

**ARKANSAS DEPARTMENT OF EDUCATION-DIVISION OF ELEMENTARY AND
SECONDARY EDUCATION**

**RULES GOVERNING STANDARDS FOR ACCREDITATION OF ARKANSAS
PUBLIC SCHOOLS AND SCHOOL DISTRICTS**

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1.00 REGULATORY AUTHORITY

- 1.01 These rules shall be known as the ~~Arkansas Department of Education ("ADE" or "Department")~~ Arkansas Division of Elementary and Secondary Education Rules Governing the Standards for Accreditation of Arkansas Public Schools and School Districts.
- 1.02 These rules are promulgated pursuant to Ark. Code Ann. §§ 6-11-105, 6-15-202, 6-15-203, 6-15-207, 6-15-208, 6-15-209, and 25-15-201 et seq.

2.00 PURPOSE

- 2.01 These rules are to set forth the Standards for Accreditation of Arkansas to all public schools and public school districts and to apply the Standards for Accreditation to all public schools and public school districts for the purpose of determining accreditation of the school and district.
- 2.02 These rules describe the minimum requirements and process whereby Arkansas public schools and public school districts are accredited, the process whereby Arkansas public schools and public school districts will be cited or placed in probationary status for failure to meet the Standards for Accreditation, and to set forth the enforcement actions that may be applied to Arkansas public schools and public school districts that fail to meet the Standards for Accreditation.

3.00 DEFINITIONS – For purposes of these Rules, the following terms mean:

- 3.01 "Accredited - Cited" means the status assigned to a public school or public school district that fails to meet any Standard identified by a "C" as being a cited violation in these rules.
- 3.02 "Enforcement action" means the intervention of the State to require compliance of a public school or a public school district that fails to meet the Standards for Accreditation of Arkansas Public Schools and School Districts.
- 3.03 "Accredited - Probation" means the status assigned to a public school or public school district that fails to meet any Standard identified by a "P" as being a probationary violation in these rules or fails to correct a violation by the specified deadline for which it acquired cited status.

3.04 "Division" means the Division of Elementary and Secondary Education of the Arkansas Department of Education.

3.045 "Public school" means:

3.045.1 A school operated by a public school district; or

3.045.2 An open-enrollment public charter school, as defined in Ark. Code Ann. § 6-23-103.

3.056 "Public school district" means:

3.056.1 A geographic area that qualifies as a taxing unit for purposes of ad valorem property taxes under Ark. Code Ann. § 26-1-101 et seq. and Arkansas Constitution, Article 14, § 3, and is either:

3.056.1.1 Governed by an elected board of directors; or

3.056.1.2 Under the administrative control of the State Board or the Commissioner of Education in place of an elected board of directors; or

3.056.2 An open-enrollment public charter school, as defined in Ark. Code Ann. § 6-23-103.

3.067 "Standards for Accreditation" means the series of requirements that specify what a public school or public school district shall meet in order to be fully accredited by the Arkansas ~~Department of Education~~ Division of Elementary and Secondary Education.

3.078 "Written curriculum" includes identified sequences of student learning expectations, pacing, materials and resources used to teach the Arkansas Academic Standards and processes for evaluating mastery of the standards at particular points in time throughout the K–12 educational program.

4.00 BI-ANNUAL REVIEW AND APPROVAL OF THE STANDARDS FOR ACCREDITATION

The ~~Department~~ Division is responsible for the development of the Standards for Accreditation and shall review these standards every two years to ensure alignment with the laws of the State of Arkansas and the rules of the ~~Department~~ Division.

The review process shall include:

- 4.01 Public notice of the intent to review the Standards. Public notice may include notice of intent provided at a State Board meeting, on the Department Division website, by Commissioner's Memo, or Department Division social media;
- 4.02 Organization of a committee consisting of Arkansas educators, administrators, and other stakeholders to review and provide feedback to Department Division staff regarding the Standards for Accreditation, particularly those the Standards found to have the most violations or in conflict with state law or rules;
- 4.03 Revision, as needed, of the Standards for Accreditation by Department Division staff;
- 4.04 Submission of the revised Standards for Accreditation for review by the State Board of Education and consideration for release for public comment;
- 4.05 Submission to the Senate and House Education Committees for review and feedback to the State Board of Education; and
- 4.06 Review of the Senate and House Education Committee feedback and make necessary revisions. ~~submission to the Board for approval of the Standards for Accreditation.~~
- 4.07 Submit Standards for Accreditation to the Board for approval.

5.00 CITED STATUS

- 5.01 A public school district shall be assigned Accredited – Cited status when it is deemed to have failed to meet any standard defined with a district cited status ("D/C") in the Standards for Accreditation.
- 5.02 A public school shall be assigned Accredited – Cited status when it is deemed to have failed to meet any standard defined with a school cited status ("S/C") in the Standards for Accreditation.
- 5.03 No public school or public school district shall maintain Accredited – Cited status for violation of any particular standard for a time period greater than two (2) consecutive school years including the year the Accredited – Cited status is assigned, unless provided otherwise in these rules.
- 5.04 Any public school or public school district that fails to remedy itself from Accredited – Cited status for violation of a particular standard after two (2) consecutive school years shall be assigned Accredited – Probation status.

6.00 PROBATIONARY STATUS

- 6.01 A public school district shall be assigned Accredited – Probation status when it is deemed to have failed to meet any standard defined with a district probationary status (“D/P”) in the Standards for Accreditation or was in Accredited – Cited status for the same violation the previous two (2) consecutive school years.
- 6.02 A public school shall be assigned Accredited – Probation status when it is deemed to have failed to meet any standard defined with a school probationary status (“S/P”) in the Standards for Accreditation or was in Accredited – Cited status for the same violation the previous two (2) consecutive school years.
- 6.03 No public school or public school district shall maintain Accredited – Probation status for violation of any standard for more than two (2) consecutive school years including the year the Accredited – Probation status is assigned.
- 6.04 Any public school or public school district that fails to remedy itself from Accredited – Probation status after the two (2) consecutive school years will be subject to mandates of Ark. Code Ann. § 6-15-207 and Section 9.00 of these Rules.

7.00 ACCREDITATION OF PUBLIC SCHOOLS AND PUBLIC SCHOOL DISTRICTS

- 7.01 A public school or public school district shall be accredited based on compliance with the Standards for Accreditation and shall be identified as Accredited.
- 7.02 A material and substantial failure to comply with any state or federal law, rule, or regulation that interferes with a public school or public school district’s obligation to provide a general, suitable and efficient education may result in a recommendation of Accredited – Cited or Accredited – Probation status.
- 7.03 Any person who knowingly submits or falsifies information requested or required by the ~~Department~~ Division may be subject to licensure action pursuant to Ark. Code Ann. § 6-17-410 and other relevant state and federal law.
- 7.04 ACCREDITATION PROCESS
 - 7.04.1 The ~~Department~~ Division shall annually review all public school and public school district accreditation reports.
 - 7.04.2 The ~~Department~~ Division shall:
 - 7.04.2.1 Investigate any suspected deficiencies in meeting the Standards for Accreditation.

- 7.04.2.2 Investigate all written complaints charging alleging violations of the Standards for Accreditation received by the Department Division.
- 7.04.2.3 Conduct additional review of public schools and public school districts identified as being at risk of failing to meet the Standards for Accreditation.
- 7.04.2.4 Conduct an on-site review of public schools and public school districts whenever the Department Division or State Board of Education deems necessary.
- 7.04.3 At any time, a public school or public school district which does not meet the Standards for Accreditation, as determined by the Department Division, shall be notified in writing of the deficiency and the timeline for correction. Any deficiency unresolved shall be reported to the State Board of Education for consideration of action.
- 7.04.4 At any time but no later than May 1, the Department Division shall notify the public school district superintendent of the public schools or public school districts recommended accreditation status.
- 7.04.5 The State Board of Education will review the recommendation from the Department Division and make the final determination of accreditation status for the identified public schools or public school districts as outlined in Section 8.0 of these rules.
- 7.04.6 Public schools and public school districts classified as Accredited – Probation for more than two (2) consecutive school years shall be subject to enforcement actions pursuant to Ark. Code Ann. § 6-15-207 and Section 9.00 of these Rules.

8.00 SPECIFIC TIME FRAME FOR CITATIONS OR PROBATIONS

- 8.01 A public school or public school district may be placed in Accredited – Cited or Accredited – Probation status at any time if any violation of the Standards for Accreditation has not been corrected or the appropriate documentation detailing the public school or public school district's plan, including necessary timelines, to correct the deficiency is not received by the Department Division within thirty (30) fifteen calendar (15) days of notification of the violation. or by May 15, whichever occurs first.
- 8.02 The Department Division will review the submitted documentation and respond in writing with the length of time that will be allowed for correction of the deficiency. The time to correct the deficiency shall not exceed ninety (90) days or beyond the last day of student contact for the school year, whichever occurs first.

- 8.03 The recommended accreditation status will be submitted to the State Board of Education for final approval.
- 8.04 After approval by the State Board of Education, the public school or public school district will be identified as Accredited, Accredited - Cited, or Accredited - Probation. An identification as Accredited - Cited or Accredited - Probation which shall be considered the first year of identification. The identification will remain in place for the following school year which shall be considered the second year of identification.

