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

State of Arkansas
92nd General Assembly
Regular Session, 2019

As Engrossed: H3/11/19
A Bill

HOUSE BILL 1573

By: Representative Cozart
By: Senator J. English

For An Act To Be Entitled

AN ACT TO AMEND AND UPDATE VARIOUS PROVISIONS OF THE ARKANSAS CODE CONCERNING PUBLIC EDUCATION; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND AND UPDATE VARIOUS PROVISIONS OF THE ARKANSAS CODE CONCERNING PUBLIC EDUCATION.

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

SECTION 1. Arkansas Code § 6-11-125(b), concerning the use of information technology to eliminate the amount of paperwork by the State Board of Education, is repealed.

~~(b) The State Board of Education, acting through the department, shall use every means available to eliminate the amount of paperwork required by state law and regulations to be reported from each local school district by utilizing to the fullest extent possible, beginning no later than July 1, 1998, the information technology network linking local school districts and the department.~~

SECTION 2. Arkansas Code § 6-11-126 is repealed.

~~6-11-126. Computer funds approval.~~

~~Before the Department of Education obligates any funds for the purchase or lease of a computer for the Arkansas Public School Computer Network, the department shall first seek prior review from the Joint Interim Oversight~~

~~Subcommittee on Educational Reform.~~

SECTION 3. Arkansas Code § 6-11-127, is amended to read as follows:

6-11-127. School district boundaries.

The ~~Commissioner of Education~~ Arkansas Geographic Information Systems Office shall keep for the Commissioner of Education ~~records showing descriptions of each school district in the state,~~ a map showing the school districts with their boundaries~~, the location of the schoolhouses, and the electoral zones, if any, into which each school district has been divided~~.

SECTION 4. Arkansas Code § 6-13-1403(d)(2)(B), concerning the conditions under which the State Board of Education may annex school districts, is amended to read as follows:

(B) It ~~shall be~~ is the duty of the ~~Department of Education~~ Arkansas Geographic Information Systems Office to make changes in the maps of the school districts to properly show the boundary lines of the receiving district or districts.

SECTION 5. Arkansas Code § 6-13-1404(d)(2)(B), concerning the conditions under which the State Board of Education may consolidate school districts, is amended to read as follows:

(B) It ~~shall be~~ is the duty of the ~~Department of Education~~ Arkansas Geographic Information Systems Office to make changes in the maps of the school districts to properly show the boundary lines of the resulting district or districts.

SECTION 6. Arkansas Code § 6-13-1414(d), concerning boundary changes by the State Board of Education, is amended to read as follows:

(d) Upon an order from the state board to change or adjust boundary lines, it shall be the duty of the ~~Department of Education~~ Arkansas Geographic Information Systems Office to immediately make changes in the maps of the school districts ~~of the county~~ to show the changes of boundaries.

SECTION 7. Arkansas Code § 6-14-113 is repealed.

~~6-14-113. Election kits for school elections.~~

~~(a) In order that the annual school elections held throughout this~~

~~state will be conducted in a more uniform manner, the State Board of Education is authorized and directed to prepare and distribute annually upon the request of the county board of election commissioners of each county annual school election kits or packages designed especially for conducting annual school elections in the manner required by law.~~

~~(b) The kits or packages shall contain forms for a list of voters and duplicate list of voters, tally sheets, oaths of election officials, certificates of results, and notices of election. In addition thereto, the kits or packages shall contain carbon paper, envelopes for regular, irregular, and spoiled ballots, instructions for voters and election officials, seals, and other necessary equipment and supplies except ballot boxes, ballots, and certified lists of eligible voters, which shall be furnished to the election officials in the manner provided by law.~~

~~(c)(1) The kits or packages provided for in this section shall be distributed annually to the several county boards of election commissioners at least thirty (30) days prior to the annual school election.~~

~~(2) A sufficient number of kits or packages shall be supplied to each county in order that at least one (1) kit or package may be made available at each voting precinct or voting place in the county.~~

~~(d) The cost of the kits or packages prepared by the Department of Education pursuant to this section shall be paid from the maintenance funds provided for the department by legislative appropriation.~~

SECTION 8. Arkansas Code § 6-15-202(f)(15), concerning development of regulations and standards for accreditation, is repealed.

~~(15) Section 6-15-2009 [repealed] concerning remedial instruction;~~

SECTION 9. Arkansas Code § 6-15-202(f)(22) and (23), concerning development of regulations and standards for accreditation regarding health education and oral health standards, are repealed.

~~(22) Section 6-16-1002 [repealed] concerning health education;~~

~~(23) Section 6-16-1003 [repealed] concerning oral health standards;~~

SECTION 10. Arkansas Code § 6-15-202(f)(31), concerning development of

regulations and standards for accreditation regarding the qualifications for valedictorian and salutatorian, is amended to read as follows:

(31) Section 6-18-101 concerning qualifications for valedictorian and salutatorian, if applicable;

SECTION 11. Arkansas Code § 6-15-202(f)(35), concerning development of regulations and standards for accreditation regarding attendance, is repealed.

~~(35) Section 6-18-211 [repealed] concerning attendance for students in grades nine through twelve (9-12);~~

SECTION 12. Arkansas Code § 6-15-1005(f)(1), concerning safe, equitable, and accountable public schools, is amended to read as follows:

(f)(1) All public schools will have a ~~program~~ plan of parental involvement.

