Stricken language would be deleted from and underlined language would be added to present law. Act 322 of the Regular Session

1	State of Arkansas	A Bill	
2	93rd General Assembly	A Dill	SENATE BILL 101
3	Regular Session, 2021		SENATE DILL 101
4 5	By: Senator Irvin		
6	By: Representative L. Johnson		
7	By. Representative E. veimson		
8		For An Act To Be Entitled	
9	AN ACT TO AM	END PROVISIONS OF THE ARKANSA	AS CODE
10		NHANCED STUDENT ACHIEVEMENT F	
11		NG UNDER THE PUBLIC SCHOOL FU	
12		R OTHER PURPOSES.	
13	,		
14			
15		Subtitle	
16	TO AMEN	D PROVISIONS OF THE ARKANSAS	CODE
17	CONCERN	VING ENHANCED STUDENT ACHIEVEN	MENT
18	FUNDING	AND SCHOOL FUNDING UNDER THE	3
19	PUBLIC	SCHOOL FUNDING ACT OF 2003.	
20			
21			
22	BE IT ENACTED BY THE GEN	ERAL ASSEMBLY OF THE STATE OF	' ARKANSAS:
23			
24	SECTION 1. Arkans	as Code $ 6-20-2305(b)(4)(C)($	i), concerning school
25	funding under the Public	School Funding Act of 2003,	is amended to read as
26	follows:		
27	(C)(i)	(a) The State Board of Educa	tion shall establish by
28	rule a list of approved	programs and purposes for whi	ch funds allocated under
29	this subdivision (b)(4)	may be expended <u>A school dist</u>	rict shall expend funds
30	allocated under this sub	division (b)(4) in accordance	with the rules
31	developed by the Divisio	n of Elementary and Secondary	Education to provide
32	the following supports a	nd resources:	
33		(1) If the schoo	ol district meets the
34		uirements according to the mi	•
35		achers serving in positions r	
36	for Accreditation of Ark	<u>ansas Public Schools and Scho</u>	ool Districts without

Ţ	using funds provided under this subdivision (b)(4):
2	(A) The hiring of additional
3	teachers for core academic subject areas, as identified in the Division of
4	Elementary and Secondary Education Rules Governing the Arkansas Qualified
5	Teacher Requirements, that are not required by the Standards for
6	Accreditation of Arkansas Public Schools and School Districts;
7	(B) The enhancement of teacher
8	salaries for recruitment and retention purposes;
9	(C) Obtaining additional
10	compensation for teachers who assume identified leadership roles; or
11	(D) Additional compensation for
12	teachers who assume additional responsibilities that support student academic
13	achievement;
14	(2) Academic supports and interventions,
15	including without limitation curriculum specialists, facilitators, tutors,
16	dyslexia interventions, and Response to Intervention;
17	(3) Social emotional and behavioral
18	supports;
19	(4) Physical and mental health
20	resources, including without limitation personnel;
21	(5) Early intervention resources,
22	including without limitation prekindergarten programs, school tutoring
23	programs that take place before or after school, and early literacy
24	interventions; and
25	(6) Access to postsecondary
26	opportunities, including without limitation access to career coaches,
27	concurrent credit courses, college-entrance support, and career-readiness
28	support.
29	(b)(1) School districts shall expend funds
30	allocated under this subdivision (b)(4) for the programs or purposes on the
31	State Board of Education's list of approved programs and purposes for which
32	funds allocated under this subdivision (b)(4) may be expended, including
33	without limitation: By July 1, 2022, each public school district shall submit
34	a three-year enhanced student achievement plan to the Division of Elementary
35	and Secondary Education describing the school district's intended and
36	implemented strategies to enhance student achievement and how enhanced

