

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

State of Arkansas  
93rd General Assembly  
Regular Session, 2021

As Engrossed: S3/3/21  
**A Bill**

SENATE BILL 64

By: Senator Irvin

### For An Act To Be Entitled

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

### Subtitle

TO AMEND 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 § 6-10-122(a)(1), concerning the automated external defibrillator requirement, is amended to read as follows:

(a)(1) The State Board of Education shall promulgate rules to require that:

(A) Each school campus have an automated external defibrillator; and

~~(B) Appropriate school personnel be adequately trained on or before May 31, 2011; and~~

~~(C)~~ (B) After May 31, 2011, ~~appropriate~~ Appropriate school personnel be adequately trained on an ongoing basis.

SECTION 2. Arkansas Code § 6-10-122(c), concerning the automated external defibrillator requirement, is amended to read as follows:

(c) ~~Beginning in 2011, the~~ The Commissioner of Elementary and Secondary Education shall provide a report to the Senate Committee on Public Health, Welfare, and Labor and the House Committee on Public Health, Welfare,



and Labor on or before July 1 each year regarding the implementation of this section and the status of automated external defibrillator availability on each school campus.

SECTION 3. Arkansas Code § 6-10-123(a)(3), concerning school-based automated external defibrillator and cardiopulmonary resuscitation programs, is amended to read as follows:

(3) Testing of psychomotor skills based on the American Heart Association scientific guidelines, standards, and recommendations for the use of the automated external defibrillator, as they existed on ~~January 1, 2009,~~ January 1, 2021, and for providing cardiopulmonary resuscitation as published by the American Heart Association, or the American Red Cross as they existed on January 1, 2021, or ~~in~~ equivalent course materials, ~~as they existed on January 1, 2009;~~

SECTION 4. Arkansas Code § 6-10-127(b)(1), concerning making up missed school days, is amended to read as follows to update an outdated reference:

(b)(1) The Commissioner of Elementary and Secondary Education may grant up to the equivalent of ten (10) student attendance days for public school districts that have an alternative instruction plan approved by the commissioner for the use of alternative methods of instruction, including without limitation virtual learning, on days when the public school district is closed due to exceptional or emergency circumstances such as:

(A) A contagious disease outbreak, inclement weather, or other acts of God; or

(B) A utility outage.

SECTION 5. Arkansas Code § 6-13-102 is amended to read as follows:  
6-13-102. Body corporate – Name.

(a) Each school district in the state shall be a body corporate, may contract and be contracted with, and may sue and be sued in its corporate name, which shall be the name it ~~now~~ currently has unless changed by the State Board of Education.

~~(b) A certificate showing the name authenticated by the state board shall be filed with the county clerk of the county or of each county in which there is any territory of the school district and by him or her inscribed in~~

~~a book kept by him or her for that purpose.~~

~~(e)~~(b) A school district may acquire and hold real estate and other classes of property.

SECTION 6. Arkansas Code § 6-13-112(a), concerning the responsibilities of the State Board of Education and Commissioner of Education regarding school districts under state authority, is amended to read as follows to update an outdated reference:

(a) Within ten (10) days of the meeting of the State Board of Education at which the state board assumes authority of a school district or within ten (10) days of the date upon which the Commissioner of Elementary and Secondary Education assumes authority of a school district, the commissioner shall provide the following information to the Chair of the House Committee on Education and the Chair of the Senate Committee on Education:

(1) A clear statement of the reasons the district has been placed under the authority of the state board or the commissioner; and

(2) A clear statement of the steps necessary for the school district to remove itself from the authority of the state board or the commissioner.

SECTION 7. Arkansas Code § 6-13-1004(a), concerning requests and requirements for the establishment of education service cooperatives, is amended to read as follows to update an outdated reference:

(a) Education service cooperatives shall be established when seventy-five percent (75%) of the school districts in a proposed education service cooperative area request such action by formal resolutions filed by the school district boards of directors with the Commissioner of Elementary and Secondary Education.

SECTION 8. Arkansas Code § 6-13-1309(b)(1), concerning alternative models for implementing site-based decision making, is amended to read as follows to update an outdated reference:

(b)(1) The local school building site shall submit the model through the local school district board of directors to the Commissioner of Elementary and Secondary Education and the State Board of Education for

approval.

SECTION 9. Arkansas Code § 6-14-122(b), concerning consolidation, annexation, or mergers of school districts, is amended to read as follows to update an outdated reference:

(b) The boards of directors of the school districts may, by resolution duly adopted and with the approval of the Commissioner of Elementary and Secondary Education, set a date for the annual school election in that year for the school districts involved on a date other than the date set in § 6-14-102 for all school districts, provided only one (1) annual school election may be held in any school district in one (1) calendar year.

SECTION 10. Arkansas Code § 6-15-101 is repealed.