9.00 ENFORCEMENT OF STANDARDS FOR ACCREDITATION

- 9.01 The State Board of Education may, on its own motion or upon petition from the Department Division, take any number of the following actions, listed in Section 9.03, to address a public school or public school district which has failed to meet the Standards for Accreditation at any time after a public school or public school district has received notice of being placed in Accredited – Probation status pursuant to Section 7.04.4 of these rules. The Department Division shall petition the State Board of Education for enforcement action as allowed by these rules when a public school or public school district has failed to remedy all probationary violations within the specified time period for correction.
- 9.02 The State Board of Education shall take at least one of the actions listed in Section 9.03 to address any public school or public school district that has failed is identified as Accredited - Probation for failing to meet the Standards for Accreditation for two (2) consecutive school years including the year the Accredited – Probation status was issued, unless the State Board of Education, at its discretion, issues written findings supported by a majority of the board, that the public school or public school district could not meet the current Standards in the required time period due to impossibility caused by external forces beyond the public school or public school district's control.
- 9.03 The State Board of Education shall be allowed to take the following actions to address any public school or public school district on Accredited – Probation status for failing to meet the Standards for Accreditation:
 - 9.03.1 Require a public school district to reorganize, or to reassign the administrative, instructional, or support staff of a public school or public school district;
 - 9.03.2 Require a public school or public school district to institute and fully implement a curriculum that is aligned to the Arkansas Academic Standards, including providing appropriate professional development at the cost of the public school district;

- 9.03.3 Remove a particular public school from the jurisdiction of a public school district and establish alternative public governance and supervision of such school or schools;
- 9.03.4 Require a public school district to close down or dissolve a particular public school or schools within a public school district;
- 9.03.5 Annex a public school district or districts or parts thereof with another receiving public school district or districts pursuant to the authority of Ark. Code Ann. § 6-13-1401 et seq.;
- 9.03.6 Consolidate a public school district or districts or parts thereof with another public school district or districts or parts thereof to form a resulting district pursuant to the authority of Ark. Code Ann. § 6-13-1401 et seq.;
- 9.03.7 Reconstitute the leadership of a public school district by removing permanently or suspending on a temporary basis the superintendent of the public school district or any particular board members of a public school district. The State Board of Education shall have the authority to appoint an administrator or to call for the election of new school board members to administer the affairs and provide governance of the public school district, or both;
- 9.03.8 Accept a corrective action plan to address the violations of the Standards for Accreditation and designate ~~Designate~~ the public school or public school district as being Accredited –Corrective Action; or
- 9.03.9 Take any other appropriate action allowed by law which is determined by the State Board of Education to assist and address a public school or public school district failing to meet the Standards for Accreditation.

10.00 RIGHT OF APPEAL

In the event a public school or public school district believes the ~~Department~~ Division has improperly determined that any public school or public school district has failed to meet the Standards for Accreditation, the public school district shall have a right to file its written appeal with the office of the Commissioner of Education.

- 10.01 Any appeal shall be held at an open hearing, and the decision of the State Board of Education shall be in open session. The appeal must be filed no later than fifteen (15) calendar days ~~May 15~~ following the ~~May 1~~ written notification. ~~and the State Board of Education hearing must be held prior to June 30 of the same calendar year.~~
- 10.02 The following procedures shall apply to State Board of Education hearings in which the public school district believes the ~~Department~~ Division improperly determined

that the public school or public school district failed to meet the Standards for Accreditation:

- 10.02.1 All persons wishing to testify before the State Board shall first be placed under oath by the Chairperson of the State Board.
- 10.02.2 The ~~Department~~ Division shall have up to twenty (20) minutes to present its case to the State Board. The Chairperson of the State Board may allow additional time if necessary.
- 10.02.3 The appealing public school district shall have up to twenty (20) minutes to present its case to the State Board. The Chairperson of the State Board may allow additional time if necessary.
- 10.02.4 The State Board may pose questions to any party at any time during the hearing.
- 10.02.5 The State Board shall then discuss, deliberate, and vote upon the matter.
- 10.02.6 If deemed necessary, the State Board may take the matter under advisement and announce its decision at a later date, provided that all discussions, deliberations, and votes upon the matter take place at a public hearing.
- 10.02.7 The State Board shall issue a written order concerning the matter.
- 10.03 The State Board of Education may approve the classification of the public school or public school district accreditation status, as determined by the ~~Department~~ Division, or it may sustain the appeal of the district.
- 10.04 Pursuant to Ark. Code Ann. § 6-15-203, an appeal from the ruling of the State Board of Education may be made by a public school district to the Pulaski County Circuit Court provided such appeal is made pursuant to the Arkansas Administrative Procedure Act, Ark. Code Ann. § 25-15-201 et seq.

11.00 WAIVER AUTHORITY AND PROCESS

- 11.01 Except as provided by Ark. Code Ann. § 6-15-202(b)(2), the State Board of Education on its own motion, or on petition from the ~~Department~~ Division or from a district, may, upon a showing of just cause in a public hearing of the State Board of Education, grant a waiver of any Standard for Accreditation for no longer than one (1) school year. However, no curricula, student performance, school performance, or any standard required by law may be waived for any time period.
 - 11.01.1 Unless the timeline is waived by the Commissioner based on emergency circumstances. A petition for waiver of any Standard for Accreditation

by a public school district shall be filed in the Office of the Commissioner of Education thirty (30) calendar days, ~~unless the timeline is waived by the Commissioner based on emergency circumstances,~~ prior to the meeting of the State Board of Education hearing the waiver petition. ~~or no later than April 20, whichever occurs first.~~

11.01.2 A hearing of the State Board of Education concerning a waiver of any Standard for Accreditation shall be conducted in a public hearing of a properly announced regular or special meeting of the State Board of Education in accordance with Arkansas law, and following procedures in 10.02 of these rules, no later than May 20.

11.02 A waiver of any Standard for Accreditation approved by the State Board of Education shall only apply to the school year in which it was granted. The approved waiver shall not apply to the next school year.

12.00 NOTIFICATION TO THE PUBLIC

When any public school or a public school district is determined by the State Board of Education to be in Accredited – Probation or Accredited – Corrective Action status for failure to meet the Standards for Accreditation, the public school district, after exhausting its rights to appeal, shall publish the accreditation status determination and findings of the State Board of Education to the public and the parents or guardians of each student enrolled in the public school or public school district determined to have failed to meet the Standards for Accreditation.

12.01 The public notice shall be in an understandable and uniform format;

12.02 Immediately after the State Board of Education's determination, the public notice shall be published or disseminated:

12.02.1 On the website of the public school district; and

12.02.2 Published at least one (1) time a week for two (2) consecutive weeks in a local newspaper of general circulation in the affected public school district.

12.03 Documentation of the publication shall be posted on the district website under State – Required Information until the State Board of Education removes the status.

APPENDIX A - THE STANDARDS FOR ACCREDITATION

Standard 1: Academics

The academic system of a public school district ensures all students have access to a guaranteed viable curriculum aligned to the Arkansas Academic Standards for all academic areas.

Standard 1-A Curriculum and Instruction

1-A.1 Each public school district board of directors shall annually adopt and implement written curriculum aligned to the Arkansas Academic Standards for the operation of the school district in accordance with the laws of the State of Arkansas and the rules of the ~~Department~~ Division. Reading, writing, speaking, and personal success skills shall be incorporated into all curriculum areas. (D/C)

1-A.1.1 For Grades K-4, all students shall receive instruction annually in each of the following content areas (S/P):

- 1-A.1.1.1 English Language Arts;
- 1-A.1.1.2 Mathematics;
- 1-A.1.1.3 Social Studies;
- 1-A.1.1.4 Science;
- 1-A.1.1.5 Fine Arts; and
- 1-A.1.1.6 Health and Safety Education and Physical Education.

1-A.1.2 For Grades 5-8, all students shall receive instruction annually in each of the following content areas (S/P):

- 1-A.1.2.1 English Language Arts;
- 1-A.1.2.2 Mathematics;
- 1-A.1.2.3 Science;
- 1-A.1.2.4 Social Studies;
- ~~1-A.1.2.5 Physical Education;~~
- 1-A.1.2.65 Fine Arts;
- 1-A.1.2.76 Health and Safety and Physical Education; and
- 1-A.1.2.87 Career and Technical Education.

1-A.1.2.98 A unit of Arkansas history shall be taught as a social studies subject at each elementary grade level in every elementary school in the state with greater emphasis at the fourth (4th) and fifth (5th) grade levels, and at least one (1) full semester of Arkansas history taught to all students at the 7th, 8th, 9th, 10th, 11th, or 12th grade level in every public secondary school in the state. (S/P)

1-A.1.2.109 Upon approval by the ~~Department~~ Division, courses taught in grades 5-8 may be offered for high school graduation credit.

Courses shall have the same rigor as those taught in high school, but content for a single course may be taught over a two-year period. Teachers shall be licensed, or teaching under an approved waiver, in the course taught with students participating in appropriate examinations. (S/P)

1-A.1.3 For Grades 9-12, the following content areas shall be offered annually for a total of 38 units, except as otherwise allowed by law and these rules. The list of courses, approved by the State Board of Education for each content area, is posted annually on the Division website. (S/P):

- 1-A.1.3.1 English Language Arts - 6 units;
- 1-A.1.3.2 Science - 5 units;
- 1-A.1.3.3 Mathematics - 6 units;
- 1-A.1.3.4 Computer Science - 1 unit;
- 1-A.1.3.5 Foreign Languages - 2 units of the same language;
- 1-A.1.3.6 Fine Arts - 3 ½ units;
- 1-A.1.3.7 Social Studies - 4 units;
- 1-A.1.3.8 Health and Safety Education and Physical Education - 1 ½ units; and
- 1-A.1.3.9 Career and Technical Education - 9 units of sequenced career and technical education courses representing three (3) occupational areas.
- 1-A.1.3.10 Courses offerings shall include advanced educational courses in accordance with the laws of the State of Arkansas and the rules of the Department Division. (S/P)
- ~~1-A.1.3.11 Beginning with the freshman class of 2017-2018, all students must earn credit in a course that has personal and family finance standards. (S/P)~~

1-A.1.4 Following the Course Approval Process, a public school may request to combine or embed the Arkansas Academic Standards from two (2) separate courses into one (1) combined course. The public school must continue to teach the Arkansas Academic Standards for each separate course that is combined. (S/P)

