

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

SENATE BILL 101

5 By: Senator Irvin
6 By: Representative L. Johnson
7

For An Act To Be Entitled

9 AN ACT TO AMEND PROVISIONS OF THE ARKANSAS CODE
10 CONCERNING ENHANCED STUDENT ACHIEVEMENT FUNDING AND
11 SCHOOL FUNDING UNDER THE PUBLIC SCHOOL FUNDING ACT OF
12 2003; AND FOR OTHER PURPOSES.
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Subtitle

15 TO AMEND PROVISIONS OF THE ARKANSAS CODE
16 CONCERNING ENHANCED STUDENT ACHIEVEMENT
17 FUNDING AND SCHOOL FUNDING UNDER THE
18 PUBLIC SCHOOL FUNDING ACT OF 2003.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code § 6-20-2305(b)(4)(C)(i), concerning school
25 funding under the Public School Funding Act of 2003, is amended to read as
26 follows:

27 (C)(i)(a) ~~The State Board of Education shall establish by~~
28 ~~rule a list of approved programs and purposes for which funds allocated under~~
29 ~~this subdivision (b)(4) may be expended~~ A school district shall expend funds
30 allocated under this subdivision (b)(4) in accordance with the rules
31 developed by the Division of Elementary and Secondary Education to provide
32 the following supports and resources:

33 (1) If the school district meets the
34 teacher compensation requirements according to the minimum salary schedule
35 under § 6-17-2403 for teachers serving in positions required by the Standards
36 for Accreditation of Arkansas Public Schools and School Districts without



1 using funds provided under this subdivision (b)(4):

2 (A) The hiring of additional
 3 teachers for core academic subject areas, as identified in the Division of
 4 Elementary and Secondary Education Rules Governing the Arkansas Qualified
 5 Teacher Requirements, that are not required by the Standards for
 6 Accreditation of Arkansas Public Schools and School Districts;

7 (B) The enhancement of teacher
 8 salaries for recruitment and retention purposes;

9 (C) Obtaining additional
 10 compensation for teachers who assume identified leadership roles; or

11 (D) Additional compensation for
 12 teachers who assume additional responsibilities that support student academic
 13 achievement;

14 (2) Academic supports and interventions,
 15 including without limitation curriculum specialists, facilitators, tutors,
 16 dyslexia interventions, and Response to Intervention;

17 (3) Social emotional and behavioral
 18 supports;

19 (4) Physical and mental health
 20 resources, including without limitation personnel;

21 (5) Early intervention resources,
 22 including without limitation prekindergarten programs, school tutoring
 23 programs that take place before or after school, and early literacy
 24 interventions; and

25 (6) Access to postsecondary
 26 opportunities, including without limitation access to career coaches,
 27 concurrent credit courses, college-entrance support, and career-readiness
 28 support.

29 ~~(b)(1) School districts shall expend funds~~
 30 ~~allocated under this subdivision (b)(4) for the programs or purposes on the~~
 31 ~~State Board of Education's list of approved programs and purposes for which~~
 32 ~~funds allocated under this subdivision (b)(4) may be expended, including~~
 33 ~~without limitation. By July 1, 2022, each public school district shall submit~~
 34 a three-year enhanced student achievement plan to the Division of Elementary
 35 and Secondary Education describing the school district's intended and
 36 implemented strategies to enhance student achievement and how enhanced

1 student achievement funds will be used to support the strategies of the
2 school district as permitted by this subdivision (b)(4) and rules promulgated
3 by the State Board of Education.

4 (2) A school district shall review
5 annually the school district’s enhanced student achievement plan and shall
6 review the progress of the school district’s enhanced student achievement
7 plan.

8 (3) The enhanced student achievement
9 plan of a school district shall be updated as necessary by the school
10 district, and amendments to the enhanced student achievement plan shall be
11 submitted annually to the Division of Elementary and Secondary Education with
12 the annual budget of the school district.

13 (4) The Division of Elementary and
14 Secondary Education shall monitor the implementation and progress of the
15 enhanced student achievement plan of a school district.

16 (5) A school district that does not
17 demonstrate progress toward the goals of the enhanced student achievement
18 plan of the school district for three (3) consecutive years may be subject to
19 one (1) or more of the following:

20 (A) Additional monitoring by the
21 Division of Secondary and Elementary Education;

22 (B) An increased level of support
23 as provided in § 6-15-2913; or

24 (C) A corrective action plan that
25 shall be developed in collaboration with the Division of Elementary and
26 Secondary Education.

