

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

State of Arkansas  
95th General Assembly  
Regular Session, 2025

As Engrossed: H4/3/25

## A Bill

HOUSE BILL 1864

By: Representative Andrews

By: Senator J. English

### For An Act To Be Entitled

AN ACT TO AMEND PROVISIONS OF THE ARKANSAS CODE TO IMPROVE EFFICIENCY IN STUDENT INSTRUCTION; TO CREATE A STANDARDIZED FLEXIBLE SCHOOL CALENDAR SYSTEM FOR PUBLIC SCHOOLS; AND FOR OTHER PURPOSES.

### Subtitle

TO AMEND PROVISIONS OF THE ARKANSAS CODE TO IMPROVE EFFICIENCY IN STUDENT INSTRUCTION; AND TO CREATE A STANDARDIZED FLEXIBLE SCHOOL CALENDAR SYSTEM FOR PUBLIC SCHOOLS.

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

SECTION 1. Arkansas Code § 6-10-106 is amended to read as follows:

6-10-106. ~~Uniform dates for beginning and end of school year—~~  
Definition School calendar – Definitions.

(a)(1)~~(A)~~ Each school year, each public school district board of directors and governing entity of an open-enrollment public charter school shall establish by policy the first day of the school year for student attendance in public elementary and secondary schools.

~~(B) The first day of the school year for student attendance established under subdivision (a)(1)(A) of this section shall ensure compliance with the number of student teacher interaction days or hours required by the Standards for Accreditation of Arkansas Public Schools and School Districts established by the State Board of Education.~~

(2) Beginning with the 2026-2027 school year, the first day of



the school year for student attendance in public school districts and open-enrollment public charter schools shall be on or after July 1.

(3) The last day of the school year for student attendance in public school districts and open-enrollment public charter schools shall not be after June 30.

~~(2)(4)~~ Labor Day shall be celebrated as a school holiday in all the public school districts of the state and open-enrollment public charter schools, and school shall not be held on that date.

~~(3) As used in this section, "week" means a seven-day period that begins on a Sunday and ends on a Saturday.~~

(b) Contracts of employment for employees in licensed personnel positions and employees in nonlicensed personnel positions of public school districts may require public school district employees to begin performance under their contract of employment before the first day of student attendance.

(c)~~(1)~~ If the school year in any public school district or open-enrollment public charter school extends beyond the date observed as Memorial Day, such date shall be a holiday in the public school district or open-enrollment public charter school.

~~(2) Provided, upon approval of the Division of Elementary and Secondary Education, this date may be used as a make-up day in any school district which has unavoidably lost more than five (5) scheduled days of student attendance during the course of the school year due to contagious disease outbreaks, inclement weather, or other acts of God.~~

(d)(1) A public school district or an open-enrollment public charter school that provides a week-long holiday for spring break shall schedule the spring break holiday for five (5) consecutive school days beginning on the Monday of the thirty-eighth week of the school year.

(2) The thirty-eighth week of the school year shall be calculated by counting as week one the first week in July that begins on a Sunday.

(3) Nothing in this subsection shall prevent a public school district or an open-enrollment public charter school from providing fewer than five (5) consecutive school days for the spring break holiday to comply with the ~~division's~~ Division of Elementary and Secondary Education's requirement for a minimum number of days for student attendance under the

Standards for Accreditation of Arkansas Public Schools and School Districts.

(e) The ~~division~~ State Board of Education shall not grant a waiver from the requirements of this section unless this section specifically authorizes the waiver.

~~(f) Except as provided under subsection (g) of this section, a school district shall adopt an academic calendar that includes five (5) make-up days, in addition to the number of student teacher interaction days required by the Standards for Accreditation of Arkansas Public Schools and School Districts established by the state board, for days unavoidably lost due to exceptional or emergency circumstances resulting from a contagious disease outbreak, inclement weather, or other acts of God.~~

~~(g)(1) Beginning with the 2022-2023 school year, a public school district board of directors may elect to implement an alternate school calendar.~~

~~(2)(A) An alternate school calendar implemented under subdivision (g)(1) of this section shall consist of:~~

~~(i) At least one thousand sixty-eight (1,068) hours of instructional time; and~~

~~(ii)(a) At least thirty (30) make-up hours, in addition to the number of hours required of instructional time, for days unavoidably lost due to exceptional or emergency circumstances resulting from inclement weather.~~

~~(b) If additional make-up hours are needed, the public school district board of directors shall modify its alternate school calendar to include make-up hours for the additional hours needed.~~

~~(B) However, there shall not be a minimum number of school days required to meet the required one thousand sixty-eight (1,068) hours of instructional time.~~