1-A.2 A high school unit of credit shall be awarded for a course which meets for a minimum of 120 clock hours unless the public school district awards units of credit based on subject matter competency in compliance with the public school district's approved plan under Ark. Code Ann. § 6-15-216. (S/P)

~~1-A.3 Each public school district shall ensure that all required courses are taught in accordance with the laws of the State of Arkansas and the rules of the Department.~~

~~A list of the required courses approved by the State Board of Education is posted annually on the Department website. (D/P)~~

~~1-A.43 Each public school district superintendent shall submit a signed statement of assurance to the Department verifying that the~~ Each public school district ~~has~~ shall established procedures and monitoring processes to ensure that the content of each course offered by the district is consistent with the Arkansas Academic Standards. (D/C)

1-A.54 Each public school district shall adopt a school calendar and provide planned instruction per day in accordance with the laws of the State of Arkansas and the rules of the ~~Department~~ Division. By August 1, the school calendar shall be posted on the district website under State – Required Information. (D/C)

~~1-A.54.1~~ Each public school shall provide a minimum of 178 days of student-teacher interaction time. (S/P)

~~1-A.54.2~~ Except where otherwise allowed by law, each public school shall provide a planned instructional day that averages no less than six (6) hours per day or thirty (30) hours per week. Any day in which fewer than six (6) hours of instructional time is provided to students shall be counted as one-half (1/2) of a school day if at least three (3) hours of instructional time is provided to students. Any day in which fewer than three (3) hours of instructional time is provided to students shall not be counted as part of a school day. (S/P)

1-A.4.3 At least forty (40) minutes of instructional time per school day shall be used for recess for students attending public elementary schools, in accordance with the Division's nutrition and physical activity standards.

1-A.65 Each public school district shall comply with the laws of the State of Arkansas and the rules of the ~~Department~~ Division regarding class size and teaching load. (D-S/P)

1-A.76 Each public school district shall adopt instructional material consistent with the public school district's curriculum and the Arkansas Academic Standards and educational goals established by the State Board of Education in accordance with the laws of the State of Arkansas and the rules of the ~~Department~~ Division. (D/P)

~~1-A.87 Each public school district superintendent shall submit a signed statement of assurance to the Department verifying that~~ The the district is providing shall provide all necessary instructional materials to each student without cost to the student. (D/P)

Standard 1-B Academic Policies

- 1-B.1 Each public school district shall engage parents, staff, and students in the adoption or review of the written discipline policies, including a code of student behavior, in accordance with the laws of the State of Arkansas and the rules of the ~~Department~~ Division. The public school district shall notify the parent(s) or guardian and students of the rules and procedures by which the school is governed and require a signed acknowledgement from the parent(s) or guardian that they have received the school's discipline policies. (D/C)
- 1-B.2 Annually by August 1, each public school district shall post its written discipline policies on the district website under State – Required Information. (D/C)
- 1-B.3 Each public school district shall comply with the laws of the State of Arkansas and the rules of the ~~Department~~ Division regarding nutrition and physical activity standards. (D/C)
- 1-B.3.1 Each public school and public school district shall develop and implement a written health and wellness plan that must be submitted annually to the Division by October 1. (D-S/C)
- 1-B.4 Each public school district shall comply with any requirements of the Arkansas Educational Support and Accountability Act placed on the public school or public school district. (D-S/C-P)

Standard 1-C Student Performance

- 1-C.1 Each public school district must comply with the laws of the State of Arkansas and the rules of the ~~Department~~ Division regarding the statewide student assessment system. (D-S/C-P)
- 1-C.1.1 Each public school shall assess at least 95% of its students on the annual statewide student assessment. (S/C)
- 1-C.1.2 Selected public schools shall participate in any and all components of the National Assessment of Educational Progress (NAEP). (S/C)
- 1-C.2 Each public school district shall adopt graduation requirements in accordance with the laws of the State of Arkansas and the rules of the ~~Department~~ Division and include the graduation requirements in the student handbook. (D/P)
- 1-C.2.1 Each public school district shall maintain accurate student records including graduation requirements. (D/P)
- 1-C.2.2 For graduation, students must have acquired a minimum of twenty-two (22) units of credit as determined by the State Board of Education. (S/P)

1-C.2.3 ~~Beginning with 2018-2019, all~~ All students must pass the Arkansas civics exam with a score of at least 60% in order to graduate. This requirement shall not apply to those students exempt by law. *(S/P)*

1-C.2.4 Beginning with the freshman class of 2017-2018, students in grades nine through twelve (9-12) must earn at least one credit in a course that meets personal and family finance standards to graduate. *(S/P)*

1-C.2.5 Students in grades nine through twelve (9-12) must complete at least one digital course for credit to graduate. *(S/P)*

1-C.2.6 Students in grades nine through twelve (9-12) shall be trained in quality ~~physehomotor~~ psychomotor skill bases in cardiopulmonary resuscitation (CPR) to graduate. *(S/P)*

Standard 2: Student Support Services

The student support system of a public school district ensures that all students have equitable access to opportunities and supports to meet college, career and community readiness.

Standard 2-A Equitable Opportunities

2-A.1 All policies and actions of a school district's board of directors shall be nondiscriminatory and shall be in accordance with state and federal laws and the rules of the ~~Department~~ Division. *(D/P)*

2-A.1.1 Each public school district shall file an accurate and timely Equity Compliance Report by October 15 as part of the cycle 2 submission of each year. *(D/P)*

2-A.32 The board of directors, administrators, and employees of a public school district shall not knowingly authorize the participation of students in events or activities held at a location where some students would be excluded or not given equal treatment because of the student's race, national origin, disability, sex, or ethnic background. *(D/P)*

Standard 2-B Attendance and Enrollment

2-B.1 Each public school district board of directors shall adopt a student attendance policy and include the attendance policy in the student handbook. *(D/C)*

2-B.2 Each public school shall maintain accurate student attendance records in a format prescribed by the ~~Department~~ Division. *(D/P)*

2-B.3 Each public school shall not admit any student who has not been age-appropriately immunized as required by state and federal laws and rules unless the student has an

exemption. By December 1, the school must post the required exemption report pursuant to Ark. Code Ann. § 6-18-702 on the district website under State – Required Information. (S/C)

Standard 2-C ~~Student Support Services~~ Comprehensive School Counseling Plan

2-C.1 Each public school district shall develop and implement a written plan for providing ~~student~~ comprehensive school counseling services to all students in the public school system in accordance with the laws of the State of Arkansas and the rules of the ~~Department~~ Division. By August 1, the written plan shall be posted on the district website under State – Required Information. (D/C)

2-C.2 Each public school district shall provide a developmentally appropriate guidance program to aid students in educational, personal/social, and career development. (D/C)

Standard 2-D Media Center for Student Support

2-D.1 Each public school district shall annually budget and expend sufficient resources to purchase and maintain an appropriate balance of print, non-print, and electronic media that is adequate in quality and quantity to meet the academic standards for all students. (D/C)

Standard 2-E Health and Safety Services

2-E.1 Each public school district shall provide a health services program under the direction of a licensed registered nurse in accordance with the laws of the State of Arkansas and the rules of the ~~Department~~ Division. (D/C)

2-E.2 Each public school and public school district shall maintain appropriate materials and expertise to reasonably ensure the safety of students, employees, and visitors. (D-C ~~S/C-P~~)

Standard 2-F Special Education Services

2-F.1 All public school district personnel, teachers, and administrators must comply with the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1400 et seq., its implementing regulations at 34 C.F.R. Part 300, Ark. Code Ann. § 6-41-101 et seq., the laws of the State of Arkansas, and the rules of the ~~Department~~ Division. (D/C-P)

2-F.2 Each public school district shall offer a full continuum of special education services as required by the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1400 et seq., its implementing regulations at 34 C.F.R. Part 300, Ark. Code Ann. § 6-41-101 et seq., the laws of the State of Arkansas, and the rules of the ~~Department~~ Division. (D/C-P)

Standard 2-G Gifted and Talented Services

- 2-G.1 Each public school district shall provide gifted and talented services in accordance with the laws of the State of Arkansas and the rules of the ~~Department~~ Division. (D/C)

Standard 2-H Dyslexia Services

- 2-H.1 Each public school district shall provide screening and intervention for dyslexia in accordance with the laws of the State of Arkansas and the rules of the ~~Department~~ Division. (D/P)
- 2-H.2 Each public school district shall comply with the annual dyslexia reporting as required by Ark. Code Ann. § 6-41-606. (D/P)

Standard 2-I Alternative Education Services

- 2-I.1 Each public school district shall provide appropriate alternative programs for students who are identified as requiring such programs to continue their education. (D/C)

Standard 2-J English Language Learner Services

- 2-J.1 Each public school district shall conduct a home language usage survey for each student upon the student's initial enrollment to identify students that need to be screened for English for Speakers of other Language Services. (SD/C)
- 2-J.2 Each public school district shall offer a Language Instruction Educational Program for identified English Learners in accordance with the laws of the State of Arkansas and the rules of the ~~Department~~ Division. (SD/C)

Standard 3: District Operations and Fiscal Governance

The district operations and fiscal governance system of a public school district ensures alignment between resource allocation and meeting the needs of each student's academic success and well-being.

