91st General Assembly
Regular Session

Dr. Richard Abernathy
AAEA Executive Director

Dr. Tony Prothro
ASBA Executive Director
Some New Acts of 2017
HB1002 — Seat Belts for School Buses

- Requires Type 2 seat belt assemblies on school buses purchased or leased after January 1, 2018 if funding is provided.
- Requires passengers to wear seat belts if bus has them.
- Allows districts to develop discipline policies governing their use.
- Exempts certain students with physically disabling condition as identified by doctor or chiropractor.
- Requires district to propose additional property tax to fund seat belts if 10% of voters in district present a petition to do so for that purpose.
- Allows district to purchase seat belts with other funds rather than imposing additional tax.

Act 375
• All additional funding appropriated above the statutory per student amount for professional development will be used for PLCs
• ADE will develop rules
• ADE may partner with others, including educational cooperatives, to develop the process
HB1153 — Increases Minimum Teacher Salary

- Does not apply if district is already at or above the new minimum
- Increases the current minimum teacher salary schedule by $400 per step in 2017-18
- Increases the minimum teacher salary schedule by an additional $400 per step in 2018-19
- Applies to the BA and MA columns on the schedule
- Applies to each experience step
HB1208 — Private & Home School Students may Attend Public Academic Courses

• A public school district or public charter school MAY develop a policy to enroll home school or private school students residing within the district on a per course basis

• The district is entitled to 1/6 of the foundation formula amount for each course a student takes up to the full foundation funding amount per student
School board member or spouse may volunteer or be a registered volunteer if approved by the local Board of Directors.

Approval is good for one year.
• Awards reimbursement to educators for additional education
• Priority given to the fields of:
  1) Science, technology, engineering, or mathematics (STEM),
  2) computer science,
  3) Literacy or reading,
  4) Prekindergarten education or
  5) Special education
• Reimburses educator cost of tuition, fees and instructional supplies to any public institution of higher education in Arkansas
• Covers up to six (6) hours per year per enrolled teacher
• Awards are limited to the amount of funding in the program
• Program administered by Arkansas Department of Higher Education
HB1417 — Human Trafficking Awareness Training

• District shall make available annually to licensed personnel a 30 minute presentation on:
  1) Recognizing the warning signs that a child is a victim of human trafficking and
  2) Reporting a suspicion that a child is a victim of human trafficking
• ADE is responsible for oversight of the development and administration of material
• Presentation will count toward required annual professional development
HB1424 — Amends TESS and LEADS

- 17 page Act that significantly amends the Teacher Excellence and Support System definitions and process
- Increases the length of the novice period from one year to three years
- Amends “intensive support” status
- Adds additional language to the requirement for an ADE developed administrator leadership support and evaluation program
- Program to be aligned to the leadership standards adopted by the State Board of Education
HB1425 — Allows Different Licensure Levels

- Allows a “tiered” license system developed by the state board for certain educators
- Districts may differentiate salary for different tier levels
- Differentiated salary could not be less than the established state minimum
- A couple of examples might be a technical permit or license with advanced requirements
HB1457 — Snow Day Alternative

- District may submit a plan to the Commissioner for alternative instruction
- Plan must be approved by Commissioner
- Up to ten days annually would have to be approved by the Commissioner and would not have to be made up
- Alternative instruction could be, but is not limited to, virtual learning
- Days could be used due to emergencies such as inclement weather, contagious disease outbreak, utility outage or other acts of God
- District would have to demonstrate how teaching and learning would not be negatively impacted
HB1459 — Proficiency Based Credit

- District MAY submit a plan to ADE to award units of high school course credit based on a demonstration of subject matter competency
- Can be instead of, or in combination with, completing hours of classroom instruction
- ADE may promulgate rules governing such a plan
- Begins in the 2018-2019 school year
HB1539 — Civics Test Required to Graduate

- Begins in 2018-19 school year
- Student must correctly answer 60 out of 100 questions on an exam similar to the naturalization test used by the United States Citizenship and Immigration Services
- Student may take test as many times as necessary to pass
- Does not apply to students:
  1) excluded by their IEP
  2) in the Correction Schools System
  3) over 18 years old seeking a high school equivalency diploma
HB1574 – Amends Home School Requirements

• Parent no longer:
  1) signs a waiver releasing state from responsibility
  2) must notify superintendent by December 15 for second semester eligibility
  3) lists the basic core curriculum to be provided
  4) lists the qualifications of the parent-teacher

