

1 State of Arkansas As Engrossed: S3/29/21 S4/14/21

2 93rd General Assembly

# A Bill

3 Regular Session, 2021

SENATE BILL 564

4

5 By: Senators Elliott, *B. Ballinger, Beckham, Caldwell, L. Chesterfield, B. Davis, L. Eads, J. English,*  
6 *Gilmore, J. Hendren, Hester, K. Ingram, Irvin, B. Johnson, G. Leding, G. Stubblefield, J. Sturch, Teague,*  
7 *C. Tucker*

8 *By: Representatives Vaught, Brown, Cozart, Eubanks, D. Garner, Godfrey, McCullough, Murdock,*  
9 *Speaks*

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## For An Act To Be Entitled

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AN ACT TO CREATE THE ARKANSAS TUTORING CORPS ACT; TO  
13 SUPPORT THE IMPLEMENTATION OF A SUSTAINABLE TUTORING  
14 PROGRAM IN RESPONSE TO LEARNING LOSS; TO DECLARE AN  
15 EMERGENCY; AND FOR OTHER PURPOSES.

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## Subtitle

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TO CREATE THE ARKANSAS TUTORING CORPS  
20 ACT; TO SUPPORT THE IMPLEMENTATION OF A  
21 SUSTAINABLE TUTORING PROGRAM IN RESPONSE  
22 TO LEARNING LOSS; AND TO DECLARE AN  
23 EMERGENCY.

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

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*SECTION 1. Arkansas Code Title 6, Chapter 15, is amended to add an  
29 additional subchapter to read as follows:*

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*Subchapter 30 – Arkansas Tutoring Corps Act*

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*6-15-3001. Title.*

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*This subchapter shall be known and may be cited as the "Arkansas  
34 Tutoring Corps Act".*

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*6-15-3002. Legislative findings.*



1 The General Assembly finds that:

2 (1) Data suggests that learning loss suffered as a result of the  
3 coronavirus 2019 (COVID-19) pandemic will be substantial, particularly for  
4 the state's most vulnerable students, with recent studies showing that these  
5 students on average could lose five (5) to nine (9) months of learning by the  
6 end of the 2021 school year;

7 (2) These impacts, if not addressed, could have severe short-  
8 term and long-term social and economic implications for Arkansas families and  
9 our state as a whole;

10 (3) While there is an extraordinary, immediate, and widespread  
11 need to address learning loss as a result of the coronavirus 2019 (COVID-19)  
12 pandemic, there are far too many Arkansas students at risk of falling behind  
13 under ordinary circumstances;

14 (4) Research demonstrates that a strong predictor of higher high  
15 school dropout rates is whether or not students have been taught to read at  
16 grade level by the end of grade three (3);

17 (5) Research further shows that another strong predictor of  
18 higher high school dropout rates is whether or not students have been taught  
19 sufficiently such that they can pass English and math in grades six through  
20 nine (6-9);

21 (6) According to research, one (1) of the most effective  
22 interventions to address learning loss, especially in elementary school  
23 students, is one-to-one or small group tutoring;

24 (7) The coordination and implementation of a tutoring program  
25 that supports the state's elementary and secondary students aligns with the  
26 purpose and mission of the Division of Education Renewal Zones;

27 (8) Such a tutoring program should address the immediate  
28 emergency as well as lay the groundwork for a long-term, sustainable strategy  
29 to improve educational outcomes for all students; and

30 (9) Such a tutoring program would serve as a means by which  
31 Arkansas may meet requirements of the Elementary and Secondary School  
32 Emergency Relief (ESSER) Grant Program to address learning loss and otherwise  
33 serve as a use of funding from the Governor's Emergency Education Relief  
34 (GEER) Fund in a manner that immediately helps students and families in  
35 greatest need.

36 6-15-3003. Definitions.

1 As used in this subchapter:

2 (1) "Qualified tutor" means a person who meets requirements  
3 established by the Division of Elementary and Secondary Education; and

4 (2) "Qualified tutoring site" means any of the following:

5 (A) A public school or open-enrollment public charter  
6 school located within this state;

7 (B) An education service cooperative;

8 (C) An institution of higher education located within this  
9 state; or

10 (D) A community facility that meets the requirements  
11 established by the division.

12 6-15-3004. Development of program.

13 (a)(1) The Department of Education may develop a program to:

14 (A) Identify qualified tutors;

15 (B) Identify a curriculum to support children preparing to  
16 enter kindergarten through grade six (K-6) in the content areas of math and  
17 reading and ensure that the identified curriculum is aligned with Arkansas  
18 academic standards;

19 (C) Ensure training modules related to the identified  
20 curriculum are provided to qualified tutors before the qualified tutors begin  
21 tutoring;

22 (D) Ensure ongoing support is provided to qualified  
23 tutors; and

24 (E) Coordinate with Arkansas public schools and open-  
25 enrollment public charter schools to ensure tutoring is offered at qualified  
26 tutoring sites or virtually, leveraging existing digital platforms.

27 (2) The program developed under subdivision (a)(1) of this  
28 section shall be designed to deploy qualified tutors in a manner that:

29 (A) Offers statewide coverage; and

30 (B) Increases opportunities for students in rural areas.

31 (b) The Division of Elementary and Secondary Education may:

32 (1) Develop, in coordination with the Division of Higher  
33 Education and Arkansas institutions of higher education, incentive structures  
34 such as course credit for participating qualified tutors; and

35 (2) Develop guidelines for public schools and open-enrollment  
36 public charter schools to use funding from the Elementary and Secondary

1 School Emergency Relief Fund (ESSER Fund) and the American Rescue Plan Act of  
2 2021, Pub. L. No. 117-2, to provide compensation and stipends to qualified  
3 tutors serving their students in the near term.

4 (c) The department shall promulgate rules to implement this section.

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6 SECTION 2. DO NOT CODIFY. Rules.

7 (a) When adopting the initial rules required under this act, the  
8 Department of Education shall file the final rules with the Secretary of  
9 State for adoption under § 25-15-204(f):

10 (1) On or before January 1, 2022; or

11 (2) If approval under § 10-3-309 has not occurred by January 1,  
12 2022, as soon as practicable after approval under § 10-3-309.

13 (b) The department shall file the proposed rules with the Legislative  
14 Council under § 10-3-309(c) sufficiently in advance of January 1, 2022, so  
15 that the Legislative Council may consider the rules for approval before  
16 January 1, 2022.

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18 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the General  
19 Assembly of the State of Arkansas that the coronavirus 2019 (COVID-19)  
20 pandemic has resulted in substantial disruption to the educational system in  
21 the state's public schools and open-enrollment public charter schools; that  
22 amendments to the law as provided in this act are needed to immediately  
23 address challenges faced by Arkansas students in succeeding in school and in  
24 life; and that this act is immediately necessary to maintain orderly  
25 operation of public schools and open-enrollment public charter schools so  
26 that students in this state continue to receive an adequate education.  
27 Therefore, an emergency is declared to exist, and this act being immediately  
28 necessary for the preservation of public peace, health, and safety shall  
29 become effective on:

30 (1) The date of its approval by the Governor;

31 (2) If the bill is neither approved nor vetoed by the Governor,  
32 the expiration of the period of time during which the Governor may veto the  
33 bill; or

34 (3) If the bill is vetoed by the Governor and the veto is  
35 overridden, the date the last house overrides the veto.

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*/s/Elliott*