~~6-15-101. Academic standards and expected outcomes.~~

~~By September 1, 2003, and as updates are necessary each year thereafter, the State Board of Education shall:~~

~~(1) Define and publish academic standards and expected outcomes for students in prekindergarten through grade twelve (preK-12);~~

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

~~(3) Require that the academic standards and expected outcomes be implemented by local school districts.~~

SECTION 11. Arkansas Code § 6-15-503(a)(3)(E)-(G), concerning prerequisites to home schooling, are amended to read as follows:

(E) A statement of plans to seek a high school equivalency diploma during the current school year; and

~~(F)(i) A statement of plans to seek a driver's license during the current school year.~~

~~(ii) If a parent or legal guardian includes the information under subdivision (a)(3)(F)(i) of this section, the notice shall include a notarized signature of the parent or legal guardian; and~~

~~(G)(F) A The signature of the parent or legal guardian.~~

SECTION 12. Arkansas Code § 6-15-1007(c), concerning the Arkansas Leadership Academy, is amended to read as follows:

(c) The State Board of Education shall have the authority to issue requests for ~~proposals~~ qualifications and to use other appropriate procurement methods if the state board ~~should determine to change~~ determines that the operator or the location of the academy should be changed.

SECTION 13. Arkansas Code § 6-15-1701(5), concerning the findings of the General Assembly regarding parental involvement plans, is amended to read as follows:

(5) Schools should foster and support active ~~parental involvement~~ parent and family engagement.

SECTION 14. Arkansas Code § 6-15-1702(a), concerning parental involvement plans, is amended to read as follows:

(a) Each public school district and each public school within its boundaries, in collaboration with parents, shall establish a parental involvement plan, including programs and practices that enhance ~~parental involvement~~ parent and family engagement and reflect the specific needs of students and their families.

SECTION 15. Arkansas Code § 6-15-1702(b), concerning parental involvement plans, is amended to read as follows:

(b) The ~~parental involvement program~~ parent and family engagement plan in each school shall:

(1) Involve parents of students at all grade levels in a variety of roles;

(2) Be comprehensive and coordinated in nature;

(3)(A) Recognize that communication between home and school should be ~~regular, two-way,~~ consistent, open, and meaningful.

(B) To encourage communication with parents, the school shall:

(i) Prepare an informational packet to be distributed annually to the parent of each child in the school, appropriate for the age and grade of the child, describing:

(a) The school's ~~parental involvement program~~ parent and family engagement plan;

(b) The recommended role of the parent,

family, student, teacher, and school;

(c) Ways for the parent and family to become involved in the school and ~~his or her child's~~ the student's education;

(d) A survey for the parent regarding his or her interests concerning volunteering at the school;

(e) Activities planned throughout the school year to encourage ~~parental involvement~~ parent and family engagement; and

(f) A system to allow the ~~parents and teachers~~ parent to communicate in a ~~regular, two-way,~~ consistent, open, and meaningful manner with the child's teacher and the school principal; and

(ii) Schedule no fewer than two (2) parent-teacher conferences per school year.

(C) The school may plan and engage in other activities determined by the school to be beneficial to encourage communication with parents;

(4)(A) Promote and support responsible parenting.

(B) To promote and support responsible parenting, the school shall, as funds are available:

(i) Purchase parenting books, magazines, and other informative material regarding responsible parenting through the school library, advertise the current selection, and give parents an opportunity to borrow the materials for review;

(ii) Create parent centers; and

(iii) Plan and engage in other activities determined by the school to be beneficial to promoting and supporting responsible parenting;

(5)(A) Acknowledge that parents and family play an integral role in assisting student learning.

(B) To help parents in assisting students, the school shall:

(i) Schedule regular parent involvement meetings at which parents are given a report on the state of the school and an overview of:

(a) What students will be learning;

(b) How students will be assessed;

(c) What a parent should expect for his or her

child's education; and

(d) How ~~a parent~~ parents and family can assist and make a difference in ~~his or her child's~~ the student's education;

(ii) Provide instruction to a parent on how to incorporate developmentally appropriate learning activities in the home environment, including without limitation:

(a) Role play and demonstration by trained volunteers;

(b) The use of and access to Division of Elementary and Secondary Education website tools for parents;

(c) Assistance with nutritional meal planning and preparation; and

(d) Other strategies or curricula developed or acquired by the school district for at-home parental instruction approved by the division; and

(iii) Engage in other activities determined by the school to help ~~a parent~~ parents and family assist in ~~his or her child's~~ the student's learning;

(6)(A) Welcome parents into the school and seek parental support and assistance.

(B) To welcome parents into the school, the school shall:

(i) Not have any school policies or procedures that would discourage a parent from visiting the school or from visiting a child's classrooms;

(ii) Encourage school staff to use the volunteer surveys to compile a volunteer resource book listing the interests and availability of volunteers so that school staff may:

(a) Determine how frequently a volunteer would like to participate, including the option of just one (1) time per year;

(b) Include options for those who are available to help at home; and

(c) Help match school needs with volunteer interests; and

(iii) Engage in other activities determined by the school to welcome parents into the school;

(7)(A) Recognize that a parent is a full partner in the

decisions that affect his or her child and family.

(B) To encourage a parent to participate as a full partner in the decisions that affect his or her child and family, the school shall:

(i) Include in the school's policy handbook the school's process for resolving parental concerns, including how to define a problem, whom to approach first, and how to develop solutions;

(ii) Sponsor seminars to inform the parents of high school students about how to be involved in the decisions affecting course selection, career planning, and preparation for postsecondary opportunities; and

(iii) Engage in other activities that the school determines will encourage a parent to participate as a full partner in the decisions that affect his or her child and family;

(8)(A) Recognize that community resources strengthen school programs, family practices, and student learning.

