

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
89th General Assembly
Regular Session, 2013

As Engrossed: S3/6/13
A Bill

SENATE BILL 264

By: Senator D. Johnson
By: Representatives Williams, Vines

For An Act To Be Entitled

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

Subtitle

AN ACT TO MAKE TECHNICAL CORRECTIONS TO
TITLE 6 OF THE ARKANSAS CODE, CONCERNING
EDUCATION LAW.

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

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

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

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

(b) *Contracts of employment for employees in certified licensed personnel positions and ~~noncertified~~ employees in nonlicensed personnel*



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

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

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

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

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

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

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

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

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

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

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

Arkansas; or

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

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

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

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

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

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

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

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

The school district policy adopted by the board of directors and

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

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

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

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

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

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

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

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

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

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

the Arkansas Code to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) As used in this section:

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

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

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

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

(4) "Teacher" means:

(A) Any person who is:

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

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

(B) A guidance counselor; or

(C) A librarian.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) As used in this section:

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

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

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

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

(a) Eligible employees shall include:

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

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

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

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

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

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

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

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

follows:

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

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

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

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

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

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

| Years of Experience | BA Degree Salary | MA Degree Salary |
|--------------------------------|-----------------------------|-----------------------------|
| 0 | \$28,897 | \$33,231 |
| 1 | 29,347 | 33,731 |
| 2 | 29,797 | 34,231 |

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6-17-2602. Definitions.

As used in this subchapter:

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

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

teachers for educational purposes;

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

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

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

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

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

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

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

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

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

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

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

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

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

~~thereafter:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(3)(A)—A definition of the term “unallocated balances” that will ensure uniform treatment of fund balances throughout public school districts.—~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(B) Floors;~~

~~(C) Roofs;~~

~~(D) Sewage systems;~~

~~(E) Water supplies;~~

~~(F) Asbestos abatement;~~

~~(G) Fire alarm systems;~~

~~(H) Exterior doors;~~

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

~~(J) Academic program or facility accessibility for individuals with disabilities; and~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~eligibility for reimbursement from the state.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6-21-413. Local selection committee.

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

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

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

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

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

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

6-22-108. Construction.

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

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

(B) Notice of the public hearing shall be:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6-23-308. Priority hiring for teachers.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6-41-404. Braille instruction.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

/s/D. Johnson