• Written notice may be submitted electronically, by mail or in person
• ADE or local district cannot require additional criteria or information beyond what is in the Act
HB1575 — Maximum Fund Balances

- Applies to Net Legal Balance which excludes restricted categorical funds and escrow funds for programs such as QZAB’s, etc.
- Does not include Building Fund balances
- Net legal balance cannot exceed twenty percent (20%) of the public school district's current year net legal balance revenues
- Net legal balance must be reduced to no more than 20% of net legal balance revenues within five (5) years
- Can be accomplished by transferring funds to building fund for construction, renovation, repair, etc. or by spending down
- Transferred funds can be returned to fund of origin if project is cancelled or revised
- State can withhold revenues if district fails to decrease excess balance by 20% or more in each of the five (5) years allowed to reach the maximum Net Legal Balance
- A district may request and the Commissioner may grant a waiver for unusual and limited circumstances
HB1608 — Every Student Succeeds Act (ESSA) Inclusion into Arkansas’s School Rating System

- Rewrites the current A-F school grading system
- Requires performance, growth, graduation rate (if applicable) and English language learner progress to be included
- Requires at least one other measure to be included in the rating system
HB1621 — Changes School Election Dates

- Effective date of January 1, 2018
- Annual school election in 2017 unchanged from current law
- September school board election not an option in new law
- School election combined with preferential primary or general
- Board selects choice of preferential primary or general election date
- Board passes resolution stating choice and sends to county clerk
- Clerk notified no later than the first day of the candidate filing period
- Special millage election may be held separate according to current law
- Run-off election held four weeks after election in odd numbered years and with designated run-off date on even numbered years
• Repeals requirement that 9-12 grade students physically attend school 350 minutes per day
• Also repeals requirement that student not be assigned to more than one study hall or extracurricular course daily
HB1648 — Amends Standards Review

• ADE now conducts Standards Review:
  1) when school or school district is at high risk of failing to meet standards or
  2) whenever the State Board or ADE deems necessary

• School district now only required to post annual performance report on website (no longer required to be printed in newspaper)
• Printed copy must be made available if requested
### HB1729 – Establishes New School Funding Amounts by Category for Adequacy

<table>
<thead>
<tr>
<th>Category</th>
<th>2017-18</th>
<th>2018-19</th>
</tr>
</thead>
<tbody>
<tr>
<td>Foundation Funding</td>
<td>$6,713</td>
<td>$6,781</td>
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<tr>
<td>Alternative Learning Environment (ALE)</td>
<td>4,640</td>
<td>4,640</td>
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<tr>
<td>English-language Learners (ELL)</td>
<td>338</td>
<td>338</td>
</tr>
<tr>
<td>National School Lunch (NSL) &lt; 70%</td>
<td>526</td>
<td>526</td>
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<tr>
<td>70%-89%</td>
<td>1,051</td>
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<tr>
<td>&gt; 89%</td>
<td>1,576</td>
<td>1,576</td>
</tr>
<tr>
<td>Professional Development (PD)</td>
<td>32.40</td>
<td>32.40</td>
</tr>
<tr>
<td>Enhanced Transportation</td>
<td>Per district annually based on schedule</td>
<td></td>
</tr>
</tbody>
</table>
HB1935 — Student Use of Medical Marijuana

- Reinforces that when school administration has good faith belief that a qualifying medical marijuana student is impaired the administration may prohibit that student from:
  1) being present on school grounds
  2) attending a school event, or
  3) participating in extracurricular activities
- This conforms with current discipline and medicine policies
- The Act did not amend the prohibition for students or staff to possess, smoke or otherwise engage in the use of marijuana on any school property including buses
HB1980 — Display “In God We Trust” in Schools

- Requires the national motto “In God We Trust” to be placed in:
  1) every elementary and secondary classroom and library media center in the state
  2) Every public building or facility that is operated or maintained with public funds
- Requirement contingent upon donation of the posters or voluntary contribution of funds (cannot use public funds)
- Must be durable poster or framed copy
SB12 — Emergency Plans Exempt from FOI

• Makes the emergency and security records exempt from the requirements of FOI for:
  1) any public school or school district that serves PreK-12 students
  2) any state-supported institution of higher education
 Allows Level 3 sex offenders to attend school sponsored events where a fee is charged or tickets are sold if the sex offender:

1) is the parent or guardian of or is related by blood or marriage within the fourth degree of consanguinity (relationship by descent from common ancestor) to a student enrolled in the public school and