SECTION 13. Arkansas Code § 6-15-1402(a), concerning the rules regarding school performance reports, is amended to read as follows:

(a)(1) In order to generally improve public school accountability, to provide benchmarks for measuring individual school improvement, and to empower parents and guardians of children enrolled in Arkansas public schools by providing them with the information to judge the quality of their schools, the Department of Education shall ~~annually~~ prepare and publish annually a school performance report for each ~~individual~~ public school in the state, including without limitation the Arkansas School for the Deaf, the Arkansas School for the Blind, and the Arkansas School for Mathematics, Sciences, and the Arts, and shall ~~distribute the report to~~ notify the House Committee on Education and the Senate Committee on Education of the availability of the report on the department website no later than April 15 each year.

(2)(A) The school performance report for each school shall be made available to every parent or guardian of a child in kindergarten through grade twelve (K-12) in the public schools of Arkansas by posting the school performance report for each school on the website of the department by April 15 each year ~~and the website of the school district in which the public schools addressed in the school performance report are located no later than April 15 each year~~.

(B) Each school district shall post the school performance report for each of its schools on the district's website not later than ten (10) days after it is posted on the department's website.

SECTION 14. Arkansas Code § 6-15-1402(b)(2), concerning a school performance report for elementary schools, is amended to read as follows:

(2) The school performance report for elementary schools shall:

(A) Include three-year trend data and allow parents or guardians to compare the school's performance with state and national averages in areas and shall include~~, but not be limited to,~~ without limitation the following measures:

(i) School safety;

(ii) Statewide student assessment results beginning with grade three (3);

(iii) Licensed staff qualifications;

(iv) Total per-pupil spending;

(v) Assessment of the local taxpayer investment in the school district;

(vi) Percentage of students eligible to receive free or reduced-price meals;

(vii) Average salary of the staff; and

(viii) Average attendance rates for students; and

(B) Indicate separately whether:

(i) The school distributed the school's student discipline policy to parents;

(ii) The school's teachers, administrators, classified school employees, and volunteers have been provided with appropriate student discipline training; and

(iii) The school district has adopted a parental involvement plan in compliance with § 6-15-1702.

SECTION 15. Arkansas Code § 6-15-1704(a), concerning the annual review of parental involvement plans, is amended to read as follows:

(a) Annually by ~~October~~ August 1, every school district shall review and update the school district's parental involvement plan and:

(1) File a copy of the plan with the Department of Education;

(2) Place a copy of the plan on the school district's website; and

(3)(A) Place a parent-friendly summary of the plan as a supplement to the student handbook.

(B) The parent shall sign a form acknowledging receipt of the summary and return the signed form to the school where the student is enrolled.

SECTION 16. Arkansas Code § 6-15-2006(b)(1), concerning annual school performance reports, is amended to read as follows:

(b)(1) A school district board of directors shall publish annually the school performance report required by § 6-15-2101 on its website not later than ten (10) days after it is posted on the department's website, with the option of also publishing it in the local newspaper~~, by October 15 of each year, and the following information on the prior school year or the latest information available:~~

~~(A) By grade level, economic status, and ethnicity, the number and percentage of all students in kindergarten through grade twelve (K-12) performing at each category level on the statewide student assessment, the percentile rankings by school and grade level on any other assessments as required by the State Board of Education, the number of students taking advanced placement courses or courses offered under the International Baccalaureate Diploma Programme, the number taking the advanced placement exams, and the percent of students making a 3, 4, or 5 on advanced placement exams;~~

~~(B) By grade level, the number and percentage of all students retained in grades one through eight (1-8);~~

~~(C) The graduation rate, grade inflation rate, drop-out rate for grades nine through twelve (9-12), and college remediation rate;~~

~~(D) The number of students transferring pursuant to the unsafe school provision of § 6-18-320; and~~

~~(E) The number of students transferring pursuant to the Arkansas Opportunity Public School Choice Act of 2004, § 6-18-227~~.

SECTION 17. Arkansas Code § 6-15-2202(b)(2), concerning access to public school information on school improvement plans for school districts

classified as in need of Level 5 — Intensive support, is amended to read as follows:

(2) A parent-friendly explanation of~~:~~

~~(A) The level of support being provided to the public school district;~~

~~(B) The status of each public school in the public school district; and~~

~~(C) Why~~ why the public school district is receiving Level 5 — Intensive support, a school is identified as in need of targeted or comprehensive support, or the public school district is in fiscal distress and what the public school district is doing to be removed from Level 5 — Intensive support, to remove the school or schools within the public school district from being identified as in need of targeted or comprehensive support, or to be removed from fiscal distress;

SECTION 18. Arkansas Code § 6-15-2202(c)(1), concerning access to public school information on school improvement plans and a school's compliance with the standards for accrditation, is amended to read as follows:

(1) Directly monitors a school for compliance with standards ~~and~~ for accreditation; or

SECTION 19. Arkansas Code § 6-15-2401(b), concerning review of Arkansas Placement Status Reports and reports of students needing remediation, is repealed.

~~(b) As a part of the school improvement plan pursuant to § 6-15-2201 [repealed], the State Board of Education shall ensure that each school district and high school develops strategies to improve student readiness for the public postsecondary level based on annual analysis of the feedback report data.~~

SECTION 20. Arkansas Code § 6-15-2502(a), concerning the establishment of educational renewal zones, is amended to read as follows:

(a) ~~Effective July 1, 2004, any~~ A public school, an education service cooperative, or an institution of higher education is authorized to enter into one (1) or more interlocal agreements through which they collaborate to

improve public school performance and academic achievement.

