

SUMMARY OF RULES AMENDMENTS

DIVISION OF ELEMENTARY AND SECONDARY EDUCATION RULES GOVERNING STUDENT SPECIAL NEEDS FUNDING

The proposed amendments incorporate the provisions of Act 322 of 2021 concerning enhanced student achievement (“ESA”) (formerly known as national school lunch) funds and add provisions allowing districts to create an alternative learning environment hybrid program.

In 2019, the legislature passed Act 1082, which provided that the list of approved programs established by the state board for the allowable use of ESA funds would expire on June 30, 2022. Act 322 of 2021 was then passed to eliminate the list of allowable expenditures in Ark. Code Ann. 6-20-2305 and replace it with six broad categories: (1) Teacher salaries; (2) Academic supports and interventions; (3) Social emotional and behavioral supports; (4) Physical and mental health resources; (5) Early intervention resources; and (6) Access to postsecondary opportunities. Amendments to these rules further explain the allowable uses under each of these categories and set forth the requirements for a three-year plan that districts will have to submit detailing the use of ESA funds. This plan will be based on a needs assessment developed by DESE that uses district data to identify areas of need.

Additional revisions to these rules allow for the use of an alternative learning environment hybrid program that combines on-site and distance learning for students who meet qualifying criteria.