~~(3)(A) A public school district board of directors that elects to implement an alternate school calendar under subdivision (g)(1) of this section shall:~~

~~(i) Notify the division by July 1 of each year that the public school district intends to implement the alternate school calendar;~~

~~(ii) Post the alternate school calendar on the public school district's website by August 1 of each year that the public~~

~~school district intends to implement the alternate school calendar; and~~

~~(iii) Input into eSchool, eFinance, or the Arkansas Public School Computer Network all data that:~~

~~(a) Affects the average daily membership of the public school district; and~~

~~(b) Ensures compliance with the required minimum number of school instructional hours under subdivision (g)(2)(A)(i) of this section.~~

~~(B) A public school district that implements an alternate school calendar under subdivision (g)(1) of this section may submit an application to operate a virtual learning option.~~

~~(4) The total number of instructional hours under an alternate school calendar shall be converted to school days for purposes of the:~~

~~(A) Number of days required in a teacher employment basic contract under § 6-17-2402(1);~~

~~(B) Number of days counted during the official reporting period for attendance under § 6-18-213(b)(1); and~~

~~(C) Average daily membership calculated under § 6-20-2303(3).~~

~~(5) The division may promulgate rules as necessary to administer this section.~~

(f) Beginning with the 2026-2027 school year, each public school district board of directors and open-enrollment public charter school governing body shall adopt a school calendar that includes:

(1) On-site, in-person instruction for a minimum of the following:

(A) One hundred sixty (160) school days or the hourly equivalent of one hundred sixty (160) school days for a public school with an "A" school rating according to the most recent results of the school rating system under § 6-15-2101 et seq. or any other division-approved accountability system;

(B) One hundred sixty-four (164) school days or the hourly equivalent of one hundred sixty-four (164) school days for a public school with a "B" school rating according to the most recent results of the school rating system under § 6-15-2101 et seq. or any other division-approved accountability system;

(C) One hundred sixty-eight (168) school days or the hourly equivalent of one hundred sixty-eight (168) school days for a public school with a "C" school rating according to the most recent results of the school rating system under § 6-15-2101 et seq. or any other division-approved accountability system;

(D) One hundred seventy-two (172) school days or the hourly equivalent of one hundred seventy-two (172) school days for a public school with a "D" school rating according to the most recent results of the school rating system under § 6-15-2101 et seq. or any other division-approved accountability system; and

(E) One hundred seventy-eight (178) school days or the hourly equivalent of one hundred seventy-eight (178) for a public school with an "F" school rating according to the most recent results of the school rating system under § 6-15-2101 et seq. or any other division-approved accountability system;

(2) A minimum of one hundred ninety (190) teacher contract days;  
and

(3) At least thirty (30) make-up instructional hours in addition to the number of on-site, in-person instruction time required under subdivision (f)(1) of this section, which shall be used to make up school days missed due to exceptional or emergency circumstances resulting from:

(A) A contagious disease outbreak;

(B) Inclement weather;

(C) A utility outage;

(D) A reasonable and substantial threat to the safety and security of the public school district or open-enrollment public charter school; or

(E) Other acts of God.

(g)(1) Each public school district and open-enrollment public charter school shall remain open for on-site, in-person instruction for the minimum number of days required for the public school district or open-enrollment public charter school as provided under subdivision (f)(1) of this section, unless the public school district or open-enrollment public charter school is closed for a reason under subdivision (f)(3) of this section.

(2) The requirement that a public school district or an open-enrollment public charter school be open for on-site, in-person instruction

under subdivision (g)(1) of this section does not apply to an approved virtual school.

(h)(1) A public school district superintendent or director of an open-enrollment public charter school may close school, delay the school day start time, or release students early during a regularly scheduled school day due to exceptional or emergency circumstances resulting from:

(A) A contagious disease outbreak;

(B) Inclement weather;

(C) A utility outage;

(D) A reasonable and substantial threat to the safety and security of the public school district or open-enrollment public charter school; or

(E) Other acts of God.

(2) If a public school district superintendent or director of an open-enrollment public charter school closes school, delays the school day start time, or releases students early during a regularly scheduled school day under subdivision (h)(1) of this section, then the public school district or open-enrollment public charter school shall make up the missed instructional time in order to meet the on-site, in-person instruction time requirements under subdivision (f)(1)(B) of this section by:

(A) Utilizing the thirty (30) make-up instructional hours built into the school calendar as required under subdivision (f)(3) of this section; or

(B) Otherwise modifying the school calendar to include make-up instructional time for the additional instructional time that is needed.

