

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

HOUSE BILL 1485

5 By: Representative Eubanks
6 By: Senator J. Sturch
7

For An Act To Be Entitled

9 AN ACT CONCERNING PUBLIC SCHOOL FUNDING; TO AMEND
10 PROVISIONS OF THE ARKANSAS CODE WITH RESPECT TO
11 PUBLIC SCHOOL FUNDING; AND FOR OTHER PURPOSES.
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Subtitle

14 TO AMEND PROVISIONS OF THE ARKANSAS CODE
15 WITH RESPECT TO PUBLIC SCHOOL FUNDING.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 6-20-2305(b)(4)(C), concerning approved
22 programs and purposes for which funds allocated under this section may be
23 expended, is amended to read as follows:

24 (C)(i)(a) The State Board of Education shall establish by
25 rule a list of approved programs and purposes for which funds allocated under
26 this subdivision (b)(4) may be expended.

27 (b) School districts shall expend funds
28 allocated under this subdivision (b)(4) ~~only on~~ for the programs or purposes
29 on the State Board of Education's list of approved programs and purposes for
30 which funds allocated under this subdivision (b)(4) may be expended, ~~which~~
31 ~~shall include, but are not limited to~~ including without limitation:

32 (1) Classroom teachers, ~~provided that if~~
33 the school district meets the minimum salary schedule ~~in~~ under § 6-17-2403
34 without using funds provided under this subdivision (b)(4) and ~~that~~ those
35 teachers are used for the purposes delineated in this subdivision (b)(4);

36 (2) Before-school academic programs and



1 after-school academic programs, including without limitation transportation
 2 to and from the before-school academic programs and after-school academic
 3 programs;

4 (3) Prekindergarten programs coordinated
 5 by the Department of Human Services;

6 (4) Tutors, teachers' aides, counselors,
 7 social workers, nurses, and curriculum specialists;

8 (5) Parent education;

9 (6) Summer programs;

10 (7) Early intervention programs;

11 (8) Materials, supplies, and equipment,
 12 including without limitation technology used ~~in approved programs or for~~
 13 ~~approved purposes~~ for programs or purposes on the State Board of Education's
 14 list of approved programs and purposes for which funds allocated under this
 15 subdivision (b)(4) may be expended;

16 (9) Federal child nutrition programs, to
 17 the extent necessary to provide school meals without charge to all students
 18 under the United States Department of Agriculture Special Assistance
 19 Alternative "Provision 2" program under 42 U.S.C. § 1759a, as it existed on
 20 July 1, 2011;

21 (10) Federal child nutrition programs,
 22 to the extent necessary to provide school meals without charge to students
 23 otherwise eligible for reduced-price meals under the United States Department
 24 of Agriculture's National School Lunch Program or School Breakfast Program;

25 (11) Expenses directly related to
 26 funding a longer school day;

27 (12) Expenses directly related to
 28 funding a longer school year;

29 (13) Partnering with state-supported
 30 institutions of higher education and technical institutes to provide
 31 concurrent courses or technical education options for academic learning to
 32 students while those students are still in high school so that the students
 33 are college-ready and career-ready upon graduation from high school;

34 (14) ~~Teach For America, Inc.,~~
 35 professional Professional development as identified in the school district's
 36 support plan required under § 6-15-2914;

1 (15) Implementing components of the
 2 Arkansas Advanced Initiative for Math and Science, Inc.;

3 (16) The College and Career Coaches
 4 Program, as administered by the Department of Career Education under § 6-1-
 5 601 et seq.; ~~and~~

6 (17) Implementing a school-wide
 7 evidence-based program intended to close achievement gaps with an arts-
 8 infused curriculum;

9 (18) Dyslexia programs and interventions
 10 under § 6-41-601 et seq.; and

11 (19) Recruiting and retaining effective
 12 teachers, if the school district meets the minimum salary schedule under § 6-
 13 17-2403 without using funds provided under this subdivision (b)(4), by
 14 implementing:

15 (A)(i) Approaches identified
 16 within the school district's support plan required under § 6-15-2914 to
 17 address a disproportionate rate of low-income students or minority students
 18 being taught by ineffective teachers, teachers who teach out of their
 19 licensure content area, or inexperienced teachers, either within the school
 20 district or as compared to surrounding school districts, including without
 21 limitation strategies:

22 (a) For reassignment;

23 (b) For differentiated
 24 pay plans to address identified shortage areas; and

25 (c) For addressing
 26 teacher recruitment and retention, as recommended by the Department of
 27 Education, including without limitation models for:

28 (1) Effective
 29 use of teacher leaders;

30 (2) Cultural
 31 responsiveness training; and

32 (3) Equity
 33 audits.