(B) To take advantage of community resources, the school shall:

(i) Consider recruiting alumni from the school to create an alumni advisory commission to provide advice and guidance for school improvement;

(ii)(a) Enable the formation of a parent-teacher association or organization that will foster parental and community involvement within the school.

(b) Leaders of this organization shall be utilized in appropriate decisions affecting the children and families; and

(iii) Engage in other activities that the school determines will use community resources to strengthen school programs, family practices, and student learning; and

(9) Support the development, implementation, and regular evaluation of the program to involve parents in the decisions and practices of the school district, using, to the degree possible, the components listed in this section.

SECTION 16. Arkansas Code § 6-15-1702(c)(1)(B), concerning parental involvement plans, is amended to read as follows:

(B) Promote and encourage a welcoming atmosphere to foster

~~parental involvement~~ parent and family engagement in the school; and

SECTION 17. Arkansas Code § 6-15-1704(a), concerning annual review of parental involvement plans, is amended to read as follows:

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

(1) File a copy of the parent and family engagement plan with the Division of Elementary and Secondary Education;

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

(3)(A) ~~Place~~ Publish a parent-friendly summary of the parent and family engagement 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 18. Arkansas Code § 6-15-1704(b)(4), concerning annual review of parental involvement plans, is amended to read as follows:

(4) The State Board of Education shall incorporate the provisions of this subsection into its rules for ~~parental involvement~~ parent and family engagement plans.

SECTION 19. Arkansas Code § 6-15-1705 is amended to read as follows:

6-15-1705. Incorporation of ~~parental involvement~~ parent and family engagement into teacher education programs.

The Division of Elementary and Secondary Education and the Division of Higher Education shall collaborate with institutions of higher education to incorporate into teacher and administrator education programs instruction regarding:

(1) The importance of ~~parental involvement~~ parent and family engagement;

(2) Successful strategies for encouraging a parent to be a partner in his or her child's education; and

(3) The ~~relationship~~ connection between cultural diversity and ~~parental involvement~~ parent and family engagement.

SECTION 20. Arkansas Code § 6-15-2101(a)(3), concerning the school rating system and annual reports, is amended to read as follows:

(3)(A) Annual school performance reports shall be:

~~(A)(i) Made available in hard copy to all parents or guardians upon request;~~

~~(B)(ii) Posted on the division's website; and~~

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

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

(B) The public school district also may publish the school performance report in the local newspaper.

SECTION 21. Arkansas Code § 6-15-2105 is amended to read as follows:

6-15-2105. School rating system – School ratings and performance category level measurement – Publication.

(a) School performance category level ~~designations or~~ ratings shall apply to each school's achievement for the year in which the achievement is measured.

(b)(1) Each school's ~~designation or~~ rating shall be published annually by the Division of Elementary and Secondary Education and by the school district and shall be available on the division's website.

(2) Each parent and guardian is entitled to an easy-to-read written report describing the ~~designation or~~ rating of the school in which his or her child is enrolled.

(3) ~~Effective with the 2014-2015 school year, the~~ The report required under this section shall identify the ~~levels of improvement and performance~~ school's rating on the report as "A", "B", "C", "D", or "F".

~~(A) "A" for schools that are rated "exemplary" by the Division of Elementary and Secondary Education, Level 5 under § 6-15-2102 [repealed], or Level 5 under § 6-15-2103;~~

~~(B) "B" for schools that are rated "achieving" by the division, Level 4 under § 6-15-2102 [repealed], or Level 4 under § 6-15-2103;~~

~~(C) "C" for schools that are rated "needs improvement" by the division, Level 3 under § 6-15-2102 [repealed], or Level 3 under § 6-15-~~

2103;

~~(D) “D” for schools that are rated “needs improvement—focus” by the division, Level 2 under § 6-15-2102 [repealed], or Level 2 under § 6-15-2103; and~~

~~(E) “F” for schools that are rated “needs improvement—priority” by the division, Level 1 under § 6-15-2102 [repealed], or Level 1 under § 6-15-2103.~~

SECTION 22. Arkansas Code § 6-16-144(a)(1), concerning the Arts-Enriched Curriculum Program, is amended to read as follows:

(1) Integration of the arts is an effective tool to reinforce the rigor and relevance specific to the newly adopted ~~Common Core~~ Arkansas State Standards;

SECTION 23. Arkansas Code § 6-16-144(c)(1)(A), concerning the Arts-Enriched Curriculum Program, is amended to read as follows:

(A) An arts-enriched curriculum based on ~~Common Core~~ Arkansas State Standards that ~~is infused daily with~~ incorporates drama, dance, visual art, and writing;

SECTION 24. Arkansas Code § 6-16-144(e)(2), concerning the Arts-Enriched Curriculum Program, is amended to read as follows:

(2) For the three (3) years that a school participates, the principal and faculty at the school shall receive professional development training for integrating the arts as a medium to teach the concepts under the ~~Common Core~~ Arkansas State Standards as follows:

(A) In the first year of participation, training shall be provided for seven (7) days, with monthly follow-up;

(B) In the second year of participation, training shall be provided for five (5) days, with monthly follow-up; and

(C) In the third year of participation, training shall be provided for four (4) days, with monthly follow-up.