Standard 3-A Operating Policies, Procedures, and Training

- 3-A.1 Each public school district board of directors shall adopt and update written policies for the fiscal operation of the school district in accordance with the laws of the State of Arkansas and the rules of the ~~Department~~ Division. By August 1, the written policies shall be posted on the district website under State – Required Information. (D/C)

- 3-A.2 Each public school district shall adopt written personnel policies, including the ~~teacher~~ salary schedules for the licensed and classified staff. By August 1, the written policies shall be posted on the district website under State – Required Information. (D/C)
- 3-A.3 Each public school district shall submit accurate and timely reports deemed necessary to assure compliance with federal and state law and the rules of the ~~Department~~ Division, as requested. (D/C)
- 3-A.4 Each public school district shall ensure compliance with the Arkansas Public School Computer Network ("APSCN") ~~financial accounting and reporting and annual training requirements required by the laws of the State of Arkansas and the rules of the Department~~ Division. (D/C)
- 3-A.5 Each public school district shall employ a general business manager responsible for the fiscal operations of the school district. (D/C)
- 3-A.6 Each member of a public school district board of directors shall receive annual training in accordance with the laws of the State of Arkansas and the rules of the ~~Department~~ Division. A statement of the hours of training and instruction received by each board member for the preceding year shall be included in the annual school performance report required by the laws of the State of Arkansas. (D/C)
- 3-A.7 Each public school district superintendent shall file a written statement of assurance annually by October 1 in accordance with the laws of the State of Arkansas and the rules of the ~~Department~~ Division. (D/C)
- 3-A.8 Except where otherwise allowed by law, each public school district shall comply with the Standards for Accreditation without using ~~national school lunch categorical funds~~ enhanced student achievement funding. (D/C)
- 3-A.9 By August 1, each public school district shall post all student handbooks on the district website under State – Required Information. (D/C)
- 3-A.10 Each public school district which has not obtained full and complete unitary status and has not been released from court supervised desegregation obligations shall seek to obtain a declaration of full and complete unitary status and release from all court supervision from the federal courts. (D/P)
- 3-A.10.1 Beginning September 15 of each year, any public school district identified in Section 3-A.10 shall submit written quarterly reports to the ~~Department~~ Division detailing the district's outstanding desegregation obligations and the district's efforts towards obtaining full unitary status and release from court supervision. The detailed plan shall include the district's progress towards meeting its obligations and timelines for reaching a determination of full unitary status and release from court supervision.

- 3-A.10.2 If the ~~Department~~ Division is unable to verify the public school district's efforts to comply with the submitted detailed plan required by these Rules, the ~~Department~~ Division shall recommend to the State Board of Education whether the public school district should be placed on Accredited – Probation status in accordance with these Rules.

Standard 3-B School-level Improvement Plans and Reporting

- 3-B.1 Each public school in Arkansas shall develop, with appropriate staff and community participation, a school-level improvement plan. School goals shall be compatible with district, state and national educational goals and shall address local needs in accordance with the laws of the State of Arkansas and the rules of the ~~Department~~ Division. The school-level improvement plans must be approved by the district and school board and posted to the district website under State – Required Information by August 1. (D/C)
- 3-B.2 ~~By October 15,~~ Each public school district board of directors shall systematically and, at least annually, explain its policies, programs, and goals to the community in a public meeting that provides opportunities for parents and other members of the community to ask questions and make suggestions concerning the school program in accordance with the laws of the State of Arkansas and the rules of the ~~Department~~ Division. The report shall detail the progress of the district and schools toward accomplishing program goals, accreditation standards, and proposals to correct deficiencies. The report shall be made available to the public and the public shall be notified of the meeting. (D/C)
- 3-B.2.1 The annual report to the public shall be posted on the district website under State – Required Information no later than 10 days after the public meeting is held. (D/C)

Standard 3-C Maintenance of Records and Reports

- 3-C.1 Each public school and public school district shall develop and implement a records retention policy that retains all reports and records necessary for effective planning, operation, and education in accordance with the laws of the State of Arkansas and the rules of the ~~Department~~ Division. (D/C)
- 3-C.2 Each public school and public school district shall maintain permanent student records in accordance with the laws of the State of Arkansas and the rules of the ~~Department~~ Division. (D/C)

Standard 3-D Food Service

- 3-D.1 Each public school district shall provide food services in accordance with federal and state laws and the rules of the ~~Department~~ Division. (D/C)

Standard 4: Human Capital

The human capital system of a public school district ensures recruitment, retention, and development of effective educators and support personnel to meet the needs of the whole child.

Standard 4-A Background Checks

- 4-A.1 Each public school district shall not employ personnel, whether licensed or non-licensed, who have not successfully completed background checks in accordance with the laws of the State of Arkansas and the rules of the ~~Department~~Division. (D/C-P)

Standard 4-B Superintendent

- 4-B.1 Each public school district shall employ a full-time superintendent to oversee all operations of the public school district. (D/P)
- 4-B.2 Each public school district superintendent shall meet the licensure requirements in accordance with the laws of the State of Arkansas and the rules of the ~~Department~~Division unless the public school district has ~~an approved waiver~~ a licensure exception in accordance with the laws of the State of Arkansas and the rules of the ~~Department~~Division. (D/C)

Standard 4-C Principals and other Building and District Administrators

- 4-C.1 Each public school shall employ at least a half-time principal. A full-time principal shall be employed when a public school's enrollment reaches three hundred (300). A public school district superintendent may be permitted to serve as a half-time principal when district enrollment is less than 300 providing the superintendent is appropriately certified and is not already teaching classes. Schools with an enrollment exceeding five hundred (500) shall employ at least one full-time principal and a half-time assistant principal, instructional supervisor, or curriculum specialist. (D/P)
- 4-C.2 Each public school district shall employ public school principals that meet the licensure requirements in accordance with the laws of the State of Arkansas and the rules of the ~~Department~~Division unless the public school district has ~~an approved waiver~~ a licensure exception in accordance with the laws of the State of Arkansas and the rules of the ~~Department~~Division. (D/C)
- 4-C.3 Each public school district shall register with the Division any building or district level administrator, with the exception of the superintendent, that is in his or her first year of employment as an administrator and ensure these administrators receive mentoring support for their first three years. (D/C)

- 4-C.4 At least once every four years, the The district shall report in the state approved platform a summative rating ~~once every four years~~ for each building and district level administrator, with the exception of the superintendent. (D/C)

Standard 4-D Teachers

- 4-D.1 Each public school district shall employ classroom teachers that meet the licensure requirements in accordance with the laws of the State of Arkansas and the rules of the ~~Department Division~~ or are teaching under ~~an approved waiver~~ a licensure exception in accordance with the laws of the State of Arkansas and the rules of the ~~Department Division~~. (D/C)
- 4-D.2 Each public school district shall not employ an individual, including as a substitute teacher whether directly employed by the school or through a teaching services contract, whose license has been suspended or revoked by the State Board of Education for a disqualifying offense or those, licensed or unlicensed individuals, who have been sanctioned for an ethical violation in accordance with the laws of the State of Arkansas and the rules of the ~~Department Division~~. (D/C)
- 4-D.3 Each public school district must comply with the Right to Read Act, codified in Ark. Code Ann. § 6-17-429, with regards to regarding the hiring of teachers who demonstrate proficiency in knowledge and practices of scientific reading instruction. (D/P)
- 4-D.4 Each public school district shall register with the Division any teacher that is in his or her first year of employment as a teacher and ensure these teachers receive mentoring support for their first three years. (D/C)
- 4-D.5 At least once every four years, the The district shall report in the state approved platform a summative rating ~~once every four years~~ for each teacher. (D/C)

Standard 4-E ~~Guidance~~ School Counselors

- 4-E.1 Each public school district shall employ ~~guidance-school~~ counselors that meet the licensure requirements in accordance with the laws of the State of Arkansas and the rules of the ~~Department Division~~ or are working under ~~an approved waiver~~ a licensure exception in accordance with the laws of the State of Arkansas and the rules of the ~~Department Division~~. (D/C)
- 4-E.2 Each public school district shall have a student/~~guidance~~ school counselor ratio of no more than one to 450 students. (D/P)
- 4-E.3 Each public school district shall allot sufficient time for each school counselor to carry out the duties stated in the comprehensive school counseling plan, pursuant to Ark. Code Ann. § 6-18-2004. (D/P)

Standard 4-F Library Media Specialists

- 4-F.1 Each public school district shall employ library media specialists that meet the licensure requirements in accordance with the laws of the State of Arkansas and the rules of the ~~Department~~ Division or are working under an ~~approved waiver~~ a licensure exception in accordance with the laws of the State of Arkansas and the rules of the ~~Department~~ Division. (D/C)
- 4-F.2 Public schools with fewer than three hundred (300) students shall employ at least one half-time library media specialist. Public schools with three hundred (300) or more students shall employ at least one full-time library media specialist. Schools enrolling fifteen hundred (1,500) or more students shall employ at least two full-time library media specialists. (S/P)

Standard 4-G Professional Development

- 4-G.1 Teachers and administrators must comply with the laws of the State of Arkansas and the rules of the ~~Department~~ Division regarding professional development. (D-S/C)
- 4-G.2 Each public school district shall provide professional development in scientific reading instruction in compliance with the Right to Read Act, codified in Ark. Code Ann. § 6-17-429. (D/P)

Standard 5: Stakeholder Communication / Family and Community Engagement

The stakeholder communication / family and community engagement system of a public school district ensures stakeholders are engaged in meaningful communication to provide an effective learning experience for each student.

Standard 5-A Comprehensive Plan for Communication and Engagement

- 5-A.1 Each public school district shall have a written plan for parent, family, and community engagement, including the scheduling of at least two (2) parent-teacher conferences each year, in accordance with the laws of the State of Arkansas and the rules of the ~~Department~~ Division. By ~~October~~ August 1, the plan shall be posted on the district website under State – Required Information. (D/C)

Standard 6: Facilities and Transportation

The facilities and transportation system of a public school district ensures a quality learning environment for Arkansas students.