(i)(1) For purposes of a school day, at least forty (40) minutes of instructional time per school day shall be used for recess during the school day for students attending public elementary schools.

(2) Recess shall:

(A) Consist of supervised social time during which public school students may communicate with each other;

(B) Occur outdoors when weather and other relevant conditions permit; and

(C) Include without limitation opportunities for free play and vigorous physical activity, regardless of whether recess occurs indoors

or outdoors.

(3) A public elementary school principal may adjust recess time required under this subsection (i) due to special circumstances or programs that interrupt a regular school day.

(4) A public elementary school may seek approval from the division to provide recess in an alternative method by submitting a request to the division.

(j) Each public school district and open-enrollment public charter school shall:

(1) Post the school calendar on the website of the public school district or open-enrollment public charter school by July 1 each year; and

(2) Provide to the division, in the format prescribed by the division, all data that:

(A) Affects the average daily membership of the public school district or open-enrollment public charter school; and

(B) Ensures compliance with this section.

(k) The division may promulgate rules to implement this section.

(l) As used in this section:

(1)(A) "School day" means a day on which classes are in session and students are on-site, in-person, and receiving instruction at a public school district or open-enrollment public charter school.

(B)(i) Any day during which less than six (6) hours of instructional time are provided to students shall be counted as one-half (1/2) of a school day if at least three (3) hours of instructional time are provided to students.

(ii) A day in which less than three (3) hours of instructional time are provided to students shall not be counted as any part of a school day; and

(2) "Week" means a seven-day period that begins on a Sunday and ends on a Saturday.

*SECTION 2. Arkansas Code § 6-10-108 is amended to read as follows:*

*6-10-108. Twelve-month school year —~~Definition.~~*

~~(a) It is found and determined by the General Assembly that public school facilities in the state are now effectively utilized only nine (9) or ten (10) months each year and that such facilities could be more efficiently~~

~~utilized and educational opportunities in the various school districts could be enhanced by the establishment and operation of educational programs on a twelve (12) month per year basis. It is therefore the intent and purpose of this section to authorize public schools to initiate and maintain public school educational programs on a twelve month basis.~~

~~(b) As used in this section, unless the context otherwise requires, "twelve month year round educational program" means an educational program in which all students attend school no less than the number of days required by the Standards for Accreditation of Arkansas Public Schools and School Districts between July 1 and June 30 of each school year and in which no vacation, including summer, lasts more than seven (7) weeks.~~

~~(c)(1) The board of directors of any school district is authorized to initiate and maintain a twelve month year round educational program in any or all of the public schools in the school district.~~

~~(2) However, any school district which does not elect to operate on a twelve month basis must start school in accordance with the provisions of § 6-10-106.~~

~~(d)(1)(a) The State Board of Education is authorized to may establish appropriate standards, guidelines, and rules for the determination of average daily membership of public school districts and for the distribution of state foundation funding and other forms of state aid and financial assistance to each local school district that elects to operate the public schools of the public school district on a twelve-month basis, in order to provide the school district with an equitable share of the state foundation funds designated to equate a twelve-month school operation by the public school district to the educational opportunities provided by a public school district offering nine (9) months of public school instruction.~~

~~(2)(b) However, the A public school district shall not receive any more state foundation funding for offering twelve (12) months of public school instruction than it would have received for offering nine (9) months of public school instruction.~~

SECTION 3. Arkansas Code § 6-10-117 is repealed.

~~6-10-117. Four day school week — Definition.~~

~~(a) It is found and determined by the General Assembly that granting local school districts greater flexibility in scheduling instructional time~~

~~can reap educational benefits for the students and financial rewards for the school district. It is the intent of this section to authorize local school districts to initiate and maintain public school educational programs on a four-day school week basis, so long as planned instructional time is in accord with requirements established by the State Board of Education.~~

~~(b) As used in this section, "four-day school week" means an educational program in which all students attend school for four (4) days a week but no fewer than the total number of hours required by the Standards for Accreditation of Arkansas Public Schools and School Districts in a five-day school week.~~

~~(c) The board of directors of any school district is authorized to initiate and maintain a four-day school week in any or all of the public schools in the school district.~~

~~(d)(1) The State Board of Education shall establish appropriate standards, guidelines, and rules for the determination of average daily membership of school districts and for the distribution of state aid to each local school district that elects to operate any or all of the public schools of its school district on a four-day school week basis, to provide the school district with an equitable share of aid funds designated to equate a four-day school week operation by the school district to the educational opportunities provided by a school district offering a five-day school week.~~

~~(2) Provided, however, that a school district shall not receive any more state financial aid for offering a four-day school week of instruction than it would have received for offering a five-day school week of instruction.~~

SECTION 4. Arkansas Code § 6-10-126 is repealed.

