

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

State of Arkansas  
93rd General Assembly  
Regular Session, 2021

# A Bill

SENATE BILL 264

By: Senator Irvin

## For An Act To Be Entitled

AN ACT RENAMING THE CORRECTIONAL SCHOOL SYSTEM OPERATED BY THE DIVISION OF CORRECTION THE "ARKANSAS CORRECTIONAL SCHOOL DISTRICT"; AND FOR OTHER PURPOSES.

### Subtitle

RENAMING THE CORRECTIONAL SCHOOL SYSTEM OPERATED BY THE DIVISION OF CORRECTION THE "ARKANSAS CORRECTIONAL SCHOOL DISTRICT".

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

SECTION 1. Arkansas Code § 6-16-149(c), concerning the requirement that certain students take a United States citizenship civics test, is amended to read as follows:

(c) The requirement under subsection (a) of this section shall not apply to a student who:

(1) Is exempted in accordance with the student's individualized education program;

(2) Attends school in the ~~Corrections School System~~ Arkansas Correctional School District under § 12-29-301 et seq.; or

(3) Is over eighteen (18) years of age and seeking a high school equivalency diploma.

SECTION 2. Arkansas Code § 6-82-501(6), concerning the definition of "state correction employee" used with regard to children of law enforcement



officers who are eligible for scholarships, is amended to read as follows:

(6) "State correction employee" means any employee of the Division of Correction or the ~~Corrections School System~~ Arkansas Correctional School District who becomes subject to injury through contact with inmates or parolees of the Division of Correction;

SECTION 3. Arkansas Code § 12-27-104(d)(1)(B), concerning reimbursements and stipends for a member of the Board of Corrections, is amended to read as follows:

(B) However, a member shall receive a per diem stipend and reimbursement for expenses for both official meetings and related activities associated with attending to the business of the Board of Corrections, the Division of Correction, the Division of Community Correction, and the ~~Corrections School System~~ Arkansas Correctional School District for up to an annual average of seven (7) days per month.

SECTION 4. Arkansas Code § 12-28-101(a)(3), concerning facilities operated by the Division of Correction, is amended to read as follows:

(3) The division may contract with state or private entities such as accredited colleges or universities to provide additional educational opportunities for inmates under the direction and authority of the board and the ~~Corrections School System~~ Arkansas Correctional School District.

SECTION 5. Arkansas Code § 12-29-301 is amended to read as follows:  
12-29-301. School ~~system~~ district created.

(a) Properties owned by the State of Arkansas and occupied by the various units of the Division of Correction and the Division of Community Correction are by this subchapter designated as a qualified school district to be known as the "~~Corrections School System~~" "Arkansas Correctional School District".

(b) The ~~system~~ district is created for the purpose of providing elementary, secondary, and vocational and technical education to qualified persons incarcerated in facilities of the Division of Correction and the Division of Community Correction or to qualified persons supervised by the Division of Community Correction, including those on probation and parole or any type of post-prison release or transfer who are not high school

graduates, irrespective of age.

(c) The Board of Corrections shall act as the Board of Directors of the ~~Corrections School System~~ Arkansas Correctional School District.

(d)(1) The ~~system's~~ district's chief administrative officer shall be under the direct authority of the Board of Directors of the ~~Corrections School System~~ Arkansas Correctional School District.

(2) Subject to the approval of the Board of Directors of the ~~Corrections School System~~ Arkansas Correctional School District, the chief administrative officer or superintendent of the ~~system~~ district shall have supervisory authority over the employees of the ~~system~~ district, including, but not limited to, assistant superintendents, principals, and teachers.

SECTION 6. Arkansas Code § 12-29-304 is amended to read as follows:  
12-29-304. Costs and funding.