SECTION 25. Arkansas Code § 6-16-501(a), concerning organ donor awareness education, is amended to read as follows to update an outdated reference:

(a) After receiving approval of materials from the Commissioner of Elementary and Secondary Education and the ~~Director of the Department of Health~~ Secretary of the Department of Health, the Arkansas Regional Organ Recovery Agency, Inc. may provide educational and instructional materials regarding organ and tissue donation to school districts for use in the classroom.

SECTION 26. Arkansas Code § 6-16-508(a), concerning accessible parking for persons with disabilities, is amended to read as follows to update an outdated reference:

(a) After receiving approval of materials from the Commissioner of Elementary and Secondary Education and the ~~Director of the Department of Health~~ Secretary of the Department of Health, the Governor's Commission on People with Disabilities may provide educational and instructional materials regarding accessible parking for persons with disabilities to school districts for use in the classroom.

SECTION 27. Arkansas Code § 6-17-119 is repealed.

~~6-17-119. Alternative pay programs—Definitions.~~

~~(a) As used in this section:~~

~~(1) "Alternative pay" means a salary amount that is part of the 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) "Classified employee" means a person employed by a public school district under a written annual contract who is not required to have a teaching license issued by the Division of Elementary and Secondary Education as a condition of employment;~~

~~(3) "Licensed employee" means a person employed by a public school who is required to hold a license issued by the division; and~~

~~(4) "Teacher" means:~~

~~(A) Any person who is:~~

~~(i) Required to hold a teaching license from the division; 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 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 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 district board of directors, administrators, teachers, classified employees, association representatives, and parents with children attending the school district.~~

~~(B) The school district 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 district board of directors.~~

~~(C)(i) Each of the above groups shall be represented on a committee that will design, implement, and evaluate the program.~~

~~(ii) Each group shall select its own representatives, and the committee shall be composed of at least fifty percent (50%) classroom teachers.~~

~~(D) The program is a personnel policy and shall be promulgated in accordance with § 6-17-201 et seq. and § 6-17-2301 et seq., except to the extent that those personnel policies are negotiable in any school district that recognizes an organization representing a majority of teachers;~~

~~(4)(A) The program uses a variety of objective criteria that are credible, clear, specific, measurable indicators of student achievement, and generally accepted best practices to determine pay.~~

~~(B) No more than fifty percent (50%) of the program's eligibility requirements or alternative pay shall be related to annual increases in test scores;~~

~~(5)(A)(i) The program establishes a clear system of pay.  
(ii) The alternative pay system may not be arbitrary.~~

~~(B) The alternative pay shall be at least ten percent (10%) of the salary and receivable in one (1) year;~~

~~(6) The program has an established and ongoing support system for the participants with the necessary financial and administrative resources to successfully carry the program through;~~

~~(7) The program is included in the district's support plan;~~

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

~~(9) Each group identified in subdivision (b)(3)(B) of this section approves the finalized program by:~~

~~(A) At least a seventy percent (70%) majority; or~~

~~(B) Another percentage established by a majority vote of the teachers and approved by the local school district board of directors; and~~

~~(10)(A) The program respects the right of any teacher or classified employee to elect not to participate in the program.~~

~~(B) However, if fifty one percent (51%) or more of an employee group chooses not to participate, the program shall not be implemented for that group.~~

~~(c) The division shall promulgate the rules necessary for the proper implementation of this section.~~

~~(d) This section shall not apply to any state funded alternative teacher compensation pilot program or to any other performance based pay program operating in a public school on July 31, 2007.~~

SECTION 28. Arkansas Code § 6-17-310(e)(1), concerning the Office for the Purpose of Teacher Recruitment, is amended to read as follows:

(1) Seventy-five percent (75%) or more of its students scoring below proficient on fourth grade or eighth grade ~~benchmark exams~~ statewide student assessments in the two (2) immediately preceding school years; or

SECTION 29. Arkansas Code § 6-17-1403(d), concerning Workers'

Compensation financing coverage, is amended to read as follows to update an outdated reference:

(d) The Commissioner of Elementary and Secondary Education shall also cause to be transferred to the Workers' Compensation Revolving Fund from the Public School Fund such amounts as may be certified to the commissioner by the division as the cost of administering this subchapter for public school employees.

SECTION 30. Arkansas Code § 6-18-201(a), concerning compulsory attendance and exceptions, is amended to read as follows:

(a) Under the penalty for noncompliance set by law, every parent, legal guardian, person having lawful control of the child, or person standing in loco parentis residing within the State of Arkansas and having custody or charge of a child five (5) years of age through seventeen (17) years of age on or before the date established in § 6-18-207 for the minimum age for enrollment in public school shall enroll the child in and ~~and~~ ensure the attendance of the child ~~to~~ at a public, private, or parochial school or provide a home school for the child, as described in § 6-15-501 et seq., with the following exceptions:

(1)(A) A parent, legal guardian, person having lawful control of a child, or person standing in loco parentis residing within the state and having custody or charge of the child may elect for the child not to attend kindergarten if the child will not be six (6) years of age on the date established in § 6-18-207 for the minimum age for enrollment in public school ~~of~~ for that school year.