2) notifies the administration of the school in writing at least twenty-four (24) hours before the start of the event

Method of determining consanguinity explained in A.C.A. 28-9-212
• District must submit report annually by Feb. 1 identifying facilities:
  1) that are unused or underutilized
  2) that are identified on master plan to be reused, renovated or demolished
• Applies to facilities not being used for a public educational, academic, extracurricular, or administrative purpose
• School district shall make unused or underutilized public school facilities available for lease or purchase for no more than fair market value to any public charter school located within the geographical boundaries of the school district
• Commission for Arkansas Public School Academic Facilities and Transportation makes decision if agreement on terms cannot be reached
• Lease term is 5-30 (five to thirty) years – determined by the public charter
• District may appeal if property will be needed for growth or if the property would locate the charter within 500’ of campus and that would have a negative impact on educational operations
• District retains any bonded debt or mortgage liens on the property
• Charter assumes utilities, insurance, maintenance, repairs
• District can be placed in facility distress for failure to comply with the Act
• Charter authorizer can take action if charter fails to comply with the Act
• Act does not apply to district facilities under a lease or property sold prior to the effective date of the Act (90 days after adjournment)
SB329 — Increase Commodity Bid Threshold

• Raises the state requirement to solicit bids on commodities from $10,000 to $20,000
• Open market purchase of commodities allowed if under $20,000
• Annually on July 1, the Commissioner of Education shall adjust the purchase price amounts by the percentage change in the Consumer Price Index for All Urban Consumers or its successor.
SB372 — Amends School Choice Act of 2015

- Voids transfer if student enrolls in private or home school
- Requires non-resident district to notify resident district within 10 days of the filing of a transfer request
- Districts claiming a deseg order conflict must provide proof that court ordered plan is active and explicitly prohibits transfer of students between districts
- District may appeal decision of ADE to State Board
- ADE no longer required to collect or report data on effects of choice transfers, including any segregating effects
SB494 — Annual Grade Level Report to Parents

• Requires district to report the independent reading level of each K-8 student at least twice annually to:
  1) each parent of a student
  2) each teacher of a student
SB502 — Right to Read Act

• Goal is to ensure all teachers have knowledge in best practices of scientific reading instruction
• Requires specific training for all participants in teacher preparation programs
• Requires professional development in scientific reading instruction at the district/school level:
  1) For teachers licensed at the elementary level, one (1) of the prescribed pathways to obtaining a **proficiency** credential in knowledge and practices
  2) For teachers licensed at other levels, one (1) of the prescribed pathways to obtaining an **awareness** credential in knowledge and practices
• Beginning 2020-21, schools that do not provide required professional development are placed in probationary status
• Beginning 2021-22, all licensed teachers must demonstrate proficiency (K-6) or awareness (other levels) in knowledge and practice of scientific reading instruction
SB519 — Amends AR History Requirements and Separates King and Lee Holiday

• Requires ADE to update the materials and resources for the teaching of historical contributions made by African-Americans
• Emphasis placed on African-American civil rights leaders, including Martin Luther King
• Teaching of above to be in correspondence with state and federal holidays
• Requires ADE to develop materials with emphasis on civilian and military leadership during the Civil War period
• Establishes Robert E. Lee Day as a state memorial day to be observed on the second Saturday in October
• Dr. Martin Luther King, Jr.'s Birthday remains as a state holiday the third Monday in January
• One year pilot program in 2018-19
• Commissioner may extend program an additional year
• ADE seeks to identify two schools per each education cooperative service area and two not within service area of coop
• K-4 schools would provide 340 minutes per week of physical activity (60 minutes daily of unstructured and undirected play)
• Grades 5-6 would provide 265 minutes per week of physical activity (45 minutes daily of unstructured and undirected play)
• Physical activity can include training, structured and unstructured play
• Interested schools must submit a plan and file a follow-up report
SB555 — Amends National Board Funding

- Alters state awarded National Board stipends
- Factors in:
  1) When National Board certification was obtained
  2) Poverty level of school where NB certified teacher is employed
  3) Poverty level of district where NB certified teacher is employed
- Minimum award is $2,500 per year for five years
- Maximum award is $10,000 for ten years
- Does not impact NB stipends awards at the district level
SB570 — Repeals Duty Free Lunch Requirement for Classified Employees