(a) The cost of implementing and operating the ~~Corrections School System~~ Arkansas Correctional School District shall be borne by the state and shall be paid from funds appropriated by the General Assembly from the general revenues of the state to the Division of Correction, the Division of Community Correction, and the Division of Elementary and Secondary Education, together with any federal funds that may be available for that purpose and from any funds generated from the operations of the Division of Correction and the Division of Community Correction, in the following manner:

(1) The cost of facilities, equipment, and current operation in excess of the amount of grants and aids received from the Division of Elementary and Secondary Education shall be borne by the Division of Correction and the Division of Community Correction as approved by the Board of Corrections; and

(2)(A) The ~~system~~ district, as other school districts in the state, shall share in the distribution of grants and aids from the Division of Elementary and Secondary Education.

(B) However, in no case shall the moneys from the Public School Fund to the ~~system~~ district be in excess of the line item appropriation provided to the ~~system~~ district in the fund.

(b)(1) Recognizing that the primary roles, duties, and responsibilities of the Division of Correction and the Division of Community Correction are to serve as penal and correctional institutions, the ~~system~~

district shall be exempt from and shall not be penalized in any manner for not complying with:

(A) All of the following:

(i) The Quality Education Act of 2003, § 6-15-201 et seq.;

(ii) ~~The Arkansas Comprehensive Testing, Assessment, and Accountability Program Act, § 6-15-401 et seq.~~ Arkansas Educational Support and Accountability Act, § 6-15-2901 et seq.;

(iii) Sections 6-15-901, 6-15-902, 6-15-2001 – 6-15-2008, 6-15-2101 – 6-15-2107, ~~6-15-2201~~, 6-15-2301, and 6-16-1201 – 6-16-1206;

(iv) The Arkansas Fiscal Assessment and Accountability Program, § 6-20-1901 et seq.; and

(v) The Arkansas Educational Financial Accounting and Reporting Act of 2004, § 6-20-2201 et seq.;

(B) Any state laws or rules adopted to comply with the federal Elementary and Secondary Education Act as reauthorized under the No Child Left Behind Act of 2001, 20 U.S.C. § 6301 et seq., as in existence on January 1, 2005; and

(C) Any rule of the State Board of Education related to the provisions listed in this subdivision (b)(1).

(2) The ~~system's~~ district's exemption from or noncompliance with the provisions under this subsection shall not affect the ~~system's, the Division of Correction's, or the Division of Community Correction's~~ eligibility of the district, the Division of Correction, and the Division of Community Correction to apply for or receive state grants or aids for public school districts as authorized in this subchapter and related rules.

SECTION 7. Arkansas Code § 12-29-310(b), concerning the administration of the Riverside Vocational and Technical School, is amended to read as follows:

(b) The school shall be administered under the direction and supervision of the chief administrative officer of the ~~Corrections School System~~ Arkansas Correctional School District or the Director of the Riverside Vocational and Technical School under the direct authority of the Board of Directors of the ~~Corrections School System~~ Arkansas Correctional School District.

SECTION 8. Arkansas Code § 21-5-701(10), concerning the definition of "state correction employee" as used with regard to death benefits for public officers or employees, is amended to read as follows:

(10) "State correction employee" means an employee of the Division of Correction or the ~~Corrections School System~~ Arkansas Correctional School District who is subject to injury through contact with inmates or parolees of the Division of Correction;

SECTION 9. Arkansas Code § 25-43-402(a), concerning state entities transferred to the Department of Corrections, is amended to read as follows:

(a) The administrative functions of the following state entities are transferred to the Department of Corrections by a cabinet-level department transfer:

(1) The Arkansas Sentencing Commission, created under § 16-90-802;

(2) The ~~Corrections School System~~ Arkansas Correctional School District, created under § 12-29-301;

(3) The criminal detention facility review committees, ~~under § 12-26-101~~ created under § 12-26-105;

(4) The Department of Community Correction, created under ~~§ 12-27-124~~ § 12-27-125, and now to be known as the "Division of Community Correction";

(5) The Department of Correction, created under § 12-27-101, and now to be known as the "Division of Correction";

(6) The Office of Criminal Detention Facilities Review Coordinator, created under § 12-26-103;

(7) The Parole Board, created under § 16-93-201; and

(8) The Arkansas State Council for the Interstate Commission for Adult Offender Supervision, created under § 12-51-104.