SECTION 21. Arkansas Code § 6-15-2502(c)(1), concerning the establishment of educational renewal zones to improve school performance and achievement, is amended to read as follows:

(1) Identify and implement education and management strategies designed specifically to improve public school performance and student academic achievement throughout the State of Arkansas, with special focus on the ~~state's most academically distressed~~ public schools in need of support;

SECTION 22. Arkansas Code § 6-15-2502(d)(3)(B)(ii), concerning the establishment of educational renewal zones, is amended to read as follows:

(ii) A public school district ~~designated~~ classified by the Department of Education ~~as a school in school improvement or a school in a school district designated by the department~~ as being in ~~academic distress~~ need of Level 5-intensive support shall participate in an education renewal zone if requested to do so by the department, and the division working with the department shall establish priorities of establishing education renewal zones for those schools, which shall be contingent on the appropriation availability of funding for the renewal zones.

SECTION 23. Arkansas Code § 6-15-2502(d)(3)(C)(i) and (ii), concerning the establishment of educational renewal zones for schools identified as at risk or classified as in need of Level 5 — Intensive support, are amended to read as follows:

(i) The school is ~~classified~~ identified as a school ~~in school improvement or alert status for school improvement~~ at risk for meeting school performance indicators for all students or for any one (1) identified subpopulation under the Arkansas state ~~compliance~~ plan under the ~~No Child Left Behind Act of 2001~~ Every Student Succeeds Act, ~~20 U.S.C. § 6301 et seq.~~ Pub. L. No. 114-95;

(ii) The school lies within a school district ~~designated by the department~~ classified by the State Board of Education as in ~~academic distress or financial distress~~ need of Level 5 — Intensive support under the ~~Arkansas Comprehensive Testing, Assessment, and Accountability Program~~ Arkansas Educational Support and Accountability Act, § 6-15-2901 et

seq.;

SECTION 24. Arkansas Code § 6-15-2503(a), concerning inclusion of schools within designated educational renewal zones, is amended to read as follows:

(a)(1) The Division of Education Renewal Zones, the State Board of Education, and the local school districts shall exercise due diligence to assure, to the extent that funds are available, that each school ~~classified~~ identified as a school in ~~school improvement~~ need of support under the ~~No Child Left Behind Act of 2001~~ Every Student Succeeds Act, ~~20 U.S.C. § 6301 et seq., as in existence on December 1, 2003~~ Pub. L. No. 114-95, is included in a designated education renewal zone.

(2) The state board may promulgate rules establishing criteria for the placement of schools in ~~school improvement~~ need of support in a designated education renewal zone if insufficient funds exist to place all schools in ~~school improvement~~ need of support in a designated education renewal zone.

SECTION 25. Arkansas Code § 6-15-2504(a) and (b), concerning school improvement plans, are amended to read as follows:

(a) Each school participating in an education renewal zone shall develop and implement a ~~school~~ school-level improvement plan.

(b) Each ~~school~~ school-level improvement plan shall at a minimum include the following:

(1) Goals for improving student achievement;

(2) Measurable benchmarks for achieving student improvement goals;

(3) A timeline for reaching goals in improving student achievement; and

(4) Requirements for services to be provided by the education renewal zone partners.

SECTION 26. Arkansas Code § 6-15-2605(e)(1) and (2), concerning the application forms and procedures for the Rewarding Excellence in Achievement Program, are amended to read as follows:

(e)(1) In order to participate in the Rewarding Excellence in

Achievement Program, a public school district or public charter school ~~must~~ shall have ~~an approved comprehensive school improvement plan, as defined in § 6-15-419(9) [repealed]~~ a district support plan that outlines the role of the district in supporting the Rewarding Excellence in Achievement Program.

(2) Before full implementation of a Rewarding Excellence in Achievement plan, the ~~comprehensive school improvement plan~~ school-level improvement plan of the public school~~, public school district,~~ or public charter school shall include:

(A) Assessment and evaluation tools to measure student performance and progress based on an achievement gains model;

(B) Performance goals and benchmarks for improvement;

(C) Measures of student attendance and completion rates;

(D) A rigorous professional development system ~~consistent with the comprehensive school improvement plan defined in § 6-15-419(9) and student academic improvement plans as defined in § 6-15-419(3)~~;

(E) Measures of student, family, and community involvement and satisfaction;

(F) A data reporting system about students and their academic progress that provides parents and the public with understandable information;

(G) A teacher induction and mentoring program for probationary teachers that provides continuous learning and sustained teacher support; and

(H) Substantial participation by teachers in developing the Rewarding Excellence in Achievement plan.

SECTION 27. Arkansas Code § 6-15-2606(c)(1)(A), concerning the contents of a Rewarding Excellence in Achievement plan regarding achievement gains of students in a teacher's class, is amended to read as follows:

(1)(A) Achievement gains of students in each teacher's class on student scores under the statewide student assessment ~~program~~ system described in § ~~6-15-433~~ 6-15-2907.

SECTION 28. Arkansas Code § 6-15-2606(c)(2)(A), concerning the contents of a Rewarding Excellence in Achievement plan regarding achievement gains of students on a school-wide basis, is amended to read as follows:

(2)(A) Achievement gains of students on a school-wide basis under the statewide student assessment ~~program~~ system described in § ~~6-15-433 [repealed]~~ 6-15-2907.