Standard 6-A Facilities and Equipment

- 6-A.1 Each public school district shall plan, construct, and maintain school facilities in accordance with federal laws, the laws of the State of Arkansas, and the rules of the Arkansas Division of Public School Academic Facilities and Transportation. *(D/C)*
- 6-A.2 Each public school districts shall adopt and implement school safety policies and procedures in accordance with the laws of the State of Arkansas and the rules of the ~~Department~~ Division. *(D/P)*

DRAFT

State of Arkansas
92nd General Assembly
Regular Session, 2019

A Bill

SENATE BILL 199

By: Senator B. Davis
By: Representative Vaught

For An Act To Be Entitled

AN ACT TO REPEAL THE PUBLIC SCHOOL STUDENT SERVICES
ACT; TO CREATE THE SCHOOL COUNSELING IMPROVEMENT ACT
OF 2019; AND FOR OTHER PURPOSES.

Subtitle

TO REPEAL THE PUBLIC SCHOOL STUDENT
SERVICES ACT; AND TO CREATE THE SCHOOL
COUNSELING IMPROVEMENT ACT OF 2019.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 6-15-202(f)(42), concerning the development
of accreditation regulations and standards, is amended to read as follows:

(42) Section ~~6-18-1005~~ 6-18-2003 concerning a ~~student services~~
comprehensive school counseling program;

SECTION 2. Arkansas Code § 6-18-707(c)(2)(B)(iii), concerning
definitions regarding prescription asthma inhalers or auto-injectable
epinephrine, is amended to read as follows:

(iii) A copy of an individualized healthcare plan
for the student ~~prepared in accordance with § 6-18-1005 and any related rules~~
~~of the department.~~

SECTION 3. Arkansas Code Title 6, Chapter 18, Subchapter 10, is
repealed.

~~Subchapter 10 — Public School Student Services Act~~



1
2 ~~6-18-1001. Title.~~

3 ~~This subchapter shall be known and may be cited as the "Public School~~
4 ~~Student Services Act".~~

5
6 ~~6-18-1002. Purpose.~~

7 ~~It is the intent of the General Assembly to articulate the functions~~
8 ~~served by each of the components of a program of student services. It is~~
9 ~~further the intent of the General Assembly that each school district develop~~
10 ~~and implement a plan for providing student services to all students in the~~
11 ~~public school system, including area vocational-technical schools. Such plan~~
12 ~~shall be implemented no later than the 1991-1992 school year. It is the~~
13 ~~intent of the General Assembly that student services coordinators be given~~
14 ~~time to fulfill their responsibilities under this subchapter.~~

15
16 ~~6-18-1003. Rules.~~

17 ~~The State Board of Education is authorized to adopt rules to carry out~~
18 ~~the intent of this legislation; such rules shall include, but need not be~~
19 ~~limited to:~~

20 ~~(1) A description of the student services program at all~~
21 ~~educational levels for which the school district board of directors is~~
22 ~~responsible;~~

23 ~~(2) Criteria for the development by each school of a building-~~
24 ~~based student services plan which reflects input from parents, teachers,~~
25 ~~principals, students, and other agencies;~~

26 ~~(3) Identification of alternative student services personnel who~~
27 ~~do not meet traditional graduate school requirements and who may be used by~~
28 ~~the school district board of directors in providing the recommended student~~
29 ~~services, including, but not limited to, paraprofessionals, teachers,~~
30 ~~parents, and representatives of business and industry; and~~

31 ~~(4) Establishment of minimum standards for all areas of student~~
32 ~~services personnel.~~

33
34 ~~6-18-1004. School district plan.~~

35 ~~(a)(1) Each school district shall develop and implement a plan that~~
36 ~~ensures that individual student services are coordinated in a manner~~

~~utilizing such techniques as differentiated staffing so as to make maximum use of the contribution of each service.~~

~~(2) Only those trained and certified in the appropriate specialty or following a Department of Education's deficiency removal plan will be assigned to carry out the duties of each service.~~

~~(b) Each school district plan shall reflect the use of alternative methods of classroom management. Such methods may include, but are not limited to, the following:~~

~~(1) Behavioral contracting;~~

~~(2) Dispute resolution;~~

~~(3) Classroom meetings;~~

~~(4) Logical consequences;~~

~~(5) Assertive discipline;~~

~~(6) Behavior modification; and~~

~~(7) Career and academic counseling.~~

~~(c)(1) Each school district plan shall provide for a district level tracking system for school dropouts and for students who fail to reach proficiency on state mandated assessments.~~

~~(2) The tracking system shall include provisions for student services personnel in all schools to conduct exit interviews of students who are dropping out of school and for follow up of such students when possible.~~

~~(d) The superintendent of a school district not in substantial compliance with the terms of its plan may be requested to appear before the Senate Committee on Education and the House Committee on Education.~~

~~6-18-1005. Student services program defined.~~

~~(a) "Student services program" means a coordinated effort, which shall include, but is not limited to:~~

~~(1) Guidance and counseling services, which shall include, but are not limited to:~~

~~(A) The availability of individual and group counseling to all students;~~

~~(B) Orientation programs for new students at each level of education and for transferring students;~~

~~(C) Academic advisement for class selection by establishing academic goals in elementary, middle, and high school;~~

~~(D) Consultation with parents, faculty, and out-of-school agencies concerning student problems and needs;~~

~~(E) Utilization of student records and files;~~

~~(F) Interpretation of augmented, criterion-referenced, or norm-referenced assessments and dissemination of results to the school, students, parents, and community;~~

~~(G) The following up of early school dropouts and graduates;~~

~~(H) A school-initiated system of parental involvement;~~

~~(I) An organized system of informational resources on which to base educational and vocational decision making;~~

~~(J) Educational, academic assessment, and career counseling, including advising students on the national college assessments, workforce opportunities, and alternative programs that could provide successful high school completion and postsecondary opportunities for students;~~

~~(K) Coordinating administration of the Tests of Adult Basic Education or a high school equivalency pretest to students by designating appropriate personnel, other than the school guidance counselor, to administer the tests;~~

~~(L) Classroom guidance, which shall be limited to forty-minute class sessions, not to exceed three (3) per day and not to exceed ten (10) per week; and~~

~~(M) Guidance in understanding the relationship between classroom performance and success in school;~~

~~(2) Psychological services, which shall include, but are not limited to, the following:~~

~~(A) Evaluation of students with learning or adjustment problems;~~

~~(B) Evaluation of students in exceptional child education programs;~~

~~(C) Consultation and counseling with parents, students, and school personnel to ensure that all students are ready to succeed and that all students are preparing for college and work;~~

~~(D) A system for the early identification of learning potential and factors that affect the child's educational performance;~~

~~(E) A system of liaison and referrals, with resources available outside the school; and~~

~~(F) Written policies that assure ethical procedures in psychological activities;~~

~~(3) Visiting teacher and school social work services, which shall include, but are not limited to, the following:~~

~~(A) Providing casework to assist in the prevention and remediation of problems of attendance, behavior, adjustment, and learning; and~~

~~(B) Serving as liaison between the home and school by making home visits and referring students and parents to appropriate school and community agencies for assistance;~~

~~(4) Career services, which shall include, but are not limited to, the dissemination of career education information, appropriate course-taking patterns, and the effect of taking more rigorous courses so that students are better prepared for college and work success;~~

~~(5) Group conflict resolution services, which shall include, but are not limited to, the following:~~

~~(A) Educational and social programs that help students develop skills enabling them to resolve differences and conflicts between groups;~~

~~(B) Programs designed to promote understanding, positive communication, and greater utilization of a race relations specialist or human relations specialist to assist in the development of intergroup skills; and~~

~~(C) Programs designed to prevent bullying;~~

~~(6) Health services, which shall include, but are not limited to, the following:~~

~~(A) Students with special healthcare needs, including the chronically ill, medically fragile, and technology-dependent, and students with other health impairments shall have individualized healthcare plans;~~

~~(B)(i) Invasive medical procedures required by students and provided at the school shall be performed by trained, licensed personnel who are licensed to perform the task subject to § 17-87-102(10)(D) or other professional licensure statutes, unless permitted under § 17-87-103(10) and (11).~~

~~(ii) The regular classroom teacher shall not perform these tasks, except that public school employees may volunteer to be trained and administer glucagon to a student with type 1 diabetes in an emergency situation permitted under § 17-87-103(11); and~~

~~(C) Custodial healthcare services required by students under individualized healthcare plans shall be provided by trained school employees other than the regular classroom teachers; and~~

~~(7) The distribution of a suicide prevention public awareness program developed for distribution by the Arkansas Youth Suicide Prevention Task Force.~~

~~(b) School counselors shall spend at least seventy five percent (75%) of work time each month during the school year providing direct counseling related to students and shall devote no more than twenty five percent (25%) of work time each month during the school year to administrative activities provided that the activities relate to the provision of guidance services.~~

~~6-18-1006. Occupational and placement specialist.~~

~~(a) The occupational and placement specialist shall serve as liaison between employers and the school.~~

~~(b) It is the responsibility of the district placement to make written board recommendations to the superintendent for consideration by the school district board of directors concerning areas of curriculum deficiency having an adverse effect on the employability of job candidates or progress in subsequent education experiences.~~

~~(c) Furthermore, district administrative personnel shall report to the school district board of directors concerning adjustments in program outcomes, curricula, and delivery of instruction as they are made with the use of placement and follow-up information.~~

~~(d) The follow-up studies conducted by occupational and placement services shall be on a statistically valid random sampling basis when appropriate and shall be stratified to reflect the appropriate vocational programs of students graduating from or leaving the public school system.~~

~~6-18-1007. School student services status report.~~

~~(a) By January 1, 1994, and each year thereafter, the Department of Education shall compile and present to the Governor, the State Board of~~

1 ~~Education, the Senate Committee on Education, and the House Committee on~~
2 ~~Education a report outlining monitoring findings and the status of~~
3 ~~implementing each of the provisions of this subchapter by the various school~~
4 ~~districts, including which districts are in substantial compliance with the~~
5 ~~plan required under this subchapter.~~