(B)(i) If an election is made under subdivision (a)(1)(A) of this section, the parent, legal guardian, person having lawful control of the child, or person standing in loco parentis shall file a signed kindergarten waiver form with the local school district administrative office.

(ii) The kindergarten waiver form shall be prescribed by rule of the Division of Elementary and Secondary Education.

(C) Upon the filing of the kindergarten waiver form, the child shall not be required to attend kindergarten during that school year;

(2) A child who has received a high school diploma or its equivalent as determined by the State Board of Education is not subject to

the attendance requirement under this section;

(3) A child sixteen (16) years of age or older who is enrolled in a postsecondary vocational-technical institution, a community college, or a two-year or four-year institution of higher education is not subject to the attendance requirement under this section; and

(4) A child sixteen (16) years of age or older who is enrolled in an adult education program under subsection (b) of this section or in the Arkansas National Guard Youth Challenge Program is not subject to the attendance requirement under this section.

SECTION 31. Arkansas Code § 6-18-205 is amended to read as follows:

6-18-205. Attendance in another district – Liability.

~~(a)(1) Persons, and their present or future siblings, who attended during the 1982-1983 or 1983-1984 school year schools outside the boundaries of the school district in which the persons reside may continue attending such schools at the discretion of the receiving schools notwithstanding that the board of directors of the school districts in which such persons reside disapproves the out-of-district attendance.~~

~~(2) Such students shall be counted in the receiving district's average daily membership and not in the average daily membership of the district of residence.~~

~~(3) Nothing in this section shall be construed as requiring any transfer of local funds to the receiving district.~~

~~(b)(1)(A)(a)~~ Any A school district which that admits for ten (10) school days or more a student the school district knows, or should have known, is a resident of another school district not included in a tuition agreement, or not officially transferred to it, ~~shall be~~ the school district, is liable to the resident district of the student for an amount of money equal to the amount of state aid the resident district would have received or seven hundred fifty dollars (\$750) per year, whichever is greater.

~~(B)(i)(b)(1)~~ Either school district may petition the Division of Elementary and Secondary Education to satisfy the liability by transferring ~~that amount~~ the amount of the liability to the entitled school district from funds which that the division would have distributed to the liable school district.

~~(ii)(2)~~ Upon receipt of a petition, the division

shall determine the amount of the liability and satisfy it by the transfer.

~~(C)(c)~~ If a substantial question arises as to residence, the State Board of Education may decline to assess the penalty.

~~(2) This subsection shall be deemed supplemental to and not a repeal of subsection (a) of this section.~~

SECTION 32. Arkansas Code § 6-18-511(c)(1), concerning disciplinary removal of a student by a teacher, is amended to read as follows:

(1) Place the student into another appropriate classroom, or into in-school suspension, ~~or into the district's alternative learning environment,~~ so long as ~~such~~ the placement is consistent with the school district's written student discipline policy;

SECTION 33. Arkansas Code § 6-20-103(a)(2), concerning the electronic warrants transfer system, is amended to read as follows to update an outdated reference:

(2) The determination of the categories of funds to be distributed shall be made by the Commissioner of Elementary and Secondary Education.

SECTION 34. Arkansas Code § 6-20-222(a), concerning the deposit of school funds and security, is amended to read as follows to update an outdated reference:

(a) All general deposits of school funds in banks shall be secured by general obligation bonds of the United States, by bonds, notes, debentures, or other obligations issued by an agency of the United States Government, by bonds of the State of Arkansas, or by bonds of a political subdivision thereof which has never defaulted on any of its obligations, in an amount at least equal to the amount of the deposit, or by a bond executed by a surety company authorized to do business in the State of Arkansas, the surety on the bond to be approved by the Commissioner of Elementary and Secondary Education.

SECTION 35. Arkansas Code § 6-20-415 is repealed.

~~6-20-415. Consultants.~~

~~(a) The Division of Elementary and Secondary Education in consultation~~

~~with the Attorney General shall hire consultants on the following basis:~~

~~(1) The consultants shall be qualified as experts in public school district desegregation;~~

~~(2) The purposes for employing the consultants are to determine whether and in what respects any of the three (3) Pulaski County school districts:~~

~~(A)(i) Are unitary.~~

~~(ii) If a school district has been declared unitary or has been declared unitary in some respects, the consultants shall not examine the school district on those issues; and~~

~~(B) Have complied with their respective consent decrees;~~

~~and~~

~~(3) The consultants shall understand and acknowledge in their work and research that their testimony in court may be required.~~

~~(b) The division shall not pay the consultant fees or expenses from moneys appropriated and available for the reimbursement of attorney's fees to the three (3) Pulaski County school districts under § 6-20-416.~~

~~(c)(1) The division and the Attorney General also may hire consultants with expertise in the fields of auditing and forensic accounting to provide oversight and management of the three (3) Pulaski County school districts' finances with an emphasis on desegregation funding.~~

~~(2) The consultants hired by the division and the Attorney General shall have full authority to examine any documents and software and shall be allowed full access to any persons necessary to discharge the consultants' duties as directed by the division and the Attorney General.~~

~~(3) In addition to the authority otherwise granted to the State Board of Education and the division by law, the division may require a school district to modify, update, or change the school district's financial oversight or management policies, procedures, or practices in response to the recommendations of the consultants.~~

~~(4) A school district that fails to comply with the requirements of the division under this subsection shall be identified by the division as being in fiscal distress and subject to the applicable enforcement provisions as provided by law.~~

SECTION 36. Arkansas Code § 6-20-416 is repealed.

