Subchapter 3 — Arkansas School for Mathematics, Sciences, and the Arts

Section.

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Effective Dates. Acts 2003 (2nd Ex. Sess.), No. 22, § 3: Dec. 31, 2003. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the Arkansas Supreme Court in Lake View District No. 25 v. Huckabee, 351 Ark 31 (2002) declared the existing system of education to be unconstitutional because it is both inequitable and inadequate; that this act assists the Arkansas School for Mathematics, Sciences, and the Arts to be eligible for federal grants, and allows the school the flexibility to become a charter school; and that this act is immediately necessary to assist the Arkansas School for Mathematics, Sciences, and the Arts. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

Acts 2015 (1st Ex. Sess.), Nos. 7 and 8, § 153: July 1, 2015. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the Arkansas Building Authority, the Arkansas Science and Technology Authority, the Department of Rural Services, and the Division of Land Surveys of the Arkansas Agriculture Department are inefficiently structured; that this inefficient structuring causes an excessive and unnecessary cost to the taxpayers of the this state; and that this act is essential to alleviating that financial burden. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2015."

Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

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6-42-301. Arkansas School for Mathematics, Sciences, and the Arts.

(a) The Board of Trustees of the University of Arkansas is authorized to establish and operate, as a part thereof, a campus to be known as the "Arkansas School for Mathematics, Sciences, and the Arts", consolidating and incorporating into the University of Arkansas the facilities of the state institution formerly known as the "Arkansas School for Mathematics and Sciences", which together with its board of trustees is abolished as a separate institution effective January 1, 2004.

(b) On January 1, 2004, the Board of Trustees of the University of Arkansas shall be vested with and succeed to all the rights, titles, powers, interests, properties, assets, funds, and credits of the Arkansas School for Mathematics and Sciences and the Board of Trustees of the Arkansas School for Mathematics and Sciences, including all rights, titles, and interests in and to all real and personal property acquired by or vested in that institution or the Board of Trustees of the Arkansas School for Mathematics and Sciences.

(c) On January 1, 2004, the appropriate state officials are directed to transfer all funds, appropriations, credits, and equities belonging to the Arkansas School for Mathematics and Sciences and the Board of Trustees of the Arkansas School for Mathematics and Sciences so that these funds, appropriations, credits, and equities shall be credited to and made available for the Board of Trustees of the University of Arkansas for use on its Arkansas School for Mathematics, Sciences, and the Arts campus.

(d) On January 1, 2004, the Board of Trustees of the Arkansas School for Mathematics and Sciences shall relinquish all responsibility, control, and supervision concerning the Arkansas School for Mathematics and Sciences, and by delivery of the assets, books of accounts, and files of that institution to the Board of Trustees of the University of Arkansas shall be divested of all obligations and duties applicable to the Arkansas School for Mathematics and Sciences.

History. Acts 2003, No. 1305, § 1.

6-42-302. Purpose — Location — Funding — Tuition.

(a) The Arkansas School for Mathematics, Sciences, and the Arts shall be a residential high school for students who exhibit outstanding academic credentials and who have the ability to undertake course work in an environment and with demands similar to those of a university.

(b)(1) The purposes of the school shall be to educate the gifted and talented math, science, and the fine and performing arts students of the state and to develop curricula and materials to improve instruction in mathematics, sciences, and the fine and performing arts for all students in the state.

(2) The school's curriculum, faculty, and admissions policies shall reflect the purposes described by this section.

(c) While the emphasis of the school shall be dedicated to the academic teaching of mathematics, sciences, and the fine and performing arts, emphasis may also be placed upon other areas of the arts and humanities as deemed appropriate by the Board of Trustees of the University of Arkansas.

(d) The board of trustees shall maintain the Arkansas School for Mathematics, Sciences, and the Arts in Hot Springs as a campus of the University of Arkansas, offering at that location the highest possible quality of educational programs as set forth in this subchapter.