SECTION 29. Arkansas Code § 6-15-2606(c)(3)(A), concerning the Rewarding Excellence in Achievement Program regarding a teacher evaluation, is amended to read as follows:

(A) An individual objective teacher evaluation conducted by the school principal that is aligned with the ~~comprehensive school improvement plan and~~ professional development plan described in § 6-15-2607; and

SECTION 30. Arkansas Code § 6-15-2701(c)(2), concerning the use of national school lunch state categorical funding for chronically underperforming schools, is amended to read as follows:

(2) In a chronically underperforming school's comprehensive ~~school~~ school-level improvement plan, direct the use of national school lunch state categorical funding for strategies to close gaps in academic achievement, including without limitation:

(A) Using an Arkansas Scholastic Audit;

(B) Using disaggregated school data to set academic improvement targets in reading, writing, mathematics, and science;

(C) Using improvement targets to define professional development needs related to content, instruction, differentiation, and best practices in educating special education students, gifted and talented students, English language learners, and other student subgroups as needed;

(D) Developing interim building-level assessments to monitor student progress toward proficiency on the state benchmark assessments;

(E) Developing a plan to immediately address gaps in learning;

(F) Examining and realigning, as needed, school scheduling, academic support systems, and assignments of personnel; and

(G) Designing a plan for increasing parental knowledge and skill to support academic objectives; and

SECTION 31. Arkansas Code § 6-15-2701(d)(1), concerning school improvement plans for chronically underperforming schools, is amended to read as follows:

(1) Monitoring ~~school~~ school-level improvement plans; and

SECTION 32. Arkansas Code § 6-17-119(b)(7), concerning alternative pay programs included in a school district's comprehensive school improvement plan, is amended to read as follows:

(7) The program is ~~aligned and linked to each school's comprehensive school improvement~~ included in the district's support plan;

SECTION 33. Arkansas Code § 6-17-209(g), concerning interim personnel policy committees, is amended to read as follows:

(g) ~~The provisions of this~~ This section ~~shall~~ does not apply to instances in which the State Board of Education votes to annex or consolidate one (1) school district to or with two (2) or more receiving or resulting school districts due to enforcement by the state board of the provisions of this title relating to ~~academic distress~~ Level 5 — Intensive support, academic facilities distress, fiscal distress, or violations of the Standards for Accreditation of Arkansas Public Schools and School Districts.

SECTION 34. Arkansas Code § 6-17-402(j)(1), concerning core licensure areas under the State Board of Education rules, is amended to read as follows:

(1) ~~Early Childhood~~ Elementary Education (K-6);

SECTION 35. Arkansas Code § 6-18-701 is amended to read as follows:

6-18-701. Physical examinations — Individualized healthcare plans.

(a) ~~It shall be lawful for the~~ The board of directors of ~~any~~ a school district ~~in this state to~~ may appoint and provide for the payment of at least one (1) ~~or more physicians or nurses~~ physician or nurse and ~~to~~ assign ~~any person so employed~~ the physician or nurse to the public schools of the district for the purpose of making ~~such~~ physical examinations of the ~~pupils of the schools~~ public school students as may be prescribed in the rules and regulations of the State Board of Education.

(b) The nature of the examination shall be only ~~such as~~ to detect

contagious or infectious diseases or any defect of sight, hearing, or function or condition of health ~~tending to prevent any~~ that may prevent a pupil from receiving the full benefit of school work.

(c) ~~It shall be the duty of any physician or nurse so employed to~~ The physician or nurse appointed under subsection (a) of this section shall make ~~such~~ examinations for contagious or infectious disease, including without limitation the teeth and mouth, whenever the examination may be deemed necessary~~,~~ and ~~to~~ make examination for other defects at least one (1) time in each school year, preferably at or near the beginning of the year.

(d) In ~~any~~ a city, town, or ~~any~~ county where the health authorities ~~are providing~~ provide for the physical examination of public school ~~children substantially as contemplated~~ students provided in this section, the examination ~~provided for in this section need not~~ may not be made by any school physician or school nurse.

~~(e) Nothing in this section shall be construed as preventing boards of directors from requiring teachers to make such tests of sight and hearing as may be prescribed by the board of directors.~~

~~(f)~~(e)(1) ~~Any pupil~~ A public school student may be excused from the examination ~~herein provided for~~ under this section on presentation of a certificate from a reputable physician that the physician has recently examined the ~~pupil~~ public school student or on presentation of a written statement of the ~~pupil's~~ public school student's parent or guardian that the parent or guardian objects to the examination of his or her child or ward~~,~~. ~~but this provision shall not be applicable~~

(2) However, subdivision (e)(1) does not apply in the case of a ~~pupil~~ public school student suspected of having a contagious or infectious disease.

(f)(1) A public school student with special healthcare needs, including without limitation a student who has a chronic illness, is considered medically fragile, or who is dependent on technology, shall have an individualized healthcare plan that is developed in collaboration with the school nurse.

(2) An invasive medical procedure required by the public school student and provided at the public school shall be performed by trained and licensed, licensed healthcare provider who is licensed to perform the task under § 17-87-102(10)(D) or other professional licensure statutes, unless

otherwise permissible under § 17-87-103(10) and (11).

(3) A regular classroom teacher shall not perform tasks under subdivision (f)(2) of this section, except as otherwise permissible under § 6-18-711(c).

(4) Custodial healthcare services required by a public school student under an individualized healthcare plan shall be provided by trained school employees other than the regular classroom teacher.