~~6-20-416. Desegregation funding.~~

~~(a) The Division of Elementary and Secondary Education and the Attorney General are authorized to seek proper federal court review and determination of the current unitary status of any school district in the case of Little Rock School District v. Pulaski County Special School District No. 1, et al., No. LR-C-82-866.~~

~~(b)(1) The division and the Attorney General are authorized to seek modification of the current consent decree or enter into a new or an amended consent decree or settlement agreement under this section that allows the State of Arkansas to:~~

~~(A) Continue necessary and appropriate payments under a post-unitary agreement to the three (3) Pulaski County school districts for a limited and definite time period not to exceed seven (7) years and for a definite limited sum of payments;~~

~~(B) Ensure that the amount of funding provided under the post-unitary agreement is the total maximum obligation of the state and the school districts in the case;~~

~~(C) Ensure that the payments required pursuant to the post-unitary agreement are structured so that the total amount of the payments decreases so that no financial obligation remains due or owed by the state at the end of the time period specified in the post-unitary agreement; and~~

~~(D) Ensure that the total of any financial obligation created or established for the state in any one (1) year shall not exceed the state's desegregation obligation for the 2008-2009 school year.~~

~~(2)(A) The agreement under this subsection may only be a post-unitary agreement, and the school districts shall receive the continued funding only if they are declared unitary.~~

~~(B) However, the agreement does not have to be post-unitary and may commence upon all school districts having been declared, previously or in the future, unitary in terms of student assignment and student racial balance so long as all other requirements in subdivision (b)(1) of this section are met.~~

~~(3) Before any agreement is entered into pursuant to this subsection, the proposed post-unitary agreement shall be submitted to the Legislative Council for review and approval.~~

~~(c)(1) The division in consultation with the Attorney General shall have the authority to enter into agreements with the three (3) Pulaski County school districts to reimburse the school districts for legal fees incurred for seeking unitary status or partial unitary status.~~

~~(2) To be eligible for possible reimbursement under this subsection for legal fees incurred, motions seeking unitary status or partial unitary status shall be filed no later than October 30, 2007, and the school districts must be declared unitary or at least partially unitary by the federal district court no later than December 31, 2012.~~

~~(3) Under no circumstances shall any one (1) school district be entitled to reimbursement under this subsection in excess of two hundred fifty thousand dollars (\$250,000).~~

~~(4) Before a reimbursement agreement is entered into pursuant to this subsection, the proposed reimbursement agreement shall be submitted to the Legislative Council for review and approval.~~

~~(d)(1) By modifying the current consent decree or entering into a new or an amended consent decree or post-unitary agreement, the State Board of Education may create one (1) or more new school districts within Pulaski County if the creation of the new school district or districts does not eliminate the Pulaski County Special School District from existence.~~

~~(2) The state board shall seek the federal district court's approval before creating a new school district pursuant to this subsection, unless the federal district court's approval is not required because:~~

~~(A) The school district or districts involved have been released from the federal district court's supervision; or~~

~~(B) The new school district or districts is contemplated only as part of the post-unitary agreement.~~

~~(3) Any new school district created in Pulaski County shall receive a pro rata distribution based on its average daily membership of the funding provided under subsection (b) of this section for the school district or districts from which it was created.~~

~~(e)(1) A school district receiving state funds under a federal court order or a settlement agreement in desegregation litigation shall categorize and describe the state funds received and any expenditure of those funds according to the uniform chart of accounts and codes established by the division.~~

~~(2) The division shall modify, as necessary, the Arkansas Financial Accounting Handbook or the Arkansas Educational Financial Accounting and Reporting System, or both, to ensure that the uniform chart of accounts and codes is available to accurately monitor;~~

~~(A) State funding paid to a school district under the federal court order or settlement agreement; and~~

~~(B) All expenditures of that funding;~~

~~(3) An error related to the coding and reporting of the state funds that causes a material misstatement of financial information is cause for determining a deficiency under the Division of Elementary and Secondary Education Rules Governing the Arkansas Financial Accounting and Reporting System and Annual Training Requirements.~~

~~(f) By September 1 of each year, a school district that receives state funding pursuant to a federal court order or settlement agreement in desegregation litigation shall report to the division, in the form and manner established by the division, the following:~~

~~(1) The total amount of state funding received under the federal court order or settlement agreement in the previous school year;~~

~~(2) A detailed statement outlining the school district's obligations under the federal court order, settlement agreement, or court-approved remedial plan, including without limitation:~~

~~(A) Programs that the school district is required to administer;~~

~~(B) Specific goals that the school district is required to reach;~~

~~(C) Actions that the school district is required to take or is prohibited from taking;~~

~~(D) Problems that the school district is required to remedy;~~

~~(E) Overall purposes of the federal court order, settlement agreement, or court-approved remedial plan; and~~

~~(F) Any other pertinent information as determined by the division;~~

~~(3)(A) An itemized accounting of expenditures of state funds identified under subdivision (f)(1) of this section that were used to comply with the school district's obligations identified under subdivision (f)(2) of~~