~~6-10-126. Delay or early release of school due to emergency circumstances.~~

~~(a) A superintendent may delay the start time or release early a school or schools in the school district due to any of the following emergency circumstances:~~

- ~~(1) Inclement weather;~~
- ~~(2) Contagious disease outbreak; or~~
- ~~(3) Utility outage.~~

~~(b)(1) For no more than five (5) school days total per year, a~~

~~superintendent may, due to emergency circumstances under subsection (a) of this section, either:~~

~~(A) Delay the start of the school day until as late as 10:00 a.m.; or~~

~~(B) Release students from school no earlier than 1:00 p.m.~~

~~(2) A school day that is delayed or released early under subdivision (b)(1) of this section shall count as a credited school day, with no requirement for additional days to be added to the school calendar.~~

SECTION 5. Arkansas Code § 6-10-127 is repealed.

~~6-10-127. Making up missed school days.~~

~~(a) If a superintendent closes school for a regularly scheduled school day due to exceptional or emergency circumstances such as a contagious disease outbreak, inclement weather, or other acts of God, the superintendent may make up missed school days by adding time to the beginning or ending of a regular school day for a minimum of sixty (60) minutes.~~

~~(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.~~

~~(2) The public school district's alternative instruction plan shall demonstrate how teaching and learning in the public school district will not be negatively impacted by the use of alternative methods of instruction under subdivision (b)(1) of this section.~~

SECTION 6. Arkansas Code § 6-15-202(f)(15), concerning written statements from school districts to the Commissioner of Elementary and Secondary Education that confirm compliance with certain statutory requirements, is amended to read as follows:

(15) Section ~~6-16-102~~ 6-10-106 concerning school day;

SECTION 7. Arkansas Code § 6-16-102 is repealed.

~~6-16-102. School day—Definition.~~

~~(a)(1)(A) Except as provided under subdivision (a)(1)(B) of this section, as used in this section, “school day” shall mean a day in which classes are in session and students receive at least six (6) hours of instructional time.~~

~~(B) However, “school day” for purposes of a public school district that implements an alternate school calendar under § 6-10-106(g) means a day in which classes are in session and students are under the guidance and direction of a teacher or public school employee.~~

~~(2)(A) Any day in which less than six (6) hours of instructional time are provided to students shall be counted as one-half ( $\frac{1}{2}$ ) of a school day if at least three (3) hours of instructional time are provided to students.~~

~~(B) However, subdivision (a)(2)(A) of this section shall not apply to a public school district that implements an alternate school calendar under § 6-10-106(g).~~

~~(3)(A) Any day in which less than three (3) hours of instructional time are provided to students shall not be counted as any part of a school day.~~

~~(B) However, subdivision (a)(3)(A) of this section shall not apply to a public school district that implements an alternate school calendar under § 6-10-106(g).~~

~~(4) A school district may include as part of the school day the travel time between public schools or other educational programs of those students attending classes or programs authorized by law.~~

~~(5)(A) At least forty (40) minutes of instructional time per school day shall be used for recess during the school day for students attending public elementary schools.~~

~~(B) Recess shall:~~

~~(i) Consist of supervised, unstructured social time during which public school students may communicate with each other;~~

~~(ii) Occur outdoors when weather and other relevant conditions permit; and~~

~~(iii) Include without limitation opportunities for free play and vigorous physical activity, regardless of whether recess occurs~~

~~indoors or outdoors.~~

~~(C) The remaining instructional hours required under this section shall be distributed across academic content areas as determined by a public school district's board of directors.~~

~~(D) A public school principal may use discretion to adjust recess time required under this section due to special circumstances or programs that interrupt a regular school day.~~

~~(E)(i) A public elementary school may seek a waiver from the requirements under this subdivision (a)(5) if the public elementary school:~~

~~(a) Submits to the Division of Elementary and Secondary Education for approval an alternative plan for recess that:~~

~~(1) Exceeds the required minimum amount of minutes combined for physical activity under § 6-16-132 and recess under this section; and~~

~~(2) Provides for both structured and unstructured social time; or~~

~~(b) Is approved by the division to operate as a virtual school.~~

~~(ii) Beginning with the 2019-2020 school year, the division shall provide to the House Committee on Education and the Senate Committee on Education each year for three (3) years a report that details the following:~~

~~(a) Which public elementary schools have been granted a waiver under subdivision (a)(5)(E)(i) of this section; and~~

