

Arkansas Laws Affecting School Libraries

It is best to refer to Arkansas code as it includes any revisions made to the law since it was originally passed.

Act 32 of 2nd Extraordinary Session of 2003 – Exemption of Sales Tax on Books and Instructional Materials (AC 26-52-437)

Act 44 of 2015 "Basic contract" means a teacher employment contract for one hundred ninety (190) days that now includes six (6) days instead of ten (10) of professional development (AC 6-17-2402)

Act 246 of 2005 – Prohibits use of student SS#s as an identifier (AC 6-18-208)

Act 290 of 2003 – Allows teachers to read or display documents of American or Arkansas History (AC 6-16-122)

Act 424 of 2009 – Spring Break dates (AC 6-10-106) Arkansas code also includes first and last days of school years

Act 462 of 2003 – Teacher's daily planning period in increments of no less than 40 minutes per day and a minimum of 200 minutes per week (AC 6-17-114)

Act 603 of 2003 – Parental Involvement plan (parent library collection housed in the school library) (AC 6-15-1702)

Act 612 of 1995 – Enables libraries to communicate effectively with their patrons (AC 13-2-705)

Act 677 of 2003 – An amendment to Act 903 of 1989. Collection of library fines and return of overdue materials (AC 13-2-704)

Act 757 of 2009 – Concerns who is permitted to have personally identifiable information about a library patron (AC 13-2-704)

Act 903 of 1989 – Confidentiality of library records including parents unless there is written consent. It allows for disclosing information for the purpose of collecting overdue materials. (AC 13-2-701 through AC 13-2-706)

Act 906 of 1995 – Arkansas Library Materials Security Law: unauthorized removal or willful mutilation of library materials can result in legal charges (AC 13-2-801 through AC 13-2-806)

Act 1090 of 2015 – Qualified teachers in every classroom (AC 6-15-1004), licensed personnel (AC 6-17-301), out-of-state license (AC 6-17-402d), provisional licensure (AC 6-17-403), non-traditional licensure (AC 6-17-409), Arkansas History requirement (AC 6-17-418)

Act 1091 of 2015 –TESS (AC 6-17-2087)

Act 1104 of 2015 – Duty-free lunch for full-time classified staff with certain caveats (AC 6-17-2207)

Act 1183 of 2005 – Professional Development credit for college hours (AC 6-15-1004)

Act 1185 of 2005 – Professional Development (AC 6-17-705)

Act 1196 of 2015 – Student online personal information protection (AC 6-18-109)

Act 1204 of 2015 – Proctoring statewide assessments (AC 6-15-438)

Act 1224 of 2001 – Disposition of School Properties (AC 6-21-110)

Act 1309 of 2009 – Allows teachers to choose an option of earning 12 PD hours online approved by the ADE. Includes certain caveats (AC 6-17-705)

Act 1398 of 2003 – Provides additional time for instructional purposes and reduces non-instructional duties (AC 6-17-117)

Act 1441 of 2005 – Instructional Materials “Textbooks, Library books and other instructional materials shall be exempt from the gross receipts tax if purchased by an Arkansas school district or public school that receives state funding; or the State of Arkansas for free distribution to Arkansas school districts or Arkansas public schools”. An update of Act 32 of 2003 (AC 26-52-437)

Act 1573 of 2007 – Not permissible to withhold student records because of library fines or unreturned materials (AC 6-18-901)

Act 1786 of 2003 – The Public School Library Media Services and Technology Act defines the role of the school library media specialist, defines the purpose of the collection and mandates selection and challenge policies (AC 6-25-101 through AC 6-25-106)

Act 1881 of 2005 – 30 minutes uninterrupted lunch (AC 6-17-111)

Act 1943 of 2005 – Teacher planning period/200 minutes per week (conferences, instructional planning & classroom preparation (AC 6-17-114)

AC = Arkansas Code

CHAPTER 25 PUBLIC SCHOOL LIBRARY MEDIA AND TECHNOLOGY ACT

SECTION.

- 6-25-101. Legislative intent
- 6-25-102. Title
- 6-25-103. Library media services program
- 6-25-104. Library media specialist
- 6-25-105. Establishment of guidelines for the selection, removal, and retention of materials
- 6-25-106. Provision of resources

6-25-101. Legislative intent.

- (a) It is the intent of the General Assembly to articulate the functions served by each of the components of a school library media services program.
- (b) The General Assembly is committed to the development and improvement of strong library media programs in all schools.
- (c) It is the intent of the General Assembly that library media specialists be given time to fulfill their responsibilities under this subchapter.