~~this section.~~

~~(B) The accounting shall be specific and detailed and include an explanation of how each expenditure was necessary in order to comply with the school district's obligations under the federal court order, settlement agreement, or court-approved remedial plan.~~

~~(C) It is not sufficient to provide general statements, such as stating that the funds were used in magnet schools.~~

~~(D) The division may determine additional guidelines regarding the necessary level of specificity;~~

~~(4) The total amount of all state funds referenced in subdivision (f)(1) of this section that the school district retains; and~~

~~(5) A statement that the total amount of funds listed in subdivisions (f)(3) and (4) of this section is equal to the total amount of state funding received, as reported by the school district under subdivision (f)(1) of this section, or alternatively, an explanation of the discrepancy.~~

~~(g)(1) A school district not utilizing the Arkansas Public School Computer Network shall provide the division and the Attorney General, or their designees, full and complete, real-time access to the accounting and school district financial management software utilized by the school district.~~

~~(2) A school district may satisfy the obligation under subdivision (g)(1) of this section by converting to the Arkansas Public School Computer Network, but the school district still shall provide the division and the Attorney General, or their designees, with full and complete access to the prior financial management system.~~

~~(h) This section shall not:~~

~~(1) Force entry of a consent decree or settlement agreement by the division or the Attorney General with the three (3) Pulaski County school districts; or~~

~~(2) Protect any school district from action or sanction by the division for fiscal, academic, or facilities distress.~~

SECTION 37. Arkansas Code § 6-20-805(a)(1), concerning the approval, partial approval, or disapproval of loans, is amended to read as follows to update an outdated reference:

(a)(1) Within a reasonable time after its receipt, each application

shall be examined by the Commissioner of Elementary and Secondary Education as to accuracy with respect to answers contained therein relating to fiscal matters.

SECTION 38. Arkansas Code § 6-20-810(a), concerning certificates of approval and negotiable instruments, is amended to read as follows to update an outdated reference:

(a) Whenever all of the conditions required by this law have been met, the Commissioner of Elementary and Secondary Education shall execute a certificate on each revolving loan bond or revolving loan certificate of indebtedness to the effect that the bond or certificate, and the issue of which it is a part, has been approved by the State Board of Education.

SECTION 39. Arkansas Code § 6-20-812(b), concerning interest and payments of principal deposited into the State Treasury, is amended to read as follows to update an outdated reference:

(b) In the event of the sale of any school district obligations pursuant to § 6-20-811, all principal and interest payments on such school district obligations shall be regarded and treated as cash funds and shall not be deposited into the State Treasury, but shall be deposited into a bank or banks approved by the Commissioner of Elementary and Secondary Education.

SECTION 40. Arkansas Code § 6-20-818(e)(1), concerning loans to education service cooperatives, is amended to read as follows to update an outdated reference:

(e)(1) Each such loan, which is to be paid in full as to both principal and interest within or at the end of ten (10) years from the date of its approval by the state board, shall be evidenced by a certificate executed by the Commissioner of Elementary and Secondary Education.

SECTION 41. Arkansas Code § 6-20-907(d), concerning the Revolving Certificate Proceeds Account, is amended to read as follows to update an outdated reference:

(d) Any moneys in the Revolving Certificate Proceeds Account not immediately required for the Revolving Loan Program may be invested, pursuant to the direction of the Commissioner of Elementary and Secondary Education,

in direct obligations of the United States, and all earnings on investments shall remain in and be part of the Revolving Certificate Proceeds Account.

SECTION 42. Arkansas Code § 6-20-1017(a), concerning the purchase of bonds and certificates by the Treasurer of State, is amended to read as follows to update an outdated reference:

(a) The Treasurer of State shall, upon written request of the Commissioner of Elementary and Secondary Education, acting on authority of the State Board of Education, purchase from the state board, at par, plus any accrued interest, revolving loan bonds or revolving loan certificates of indebtedness of school districts in this state whenever the state board shall present them to the Treasurer of State for purchase.

SECTION 43. Arkansas Code § 6-20-1202(b), concerning limitations of bonded indebtedness and conversion of authorized bond issues, is amended to read as follows to update an outdated reference:

(b) Subsection (a) of this section shall not prohibit the conversion of authorized bond issues to bonds bearing a lower rate of interest, subject to the approval of the Commissioner of Elementary and Secondary Education, upon such terms that the school district shall receive no less and pay no more in principal and interest combined than it would receive and pay in principal and interest combined if the bonds were not converted.

SECTION 44. Arkansas Code § 6-20-1215(b), concerning the approval of bond issues, is amended to read as follows to update an outdated reference to update an outdated reference:

(b) If the school district has done everything necessary to comply with the law to authorize it to sell bonds except securing the approval of the state board, and if the state board does not meet for thirty (30) days, then in its discretion, the state board shall have the authority to authorize the Commissioner of Elementary and Secondary Education to approve the issue of bonds.

SECTION 45. Arkansas Code § 6-20-1220 is amended to read as follows to update an outdated reference:

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

Refunding bonds issued by any school district of the State of Arkansas, when authorized at any general or special school election by a vote of the electors of the school district for a continuing debt service fund to retire refunding bonds, shall be the valid, legal, and binding obligations of the school district provided that the issuance of the refunding bonds is approved by the State Board of Education or the Commissioner of Elementary and Secondary Education before the issuance of the refunding bonds.