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

31 ~~(2) Before school academic programs and~~
32 ~~after school academic programs, including without limitation transportation~~
33 ~~to and from the before school academic programs and after school academic~~
34 ~~programs;~~

35 ~~(3) Prekindergarten programs coordinated~~
36 ~~by the Department of Human Services;~~

1 ~~(4) Tutors, teachers' aides, counselors,~~
2 ~~social workers, nurses, and curriculum specialists;~~

3 ~~(5) Parent education;~~

4 ~~(6) Summer programs;~~

5 ~~(7) Early intervention programs;~~

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

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

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

19 ~~(11) Expenses directly related to~~
20 ~~funding a longer school day;~~

21 ~~(12) Expenses directly related to~~
22 ~~funding a longer school year;~~

23 ~~(13) Partnering with state-supported~~
24 ~~institutions of higher education and technical institutes to provide~~
25 ~~concurrent courses or technical education options for academic learning to~~
26 ~~students while those students are still in high school so that the students~~
27 ~~are college-ready and career-ready upon graduation from high school;~~

28 ~~(14) Professional development as~~
29 ~~identified in the school district's support plan required under § 6-15-2914;~~

30 ~~(15) Implementing components of the~~
31 ~~Arkansas Advanced Initiative for Math and Science, Inc.;~~

32 ~~(16) The College and Career Coaches~~
33 ~~Program, as administered by the Division of Career and Technical Education~~
34 ~~under § 6-1-601 et seq.;~~

35 ~~(17) Implementing a school-wide~~
36 ~~evidence-based program intended to close achievement gaps with an arts-~~

1 ~~infused curriculum;~~

2 ~~(18) Dyslexia programs and interventions~~

3 ~~under § 6-41-601 et seq.; and~~

4 ~~(19) Recruiting and retaining effective~~

5 ~~teachers, if the school district meets the minimum salary schedule under § 6-~~

6 ~~17-2403 without using funds provided under this subdivision (b)(4), by~~

7 ~~implementing:~~

8 ~~(A)(i) Approaches identified~~

9 ~~within the school district's support plan required under § 6-15-2914 to~~

10 ~~address a disproportionate rate of low income students or minority students~~

11 ~~being taught by ineffective teachers, teachers who teach out of their~~

12 ~~licensure content area, or inexperienced teachers, either within the school~~

13 ~~district or as compared to surrounding school districts, including without~~

14 ~~limitation strategies:~~

15 ~~(a) For reassignment;~~

16 ~~(b) For differentiated~~

17 ~~pay plans to address identified shortage areas; and~~

18 ~~(c) For addressing~~

19 ~~teacher recruitment and retention, as recommended by the Division of~~

20 ~~Elementary and Secondary Education, including without limitation models for:~~

21 ~~(1) Effective~~

22 ~~use of teacher leaders;~~

23 ~~(2) Cultural~~

24 ~~responsiveness training; and~~

25 ~~(3) Equity~~

26 ~~audits.~~

27 ~~(ii) A school district's~~

28 ~~support plan under this subdivision (b)(4)(C)(i)(b)(19)(A) shall include~~

29 ~~without limitation how the school district identified gaps in equitable~~

30 ~~access to effective teachers through a review of school district and school-~~

31 ~~level data, student growth data, a root cause analysis, research of the~~

32 ~~strategies used to address the identified gaps, and the measures of the~~

33 ~~effectiveness of the strategies used, including without limitation student-~~

34 ~~growth data; and~~

35 ~~(B) Levels of differentiated~~

36 ~~compensation that increase classroom teacher salaries based on a tiered~~

1 ~~system of licensure established by the State Board of Education under § 6-17-~~
2 ~~402.~~

3 (c) The list of approved programs established
4 before July 24, 2019, by the State Board of Education under subdivision
5 (b)(4)(C)(i)(a) of this section shall expire on June 30, 2022.

6 (d) The State Board of Education shall
7 promulgate rules for the implementation of this subdivision (b)(4)(C)(i) that
8 shall include without limitation:

9 (1) The process for submitting an
10 enhanced student achievement plan;

11 (2) The process for monitoring the
12 expenditure of funds allocated under this subdivision (b)(4); and

13 (3) The specific requirements,
14 qualifications, and criteria for allowable supports and resources.

15
16 SECTION 2. Arkansas Code § 6-20-2305(b)(4)(C)(ii), concerning school
17 funding under the Public School Funding Act of 2003, is amended to read as
18 follows:

19 (ii)(a) ~~Upon review of the school district's support~~
20 ~~plan required under § 6-15-2914, if the Commissioner of Elementary and~~
21 ~~Secondary Education determines that the school district has met the needs of~~
22 ~~students in the school district for whom the funding for additional~~
23 ~~educational categories under this subsection is provided and has prudently~~
24 ~~managed its resources, the commissioner shall give written approval of the~~
25 ~~detailed planned flexible use of excess national school lunch state~~
26 ~~ategorical funds provided to the school district for up to two (2) years~~ A
27 school district shall budget one hundred percent (100%) of funds allocated
28 under this subdivision (b)(4) each year to provide the supports and resources
29 described in subdivision (b)(4)(C)(i)(a) of this section.

30 (b) If a school district intends to transfer
31 funds allocated under this subdivision (b)(4) to other programs, the school
32 district shall provide justification for the transfer of funds to the
33 Division of Elementary and Secondary Education.