34 (ii) A school district's
 35 support plan under this subdivision (b)(4)(C)(i)(b)(19)(A) shall include
 36 without limitation how the school district identified gaps in equitable

1 access to effective teachers through a review of school district and school-
 2 level data, student growth data, a root-cause analysis, research of the
 3 strategies used to address the identified gaps, and the measures of the
 4 effectiveness of the strategies used, including without limitation student
 5 growth data; and

6 (B) Levels of differentiated
 7 compensation that increase classroom teacher salaries based on a tiered
 8 system of licensure established by the State Board of Education under § 6-17-
 9 402.

10 ~~(ii) School districts that have met the needs of~~
 11 ~~students for whom the funding is provided for additional educational~~
 12 ~~categories under this subsection and that have excess national school lunch~~
 13 ~~student categorical funds provided under this subdivision (b)(4) may use the~~
 14 ~~excess national school lunch student categorical funds to supplement all~~
 15 ~~classroom teacher salaries under the following conditions:~~

16 ~~(a) The school district shall not use any~~
 17 ~~portion of the national school lunch student categorical funds that are carry~~
 18 ~~forward or reserve funds to supplement classroom teacher salaries;~~

19 ~~(b) The school district shall meet the minimum~~
 20 ~~teacher salary schedule under § 6-17-2403 without using national school lunch~~
 21 ~~student categorical funds;~~

22 ~~(c) The school district shall comply with the~~
 23 ~~Standards for Accreditation of Arkansas Public Schools and School Districts~~
 24 ~~established under The Quality Education Act of 2003, § 6-15-201 et seq., and~~
 25 ~~the Arkansas Fiscal Assessment and Accountability Program under § 6-20-1901~~
 26 ~~et seq. without using national school lunch student categorical funds; and~~

27 ~~(d) The school district shall agree that it~~
 28 ~~shall not allocate or use any excess national school lunch student~~
 29 ~~categorical funds in any manner except as a bonus to the salary of classroom~~
 30 ~~teachers.~~

31 ~~(iii) The school district shall include with its~~
 32 ~~comprehensive school improvement plan a written detailed statement concerning~~
 33 ~~how the school district will use its excess national school lunch categorical~~
 34 ~~funds each school year and explaining in detail the amount of funds and~~
 35 ~~percent of total funds to be used to supplement all classroom teacher~~
 36 ~~salaries as allowed in subdivision (b)(4)(C)(ii) of this section.~~

1 ~~(iv)(a)(ii)~~ Upon review of the school district's
 2 ~~school level improvement support plan required under § 6-15-2914~~, if the
 3 Commissioner of Education determines that the school district has met the
 4 needs of students in the school district for whom the funding for additional
 5 educational categories under this subsection is provided, ~~has met the~~
 6 ~~requirements of subdivisions (b)(4)(C)(ii) and (iii) of this section~~, and has
 7 prudently managed its resources, the commissioner shall give written approval
 8 of the detailed planned flexible use of excess national school lunch ~~student~~
 9 state categorical funds provided to the school district for up to two (2)
 10 years.

11 ~~(b)~~ ~~The school district shall not use its~~
 12 ~~excess national school lunch categorical funds for classroom teacher salaries~~
 13 ~~as provided in subdivision (b)(4)(C)(ii) of this section unless:~~

14 ~~(1)~~ ~~The commissioner provides the~~
 15 ~~written approval required under subdivision (b)(4)(C)(iv)(a) of this~~
 16 ~~section; and~~

17 ~~(2)~~ ~~Funds allocated under this~~
 18 ~~subdivision (b)(4) are available.~~

19 ~~(v)~~ ~~The excess national school lunch student~~
 20 ~~categorical funds used to supplement the salary of a classroom teacher shall~~
 21 ~~only be used as a nonrecurring bonus to a classroom teacher's salary for any~~
 22 ~~given school year and shall not be considered a permanent obligation under~~
 23 ~~the school district's teacher salary schedule or as contract obligations of~~
 24 ~~any classroom teacher or employee of the school district.~~

25 ~~(vi)(iii)~~ Notwithstanding any other provision of
 26 law, if the Department of Education determines that a school district's
 27 expenditure of funds allocated under this subdivision (b)(4) would result in
 28 the school district's losing funding under any federal law, then the funds
 29 allocated to a school district under this subdivision (b)(4) may be expended
 30 for other academic programs or salaries.

31 ~~(vii)(iv)~~ The Department of Education may direct
 32 that a school district expend available funds on specified programs under
 33 subdivision (b)(4)(C)(i) of this section.

34 ~~(viii)(v)(a)~~ By September 15 of each school year, a
 35 school district shall submit to the Department of Education a report for the
 36 immediately preceding school year listing each program ~~upon~~ for which funds

1 allocated under this subdivision (b)(4) were expended, the amount expended,
 2 and any other information required by the Department of Education ~~on~~
 3 concerning the use of funds allocated under this subdivision (b)(4).