History. Acts 2003, No. 1305, § 2; 2017, No. 718, § 1.

Amendments. The 2017 amendment substituted "high school for students" for "school for eleventh grade and twelfth grade students" in (a).

6-42-303. Board of Visitors.

(a)(1) There is established a Board of Visitors for the Arkansas School for Mathematics, Sciences, and the Arts.

(2) The persons serving on December 31, 2003, as members of the Board of Trustees of the Arkansas School for Mathematics and Sciences shall be members of the Board of Visitors for the Arkansas School for Mathematics, Sciences, and the Arts and shall continue to serve for terms equal to the unexpired portions of their terms as members of the Board of Trustees of the Arkansas School for Mathematics and Sciences.

(3) The Board of Visitors for the Arkansas School for Mathematics, Sciences, and the Arts shall consist of seven (7) members appointed by the Governor for seven-year terms.

(4) As initial terms expire and when vacancies occur, the Governor shall appoint a person to fill each vacancy for the remaining portion of the unexpired term.

(5) Appointments shall be for terms of seven (7) years or for the remaining portion of an unexpired term.

(b)(1) In addition to possessing the qualifications of an elector, each member of the Board of Visitors for the Arkansas School for Mathematics, Sciences, and the Arts appointed by the Governor shall reside in the State of Arkansas.

(2) One (1) member shall be appointed from each congressional district, and the remaining members shall be appointed from the state at large.

(3)(A) In addition to appointed members of the Board of Visitors for the Arkansas School for Mathematics, Sciences, and the Arts, nine (9) ex officio nonvoting members shall also serve on the Board of Visitors for the Arkansas School for Mathematics, Sciences, and the Arts as follows:

(i) The Commissioner of Elementary and Secondary Education;

(ii) The Director of the Division of Higher Education;

(iii) The Director of the Arkansas Economic Development Commission or his or her designee;

(iv) The Director of the Division of Arkansas Heritage;

(v) The president of the parent association of the school;

(vi) The president of the student government of the school;

(vii) The president of the faculty and staff Governing Council of the Arkansas School for Mathematics, Sciences, and the Arts;

(viii) The Chair of the Association for Alumni and Friends of ASMSA, or his or her designee; and

(ix) The Chair of the ASMSA Foundation Fund Board of Ambassadors, or his or her designee.

(B) The terms of office of an ex officio nonvoting member shall continue so long as he or she occupies the position or office.

(c)(1)(A) The Board of Visitors for the Arkansas School for Mathematics, Sciences, and the Arts shall meet at least quarterly as the Board of Visitors for the Arkansas School for Mathematics, Sciences, and the Arts determines and shall elect from its voting members a chair, a vice chair, and a secretary.

(B) With prior notice to all members, special meetings may be called as needed by either the chair or any three (3) of the voting members of the Board of Visitors for the Arkansas School for Mathematics, Sciences, and the Arts.

(2) Regular minutes of its meetings shall be preserved.

History. Acts 2003, No. 1305, § 3; 2015 (1st Ex. Sess.), No. 7, § 69; 2015 (1st Ex. Sess.), No. 8, § 69; 2017, No. 718, § 2; 2019, No. 910, § 1804; 2021, No. 354, § 1.

Amendments. The 2015 amendment by Acts 2015 (1st Ex. Sess.), Nos. 7 and 8 rewrote (b)(3)(A)(iii).

The 2017 amendment substituted "at least quarterly" for "monthly" in (c)(1)(A).

The 2019 amendment substituted "Commissioner of Elementary and Secondary Education" for "Commissioner of Education" in (b)(3)(A)(i); substituted "Division of Higher Education" for "Department of Higher Education" in (b)(3)(A)(ii); substituted "Director of the Arkansas Economic Development Commission" for "Executive Director of the Arkansas Economic Development Commission" in (b)(3)(A)(iii); and substituted "Division of Arkansas Heritage" for "Department of Arkansas Heritage" in (b)(3)(A)(iv).