1	student achievement lunds will be used to support the strategies of the	
2	school district as permitted by this subdivision (b)(4) and rules promulgated	
3	by the State Board of Education.	
4	(2) A school district shall review	
5	annually the school district's enhanced student achievement plan and shall	
6	review the progress of the school district's enhanced student achievement	
7	plan.	
8	(3) The enhanced student achievement	
9	plan of a school district shall be updated as necessary by the school	
10	district, and amendments to the enhanced student achievement plan shall be	
11	submitted annually to the Division of Elementary and Secondary Education with	
12	the annual budget of the school district.	
13	(4) The Division of Elementary and	
14	Secondary Education shall monitor the implementation and progress of the	
15	enhanced student achievement plan of a school district.	
16	(5) A school district that does not	
17	demonstrate progress toward the goals of the enhanced student achievement	
18	plan of the school district for three (3) consecutive years may be subject to	
19	one (1) or more of the following:	
20	(A) Additional monitoring by the	
21	Division of Secondary and Elementary Education;	
22	(B) An increased level of support	
23	as provided in § 6-15-2913; or	
24	(C) A corrective action plan that	
25	shall be developed in collaboration with the Division of Elementary and	
26	Secondary Education.	
27	(1) Classroom teachers, if the school	
28	district meets the minimum salary schedule under § 6-17-2403 without using	
29	funds provided under this subdivision (b)(4) and those teachers are used for	
30	the purposes delineated in this subdivision (b)(4);	
31	(2) Before-school academic programs and	
32	after-school academic programs, including without limitation transportation	
33	to and from the before school academic programs and after school academic	
34	programs;	
35	(3) Prekindergarten programs coordinated	
36	by the Department of Human Services:	

1	(4) Tutors, teachers' aides, counselors,
2	social workers, nurses, and curriculum specialists;
3	(5) Parent education;
4	(6) Summer programs;
5	(7) Early intervention programs;
6	(8) Materials, supplies, and equipment,
7	including without limitation technology used for programs or purposes on the
8	State Board of Education's list of approved programs and purposes for which
9	funds allocated under this subdivision (b)(4) may be expended;
10	(9) Federal child nutrition programs, to
11	the extent necessary to provide school meals without charge to all students
12	under the United States Department of Agriculture Special Assistance
13	Alternative "Provision 2" program under 42 U.S.C. § 1759a, as it existed on
14	July 1, 2011;
15	(10) Federal child nutrition programs,
16	to the extent necessary to provide school meals without charge to students
17	otherwise eligible for reduced-price meals under the United States Department
18	of Agriculture's National School Lunch Program or School Breakfast Program;
19	(11) Expenses directly related to
20	funding a longer school day;
21	(12) Expenses directly related to
22	funding a longer school year;
23	(13) Partnering with state-supported
24	institutions of higher education and technical institutes to provide
25	concurrent courses or technical education options for academic learning to
26	students while those students are still in high school so that the students
27	are college-ready and career-ready upon graduation from high school;
28	(14) Professional development as
29	identified in the school district's support plan required under § 6-15-2914;
30	(15) Implementing components of the
31	Arkansas Advanced Initiative for Math and Science, Inc.;
32	(16) The College and Career Coaches
33	Program, as administered by the Division of Gareer and Technical Education
34	under § 6-1-601 et seq.;
35	(17) Implementing a school wide
36	evidence-based program intended to close achievement gaps with an arts-