4 (b) The Department of Education shall develop
 5 appropriate reporting forms for use by school districts to comply with
 6 subdivision ~~(b)(4)(C)(viii)(a)~~ (b)(4)(C)(v)(a) of this section.

7 ~~(ix) Beginning with the 2007-2008 school year and~~
 8 ~~each school year thereafter, any school district that used or applied~~
 9 ~~restricted national school lunch student categorical funds as a supplement~~
 10 ~~for salaries of classroom teachers in a school district during the 2006-2007~~
 11 ~~school year under subdivision (b)(4)(C)(i)(b) of this section shall either:~~

12 ~~(a) Remove the use of all national school~~
 13 ~~lunch student categorical funds immediately as a supplement to classroom~~
 14 ~~teacher salaries; or~~

15 ~~(b) Begin the process of removing the use or~~
 16 ~~application of national school lunch student categorical funds as part of an~~
 17 ~~obligated salary schedule in the following manner:~~

18 ~~(1) A school district shall reduce each~~
 19 ~~current school year by twenty percent (20%) the amount of national school~~
 20 ~~lunch student categorical funds received and used in the prior school year by~~
 21 ~~the school district as a supplement to classroom teacher salaries and shall~~
 22 ~~continue this reduction in the application of national school lunch student~~
 23 ~~categorical funds as a supplement to classroom teacher salaries until the~~
 24 ~~school district has no more than twenty percent (20%) of the total of any~~
 25 ~~current year of all national school lunch student categorical funds received~~
 26 ~~by a school district applied and used as a supplement to classroom teacher~~
 27 ~~salaries for a current school year;~~

28 ~~(2) No school district shall be allowed~~
 29 ~~to use or consider reserve or carry forward national school lunch student~~
 30 ~~categorical funds as a supplement to classroom teacher salaries;~~

31 ~~(3) The school district shall meet the~~
 32 ~~minimum teacher salary schedule under § 6-17-2403 without using national~~
 33 ~~school lunch student categorical funds;~~

34 ~~(4) The school district shall comply~~
 35 ~~with the Standards for Accreditation of Arkansas Public Schools and School~~
 36 ~~Districts established under The Quality Education Act of 2003, § 6-15-201 et~~

1 ~~seq., without using national school lunch categorical funds;~~

2 ~~(5) The school district shall include~~
 3 ~~with its school level improvement plan a written detailed narrative or plan~~
 4 ~~concerning how the school district will use its excess national school lunch~~
 5 ~~categorical funds each school year and explaining in detail the amount of~~
 6 ~~funds and percent of total funds to be used to supplement all classroom~~
 7 ~~teacher salaries as allowed in this subdivision (b)(4)(C)(ix);~~

8 ~~(6) Upon review of the school district's~~
 9 ~~school level improvement plan, if the commissioner determines that the school~~
 10 ~~district has met or is meeting the needs of students in the school district~~
 11 ~~for whom the funding for additional educational categories under this~~
 12 ~~subdivision (b)(4)(C)(ix) is provided, and has prudently managed its~~
 13 ~~resources, the commissioner shall give written approval of the detailed~~
 14 ~~planned flexible use of excess national school lunch student categorical~~
 15 ~~funds provided to the school district; and~~

16 ~~(7) Upon review of the school district's~~
 17 ~~school level improvement plan and other indicators, if the commissioner~~
 18 ~~determines that a school district has not met the needs of students that may~~
 19 ~~be served with national school lunch student categorical funds, the~~
 20 ~~commissioner may require that any and all national school lunch categorical~~
 21 ~~funds dedicated for use or application in the teachers' salary fund shall be~~
 22 ~~removed from and not used to meet the classroom teacher salary obligation and~~
 23 ~~redirected and applied to meet the needs of students in a school district.~~

24 ~~(x)(vi)~~ Each school district shall submit to the
 25 Department of Education a report listing each program and purpose upon which
 26 funds allocated under this subdivision (b)(4) were expended, the amount
 27 expended, and any other information required by the Department of Education
 28 concerning the receipt and use of funds allocated under this subdivision
 29 (b)(4).

30 ~~(xi) No provision of subdivision (b)(4)(C)(ix) of~~
 31 ~~this section shall be deemed to prohibit a school district from participating~~
 32 ~~in the provisions of subdivisions (b)(4)(C)(ii)-(viii) of this section.~~

33 ~~(xii)(vii)~~ The Department of Education shall
 34 promulgate rules and develop appropriate reporting forms for use by school
 35 districts to comply with this subdivision (b)(4)(C).

36 **APPROVED: 3/20/19**