• Repeals the statute that requires a full-time nonexempt classified employee to receive a 30 minute duty free lunch
• In doing so, again requires two 15 minute breaks for those employees working 35 hours or more per week
SB609 — Amends Law on Student Discipline

• Cannot use out-of-school suspension or expulsion in grades K-5
• Exception if student:
  1) poses a physical risk to self or others or
  2) causes a serious disruption that cannot be addressed through other means
SB647 — Repeals & Replaces ACTAPP  
(Arkansas Comprehensive Testing, Assessment and Accountability Program)

- Extensive 60 page document
- Strikes current ACTAAP program requirements
- Defines and describes the “Arkansas Educational Support and Accountability Act”
- Establishes the process for determining the differentiated levels of support that ADE will provide to school districts
- Five levels will be:
  1) Level 1 – General
  2) Level 2 – Collaborative
  3) Level 3 – Coordinated
  4) Level 4 – Directed
  5) Level 5 – Intensive
- Defines actions of ADE, schools and school districts for each level
SB662 — Specific Youth Groups May Use School Buildings

- Known as the “Patriotic Access to Students in Schools Act”
- Requires principal to grant access to students and school facilities during school hours to any youth group listed in Title 36 of the United States Code
- Examples are: Boy and Girl Scouts of America, Big Brothers and Big Sisters, Disabled American Veterans, American Legion, Little League Baseball, Civil Air Patrol, Boys and Girls Club of America, etc.
- Group can give information about organization and recruit students
- Facilities also made available after hours for activities of those groups
- Requests and approval may be verbal or in writing
- Principal has discretion over scheduling of the event
- This Act creates a limited open forum which likely opens the door to any youth group requesting access
• Provides the first six (6) hours of concurrent credit free to all NSLA students if:
  1) Teacher of course is a district employee and
  2) Course is taken on the school district campus of the enrolled student
• All costs are to be paid by:
  1) the school district where the student is enrolled,
  2) the higher education institution offering the credit, or
  3) an arrangement between those two organizations
SB691 – Expands Payment for Teaching Extra Students to Grades 5-12

- Establishes maximum number of students per day in grades 5-12 at 150
- Teacher may volunteer to teach students above that maximum daily limit for additional compensation
- Additional compensation will be pro-rated based on extra class period and the number of students above the daily maximum
ASBA Legislative Package Bills
HB1144 – Automated School Bus Cameras

• Addresses exterior mounted automated bus cameras capturing traffic flow during bus stops
• Intent is to help reduce school bus passing violations
• Requires a school district or charter school to provide automated bus camera footage, if available, to law enforcement upon request
• Allows that evidence to be used by law enforcement or the courts in prosecution of those violations
HB1523 — Board Vacancy for Failure to Train

• Creates a vacancy if a board member fails to receive the required training within the time period specified in statute
• Requires superintendent to prepare a report for the regular January board meeting that reflects the training hour status of each member
• Member(s) not having required training have 30 days to correct
• Member not allowed to participate in official board business until issue corrected
• Exception for extreme medical issues or military
• If not corrected, vacancy filled in same manner as other vacancies
HB1552 — Amends Lifetime Teaching License

• Allows educator to apply for a lifetime teaching license at any age if requirements are met
• Educator must have retired from active teaching under:
  1) §§ 24-7-701 – 60 years old with at least 5 years experience or
  2) §§ 24-7-702 – any age with at least 25 years of experience or
  3) §§ 24-7-704 – any age with at least 5 years experience and meeting disability requirements
• Upon application for and receipt of lifetime license, educator no longer must reapply or pay licensure fee
• Also removes PD requirement for holder of lifetime license prior to re-entry into the profession
• Intent is to ensure board candidates:
  1) Identify the proper position number on the petition
  2) Live in the proper zone to be a qualified candidate for the open position
• Clerk will not accept petition for candidacy unless both above requirements are met
• Addresses same issues with write-in candidates
HB1905 — Expands Late Arrival or Early Dismissal

- Current statute only allows late arrival or early dismissal without having to make up the time if due to inclement weather.
- This expands that to include:
  1) contagious disease outbreak
  2) utility outage
- Total days per year to utilize this provision is still five (5).
Notable Bills That Failed, Went to Interim Study or Died
Voucher, Tax Deduction, Tax Credit and Scholarship Bills
HB1222 — The AR Parental Empowerment for Education Choice Act of 2017
Rep. Dotson