The 2021 amendment substituted "nine (9) ex officio nonvoting members" for "six (6) ex officio nonvoting members" in the

introductory language of (b)(3)(A); and added (b)(3)(A)(vii)-(ix).

6-42-304. Board of Visitors — Purposes.

(a)(1)(A) The general purpose of the Board of Visitors for the Arkansas School for Mathematics, Sciences, and the Arts is to perform a supporting and advising role with regard to the operation of the Arkansas School for Mathematics, Sciences, and the Arts.

(B) The Board of Visitors for the Arkansas School for Mathematics, Sciences, and the Arts may recommend implementation and establishment of policies consistent with policies of the Board of Trustees of the University of Arkansas.

(C) The Board of Visitors for the Arkansas School for Mathematics, Sciences, and the Arts shall serve as a liaison between the school, parents, and other constituents, the President of the University of Arkansas, and the Board of Trustees of the University of Arkansas.

(D) Because the Board of Trustees of the University of Arkansas and the president may delegate broad administrative responsibilities to the Administrator of the Arkansas School for Mathematics, Sciences, and the Arts consistent with policies established or approved by the Board of Trustees of the University of Arkansas, the Board of Visitors for the Arkansas School for Mathematics, Sciences, and the Arts will have the opportunity to give meaningful advice and recommendations to further the development and operation of the school.

(2) The Board of Visitors for the Arkansas School for Mathematics, Sciences, and the Arts shall:

(A) Assist in securing financial support for the school;

(B) Advise the administrator of the school and the president and the Board of Trustees of the University of Arkansas regarding the educational, service, and financial needs of the school;

(C) Accept and execute specific assignments made by the Board of Trustees of the University of Arkansas and the president;

(D) Keep informed on those matters that are necessary to promote the educational aims of the school for the benefit of the students;

. . .   . . .

(E) Study in detail the reports and issues placed before it by the Board of Trustees of the University of Arkansas; and

(F) Promote in diverse ways the growth and development in excellence of the school and the University of Arkansas in general.

(3) The Board of Visitors for the Arkansas School for Mathematics, Sciences, and the Arts shall have oversight coordination as specifically assigned by the Board of Trustees of the University of Arkansas, which may include oversight responsibility with respect to the school's operating budget, internal governance, and methods of operations.

(4) Communications, including advice and recommendations, from the Board of Visitors for the Arkansas School for Mathematics, Sciences, and the Arts shall be transmitted through the administrator of the school and by him or her through the president to the Board of Trustees of the University of Arkansas.

(b) The school shall be funded by moneys appropriated by the General Assembly for the operation of the school and by grants, contributions, or donations that may be received for the support of the school.

(c)(1) Students who are residents of this state selected to attend the school shall not be required to pay tuition, fees, or room and board.

(2) Students who are residents of other countries selected to attend the school shall pay the cost of tuition, fees, and room and board as established by the Board of Trustees of the University of Arkansas.

(d) Any student who is a senior at the school shall have the option of participating in activities and events with and in the same manner as other members of the graduating class in his or her home school district, including, but not limited to, the following:

(1) The prom or banquet;

(2) Class Day activities;

(3) Graduation activities;

(4) Recognition as a honor graduate except as valedictorian or salutatorian; and

(5) Class pictures, including yearbook and composite pictures.

History. Acts 2003, No. 1305, § 4; 2017, No. 718, §§ 3, 4.

Amendments. The 2017 amendment repealed (a)(2)(C); redesignated former (c) as (c)(1); added (c)(2); and inserted "who are residents of this state" in (c)(1).

6-42-305. Administrator — Staff.

(a) (1) The Administrator of the Arkansas School for Mathematics, Sciences, and the Arts shall be the chief administrative officer of the school and shall administer the Arkansas School for Mathematics, Sciences, and the Arts in accordance with policies established by the Board of Trustees of the University of Arkansas.