SECTION 36. Arkansas Code § 6-18-709(g), concerning the report to the Department of Education of certain information regarding school nurses, is amended to read as follows:

(g) Annually, ~~beginning on July 1, 2015~~ by August 31, a school district shall report the following to the Department of Education:

(1) The number of full-time nurses employed by the school district;

(2) The number of part-time nurses employed by the school district;

(3) The number of full-time nurses with whom the school district contracts for service;

(4) The number of part-time nurses with whom the school district contracts for service;

(5) The level of licensure of each nurse working in the school district;

(6) The highest degree obtained for each nurse working in the school district;

(7) The amount of pay, including without limitation the source of funding, for each nurse working in the school district; and

(8) The number of students in the school district that are in each nursing acuity level as follows:

(A) Level 1 for students with occasional health concerns and routine health screenings at a ratio of one (1) school nurse per seven hundred fifty (750) students;

(B) Level 2 for students with healthcare concerns and those that require an individualized healthcare plan at a ratio of one (1) school nurse per four hundred (400) students;

(C) Level 3 for students with medically complex conditions

at a ratio of one (1) school nurse per two hundred twenty-five (225) students;

(D) Level 4 for students with medically fragile conditions at a ratio of one (1) school nurse per one hundred twenty-five (125) students; and

(E) Level 5 for students that are nursing dependent at a ratio of one (1) school nurse per one (1) student.

SECTION 37. Arkansas Code § 6-18-711, concerning the administration of medication to a public school student with diabetes, is amended to add an additional subsection to read as follows:

(c) A public school employee may volunteer to be trained to administer and may administer glucagon to a student with Type 1 diabetes in an emergency situation as permitted under § 17-87-103(11).

SECTION 38. Arkansas Code § 6-18-1803(b), concerning the Arkansas Commission on Eye and Vision Care of School-Age Children, is amended to read as follows:

(b) The commission and the Department of Education shall report their findings and updates to the Governor, the Legislative Council, and the House Committee on Public Health, Welfare, and Labor and Senate Committee on Public Health, Welfare, and Labor ~~two (2) times per year~~ annually.

SECTION 39. Arkansas Code § 6-18-1803(c)(1) and (2), concerning the Arkansas Commission on Eye and Vision Care of School-Age Children, are amended to read as follows:

(c)(1)~~(A)~~ The commission may accept any and all donations, grants of money, gifts, appropriations, instruments, equipment, supplies, materials, and services, conditional or otherwise, from private sources, from municipal and county governments, from the state, and from the United States government.

~~(B)~~ (2) The commission may use any of its resources to further the commission's purposes and functions.

~~(2)(A) There is created on the books of the Treasurer of State, Auditor of State, and Chief Fiscal Officer of the State a special revenue fund to be known as the "School-Age Children Eye and Vision Care Fund".~~

~~(B)(i)~~(3) All moneys collected under this section shall be deposited into ~~the State Treasury to the credit of the fund as special revenues~~ a cash fund within the State Treasury to be maintained by the department.

~~(ii) The fund shall also consist of any other revenues authorized by law.~~

~~(iii) Within thirty (30) days after the effective date of this subchapter, the commission shall transfer all funds currently held to the fund.~~

~~(C) The fund shall be used by the commission for the purpose of carrying out its responsibilities under this section.~~

~~(D) Any money not used by the commission within a fiscal year to carry out its responsibilities under this section shall be carried forward into the next fiscal year.~~

SECTION 40. Arkansas Code § 6-18-1804 is repealed.

~~6-18-1804. Funding.~~

~~(a)(1) The Arkansas Commission on Eye and Vision Care of School-Age Children's funding shall be from grants, donations, and any other funds that may be made available through appropriations by the General Assembly.~~

~~(2) Moneys received by the commission shall be used solely for the support of the functions of the commission.~~

~~(b)(1) Grants and donations received by the commission shall be cash funds and shall be administered by the Arkansas Department of Health but shall be subject to appropriation by the General Assembly.~~

~~(2) Any moneys received from grantors and donors that are not expended by the commission shall be returned to the grantors and donors in proportion that each bears to the total of all grants and donations received by the commission.~~

SECTION 41. Arkansas Code § 6-19-106 is amended to read as follows:

6-19-106. Bus drivers — Qualifications.

~~(a) No person physically defective or of unsound mind, known to be a habitual drunkard or of immoral habits, or~~ A person who has been convicted within the past three (3) years of operating a motor vehicle in a reckless manner ~~or while under the influence of intoxicating liquor or narcotic drugs,~~

~~who has a general reputation of being a fast and reckless operator of motor vehicles without regard to the rights of others,~~ or who is less than nineteen (19) years of age on June 30 following his or her last birthday shall not be permitted or employed to ~~act as chauffeur or operator of~~ operate any school bus, either privately or publicly owned, operated by public school districts and used to transport pupils to and from the public schools in the State of Arkansas.

~~(b)(1) All school bus drivers employed as provided herein are exempt from the regular chauffeur's license as heretofore required by law.~~

~~(2) This subsection does not, however, apply to drivers of buses operated for other purpose or purposes than to transport school children.~~

SECTION 42. Arkansas Code § 6-20-106 is repealed.

~~6-20-106. Amendment 74 rules and regulations.~~

~~Due to pending public school finance litigation, before any rules and regulations pursuant to the implementation of Arkansas Constitution, Amendment 74, are reviewed by the Administrative Rules and Regulations Subcommittee of the Legislative Council and adopted by the Department of Education, such proposed rules and regulations shall be reviewed by the Litigation Reports Oversight Subcommittee of the Legislative Council.~~

SECTION 43. Arkansas Code § 6-20-210 is repealed.