6 ~~(b)(1)(A) By January 1, 1998, the department shall have in place a~~
7 ~~staffing structure which assures that the department's administration and~~
8 ~~field service staff are responsible for monitoring the department and local~~
9 ~~school district implementation and compliance with the provisions of this~~
10 ~~subchapter.~~

11 ~~(B) The department shall employ one (1) or more persons~~
12 ~~who shall have a minimum qualification of certification as a school~~
13 ~~counselor.~~

14 ~~(2) Each school district shall be responsible for submitting an~~
15 ~~annual report to the Assistant Commissioner of Learning Services of the~~
16 ~~Department of Education outlining its compliance with and implementation of~~
17 ~~plans for the provisions of this section.~~

18 ~~(3)(A) The Commissioner of Education, in consultation with the~~
19 ~~appropriate assistant commissioner, shall designate an individual or~~
20 ~~individuals who shall have a minimum qualification of certification as a~~
21 ~~school counselor to be responsible for coordinating the monitoring of~~
22 ~~compliance with this section.~~

23 ~~(B) The monitoring shall include interviews with~~
24 ~~administrators, counselors, students, and teachers.~~

25
26 ~~6-18-1008. Implementation.~~

27 ~~(a) The State Board of Education shall cause the Commissioner of~~
28 ~~Education to designate one (1) employee who shall be responsible for~~
29 ~~overseeing the implementation of this subchapter.~~

30 ~~(b) By January 1, 1994, and each year thereafter, the Department of~~
31 ~~Education shall compile and present to the Governor, the state board, the~~
32 ~~House Committee on Education, and the Senate Committee on Education a report~~
33 ~~outlining the status of implementing each of the provisions of this~~
34 ~~subchapter by the various school districts.~~

35
36 ~~6-18-1009. Career development.~~

~~(a) Each school counselor shall provide a career planning process for each student to include career awareness, employment readiness, career information, and the knowledge and skills necessary to achieve career goals.~~

~~(b) School counselors shall also encourage parents, during regular parent conferences, to support partnerships in their children's learning and career planning processes.~~

SECTION 4. Arkansas Code Title 6, Chapter 18, is amended to add an additional subchapter to read as follows:

Subchapter 20 - School Counseling Improvement Act of 2019

6-18-2001. Title.

This subchapter shall be known and may be cited as the "School Counseling Improvement Act of 2019".

6-18-2002. Definitions.

As used in this subchapter:

(1) "Administrative activities" means activities that are not directly related to the comprehensive school counseling plan and are absent of any direct student services or interaction;

(2) "Direct services" means services that are provided through face-to-face contact with students, including without limitation:

(A) Regular classroom guidance limited to forty-minute class sessions, not to exceed three (3) class sessions per day and not to exceed ten (10) class sessions per week;

(B) Individual and group counseling;

(C) Responsive services on behalf of students whose immediate personal concerns and problems put the student's academic, career, or social and emotional development at risk, including the administration of a risk-assessment; and

(D) Interventions for students that are:

(i) At risk of dropping out of school; or

(ii) Exhibiting dangerous behaviors, such as drug use, self-harm, or gang activity; and

(3) "Indirect services" means consultations between a student, a parent or legal guardian, school staff, and community agencies concerning a

1 student's academic, career, and social and emotional needs.

2
3 6-18-2003. Comprehensive school counseling program and plan framework.

4 (a) Each public school district shall:

5 (1) Develop and implement a comprehensive school counseling
6 program that ensures student services are coordinated in a manner that
7 provides comprehensive support to all students; and

8 (2) Have a written plan for a comprehensive school counseling
9 program that:

10 (A) Is implemented by an Arkansas-certified school
11 counselor, a counselor serving under an additional licensure plan, or a
12 school employee acting as a school counselor under a waiver granted under §
13 6-15-103(c);

14 (B) Utilizes state and nationally recognized counselor
15 frameworks;

16 (C) Is reviewed annually and updated as needed by the
17 school counselor in collaboration with the building administrator and other
18 stakeholders;

19 (D) Is systemically aligned to kindergarten through grade
20 twelve (K-12) within the public school district; and

21 (E) Contains the following four (4) components of a
22 comprehensive school counseling program:

23 (i) Foundation, which includes without limitation:

24 (a) Vision statements;

25 (b) Mission statements; and

26 (c) Program goals;

27 (ii) Management, which utilizes assessments and
28 other data to develop, implement, and evaluate a comprehensive school
29 counseling program;

30 (iii) Delivery, which focuses on direct and indirect
31 services through the implementation of a comprehensive school counseling
32 program; and

33 (iv) Accountability, which ensures regular analysis
34 of the comprehensive school counseling program that is provided.

35 (b) The comprehensive school counseling program required under
36 subsection (a) of this section shall:

1 (1) Guide students in academic pursuits, career planning, and
2 social and emotional learning;

3 (2) Follow the comprehensive school counseling program guidance
4 provided by the Department of Education;

5 (3) Include goals that are developed annually based on the
6 vision and mission statements that are shared by stakeholders to ensure
7 equitable access to opportunities for all students; and

8 (4) Identify student needs through a multilevel school data
9 review that includes without limitation:

10 (A) Data analysis;

11 (B) Use-of-time data review;

12 (C) Program results data; and

13 (D) Communication and contact with administrators,
14 parents, students, and stakeholders.

15
16 6-18-2004. Comprehensive student services.

17 (a) Sufficient time at each public school shall be allotted for the
18 school counselor to carry out the duties stated in the comprehensive school
19 counseling plan required under § 6-18-2003.

20 (b)(1) A school counselor shall spend at least ninety percent (90%) of
21 his or her working time during student contact days providing direct and
22 indirect services to students.

23 (2) Direct and indirect services may be provided in
24 collaboration with other school personnel and include without limitation:

25 (A) Intervening with students who are at risk of dropping
26 out of school to determine if there is a way to keep at-risk students in
27 school;

28 (B) Following-up with high school graduates;

29 (C) Providing orientation programs for new students and
30 transferring students at each level of education;

31 (D) Providing academic advisement services, including
32 without limitation:

33 (i) Developing an individual planning system to
34 guide a student to access and monitor the student's own educational, career,
35 and social and emotional progress;

36 (ii) Guiding a student along the pathways to

1 graduation;

2 (iii) Guiding a student in goal-setting experiences
3 and course selection aligned with the student's post-secondary goals;

4 (iv) Addressing accelerated learning opportunities;

5 (v) Addressing academic deficits and the
6 accessibility of resources;

7 (vi) Providing student assessment reviews, interest
8 inventories, or academic results needed to develop, review, and revise a
9 student's plan of study; and

10 (vii) Providing support for students who show
11 potential so they are more likely to engage in rigorous coursework and take
12 advantage of post-secondary opportunities;

13 (E) Providing a career planning process that includes
14 without limitation:

15 (i) Guidance in understanding the relationship
16 between classroom performance and success in school and beyond;

17 (ii) The provision of resources to identify career
18 interests and aptitudes to assist a student in age-appropriate college and
19 career planning;

20 (iii) Guidance in understanding the advantages of
21 completing career certifications and internships;

22 (iv) Interpretation of augmented, criterion-
23 referenced, or norm-referenced assessments for students and parents;

24 (v) The provision of information to a parent or
25 legal guardian, such as through workshops on preparing for college, financial
26 aid, and career opportunities; and

27 (vi) Encouragement to a parent or legal guardian to
28 support partnerships in his or her student's learning and career planning
29 processes;

30 (F) Providing social and emotional skills designed to
31 support students, including without limitation programs:

32 (i) To promote cultural and social awareness,
33 positive communication and relationship skills, collaboration with others,
34 and responsible decision making;

35 (ii) To improve culture and climate in the school so
36 that all students can feel that they are in a safe and supportive

1 environment;

2 (iii) To develop conflict-resolution skills;

3 (iv) To prevent bullying that include without

4 limitation:

5 (a) Training programs for school employees
6 regarding how to recognize bullying behaviors;

7 (b) Protocols for responding to bullying that
8 is occurring in the school;

9 (c) Strategies that support a student who is
10 being bullied; and

11 (d) Strategies that help a bystander speak out
12 against bullying; and

13 (v) To address age-appropriate suicide awareness and
14 prevention through:

15 (a) Strategies that help identify a student
16 who is at risk for suicide;

17 (b) Strategies and protocols that help a
18 student who is at risk for suicide; and

19 (c) Protocols for responding to a suicide
20 death; and

21 (G) Serving as a contributing member of decision-making
22 teams, which include without limitation:

23 (i) Teams that are convened under Section 504 of the
24 Rehabilitation Act of 1973, Pub. L. No. 93-112;

25 (ii) Response-to-intervention teams;

26 (iii) English language learner programs;

27 (iv) Parental involvement or family engagement
28 programs;

29 (v) Positive behavioral intervention support
30 programs; and

31 (vi) Advanced placement and gifted and talented
32 programs.

33 (c)(1) Administrative activities performed by a school counselor shall
34 not exceed more than ten percent (10%) of the school counselor's time spent
35 working during student contact days.

36 (2) Administrative activities provided by a school counselor in

1 collaboration with other school personnel include without limitation:

2 (A) Coordinating state assessments, cognitive achievement
 3 assessments, advanced placement programs, and language acquisition testing
 4 programs;

5 (B) Developing master schedules;

6 (C) Coordinating of:

7 (i) Teams convened under Section 504 of the
 8 Rehabilitation Act of 1973, Pub. L. No. 93-112;

9 (ii) Response-to-intervention teams;

10 (iii) English language learner programs;

11 (iv) Parental involvement or family engagement
 12 programs;

13 (v) Positive behavioral intervention support
 14 programs;

15 (vi) Data entry; and

16 (vii) Advanced placement and gifted and talented
 17 programs; and

18 (D) Monitoring students in common areas such as the
 19 cafeteria, hallway, playground, and bus lines.