SECTION 46. Arkansas Code § 6-20-2202(c)(1)(A), concerning budget and expenditure reports, is amended to read as follows:

(c)(1)(A) School district, open-enrollment public charter school, and education service cooperative budgets filed pursuant to this section shall be reviewed by ~~the auditors of the financial accountability office of the~~ Division of Elementary and Secondary Education to determine whether the requirements of state law and the rules of the State Board of Education regarding the use of school, open-enrollment public charter school, and education service cooperative funds and expenditure requirements are being met.

SECTION 47. Arkansas Code § 6-20-2202(c)(1)(B)(ii), concerning budget and expenditure reports, is amended to read as follows:

(ii) If the ~~auditors of the financial accountability office determine~~ Division of Elementary and Secondary Education determines that the financial records are deficient, then the school district, open-enrollment public charter school, or education service cooperative shall be notified and shall have thirty (30) days to respond before suspension of the grants and aids.

SECTION 48. Arkansas Code § 6-20-2202(c)(2), concerning budget and expenditure reports, is amended to read as follows:

(2) Upon approval by the ~~auditors~~ Division of Elementary and Secondary Education, copies of the approved budget shall be filed with the school district, the open-enrollment public charter school, the education service cooperative, the county treasurer if serving as school treasurer, and the Division of Elementary and Secondary Education.

SECTION 49. Arkansas Code § 6-20-2202(d)(2), concerning budget and expenditure reports, is amended to read as follows:

(2) If the ~~auditors of the financial accountability office of the~~ Division of Elementary and Secondary Education ~~determine~~ determines that the financial records of any school district, open-enrollment public charter school, or education service cooperative are not properly maintained or that the financial affairs of the school district, open-enrollment public charter school, or education service cooperative are not administered in accordance with state law or state board rules, grants and aids from the state to which the school district, open-enrollment public charter school, or education service cooperative may be entitled shall be withheld until it is determined that the fiscal records of the school district, open-enrollment public charter school, or education service cooperative are in order or that the financial affairs are being properly administered as established by statute or by rule promulgated by the state board, provided that the Division of Elementary and Secondary Education has met all deadlines for providing information to school districts, open-enrollment public charter schools, or education service cooperatives.

SECTION 50. Arkansas Code § 6-20-2305(c)(2)(A)(i), concerning school funding, is amended to read as follows:

(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~~ in the year before the fourth quarter;

SECTION 51. Arkansas Code § 6-21-608(e)(1)(A), concerning the concealment of guns or drugs, is amended to read as follows:

(e)(1)(A) ~~Whenever~~ If a school official discovers ~~any~~ a gun or other firearm in any school-owned property assigned to the use of an identifiable student, that student shall be expelled for ~~a period of not less than~~ one (1) year.

SECTION 52. Arkansas Code § 6-23-104(a)(1), concerning the charter form for public charter schools, requirements, and revisions, is amended to read as follows to update an outdated reference:

(1) Be in the form of a written contract signed by the Commissioner of Elementary and Secondary Education and the chief operating officer of the public charter school;

SECTION 53. Arkansas Code § 6-23-905(c), concerning loan decisions, is amended to read as follows to update an outdated reference:

(c) An open-enrollment public charter school may apply for and accept a loan from the Open-Enrollment Public Charter School Facilities Loan Fund without prior approval from the Commissioner of Elementary and Secondary Education under § 6-23-401(a)(5).

SECTION 54. Arkansas Code § 6-24-102(5), concerning definitions applicable to ethical guidelines and prohibitions, is repealed to remove an incorrect and outdated reference:

~~(5) "Commissioner" means the Commissioner of Education or his or her designee;~~

SECTION 55. Arkansas Code § 6-24-111(a)(1), concerning restrictions on employment of present and former administrators, is amended to read as follows to update an outdated reference:

(a)(1) Unless written approval is granted by the Commissioner of Elementary and Secondary Education, it is a breach of the ethical standards of this chapter for administrators to be or become the employee, agent, or independent contractor of any party contracting with the public educational entity the administrators serve.

SECTION 56. Arkansas Code § 6-24-116 is amended to read as follows to update an outdated reference:

6-24-116. Request for review of transactions.

At the request of a board of a public educational entity, the executive administrator at a public educational entity, the Commissioner of Elementary and Secondary Education, or the Legislative Joint Auditing Committee, the appropriate prosecuting attorney shall review contracts or transactions for compliance with the provisions of this chapter.

SECTION 57. Arkansas Code § 6-45-106(b), concerning the application

process and the allocation of funding for the Arkansas Better Chance Program Act, is amended to read as follows:

(b) In order to be considered, an application must contain all information required by the Division of Elementary and Secondary Education's ~~regulatory guidelines~~ rules.

SECTION 58. Arkansas Code § 6-45-110(c)(3), concerning assessments of students enrolled in the Arkansas Better Chance for School Success Program, is amended to read as follows:

(3) This research shall include children entering the Arkansas Better Chance for School Success Program at ages three (3) and four (4) years and follow the children through completion of the fourth grade ~~benchmark exams~~ statewide student assessments.

*/s/ Irvin*