~~6-20-210. Pulaski County desegregation.~~

~~(a) For the fiscal year ending June 30, 2004, and for each fiscal year thereafter, the Department of Education shall, from time to time as needed, certify to the Treasurer of State and the Chief Fiscal Officer of the State the amount of funds disbursed or approved to be disbursed by the department for desegregation expenses under the Pulaski County School Desegregation Settlement Agreement.~~

~~(b) Upon the receipt of the certification and after making those deductions as set out in § 19-5-202(b)(2)(B), the Treasurer of State shall also deduct from the net general revenues the amount certified and transfer this amount to the Department of Education Public School Fund Account, there to be used exclusively for payment of or reimbursement for expenses incurred from the Department of Education Public School Fund Account under the agreement.~~

SECTION 44. Arkansas Code § 6-20-212 is repealed.

~~6-20-212. Desegregation expenses.~~

~~(a) For the fiscal year ending June 30, 2005, and for each fiscal year thereafter, the Department of Education shall from time to time, as needed, certify to the Treasurer of State and the Chief Fiscal Officer of the State, the amount of funds disbursed or approved to be disbursed by the department for desegregation expenses under any desegregation settlement agreement.~~

~~(b) Upon the receipt of the certification, the Treasurer of State, after making those deductions as set out in § 19-5-202(b)(2)(B), shall also deduct from the net general revenues the amount certified and transfer this amount to the Department of Education Public School Fund Account, there to be used exclusively for payment of or reimbursement for expenses incurred from the account under any desegregation settlement agreement.~~

SECTION 45. Arkansas Code § 6-20-2203(c)(3)-(8), concerning uniform budget and accounting system regarding specific categories of public school and public school district expenditures, are amended to read as follows:

(3)~~(A)~~ Categories and descriptions of public school and school district expenditures that allow for the gathering of data on separate functions and programs provided by law, including without limitation the following expenditures:

~~(i)~~(A) Athletic expenditures;

~~(ii)~~(B) Student transportation expenditures;

~~(iii)~~(C) School district level administrative costs;

~~(iv)~~(D) School level administrative costs;

~~(v)~~(E) Instructional facilitators;

~~(vi)~~(F) Supervisory aides;

~~(vii)~~(G) Substitutes;

~~(viii)~~(H) Property insurance; and

~~(ix)~~(I) Expenditures of court-ordered desegregation funding~~.~~

~~(B) The department shall implement the expenditure categories in this subdivision (c)(3) beginning with the 2007-2008 school year~~;

(4)~~(A)~~ Categories and descriptions of public school and school

district expenditures that allow for the tracking of expenditures from the following sources of revenue:

~~(i)~~(A) Student growth;

~~(ii)~~(B) Declining enrollment;

~~(iii)~~(C) Special education ~~catastrophic~~ high-cost occurrences;

~~(iv)~~(D) Special education services;

~~(v)~~(E) Technology grants;

~~(vi)~~(F) Debt service funding supplement;

~~(vii)~~(G) General facilities funding;

~~(viii)~~(H) Distance learning;

~~(ix)~~(I) Gifted and talented; and

~~(x)~~(J) Court-ordered desegregation funding~~.~~

~~(B) The department shall complete a trial implementation of the revenue categories in subdivisions (c)(4)(A)(i) and (ii) of this section by the end of the 2007-2008 school year and fully implement all revenue categories in this subdivision (c)(4) beginning with the 2008-2009 school year~~;

(5)~~(A)~~ Categories and descriptions of student management coding, including without limitation:

~~(i)~~(A) Number of students transported; and

~~(ii)~~(B) Daily route mileage~~.~~

~~(B) The department shall implement this subdivision (c)(5) beginning with the 2007-2008 school year~~;

(6)~~(A)~~ Categories and descriptions of restricted fund balances that provide documentation of the purpose for the restriction~~.~~

~~(B) The department shall implement this subdivision (c)(6) beginning with the 2007-2008 school year~~;

(7) Categories and descriptions of expenditures that each education service cooperative shall report on its annual report authorized by law; and

(8)~~(A)~~ Rules relating to computing error rates in coding and reporting financial information under the system and penalties to focus on areas needing improvement.

~~(B) The department shall implement this subdivision (c)(8) beginning with the 2007-2008 school year.~~

SECTION 46. Arkansas Code § 6-20-2206(c)(5)(A), concerning miscellaneous provisions under the Arkansas Educational Financial Accounting and Reporting Act of 2004, is amended to read as follows:

(5)(A) All pupil attendance records shall be kept in their original form ~~and shall be public records~~.

SECTION 47. Arkansas Code § 6-20-2207(a)(3), concerning rulemaking authority under the Arkansas Educational Financial Accounting and Reporting Act of 2004, is amended to read as follows:

(3) As necessary to comply with federal law, the Arkansas Handbook initially shall comply with the Financial Accounting for Local and State School Systems, 2003 Edition (NCES 2004-318). The Arkansas Handbook shall be exempt from the rule-making process and procedures required pursuant to the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

SECTION 48. Arkansas Code § 6-20-2303(21), concerning public school funding definitions, is amended to read as follows:

(21) "Special education ~~catastrophic~~ high-cost occurrences" means individual cases in which special education and related services required by the individualized education program of a particular student with disabilities are unduly expensive, extraordinary, or beyond the routine and normal costs associated with special education and related services provided by a school district and funding is pursuant to rules promulgated by the state board;

SECTION 49. Arkansas Code § 6-20-2305(b)(4)(C)(iii), concerning use of a school district's national school lunch state categorical funds, is amended to read as follows:

(iii) The school district shall include with its comprehensive ~~school~~ school-level improvement plan a written detailed statement concerning how the school district will use its excess national school lunch categorical funds each school year and explaining in detail the amount of funds and percent of total funds to be used to supplement all classroom teacher salaries as allowed in subdivision (b)(4)(C)(ii) of this section.