20
 21 6-18-2005. Monitoring and support.

22 (a) Each public school district is responsible for posting its annual
 23 comprehensive school counseling plan on the district website under state
 24 required information.

25 (b)(1) Beginning with the 2020-2021 school year, the Department of
 26 Education shall monitor each public school district to ensure implementation
 27 and compliance with this subchapter.

28 (2) Failure by a public school district to comply with this
 29 subchapter is a violation of the Standards for Accreditation of Arkansas
 30 Public Schools and School Districts.

31 (c) The department shall:

32 (1) Employ at least one (1) individual who is certified as a
 33 school counselor;

34 (2) Provide a multilevel system of support to public school
 35 districts to assist in complying with the requirements of this subchapter;
 36 and

1 (3) Provide guidance and technical assistance to public school
2 districts in order to support equitable access to public school counseling
3 services.
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6 **APPROVED: 2/21/19**
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State of Arkansas *As Engrossed: H2/28/19 H3/13/19*

92nd General Assembly

Regular Session, 2019

A Bill

HOUSE BILL 1409

By: Representatives Della Rosa, *Vaught, Barker, Beck, Bentley, Capp, Cavanaugh, Christiansen, Clowney, Coleman, C. Cooper, Crawford, A. Davis, Dotson, Evans, C. Fite, V. Flowers, Gates, Glover, M. Hodges, Hollowell, Lundstrum, McCullough, McNair, Miller, Payton, Richardson, Richmond, Scott, B. Smith, Warren, Wing*
By: Senators Elliott, E. Cheatham, L. Eads, M. Johnson, G. Stubblefield

For An Act To Be Entitled

AN ACT CONCERNING UNSTRUCTURED SOCIAL TIME IN
SCHOOLS; TO ALLOW FOR EXTENDED LEARNING OPPORTUNITIES
THROUGH UNSTRUCTURED SOCIAL TIME; TO REQUIRE THAT A
CERTAIN AMOUNT OF INSTRUCTIONAL TIME BE USED FOR
RECESS; TO CONSIDER THE SUPERVISION OF STUDENTS
DURING UNSTRUCTURED SOCIAL TIME AS AN ACTIVITY WITH
AN INSTRUCTIONAL PURPOSE; AND FOR OTHER PURPOSES.

Subtitle

TO ALLOW FOR EXTENDED LEARNING
OPPORTUNITIES THROUGH UNSTRUCTURED SOCIAL
TIME; TO REQUIRE A CERTAIN AMOUNT OF TIME
FOR RECESS; AND TO CONSIDER SUPERVISION
DURING UNSTRUCTURED SOCIAL TIME AS
INSTRUCTIONAL.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. DO NOT CODIFY. Legislative findings.

The General Assembly finds that:

(1) Public school students need the ability to learn and grow
from one another in a social setting;

(2) Often, exchanges between public school students with respect



1 to learning and social awareness occur during recess;

2 (3) Public school students need more opportunities for physical
3 activity during the school day in order to promote healthy and active
4 lifestyles;

5 (4) Public school students should be given a sufficient daily
6 break in the form of recess, which would allow them to fully focus while they
7 are in class;

8 (5) Educational leaders cannot allow for a sufficient amount of
9 time in the school day for recess within the current construct of the
10 instructional requirements and time allotted in a school day, which generates
11 decreased focus in class and fewer opportunities to develop social awareness
12 among public school students;

13 (6) Due to numerous mandates, there has been a steady decline in
14 the amount of time dedicated to recess for elementary public school students;
15 and

16 (7) To address the increased need for public school student
17 social awareness and learning opportunities beyond the classroom, recess
18 should be included as part of the instructional school day.

19
20 SECTION 2. Arkansas Code § 6-16-102(a), concerning a school day, is
21 amended to add an additional subdivision to read as follows:

22 (5)(A) At least forty (40) minutes of instructional time per
23 school day shall be used for recess during the school day for students
24 attending public elementary schools.

25 (B) Recess shall:

26 (i) Consist of supervised, unstructured social time
27 during which public school students may communicate with each other;

28 (ii) Occur outdoors when weather and other relevant
29 conditions permit; and

30 (iii) Include without limitation opportunities for
31 free play and vigorous physical activity, regardless of whether recess occurs
32 indoors or outdoors.

33 (C) The remaining instructional hours required under this
34 section shall be distributed across academic content areas as determined by a
35 public school district board of directors.

36 (D) A public school principal may use discretion to adjust

1 recess time required under this section due to special circumstances or
2 programs that interrupt a regular school day.

3 (E)(i) A public elementary school may seek a waiver from
4 the requirements under subdivision (a)(5) if the public elementary school:

5 (a) Submits to the Department of Education for
6 approval an alternative plan for recess that:

7 (1) Exceeds the required minimum amount
8 of minutes combined for physical activity under § 6-16-132 and recess under
9 this section; and

10 (2) Provides for both structured and
11 unstructured social time; or

12 (b) Is approved by the department to operate
13 as a virtual school.

14 (ii) Beginning with the 2019-2020 school year, the
15 department shall provide to the House Committee on Education and the Senate
16 Committee on Education each year for three (3) years a report that details
17 the following:

18 (a) Which public elementary schools have been
19 granted a waiver under subdivision (a)(5)(E)(i) of this section; and

20 (b) How many waivers have been granted by the
21 department under subdivision (a)(5)(E)(i) of this section.

22
23 SECTION 3. Arkansas Code § 6-17-117(b), concerning noninstructional
24 duties of teachers, is amended to read as follows:

25 (b) As used in this section:

26 (1) "Noninstructional duties" means the supervision of students
27 before or after the instructional day begins or ends for students or for the
28 supervision of students during breakfasts, lunches, ~~recesses~~, or scheduled
29 breaks; and

30 (2) "Instructional purposes" means activities initiated by the
31 teacher related to teaching duties, including, ~~but not limited to,~~ without
32 limitation contacting parents, assessing student performance, documenting
33 student performance, organizing the classroom, preparing instructional
34 materials, supervising students during recess, and other teaching
35 responsibilities related to instructional planning and the direct instruction
36 of students.

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/s/Della Rosa

APPROVED: 4/1/19

State of Arkansas

As Engrossed: H3/20/19

92nd General Assembly

A Bill

Regular Session, 2019

HOUSE BILL 1786

By: Representative Boyd

For An Act To Be Entitled

AN ACT CONCERNING IMMUNIZATIONS REQUIRED FOR *PUBLIC*
AND PRIVATE SCHOOL STUDENTS; TO REQUIRE A *PUBLIC OR*
PRIVATE: SCHOOL TO CREATE AND MAINTAIN A REPORT THAT
PROVIDES CERTAIN INFORMATION REGARDING THE NUMBER AND
PERCENTAGE OF *STUDENTS WITHIN THE PUBLIC OR PRIVATE*
SCHOOL WHO HAVE AN EXEMPTION FROM THE REQUIREMENT TO
OBTAIN VACCINATIONS *AND THE NUMBER AND PERCENTAGE OF*
STUDENTS WITHIN THE PUBLIC OR PRIVATE SCHOOL WHO HAVE
NEITHER PROVIDED PROOF OF VACCINATION NOR OBTAINED AN
EXEMPTION FROM THE REQUIREMENT TO OBTAIN
VACCINATIONS; AND FOR OTHER PURPOSES.

Subtitle

TO REQUIRE PUBLIC AND PRIVATE SCHOOLS TO
REPORT CERTAIN INFORMATION REGARDING THE
NUMBER AND PERCENTAGE OF STUDENTS WHO
HAVE EXEMPTIONS FROM OR HAVE NOT PROVIDED
PROOF OF REQUIRED VACCINATIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. DO NOT CODIFY. Legislative intent.

The General Assembly finds that:

(1) Forty-six (46) states throughout the United States allow
exemptions based on religious or philosophical beliefs to vaccination
requirements for public and private school students;

(2) Continued allowance for exemptions to vaccination



1 requirements for public and private school students creates the opportunity
2 for outbreaks of a number of preventable diseases, which poses a nationwide
3 health crisis; and

4 (3) Reasonable steps should be taken in order to fully inform
5 parents and legal guardians of public and private school students regarding
6 the number and percentage of students within a public or private school who
7 have been granted exemptions from or have failed to fulfill the requirement
8 to obtain certain vaccinations in order to attend public or private school in
9 Arkansas.

10
11 SECTION 2. Arkansas Code § 6-18-702(b), concerning the responsibility
12 of public schools to enforce provisions of the law with respect to required
13 immunizations of public school students, is amended to add an additional
14 subdivision to read as follows:

15 (3)(A) A public or private school shall create and maintain a
16 report that provides information regarding the:

17 (i) Number of students within the public or private
18 school who have been granted from the Department of Health under subsection
19 (d) of this section an exemption from the requirement to obtain one (1) or
20 more vaccinations as required under this section; and

21 (ii) Percentage of students within the public or
22 private school who have been granted from the Department of Health under
23 subsection (d) of this section an exemption from the requirement to obtain
24 one (1) or more vaccinations as required under this section.

25 (B) The report required under subdivision (b)(3)(A) of
26 this section shall:

27 (i) Be updated by December 1 of each year;
28 (ii) Be posted and available to the public online;
29 (iii) Include the number of students within the
30 public or private school who have:

31 (a) Failed to provide to the public or private
32 school proof of the vaccinations required under this section; and

33 (b) Not obtained an exemption from the
34 Department of Health under this section; and

35 (iv) Include the percentage of students within the
36 public or private school who have:

1 (a) Failed to provide to the public or private
2 school proof of the vaccinations required under this section; and

3 (b) Not obtained an exemption from the
4 Department of Health under this section.