History. Acts 2003, No. 1786, § 1.

6-25-102. Title.

This subchapter shall be known and may be cited as the "Public School Library Media and Technology Act".

History. Acts 2003, No. 1786, § 2.

6-25-103. Library media services program.

- (a) A "library media services program" means a program of information and media services in schools delivered by a library media specialist whose job includes duties as:
 - (1) An information specialist whose primary job function is to:
 - (A) Provide resources available to patrons through a systematically developed collection within the school and through access to resources outside the school;
 - (B) Provide assistance to patrons in identifying, locating, and interpreting information housed in and outside the library media center;
 - (C) Provide learning opportunities related to new technologies, use, and production of a variety of media formats;
 - (D) Provide instruction in the use of the library media center; and
 - (E) Elementary class sessions for a library media specialist shall be limited as provided under subdivision (b) (1) of this section;
 - (2) An instructional consultant whose primary job function is to:
 - (A) Participate in building district, department, and grade-level curriculum development and assessment projects;
 - (B) Provide professional development in new and emerging technologies, use of appropriate technologies, incorporation of technology into the instructional program, and in the laws and policies pertaining to the use and communication of ideas and information, including copyright law; and
 - (C) Keep patrons informed of new acquisitions of software and hardware and instruct patrons in their optimal use; and

- (3) A teacher of information and technology skills whose primary job function is to:
 - (A) Provide assistance in the use of technology to access information and networks that will enhance access to resources;
 - (B) Develop and implement a plan that ensures that skills are taught in a logical sequence for kindergarten through grade twelve (K-12);
 - (C) Provide expertise and instruction in the use of electronic retrieval systems such as electronic card catalogues and computer-generated bibliographies; and
 - (D) Provide instruction in the use of the library media center.
- (b)(1) No less than one-third (1/3) of the library media specialist's time shall be spent as an information specialist, allowing time for administrative tasks such as ordering books and materials, processing items for usage, planning finances and accountability, organizing, directing, and evaluating the library media program, and other management duties.
- (2) Class size shall be as set forth in the Standards of Accreditation for Arkansas Public Schools.

History. Acts 2003, No. 1786, § 3.

6-25-104. Library media specialist.

- (a)(1) Only trained and certified library media service program personnel shall be assigned to carry out duties of the library media specialist.
- (2) Library media clerks may carry out clerical duties supervised by the library media specialist.
- (b) Duties that interfere with library media center responsibilities may not be assigned outside the library media center for the library media specialist.
- (c) Equipment and personnel shall be available for the developmentally appropriate production of a wide range of media for students and faculty.

History. Acts 2003, No. 1786, § 4.

6-25-105. Establishment of guidelines for the selection, removal, and retention of materials.

- (a) Media centers shall have written policies to establish guidelines for the selection, removal, and retention of materials.
- (b) The school district shall have a written policy for addressing challenged material.

History. Acts 2003, No. 1786, § 5.

6-25-106. Provision of resources.

The school media collection should provide resources that contribute to lifelong learning while accommodating a wide range of differences in instructional methods, interest, and capabilities.

History. Acts 2003, No. 1786, § 6.



Arkansas DIRECTOR'S COMMUNICATION
DEPARTMENT OF EDUCATION

4 State Capitol Mall Little Rock, Arkansas 72201-1071 (501) 682-4475
 Dr. Kenneth James, Director

Memo Number : ACC-04-012

Date Created : 09/22/2003

Attention:

Type of Memo: Informational

Superintendents
 Co-op Directors
 Secondary Principals
 Elementary Principals
 Middle School Principals

**Response
 Required:** No

Other: Library Media Specialists
Section: Accountability - Dr. Charity Smith

Subject:
 Library Media Services & Technology Act

Contact Person:
 Margaret Amps

Regulatory Authority:
 Act 1786 of 2003

Phone Number:
 501-682-4396

E-mail:
mcrank@arkedu.k12.ar.us

Act 1786 of 2003 describes the library media specialist's job to be divided into three important parts: information specialist, instructional consultant, and teacher of information and technology skills. The law outlines the duties under each of these areas.

Act 1786 requires that not less than one-third (1/3) of the elementary library media specialist's time be used for information specialist duties. In addition, a school must allow time for administrative tasks such as ordering of books and materials, processing items for usage, financial planning and accountability, organizing, directing and evaluating the library media program and other management duties. One-third (1/3) of the time is equal to two (2) hours based on the average required six (6) hours per day of instruction. This time must be in a block during the student instructional day. Time between classes and/or before or after school is not allowed to count toward fulfilling this requirement.