34
35 SECTION 3. Arkansas Code § 6-20-2305(b)(4)(C)(v) and (vi), concerning
36 school funding under the Public School Funding Act of 2003, are repealed.

1 ~~(v)(a) By September 15 of each school year, a school~~
 2 ~~district shall submit to the Division of Elementary and Secondary Education a~~
 3 ~~report for the immediately preceding school year listing each program for~~
 4 ~~which funds allocated under this subdivision (b)(4) were expended, the amount~~
 5 ~~expended, and any other information required by the Division of Elementary~~
 6 ~~and Secondary Education concerning the use of funds allocated under this~~
 7 ~~subdivision (b)(4).~~

8 ~~(b) The Division of Elementary and Secondary~~
 9 ~~Education shall develop appropriate reporting forms for use by school~~
 10 ~~districts to comply with subdivision (b)(4)(C)(v)(a) of this section.~~

11 ~~(vi) Each school district shall submit to the~~
 12 ~~Division of Elementary and Secondary Education a report listing each program~~
 13 ~~and purpose upon which funds allocated under this subdivision (b)(4) were~~
 14 ~~expended, the amount expended, and any other information required by the~~
 15 ~~Division of Elementary and Secondary Education concerning the receipt and use~~
 16 ~~of funds allocated under this subdivision (b)(4).~~

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 18 SECTION 4. Arkansas Code § 6-20-2305(b)(4)(C)(vii), concerning school
 19 funding under the Public School Funding Act of 2003, is amended to read as
 20 follows:

21 ~~(vii)(vi)~~ The Division of Elementary and Secondary
 22 Education shall ~~promulgate rules and~~ develop appropriate reporting forms for
 23 use by school districts to comply with this subdivision (b)(4)(C) and the
 24 rules of the State Board of Education.

25
 26 SECTION 5. Arkansas Code § 6-20-2305(b)(4)(D) and (E), concerning
 27 school funding under the Public School Funding Act of 2003, are amended to
 28 read as follows:

29 ~~(D)(i) By the end of each school year, each school~~
 30 ~~district shall submit to the Division of Elementary and Secondary Education a~~
 31 ~~report listing each program upon which funds allocated under this subdivision~~
 32 ~~(b)(4) were expended, the amount expended, and any other information required~~
 33 ~~by the Division of Elementary and Secondary Education.~~

34 ~~(ii) The Division of Elementary and Secondary~~
 35 ~~Education shall develop appropriate reporting forms for use by school~~
 36 ~~districts.~~

1 ~~(E)-(i)-(D)(i)~~ The Division of Elementary and Secondary
 2 Education shall provide a report on the ~~impact of national school lunch~~
 3 ~~student categorical funding provided under this subdivision (b)(4) on closing~~
 4 ~~the achievement gap~~ progress of school district in meeting plan goals to the
 5 House Committee on Education and the Senate Committee on Education by ~~May 31~~
 6 ~~each even-numbered year, beginning in 2010~~ October 1 of each odd-numbered
 7 year, beginning in 2023.

8 (ii) The report shall include information broken
 9 down by category as described in subdivision (b)(4)(A) of this section on:

10 (a) How school districts are spending ~~national~~
 11 ~~school lunch student categorical~~ funds provided under this subdivision
 12 (b)(4), including specific programs utilized by school districts;

13 (b) The amount of ~~national school lunch~~
 14 ~~student categorical~~ funds transferred to another categorical fund, including
 15 an explanation of why the ~~national school lunch student categorical~~ funds
 16 were transferred; and

17 (c) The analysis of student achievement data
 18 evaluated in student achievement growth models as ~~defined under~~ described in
 19 § 6-15-2908 shall be expanded to include the evaluation of the best estimates
 20 of classroom, school, and school district effects on ~~narrowing the~~
 21 ~~achievement gap~~ enhancing student achievement, in addition to the examination
 22 of student progress based on established value-added longitudinal
 23 calculations.

24 (iii) The report shall be included in the General
 25 Assembly’s biennial adequacy study to evaluate the adequacy of education in
 26 the state.

27
 28 SECTION 6. Arkansas Code § 6-20-2305(b)(4)(F)(i) and (ii), concerning
 29 school funding under the Public School Funding Act of 2003, are amended to
 30 read as follows:

31 ~~(F)-(i)-(E)(i)~~ By ~~June 30, 2012, and by~~ June 30 of each year
 32 ~~thereafter~~, a school district shall spend a minimum of eighty-five percent
 33 (85%) of the school district’s annual ~~national school lunch state categorical~~
 34 funding allocation as provided under subdivision (b)(4)(C) of this section.

35 (ii) A school district that on ~~June 30, 2012, June~~
 36 30 of any year has a ~~national school lunch state categorical~~ an enhanced

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

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14 **APPROVED: 3/10/21**
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