5
6 /s/Boyd

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9 **APPROVED: 4/3/19**
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State of Arkansas
92nd General Assembly
Regular Session, 2019

A Bill

SENATE BILL 605

By: Senator A. Clark

For An Act To Be Entitled

AN ACT CONCERNING NATIONAL SCHOOL LUNCH STATE
CATEGORICAL FUNDING; TO AMEND THE NAME OF NATIONAL
SCHOOL LUNCH STATE CATEGORICAL FUNDING; AND FOR OTHER
PURPOSES.

Subtitle

TO AMEND THE NAME OF NATIONAL SCHOOL
LUNCH STATE CATEGORICAL FUNDING.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 6-15-2701(b) and (c), concerning the
closing the achievement gap program, are amended to read as follows:

(b)(1) A school district that has a chronically underperforming school
shall use its ~~national school lunch state categorical funding~~ Enhanced
Student Achievement Funding under § 6-20-2305(b)(4) to evaluate the impact of
educational strategies used by the chronically underperforming school to
address the achievement gaps among students in the chronically
underperforming school.

(2) The evaluation shall:

(A) Identify the categories of programs and intervention
strategies used with ~~national school lunch state categorical funding~~ Enhanced
Student Achievement Funding; and

(B) Report the benchmark assessment scores for the end of
the immediately preceding school year and for the end of the current school
year of students involved in the programs and intervention strategies
identified under this subdivision (b)(2).



(c) The Department of Education shall:

(1) Promulgate rules necessary to implement this section, including without limitation establishing the categories by which a chronically underperforming school shall identify programs and intervention strategies under subsection (b) of this section;

(2) In a chronically underperforming school's comprehensive school improvement plan, direct the use of ~~national school lunch state categorical funding~~ Enhanced Student Achievement Funding for strategies to close gaps in academic achievement, including without limitation:

(A) Using an Arkansas Scholastic Audit;

(B) Using disaggregated school data to set academic improvement targets in reading, writing, mathematics, and science;

(C) Using improvement targets to define professional development needs related to content, instruction, differentiation, and best practices in educating special education students, gifted and talented students, English language learners, and other student subgroups as needed;

(D) Developing interim building-level assessments to monitor student progress toward proficiency on the state benchmark assessments;

(E) Developing a plan to immediately address gaps in learning;

(F) Examining and realigning, as needed, school scheduling, academic support systems, and assignments of personnel; and

(G) Designing a plan for increasing parental knowledge and skill to support academic objectives; and

(3) By August 1 of each year, report to the House Committee on Education and the Senate Committee on Education on:

(A) The use of ~~national school lunch state categorical funding~~ Enhanced Student Achievement Funding by chronically underperforming schools in the state; and

(B) The status of the achievement gaps at chronically underperforming schools in the state.

SECTION 2. Arkansas Code § 6-15-2907(a)(4)(C), concerning the statewide student assessment system, is amended to read as follows:

(C) Public school districts may offer additional college

1 and career readiness assessments for students in grades ten through twelve
2 (10-12) at no cost to the student by using public school district funding,
3 including without limitation ~~national school lunch state categorical funding~~
4 Enhanced Student Achievement Funding under § 6-20-2305.

5
6 SECTION 3. Arkansas Code § 6-20-2305(b)(4)(A) and (B), concerning the
7 calculation of national school lunch state categorical funding, are amended
8 to read as follows:

9 (4)(A) ~~National school lunch state categorical funding~~ Enhanced
10 Student Achievement Funding for each identified national school lunch student
11 shall be as follows:

12 (i) For a public school district in which ninety
13 percent (90%) or greater of the previous school year's enrolled students are
14 national school lunch students, the amount of per-student ~~national school~~
15 ~~lunch state categorical funding~~ Enhanced Student Achievement Funding is for
16 each school year, one thousand five hundred seventy-six dollars (\$1,576);

17 (ii) For a public school district in which at least
18 seventy percent (70%) but less than ninety percent (90%) of the previous
19 school year's enrolled students are national school lunch students, the
20 amount of per-student ~~national school lunch state categorical funding~~
21 Enhanced Student Achievement Funding is for each school year, one thousand
22 fifty-one dollars (\$1,051); and

23 (iii) For a public school district in which less
24 than seventy percent (70%) of the previous school year's enrolled students
25 are national school lunch students, the amount of per-student ~~national school~~
26 ~~lunch state categorical funding~~ Enhanced Student Achievement Funding is for
27 each school year, five hundred twenty-six dollars (\$526).

28 (B)(i)(a) Except as provided under subdivision
29 (b)(4)(B)(i)(c) of this section, ~~national school lunch state categorical~~
30 ~~funding~~ Enhanced Student Achievement Funding under this subdivision (b)(4)
31 shall be based on the number of national school lunch students for the
32 immediately preceding school year determined under § 6-20-2303(13)(A).

33 (b) If the public school district is
34 participating under 42 U.S.C. § 1759a, funding under this subdivision (b)(4)
35 is based on the percentage determined in § 6-20-2303(13)(B) multiplied by the
36 number of enrolled students for the immediately preceding school year.

1 (c) The per-student ~~national school lunch~~
2 ~~state categorical funding~~ Enhanced Student Achievement Funding for an open-
3 enrollment public charter school shall be based upon the current school year
4 enrollment:

5 (1) In the initial year of operation for
6 an open-enrollment public charter school; or

7 (2) In a year in which an open-
8 enrollment public charter school adds a grade.

9 (ii)(a) If a public school district will receive in
10 the current school year ~~national school lunch state categorical funding~~
11 Enhanced Student Achievement Funding under subdivision (b)(4)(A) of this
12 section that is based on a different per-student amount of ~~national school~~
13 ~~lunch state categorical funding~~ Enhanced Student Achievement Funding than the
14 public school district received in the immediately preceding school year, due
15 to a percentage change in national school lunch students, the ~~department~~
16 Department of Education shall adjust the funding to the public school
17 district in a transitional three-year period.

18 (b) The amount of ~~national school lunch state~~
19 ~~categorical funding~~ Enhanced Student Achievement Funding under this
20 subdivision (b)(4)(B)(ii) shall be increased or decreased in each year of a
21 three-year transition period by one-third (1/3) of the difference between the
22 amount of ~~national school lunch state categorical funding~~ Enhanced Student
23 Achievement Funding per student for the current year and the amount of
24 ~~national school lunch state categorical funding~~ Enhanced Student Achievement
25 Funding per student for the immediately preceding year, adjusted for changes
26 to the funding rates in subdivision (b)(4)(A) of this section.

27 (iii)(a) The Department of Education shall establish
28 rules to implement the transitional ~~national school lunch state categorical~~
29 ~~funding~~ Enhanced Student Achievement Funding provided in subdivision
30 (b)(4)(B)(ii) of this section.

31 (b) The rules shall include the methods of
32 transition for a school district that:

33 (1) Experiences a decrease in the amount
34 of ~~national school lunch state categorical funding~~ Enhanced Student
35 Achievement Funding per student under subdivision (b)(4)(A) of this section;

36 (2) Experiences an increase in the

1 amount of ~~national school lunch state categorical funding~~ Enhanced Student
 2 Achievement Funding per student under subdivision (b)(4)(A) of this section;
 3 or

4 (3) Within a three-year transition
 5 period, experiences both a decrease and an increase in the amount of ~~national~~
 6 ~~school lunch state categorical funding~~ Enhanced Student Achievement Funding
 7 per student under subdivision (b)(4)(A) of this section.

8 (iv) Under no circumstances shall a public school
 9 district be entitled to receive more or less ~~funding~~ Enhanced Student
 10 Achievement Funding as a result of the transitional process than the public
 11 school district is otherwise entitled to receive under this subdivision
 12 (b)(4) based on the school district's national school lunch student
 13 population as a percentage of the public school district's entire student
 14 population.

15 (v)(a) A public school district that has experienced
 16 a significant growth in enrolled students in the previous three (3) years
 17 shall receive funding for the expected increase in the number of national
 18 school lunch students based on the expected increase in enrolled students
 19 based on the levels of funding provided in this section for national school
 20 lunch students.

21 (b) The State Board of Education shall
 22 establish rules to be used by the Department of Education to determine:

23 (1) The amount of growth necessary to
 24 qualify as significant growth;

25 (2) The expected increase in the number
 26 of national school lunch students based on the expected increase in enrolled
 27 students; and

28 (3) Which public school districts have
 29 experienced a significant growth in enrolled students as necessary to qualify
 30 for funding under this subdivision (b)(4)(B)(v).

31 (c) The Department of Education shall not be
 32 required to adjust or fund a public school district's national school lunch
 33 students based on the current year's number of national school lunch students
 34 enrolled in the public school district or the average growth of students in
 35 the public school district.

1 SECTION 4. Arkansas Code § 6-23-501(a)(3), concerning the distribution
2 of national school lunch state categorical funding to an open-enrollment
3 public charter school, is amended to read as follows:

4 (3) ~~National school lunch state categorical funding~~ Enhanced
5 Student Achievement Funding under § 6-20-2305(b)(4) shall be provided to an
6 open-enrollment public charter school as follows:

7 (A) For the first year of operation, the first year
8 operating under a new license, the first year adding a new campus, and in any
9 year when a grade is added at any campus, free or reduced-price meal
10 eligibility data as reported by October 1 of the current school year will be
11 used to calculate the ~~national school lunch state categorical funding~~
12 Enhanced Student Achievement Funding under the state board rules governing
13 special needs funding; and

14 (B) For the second year and each school year of operation
15 thereafter, the previous year's October 1 national school lunch student count
16 as specified in state board rules governing special needs funding will be
17 used to calculate ~~national school lunch state categorical funding~~ Enhanced
18 Student Achievement Funding for the open-enrollment public charter school.

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21 **APPROVED: 4/17/19**
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