SECTION 50. Arkansas Code § 6-20-2305(c), concerning public school funding, is amended to read as follows:

(c) Isolated funding under § 6-20-601, student growth funding, and special ~~education catastrophic~~ education high-cost occurrences funding shall be funded as follows:

(1) Isolated funding and special ~~education catastrophic~~ education high-cost occurrences funding shall be allocated and funded to school districts in a line item appropriation within the Public School Fund pursuant to law or rules promulgate by the State Board of Education; and

(2) Student growth funding is calculated as the sum of the following amounts:

(A) One quarter (1/4) of the per student foundation funding for the school district under subdivision (a)(2) of this section multiplied by the increase, if any, of each of the following:

(i) The school district's quarterly average daily membership for the fourth quarter of the previous school year over the average daily membership of the previous school year;

(ii) The school district's quarterly average daily membership for the first quarter of the current school year over the average daily membership of the previous school year;

(iii) The school district's quarterly average daily membership for the second quarter of the current year over the average daily membership of the previous school year; and

(iv) The school district's quarterly average daily membership for the third quarter of the current school year over the average daily membership of the previous school year;

(B) Excluding any increase resulting solely from consolidation or annexation with another school district; and

(C) If net revenues minus any recoupment under subdivision (a)(4)(B) of this section plus miscellaneous funds calculated under § 6-20-2308(b)(1)(A) exceed the foundation funding amount, a school district shall be eligible to receive the amount of calculated student growth funding that exceeds net revenues minus any recoupment under subdivision (a)(4)(B) of this section plus miscellaneous funds calculated under § 6-20-2308(b)(1)(A).

SECTION 51. Arkansas Code § 6-21-112(f)(14), concerning the records of the Division of Public School Academic Facilities and Transportation, is amended to read as follows:

(14) Keep records showing ~~a description of each school district in the state, a map showing the school districts with current and accurate boundaries,~~ the location of the academic facilities in the state by school district~~, and the electoral zones, if any, into which each school district has been divided~~;

SECTION 52. Arkansas Code § 6-21-403(c), concerning requirements under the Free Textbook Act of 1975, is amended to read as follows:

(c) ~~Any materials~~ Materials purchased with state funds shall be consistent with the ~~curriculum~~ Arkansas Academic Content Standards and educational goals established by the State Board of Education.

SECTION 53. Arkansas Code § 6-21-403(d)(2), concerning requirements under the Free Textbook Act of 1975, is amended to read as follows:

(2) The state board, through the department, may promulgate rules as may be necessary to carry out this subchapter ~~and shall report to the members of the House Committee on Education and Senate Committee on Education annually any school district out of compliance by November 1 of each year~~.

SECTION 54. Arkansas Code § 6-23-105(e)(1)(A), concerning the basis and procedure for public charter school probation or charter modification, revocation, or denial of removal, is amended to read as follows:

(e)(1)(A) Immediately upon the revocation of ~~a~~ an open-enrollment charter by the authorizer, the public charter school shall:

(i) Transfer to the department all state funds held by the public charter school, which the department shall hold in receivership; and

(ii) Provide to the department a detailed accounting of all accounts payable due from the state funds and any additional information or records requested by the department concerning the disbursement of the state funds.

SECTION 55. Arkansas Code § 6-23-108(c)(2)(B), concerning a School for Agricultural Studies that is not currently classified in academic distress, is amended to read as follows:

(B) Not currently be classified in ~~academic distress~~ need of Level 5 — Intensive support, fiscal distress, or facilities distress;

SECTION 56. Arkansas Code § 6-23-304(b)(2) and (3), concerning preference to open enrollment charter schools in certain school districts, are amended to read as follows:

(2) When the district has been classified by the state board as in ~~academic distress under § 6-15-428 [repealed]~~ need of Level 5 — Intensive support under § 6-15-2915; or

(3) When the district has been classified by the Department of Education as in ~~some phase of school improvement status under § 6-15-426 [repealed] or~~ some phase of fiscal distress under the Arkansas Fiscal Assessment and Accountability Program, § 6-20-1901 et seq., if the fiscal distress status is a result of administrative fiscal mismanagement, as determined by the state board.

SECTION 57. Arkansas Code § 6-23-304(d)(2)(B), concerning preference to open enrollment charter schools in certain school districts that are classified as in academic or fiscal distress, is amended to read as follows:

(B) Been classified as in ~~academic~~ need of Level 5 — Intensive support or fiscal distress; and

SECTION 58. Arkansas Code § 6-23-908(c)(3), concerning the Open-Enrollment Public Charter School Facilities Funding Aid Program, is amended to read as follows:

(3) The open-enrollment public charter school is not:

(A) Classified as in ~~academic distress under § 6-15-428 [repealed]~~ need of Level 5 — Intensive support under § 6-15-2915 or in fiscal distress under the Arkansas Fiscal Assessment and Accountability Program, § 6-20-1901 et seq., and the corresponding rules adopted by the State Board of Education;

(B) ~~Classified as a priority school under the Arkansas Comprehensive Testing, Assessment, and Accountability Program Act, § 6-15-401~~

~~et seq. [repealed], nor received~~ In receipt of a rating of "F" under § 6-15-2105; or

(C) Placed in probationary status by the state charter school authorizer under § 6-23-105.

SECTION 59. Arkansas Code § 6-41-210(a) and (b), concerning the Special Education Section of the Arkansas Department of Education, are amended to read as follows:

(a) There is established in the Department of Education a Special Education ~~Section~~ Unit.