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1
    infused curriculum;
 2
                                         (18) Dyslexia programs and interventions
 3
    under § 6-41-601 et seq.; and
 4
                                         (19) Recruiting and retaining effective
 5
    teachers, if the school district meets the minimum salary schedule under § 6-
 6
    17-2403 without using funds provided under this subdivision (b)(4), by
 7
    implementing:
8
                                               (A)(i) Approaches identified
9
    within the school district's support plan required under § 6-15-2914 to
10
    address a disproportionate rate of low-income students or minority students
11
    being taught by ineffective teachers, teachers who teach out of their
12
    licensure content area, or inexperienced teachers, either within the school
13
    district or as compared to surrounding school districts, including without
14
    limitation strategies:
15
                                                           (a) For reassignment;
16
                                                           (b) For differentiated
17
    pay plans to address identified shortage areas; and
18
                                                           (c) For addressing
19
    teacher recruitment and retention, as recommended by the Division of
20
    Elementary and Secondary Education, including without limitation models for:
21
                                                                 (1) Effective
22
    use of teacher leaders;
23
                                                                 (2) Cultural
24
    responsiveness training; and
25
                                                                 (3) Equity
26
    audits.
27
                                                     (ii) A school district's
    support plan under this subdivision (b)(4)(C)(i)(b)(19)(A) shall include
28
    without limitation how the school district identified gaps in equitable
29
    access to effective teachers through a review of school-district and school-
30
    level data, student-growth data, a root-cause analysis, research of the
31
32
    strategies used to address the identified gaps, and the measures of the
33
    effectiveness of the strategies used, including without limitation student-
    growth data; and
34
35
                                               (B) Levels of differentiated
36
    compensation that increase classroom teacher salaries based on a tiered
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1	system of licensure established by the State Board of Education under § 6-17-	
2	402.	
3	(c) The list of approved programs established	
4	before July 24, 2019, by the State Board of Education under subdivision	
5	(b)(4)(C)(i)(a) of this section shall expire on June 30, 2022.	
6	(d) The State Board of Education shall	
7	promulgate rules for the implementation of this subdivision (b)(4)(C)(i) that	
8	shall include without limitation:	
9	(1) The process for submitting an	
10	enhanced student achievement plan;	
11	(2) The process for monitoring the	
12	expenditure of funds allocated under this subdivision (b)(4); and	
13	(3) The specific requirements,	
14	qualifications, and criteria for allowable supports and resources.	
15		
16	SECTION 2. Arkansas Code § 6-20-2305(b)(4)(C)(ii), concerning school	
17	funding under the Public School Funding Act of 2003, is amended to read as	
18	follows:	
19	(ii)(a) Upon review of the school district's support	
20	plan required under § 6-15-2914, if the Commissioner of Elementary and	
21	Secondary Education determines that the school district has met the needs of	
22	students in the school district for whom the funding for additional	
23	educational categories under this subsection is provided and has prudently	
24	managed its resources, the commissioner shall give written approval of the	
25	detailed planned flexible use of excess national school lunch state	
26	categorical funds provided to the school district for up to two (2) years \underline{A}	
27	school district shall budget one hundred percent (100%) of funds allocated	
28	under this subdivision (b)(4) each year to provide the supports and resources	
29	described in subdivision (b)(4)(C)(i)(a) of this section.	
30	(b) If a school district intends to transfer	
31	funds allocated under this subdivision (b)(4) to other programs, the school	
32	district shall provide justification for the transfer of funds to the	
33	Division of Elementary and Secondary Education.	
34		
35	SECTION 3. Arkansas Code § 6-20-2305(b)(4)(C)(v) and (vi), concerning	

school funding under the Public School Funding Act of 2003, are repealed.