• Tax credit bill for home school and private school expenses
• Originally also allowed for college savings accounts
• Was amended six times to address legislator concerns
• Would have reduced state revenue $6 million annually
• Passed House Education Committee
• Failed on House floor
SB112 — Tax Deduction for Tuition and other Educational Expenses

Senator English

• Tax deduction allowed for certain education expenses including private school tuition and home school expenses
• Potential reduction to general revenue was $7 million annually
• Sponsor did not run the bill in committee
Resurrected from HB 1222

Tax credit would have diverted funds from general revenue to pay:
1) Private school tuition
2) Home school expenses
3) Certain education related costs
4) Transportation

Reduction to general revenue of $3 million annually

Had Governor support late in the session
Passed Senate
Failed on House floor
School Election/Board Service Bills
HB1151 — Postcard Notice of Special Election

Rep. Davis

• Required county clerk to mail a postcard notice of special elections to registered voters
• Intent was to increase voter turnout
• Would add additional cost to holding a special election
• Sponsor of election would bear the cost
• Not likely to increase voter turnout
• Sponsor did not introduce this bill but supported SB 723
HB2162 — Move All Special Elections to Preferential Primary or General
Rep. Gonzales

- Required school elections to be held with the general election
- Special millage elections also limited to preferential primary or general election
- Most restrictive of all the special election bills
- Bill was never introduced in committee
SB504 — Move School Election to November
Senator English

- Required annual school election to be held with general election in November
- Left special millage election as it is currently
- Sponsor was also a primary sponsor of HB 1621
- Bill was not introduced in committee
SB723 – Amend Special Elections

Senator Wallace

• All special elections (except regular school board elections) would have been moved to the preferential primary or general election
• Special school millage elections would have been held ONLY on those two dates
• Bill passed the Senate
• Failed in the House chamber by only one vote
HB1583 — School Board Member Recall
Rep. Dotson

- Sitting school board member could be removed by a majority vote of the electors qualified to vote for that office
- Process would involve:
  1) Petition with signatures of 35% of qualified electors for that office
  2) Verification of the signatures (clerk)
  3) Certification of the petition (clerk)
  4) Issue placed on ballot of next annual election unless that is than less than 60 days (the next year annual election if less than 60 days)
  5) Bill was placed in interim study
SB536 — Requires Additional School Districts to Elect Members by Zone

Senator Cheatham

• No change if ADM under 2,000
• If district ADM over 2,000, board member structure would be:
  1) Five or seven single member zones or
  2) Five single member zones and two at-large
• Board adopts resolution stating which structure they prefer
• County election commission establishes zone boundaries to ensure equal population and appropriate minority representation based on last census
• Sponsor did not introduce the bill in committee
Legislation

Legislation is the making or enacting of laws by the legislative government and not a law or set of laws.
HB1781 — College Remediation Course Costs
Rep. Lowery

• School district to pay one-half the cost of higher education remediation course for a student if the student:
  1) Attended the school from 9-12 grades
  2) Received a high school grade of B or better in the subject area
  3) Attended higher education institution within two years of graduating high school

• District would send funds directly to the higher education institution

• Bill was pulled down by the sponsor in House Education Committee
HB1917 — Limits Administrator Salary
Rep. Walker

• Limits administrator salary to no more than 250% above the lowest paid teacher in the district
• Same limitation on other district employees that supervise licensed personnel
• Sponsor returned the bill back to committee from the floor for amendment consideration but never amended
HB1937 – Amend the Beginning and Ending Date of School Year
Rep. Lowery

- Would have begun in 2018-19
- Established the first Tuesday after Labor Day as the earliest date to begin
- Established the Friday before Memorial Day as the latest day to end the school year
- Exception to end date if district missed more than five days due to contagious disease outbreak, inclement weather or other acts of God
- Bill failed on the House floor
SB298 — Eliminate Declining Enrollment Funding
Senator English

- Bill listed historical data on Declining Enrollment Funding
- Justified elimination of the funding based on:
  1) foundation funding being based on previous year ADM gives automatic cushion for student enrollment decline
  2) Multi-year spending patterns do not demonstrate need
  3) Fund balances have grown to over $18 million showing lack of need
- After much work and consideration, the sponsor did not introduce the bill in committee
Joint Resolutions

• Four joint resolutions impacting education did not advance:
  1) HJR 1005 – Rep. Lowery
  2) HJR 1010 – Rep. Dotson
  3) SJR 3 – Senator Johnson
  4) SJR 5 – Senator Clark
• Common focus seemed to be to reduce or remove judicial oversight of adequacy