Library media specialists should be on duty in the library media center. Library media specialists should be in the library before and after school as well as during the lunch hour to provide services to students and teachers as needed. Duties may not be assigned outside the library media center.

Act 1786 also requires that library media centers have a "Selection Policy" establishing guidelines for the selection, removal, and retention of materials and a "Challenged Material Policy" for addressing the process in the event of a challenge to materials in the school. It is important that the policies are approved by the local district school board.

Act 462 of 2003 provides that a school district shall provide a minimum of two

hundred (200) minutes each week for each teacher to schedule time for conferences, instructional planning and preparation for all classroom teachers employed by the district. The planning time should be in increments of no less than forty (40) minutes. Please note that librarians are certified as classroom teachers and therefore the school should take this into consideration in determining compliance with Act 462 of 2003.

Attachments:

- **Act 1786 of 2003**
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Arkansas

DIRECTOR'S COMMUNICATION

DEPARTMENT OF EDUCATION

4 State Capitol Mall Little Rock, Arkansas 72201-1071 (501) 682-4475
Dr. Kenneth James, Director

Memo Number : ACC-04-030

Date Created : 10/08/2003

Attention:

Type of Memo: Informational

Superintendents
Co-op Directors
Secondary Principals
Elementary Principals
Middle School Principals
other: Library Media Specialists

**Response
Required:** No

Section: Accountability - Dr. Charity Smith

Subject:
Revised - Library Media Services &
Technology Act

Contact Person:
Margaret Amps

Regulatory Authority:
Act 1786 of 2003 & Act 462 of 2003

Phone Number:
501-682-4396


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A number of questions have been raised about Director's Memo ACC-04-012. As a result, the attached information sheet is a revision which is based only on the requirements contained within Act 1786 and Act 462.

Please note that the library media center may not be closed during the one-third (1/3) time required to be used for information specialist duties, such as ordering books and materials, processing items for usage, financial planning and accountability, etc. This required time does not have to be taken in a single two-hour block daily.

Attachments:

- Act 1786 of 2003 & Act 462 of 2003 Information She


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Act 1786 of 2003 & Act 462 of 2003
Information Sheet

Act 1786 of 2003 describes the library media specialist's job to be divided into three important parts: information specialist, instructional consultant, and teacher of information and technology skills. The law outlines the duties under each of these areas.

Act 1786 requires that not less than one-third ($1/3$) of the elementary library media specialist's time be used for duties, such as ordering books and materials, processing items for usage, financial planning and accountability, organizing, directing, and evaluating the library media program and other management duties. One-third ($1/3$) of the time is equal to two (2) hours based on the average required six (6) hours per day of instruction. Duties which interfere with library media center responsibilities may not be assigned.

Act 462 of 2003 provides that a school district shall provide a minimum of two hundred (200) minutes each week for each teacher to schedule time for conferences, instructional planning and preparation of all classroom teachers employed by the district. The planning time should be in increments of no less than 40 minutes. Please note that librarians are certified as classroom teachers, and therefore, the school should take this into consideration in determining compliance with Act 462 of 2003.

Opinion No. 2004-064

April 5, 2004

The Honorable Preston Scroggin
State Representative
59 Marshall Road South
Vilonia, AR 72173-9335

Dear Representative Scroggin:

I am writing in response to your request for an opinion regarding the Public School Library Media and Technology Act (Act 1786 of 2003, codified at A.C.A. § 6-25-101 – 106 (Supp. 2003)). You have asked the following questions concerning this legislation:

1. Could you define what duties specifically can be performed during the 2 hours designated as administrative time?
2. Can the Media Services Specialist or Librarian check out books to kids at that time or will an aid need to be hired?

RESPONSE

With regard to your first question, I am unable to define the specific duties, in the absence of a legislative definition of "administrative tasks." It is my opinion in response to your second question that as long as this contemplates checking out books on an irregular, as-needed basis, this function is reasonably included in the minimum two hours allotted to the library media specialist/librarian as an "information specialist," and there should be no need to hire an aid for this purpose. The limitation with respect to "elementary class sessions" must, however, be recognized, as discussed more fully below.

I believe it will be helpful to set out the pertinent statutory provisions before addressing your questions. The General Assembly has expressed its intent under the Public School Library Media and Technology Act to "articulate the functions served by each of the components of a school library media services program[,] and for "library media specialists" to be "given time to fulfill their responsibilities..." A.C.A. § 6-25-101(a) and (c). A "library media services program" is defined as "a program of information and media services in schools delivered by a library media specialist." A.C.A. § 6-25-103(a). According to my understanding, this legislation establishes the functions served by the public school library. Only "trained and certified library media service program personnel" may be assigned the duties of the "library media specialist." A.C.A. § 6-25-104. I am informed that persons licensed by the State Board of Education as public school librarians meet this requirement. Consequently, the librarian and the library media specialist are one-and-the-same, and when you refer in your second question to the "Media Services Specialist or Librarian," I assume you are using these terms interchangeably to reference the same personnel.