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                             (v)(a) By September 15 of each school year, a school
 2
     district shall submit to the Division of Elementary and Secondary Education a
 3
     report for the immediately preceding school year listing each program for
 4
     which funds allocated under this subdivision (b)(4) were expended, the amount
 5
     expended, and any other information required by the Division of Elementary
 6
     and Secondary Education concerning the use of funds allocated under this
 7
     subdivision (b)(4).
 8
                                   (b) The Division of Elementary and Secondary
 9
     Education shall develop appropriate reporting forms for use by school
10
     districts to comply with subdivision (b)(4)(C)(v)(a) of this section.
11
                             (vi) Each school district shall submit to the
12
     Division of Elementary and Secondary Education a report listing each program
13
     and purpose upon which funds allocated under this subdivision (b)(4) were
14
     expended, the amount expended, and any other information required by the
15
     Division of Elementary and Secondary Education concerning the receipt and use
16
     of funds allocated under this subdivision (b)(4).
17
18
           SECTION 4. Arkansas Code § 6-20-2305(b)(4)(C)(vii), concerning school
19
     funding under the Public School Funding Act of 2003, is amended to read as
20
     follows:
21
                             (vii)(vi) The Division of Elementary and Secondary
22
     Education shall promulgate rules and develop appropriate reporting forms for
23
     use by school districts to comply with this subdivision (b)(4)(C) and the
24
     rules of the State Board of Education.
25
26
           SECTION 5. Arkansas Code § 6-20-2305(b)(4)(D) and (E), concerning
27
     school funding under the Public School Funding Act of 2003, are amended to
28
     read as follows:
29
                       (D)(i) By the end of each school year, each school
30
     district shall submit to the Division of Elementary and Secondary Education a
     report listing each program upon which funds allocated under this subdivision
31
32
     (b)(4) were expended, the amount expended, and any other information required
33
     by the Division of Elementary and Secondary Education.
34
                             (ii) The Division of Elementary and Secondary
35
     Education shall develop appropriate reporting forms for use by school
36
     districts.
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1	$\frac{(E)(i)(D)(i)}{(E)(E)}$ The Division of Elementary and Secondary
2	Education shall provide a report on the impact of national school lunch
3	student categorical funding provided under this subdivision (b)(4) on closing
4	the achievement gap progress of school district in meeting plan goals to the
5	House Committee on Education and the Senate Committee on Education by ${\color{blue}{\rm May}}$ 31
6	each even-numbered year, beginning in 2010 October 1 of each odd-numbered
7	year, beginning in 2023.
8	(ii) The report shall include information broken
9	down by category as described in subdivision (b)(4)(A) of this section on:
10	(a) How school districts are spending national
11	school lunch student categorical funds provided under this subdivision
12	(b)(4), including specific programs utilized by school districts;
13	(b) The amount of national school lunch
14	student categorical funds transferred to another categorical fund, including
15	an explanation of why the national school lunch student categorical funds
16	were transferred; and
17	(c) The analysis of student achievement data
18	evaluated in student achievement growth models as $\frac{\text{defined under}}{\text{described in}}$
19	\$6-15-2908\$ shall be expanded to include the evaluation of the best estimates
20	of classroom, school, and school district effects on narrowing the
21	achievement gap enhancing student achievement, in addition to the examination
22	of student progress based on established value-added longitudinal
23	calculations.
24	(iii) The report shall be included in the General
25	Assembly's biennial adequacy study to evaluate the adequacy of education in
26	the state.
27	
28	SECTION 6. Arkansas Code \S 6-20-2305(b)(4)(F)(i) and (ii), concerning
29	school funding under the Public School Funding Act of 2003, are amended to
30	read as follows:
31	(F)(i)(E)(i) By June 30, 2012, and by June 30 of each year
32	thereafter, a school district shall spend a minimum of eighty-five percent
33	(85%) of the school district's annual national school lunch state categorical
34	funding allocation as provided under subdivision (b)(4)(C) of this section.
35	(ii) A school district that on June 30, 2012, June
36	30 of any year has a national school lunch state categorical an enhanced

I	student achievement funding balance in excess of fifteen percent (15%) of the
2	school district's current year annual national school lunch state categorical
3	enhanced student achievement funding allocation shall reduce its total
4	national school lunch state categorical enhanced student achievement funding
5	balance by at least ten percent (10%) $\underline{\text{in}}$ each year $\underline{\text{that follows}}$ so that by
6	June 30, 2022, and by June 30 of each year thereafter, the school district
7	has a balance of no more than fifteen percent (15%) of the school district's
8	current year annual national school lunch state categorical enhanced student
9	achievement funding allocation.
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14	APPROVED: 3/10/21
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