(2) The administrator shall be employed by the Board of Trustees of the University of Arkansas after appropriate advice and counsel of the Board of Visitors of the Arkansas School for Mathematics, Sciences, and the Arts.

(b) Upon recommendation of the administrator, the Board of Trustees of the University of Arkansas shall employ other personnel as it deems necessary for the operation of the school.

(c) (1) Instructors shall be employed by the Board of Trustees of the University of Arkansas and shall have such rights, privileges, and obligations as the Board of Trustees of the University of Arkansas shall determine except that they shall not be eligible for tenure.

(2) In the event that policies of the Board of Trustees of the University of Arkansas conflict with existing law with respect to terms and conditions of employment of instructors and staff, the policies shall control.

(d) Instructors and staff of the school shall continue to be eligible for membership in the Arkansas Teacher Retirement System and to earn credited service for employment at the school or, at their election, shall be eligible to participate in the retirement system of the University of Arkansas.

History. Acts 2003, No. 1305, § 5; 2021, No. 354, § 2.

Amendments. The 2021 amendment deleted "nor carry professional rank" in (c)(1) at the end.

6-42-306. Division of Elementary and Secondary Education rules.

All Division of Elementary and Secondary Education rules shall apply to the Arkansas School for Mathematics, Sciences, and the Arts unless the division determines otherwise or unless the rules conflict with governance of the school by the Board of Trustees of the University of Arkansas and the purposes and intent of this subchapter.

History. Acts 2003, No. 1305, § 6; 2019, No. 910, § 1805.

Amendments. The 2019 amendment substituted "Division of Elementary and Secondary Education" for "Department of Education" in the section heading and in the text, and substituted "division" for department".

6-42-307. School for Math, Sciences, and Arts Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "School for Math, Sciences, and Arts Fund".

(b) The fund shall be used to provide for the maintenance, operation, and improvement required by the Arkansas School for Mathematics, Sciences, and the Arts in carrying out its powers, functions, and duties as set out by law.

(c) The fund shall consist of moneys allocated and transferred from the Educational Excellence Trust Fund, any general revenues as may be provided by the Revenue Stabilization Law, § 19-5-101 et seq., and any other moneys as may be authorized by law.

History. Acts 2003, No. 1305, § 9.

6-42-308. School qualifies as local education agency.

(a) The General Assembly designates that the Arkansas School for Mathematics, Sciences, and the Arts meets the definition of a "local education agency" because the school is a public authority legally constituted within this state to perform a service function for public secondary schools and is a public institution or agency having administrative control and direction of a secondary school.

(b) This section intends to recognize the function of the Arkansas School for Mathematics, Sciences, and the Arts and to provide eligibility to the Arkansas School for Mathematics, Sciences, and the Arts to receive federal funds.

(c) Nothing in this section shall permit the Arkansas School for Mathematics, Sciences, and the Arts to receive funds from the Public School Fund except pursuant to a line item appropriation.

History. Acts 2003 (2nd Ex. Sess.), No. 22, § 1.

6-42-309. Charter school option.

(a) The Board of Trustees of the University of Arkansas may petition the State Board of Education for the Arkansas School for Mathematics, Sciences, and the Arts to receive public charter school status under the Arkansas Quality Charter Schools Act of 2013, § 6-23-101 et seq.

(b) If the petition is granted, funding for the public charter school shall be made pursuant to an appropriation by the General Assembly for the Arkansas School for Mathematics, Sciences, and the Arts.

History. Acts 2003 (2nd Ex. Sess.), No. 22, § 1.

6-42-310. School district access provided to the Arkansas School for Mathematics, Sciences, and the Arts.

Upon a written request made by the Arkansas School for Mathematics, Sciences, and the Arts, a school district shall provide reasonable access to the school district campus for the purpose of contacting students regarding potential enrollment at the Arkansas School for Mathematics, Sciences, and the Arts.

History. Acts 2007, No. 51, § 1.