Pursuant to this legislation, a "library media specialist" serves as an "information specialist," an "instructional consultant," and a "teacher of information and technology skills." A.C.A. § 6-25-103. A "primary job function" is specified for each of these job categories, including "instruction in the use of the library media center" under both "information specialist" and "teacher of information and technology skills." *Id.* The term "administrative time" in your first question pertains to the library media specialist's role as "information specialist," and has reference to the following language contained in § 6-25-103:

(b)(1) No less than one-third (1/3) of the library media specialist's time shall be spent as an information specialist, allowing time for administrative tasks such as ordering books and materials, processing items for usage, planning finances and accountability, organizing, directing, and evaluating the library media program, and other management duties.

A.C.A. § 6-25-103(b)(1) (Supp. 2003).

As reflected in your first question, the one-third time period addressed in this provision translates to two hours, based on a six-hour school day. *See* A.C.A. § 6-16-102 (Rep. 1999). The legislature has thus required that a minimum of two

hours be devoted to the library media specialist's duties as an "information specialist," apparently in order to allow time for "administrative tasks" associated with the library media services program. Your first question pertains to these tasks. You have asked:

Question 1 - Could you define what duties specifically can be performed during the 2 hours designated as administrative time?

I must decline to define specific duties in this regard, where the legislature has elected not to supply a specific definition. The Attorney General, as a member of the executive branch of government, is not authorized to supply a statutory definition in instances in which the General Assembly has not done so. I must refer you instead to the statutory language, which lists as examples of "administrative tasks" such duties as "ordering books and materials, processing items for usage, planning finances and accountability, organizing, directing, and evaluating the library media program[.]" The illustrative list is not exhaustive, as further evidenced by the reference to "other management duties." Thus, duties similar to those listed, or which constitute management duties of this nature, are included. I cannot, however, define specific duties.

Question 2 - Can the Media Services Specialist or Librarian check out books to kids at that time or will an aid need to be hired?

It must first be noted in addressing this question that the minimum two hours identified in A.C.A. § 6-25-103(b)(1), *supra*, is not scheduled in any particular manner or otherwise specified as a discrete period or block of time. Strictly speaking, the statute does not specifically designate any period as "administrative time." It requires that "[n]o less than one-third (1/3) of the library media specialist's time shall be spent as an information specialist, allowing time for administrative [matters]..." *Id.* Based on this language, I believe it is more accurate to state that the time allowed for administrative tasks is "designated" in the sense that the legislature has required a minimum of two hours for the job function of "information specialist" so as to allow the library media specialist sufficient time to fulfill administrative functions. The actual scheduling of this time to be spent as an "information specialist" is presumably a matter for each district.

A specific limitation attends this matter, however. Subsection (a)(1) of § 6-25-103, in addressing the job function of an information specialist, provides:

Elementary class sessions for a library media specialist shall be *limited as provided under subdivision (b)(1) of this section*[.]

A.C.A. § 6-25-103(a)(1)(E) (emphasis added).

I interpret this to mean that elementary class sessions conducted by the library media specialist cannot interfere with or infringe upon the minimum two hours allotted under subsection (b)(1). With this exception, however, there are no specific guidelines on how to schedule the “information specialist’s” time.

Turning to your question whether books can be checked out during this time, it is my opinion that this would only be a problem if the library media specialist was not otherwise afforded sufficient time as information specialist to perform administrative tasks. While fact questions could thus conceivably arise, checking out books to students occasionally, on an as-needed basis, presumably would not interfere with administrative functions to such an extent. The specific limitation with respect to “elementary class sessions” must, however, be recognized.¹ As indicated above, these sessions must be scheduled apart from the minimum two hours required under § 6-25-103(b)(1).

Assistant Attorney General Elisabeth A. Walker prepared the foregoing opinion, which I hereby approve.

Sincerely,

MIKE BEEBE
Attorney General

MB:EA W/cyh

¹ It may also be necessary to reference a district’s personnel policies for any policies, guidelines, regulations or procedures that might impact this question concerning the library media specialist’s job function as an “information specialist.” See generally A.C.A. § 6-17-201 *et seq.* (Supp. 2003) (establishing requirements and procedures with respect to school districts’ written personnel policies).