~~(b) How many waivers have been granted by the division under subdivision (a)(5)(E)(i) of this section.~~

~~(b) Notwithstanding subsection (a) of this section, the State Board of Education shall promulgate rules to prescribe the credit to be given students for attending school for only a portion of a school day because the school is closed due to emergency circumstances which would be hazardous to the health of the students. The state board shall also identify the emergency circumstances.~~

~~(c)(1) A school district is deemed to have fulfilled the requirements of subsection (a) of this section if the planned instructional time in each school day does not average less than six (6) hours each day or thirty (30)~~

~~hours each week.~~

~~(2) However, subdivision (c)(1) of this section shall not apply to a public school district that implements an alternate school calendar under § 6-10-106(g).~~

SECTION 8. Arkansas Code § 6-17-2403(c), concerning the requirements a public school district and an open-enrollment public charter school must meet to be eligible for funds to implement salary increases under the Teacher Compensation Program of 2003, is amended to read as follows:

(c) To be eligible for funds to implement the salary increases under subsections (a) and (b) of this section, each public school district and open-enrollment public charter school shall be open for on-site, in-person instruction for at least:

(1) ~~One hundred seventy-eight (178) days; or~~ One hundred sixty (160) school days or the hourly equivalent of one hundred sixty (160) school days for a public school with an "A" school rating according to the most recent results of the school rating system under § 6-15-2101 et seq. or any other accountability system approved by the Division of Elementary and Secondary Education;

(2) ~~One thousand sixty-eight (1,068) hours~~ One hundred sixty-four (164) school days or the hourly equivalent of one hundred sixty-four (164) school days for a public school with a "B" school rating according to the most recent results of the school rating system under § 6-15-2101 et seq. or any other accountability system approved by the Division of Elementary and Secondary Education;

(3) One hundred sixty-eight (168) school days or the hourly equivalent of one hundred sixty-eight (168) school days for a public school with a "C" school rating according to the most recent results of the school rating system under § 6-15-2101 et seq. or any other accountability system approved by the Division of Elementary and Secondary Education;

(4) One hundred seventy-two (172) school days or the hourly equivalent of one hundred seventy-two (172) school days for a public school with a "D" school rating according to the most recent results of the school rating system under § 6-15-2101 et seq. or any other accountability system approved by the Division of Elementary and Secondary Education; and

(5) One hundred seventy-eight (178) school days or the hourly

equivalent of one hundred seventy-eight (178) for a public school with an "F" school rating according to the most recent results of the school rating system under § 6-15-2101 et seq. or any other accountability system approved by the Division of Elementary and Secondary Education.

SECTION 9. Arkansas Code Title 6, Chapter 18, Subchapter 2, is amended to add an additional section to read as follows:

6-18-237. Mandatory attendance – Definitions.

(a) As used in this section:

(1) "Financial hardship" means harm or suffering caused by a student's inability to obtain or provide basic life necessities of food, clothing, and shelter for the student or the student's family;

(2) "Planned instructional time" means regularly scheduled class periods offering courses or local credits approved by the Division of Elementary and Secondary Education; and

(3) "School day" means a day in which classes are in session and students are receiving instruction.

(b)(1) Beginning with the 2026-2027 school year, a student in grades nine through twelve (9-12) shall be required to be scheduled for and attend planned instructional time for a full school day in the public school district or open-enrollment public charter school in which the student is enrolled.

(2) A student may be assigned to no more than one (1) class period each school day for a study hall or other time of self-study or organized tutoring in which the student is required to participate and attend in his or her public school district or open-enrollment public charter school building.

(3) Enrollment and attendance in a vocational-educational training course, college course, work program, internship, or another division-approved course for credit may be used to satisfy the requirements of this section even if the vocational-educational training course, college course, work program, internship, or other division-approved course for credit is not located on the student's public school district or open-enrollment public charter school campus.

(c) A public school district board of directors or the governing body of an open-enrollment public charter school may develop policies to allow for

granting an exemption to a student who would experience a proven financial hardship if he or she is required to attend a full school day.

(d) This section does not:

(1) Preclude a student who has met all graduation requirements from graduating early; or

(2) Require a student who has graduated early from high school to continue to attend school.

(e) The State Board of Education may promulgate rules to implement this section.

SECTION 10. Arkansas Code § 6-18-2503(6), concerning the definition of a "full academic year" under the Arkansas Children's Educational Freedom Account Program, is amended to read as follows:

(6) "Full academic year" means ~~at least one hundred seventy-eight (178)~~ the number of days of instruction or the equivalent number of hours to what is offered in traditional public schools required for a public school as specified by § 6-10-106;

/s/Andrews