds and interest due that year on the refunding issue.

16 (3) Any certificates of indebtedness issued in connection with
17 an issue of refunding bonds shall be registered by the county treasurer.

18 (4) All certificates of indebtedness thus issued and registered
19 shall not be invalidated because at the time of their issuance or at their
20 maturity date there is not a surplus in the ~~building~~ debt service fund
21 available for their payment, but they shall continue as valid obligations of
22 the school district until such a surplus in the building fund has accumulated
23 for their payment.

24
25 SECTION 66. Arkansas Code § 6-20-1220 is amended to read as follows:

26 6-20-1220. Refunding bonds – Issuance with election – Validation.

27 Refunding bonds issued by any school district of the State of Arkansas,
28 when authorized at any general or special school election by a vote of the
29 electors of the school district for a continuing ~~building~~ debt service fund
30 to retire refunding bonds, shall be the valid, legal, and binding obligations
31 of the school district provided that the issuance of the refunding bonds is
32 approved by the State Board of Education or the Commissioner of Education
33 prior to the issuance of the refunding bonds.

34
35 SECTION 67. Arkansas Code § 6-20-1223(b)(1), concerning the refunding
36 of bonds, is amended to read as follows:

1 (b)(1) Refunding bonds, authorized by a resolution of the board of
 2 directors of the school district issuing them, may enjoy the same security
 3 for their payment as was enjoyed by the bonds refunded thereby, including
 4 particularly, and without limitation, any continuing annual ~~building debt~~
 5 service fund taxes voted and pledged to the payment of the bonds refunded
 6 thereby, except that, in all school districts operating pursuant to federal
 7 court desegregation decrees, the refunding bonds may, but shall not be
 8 required to, enjoy the same security for payment as was enjoyed by the bonds
 9 refunded.

10
 11 SECTION 68. Arkansas Code § 6-20-1225(a), concerning certificates of
 12 indebtedness, is amended to read as follows:

13 (a) ~~Any~~ A school district of Arkansas filing a petition in United
 14 States District Court for the composition of its bonded indebtedness and
 15 having more than five (5) years' past due interest on bonds being purchased
 16 at a discount, in order to facilitate such purchase, shall have the right to
 17 issue certificates of indebtedness payable, without interest over a period of
 18 five (5) years, from the surplus in the ~~building debt service~~ fund and any
 19 other available revenue that the school district may pledge, for an amount
 20 not to exceed two (2) years' interest on the bonds being purchased and not to
 21 exceed two percent (2%) of the assessed valuation of all taxable property in
 22 the school district as shown by the last county assessment and may pledge the
 23 surplus and available revenue for their payment.

24
 25 SECTION 69. Arkansas Code § 6-20-2202(a)(3)(A), concerning the format
 26 of the budget and expenditure report of public schools, school districts, and
 27 education service cooperatives, is amended to read as follows:

28 (3)(A) The electronic format required by the Department of
 29 Education shall be available for completion by school districts, open-
 30 enrollment public charter schools, and education service cooperatives not
 31 later than ~~August 1~~ September 15 of each year.

32
 33 SECTION 70. Arkansas Code § 6-20-2303(3)(C)(i), concerning students
 34 who may be included in the definition of average daily membership, is amended
 35 to read as follows:

36 (i) Students who:

1 (a) Reside within the boundaries of the school
 2 district;

3 (b) Are enrolled in a public school operated
 4 by the school district; ~~and~~

5 (c) Are enrolled in a curriculum that fulfills
 6 the requirements established by the state board under the Standards for
 7 Accreditation of Arkansas Public Schools and School Districts; and

8 (d)(1) Reside within the boundaries of the
 9 school district but who, due to geographic barriers, attend school out-of-
 10 state pursuant to a tuition agreement.

11 (2) This subdivision (3)(C)(i)(d) shall
 12 apply even if the students enrolled in an out-of-state school are not
 13 enrolled in a curriculum that fulfills the requirements established by the
 14 state board under the Standards for Accreditation of Arkansas Public Schools
 15 and School Districts;

16
 17 SECTION 71. Arkansas Code § 6-23-402(b)(2), concerning enrollment
 18 numbers and deadlines for open-enrollment public charter schools, is amended
 19 to read as follows:

20 (2) However, if a student enrolled by ~~July 30~~ July 15 should no
 21 longer choose to attend the open-enrollment public charter school, the open-
 22 enrollment public charter school may enroll a replacement student.

23
 24 SECTION 72. Arkansas Code § 6-23-501(a)(2)(A)(i), concerning funding
 25 for open-enrollment public charter schools, is amended to read as follows:

26 (i) The initial funding estimate shall be based on
 27 enrollment as of ~~July 30 preceding~~ July 15 of the school year in which the
 28 students are to attend classes;

29
 30 SECTION 73. Arkansas Code § 6-23-501(a)(4)(A), concerning funding for
 31 open-enrollment public charter schools, is amended to read as follows:

32 (A)(i) In the first year of operation the open-enrollment
 33 public charter school shall receive professional development funding based
 34 upon the initial projected enrollment student count as of ~~July 30 preceding~~
 35 July 15 of the school year in which the students are to attend, multiplied by
 36 the per-student professional development funding amount under § 6-20-

1 2305(b)(5) for that school year.

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SECTION 74. Arkansas Code § 6-23-501(a)(7), concerning funding for open-enrollment public charter schools, is amended to read as follows:

(7) ~~Funding~~ Foundation funding for an open-enrollment public charter school shall be paid in twelve (12) ~~equal~~ installments each fiscal year.