(b) The ~~section~~ unit shall be headed by ~~an associate~~ a director, who shall be qualified by education, training, and experience to take responsibility for, and give direction to, the programs of the department relating to children with disabilities.

SECTION 60. Arkansas Code § 6-41-211(a)(1), concerning the Special Education Section's consultation with the Advisory Council for the Education of Children with Disabilities, is amended to read as follows:

(a)(1) There shall be an Advisory Council for the Education of Children with Disabilities, which shall advise and consult with the Commissioner of Education and the ~~Associate~~ Director of the Special Education ~~Section~~ Unit of the Department of Education and which shall engage in such other activities as are set forth in this section.

SECTION 61. Arkansas Code § 6-41-216(c)(3)(A), concerning the establishment of standards for a change in the educational status of a child, is amended to read as follows:

(3)(A) The Special Education ~~Section~~ Unit in the Department of Education shall establish standards and qualifications for individuals to serve as hearing officers.

SECTION 62. Arkansas Code § 6-45-104(a)(2)(A)-(B), concerning the Arkansas Better Chance Program, is amended to read as follows:

(2) A local school is required to work with the Department of Education and its local community to establish, promote, and assist in the development of a program under the Arkansas Better Chance for School Success

Program to serve all children in the school as provided in § 6-45-108, if~~:~~

~~(A) The school has had seventy-five percent (75%) or more students scoring below proficiency on the primary benchmark exams or other exams designated by the department in the preceding two (2) school years; or~~

~~(B) The~~ the school ~~has been designated by the department as being in school improvement status under § 6-15-425 [repealed] or~~ is located in a school district ~~in academic distress~~ classified as in need of Level 5 — Intensive support.

SECTION 63. Arkansas Code § 6-45-106(a)(2)(A)(i), concerning the Arkansas Better Chance Program and a school district that has been classified as being in academic distress, is amended to read as follows:

(i) The school is in a district that has been ~~designated~~ classified by the ~~Department~~ State Board of Education as being in ~~academic distress~~ need of Level 5 — Intensive support; and

SECTION 64. Arkansas Code § 6-45-106(c)(1), concerning the Arkansas Better Chance Program, is amended to read as follows:

(c)(1) In allocating funding for the Arkansas Better Chance for School Success Program, priority consideration shall be given to~~:~~

~~(A) Schools that have seventy-five percent (75%) or more students scoring below proficiency on the primary benchmark exams or other exams designated by the Department of Education in the preceding two (2) school years; and~~

~~(B) Schools that have been designated by the Department of Education as being in school improvement status under § 6-15-425 [repealed] or is~~ a school located in a school district ~~in academic distress~~ that is classified as in need of Level 5 — Intensive support.

SECTION 65. Arkansas Code § 9-28-113(c)(2), concerning information sent to the Special Education Section regarding foster children, is amended to read as follows:

(2) Each school district shall forward the name of each foster care liaison and the contact information to the Special Education ~~Section~~ Unit of the Department of Education at the beginning of each school year.

SECTION 66. Arkansas Code § 10-3-2102(f)(6), concerning duties of the House Committee on Education and the Senate Committee on Education under the Continuing Adequacy Evaluation Act of 2004, is repealed.

~~(6) Reviewing the Arkansas Comprehensive School Improvement Plan process; and~~

SECTION 67. Arkansas Code § 19-6-815 is amended to read as follows:

19-6-815. School-Age Children Eye and Vision Care Fund.

~~The~~ Any funds remaining in the School-Age Children Eye and Vision Care Fund ~~shall consist of those special revenues as specified in § 19-6-301(242), and any other revenues as may be authorized by law, there to be used by the Arkansas Commission on Eye and Vision Care of School Age Children for the purpose of carrying out its responsibilities as stated in uncodified Section 1 of Acts 2007, No. 138~~ shall be transferred to the Department of Education Public School Fund Account to be used for school-based health centers.

SECTION 68. Arkansas Code § 20-47-508(e), concerning the service plans for a child with emotional disturbance, is amended to read as follows:

(e) If after screening and assessment or collaborative evaluations it is determined that a child with emotional disturbance needs multiagency services, then initial and subsequent individualized multiagency service plans for the child and the child's family shall be jointly developed by the appropriate local or regional representatives of the community mental health centers, of the Department of Human Services county office, of the Department of Health, of the Special Education ~~Section~~ Unit of the Department of Education, of the local school district, and of any other service provider identified to meet the needs of the child and his or her family. The individualized service plan shall reflect an integrated service delivery that specifies services or programs with funding to be provided by each agency. The service plan shall also designate responsibility for case management.

SECTION 69. Arkansas Code § 26-52-317(a)(2)(A)(v), concerning food and food ingredients with respect to the Department of Education, is repealed.

~~(v) Amounts disbursed or approved to be disbursed by the Department of Education for desegregation expenses under any desegregation settlement agreement, as certified by the Treasurer of State~~

~~and the Chief Fiscal Officer of the State under § 6-20-212~~; and

SECTION 70. Arkansas Code § 26-53-145(a)(2)(A)(v), concerning food and food ingredients under the Arkansas Compensating Tax Act of 1949 with respect to the Department of Education, is repealed.

~~(v) Amounts disbursed or approved to be disbursed by the Department of Education for desegregation expenses under any desegregation settlement agreement, as certified by the Treasurer of State and the Chief Fiscal Officer of the State under § 6-20-212~~; and

/s/Cozart