



State of Arkansas
Bureau of
Legislative Research

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Arkansas General Assembly - 2023 Regular Session
EDUCATION ACTS

This document was prepared by the Bureau of Legislative Research on behalf of the House Committee on Education and Senate Committee on Education. It contains summaries of each act concerning education that was passed during the 2023 Regular Session. The summaries provide an overview of each act; for a more thorough analysis of an act, please refer to the act itself or contact the Bureau of Legislative Research for additional guidance.

The General Assembly passed 890 acts during its 2023 Regular Session. Approximately 12% of all of these acts concern education. A total of 100 acts pertain to elementary, secondary, higher, or career education, and 9 education-related appropriations bills were passed.

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SECONDARY EDUCATION

A. Curriculum

1) Act 637 - Adoption Awareness Education

The act requires that, beginning with the 2023-2024 school year, each public school provide instruction on adoption awareness at the beginning of each school year to students enrolled in grades six through twelve (6-12) for a period of time not to exceed one (1) hour during each school year. The adoption education required by the act may be provided during a regular class period or at a special event organized for purposes of providing the required adoption awareness instruction. The act requires the State Board of Education to develop curricula, standards, materials, and units relating to required adoption awareness instruction.

2) Act 654 - Computer Science Education Advancement Act of 2021

The act permits a career readiness assessment administered to a student in grades ten through twelve (10-12) to include without limitation the ACT WorkKeys National Career Readiness Certificate and requires that a Platinum, Gold, Silver, or Bronze credential through the ACT WorkKeys be used by an institution of higher education as transcribable credit towards the attainment of a postsecondary technical degree. The act allows a public high school student to meet the requirement to earn one (1) unit of credit in an approved high school computer science course by completing an approved high school computer science course or a computer science-related career and technical education course. The act also requires the Division of Career and Technical Education to review new and existing career and technical pathways to determine which courses within the career and technical pathways meet criteria for weighted credit and to publish a list of all approved career and technical pathways annually by January 1. The act permits weighted credit to be awarded for a career and technical pathway to a student upon the completion of the relevant career and technical pathway and the student's earning of the high-value industry credential aligned with the career and technical pathway.

3) Act 723 - Breastfeeding (Health and Safety Course)

The act requires that each health and safety course offered by a public school district or open-enrollment public charter school include information regarding breastfeeding, including without limitation the benefits of breastfeeding as health nutrition for all infants and for lactating mothers.

4) Act 290 - Mental Health Awareness Week

The act establishes Mental Health Awareness Week during the first full week of classes in May in Arkansas schools in order to raise awareness of mental illness, remove stigma and misunderstanding associated with mental illness, and provide support for those who experience mental illness.

5) Act 48 - Holocaust Education Week

The act establishes Holocaust Education Week during the last full week of classes in January in all public schools in order to educate students about the significance and history of the Holocaust.

6) Act 243 - Agricultural Education Pilot Program

The act authorizes the Division of Elementary and Secondary Education to consult with industry stakeholders to establish a pilot program to provide agricultural education in elementary schools beginning with the 2025-2026 school year. The act also authorizes the division to provide and report on a program evaluation regarding the success and impact of the pilot program.

B. *Local School District Boards of Education*

7) Act 547 - Members of School District Boards of Directors (Election by Zone; Terms)

The act permits the qualified electors of a school district to have placed on the ballot of an annual school election the issue to determine whether to elect the board of directors from at-large or a combination of single-member zones and at-large. The act increases the term length for a member of a school district board of directors from three (3) years to four (4) years.

8) Act 745 - Consolidation of Multiple, Identical School Employee Grievances

The act allows a board of directors to consolidate individual grievances submitted by multiple employees into a group grievance if the individual grievances are of the same nature. The act requires that individuals whose grievances are consolidated select one (1) or more individuals from among those whose grievances were consolidated to represent the group grievance holders. The act requires that a board of directors that has consolidated multiple individual grievances provide the group grievance representatives no less than ninety (90) minutes to represent the group grievance.

9) Act 731 - School District Transfer Petitions

The act establishes the requirements for providing notice to the board of directors and holding hearings on a transfer petition; requires a superintendent to provide a written explanation of a recommendation for denial of a transfer petition; and provides parents, guardians, and persons standing in loco parentis to a student who submits a transfer petition with certain rights, including the right to appeal the denial of the transfer petition.

10) Act 750 - Vacancies on a School District Board of Directors

The act requires a position of a vacating director on a board of directors be deemed vacant and filled in accordance with state law if there is not an individual who has filed as a candidate to serve an unexpired term of the vacating director.

11) Act 425 - Boards of Directors - Academic Data or Performance

The act requires that a report or presentation regarding student academic performance be provided to a school district board of directors during each regular monthly meeting of the board of directors.

12) Act 418 - Boards of Directors - Review and Approval of Salary Increases

The act repeals the requirement that a school district board of directors review and approve by a written resolution an increase in salary of five percent (5%) or more for a school district employee.

13) *Act 276 - Boards of Directors - Filing Deadlines

The act requires candidates for school board elections to file for office during a one-week period ninety (90) days before a school election held in November. The act declares an emergency and is effective on and after March 13, 2023.

14) Act 721 - Annual School Elections

The act changes the date a school district is required to file the language of a rate of tax increase for an annual school election.

15) Act 424 - Annual School Election - Effect of Minority Population on Elections

The act repeals the requirement that school districts that have a ten percent (10%) or greater minority population out of the total population elect the members of the school district board of directors according to state law and using selection procedures that are in compliance with the federal Voting Rights Act of 1965.

16) Act 883 - Boards of Directors - General

The act amends the circumstances in which a vacancy occurs on a board; amends the situations in which a board of directors may meet in executive session; provides that a board member, administrator, employee, or nonemployee who should have known his or her conduct was prohibited under certain laws is guilty of a Class A misdemeanor; and directs the Arkansas Ethics Commission to supervise compliance with certain laws by board members and investigate citizen complaints alleging violations of certain laws by board members.

C. *Educational Cooperatives*

17) Act 802 - Boards of Directors

The act repeals the Public School Educational Cooperative Act of 1981. The act amends the means by which members are appointed to an education service cooperative board of directors, requires that each meeting of a board of directors of an education service cooperative be public, requires the board of directors to make the minutes of each of its meetings publicly available, requires each education service cooperative board of directors to compile data that demonstrates what, if any, improvement has been achieved with respect to student performance and provide this data annually by July 1 to each public school district within the boundary of the education service cooperative, repeals the authority of an education service cooperative board of directors to meet in an executive committee, and establishes a two-year term length for a member of an education service cooperative board of directors. The act is effective on and after January 1, 2024.

D. *Division of Elementary and Secondary Education*

18) Act 242 - Career and Technical Education - Substitution for Comparable Elective Coursework

The act requires that the Division of Elementary and Secondary Education include in the academic standards a means by which a public school student may substitute comparable elective coursework pertaining to career and technical education for core academic classes that are required for graduation. The act creates the Career and Technical Education with Embedded Academics Certification Committee for purposes of approving elective coursework pertaining to career and technical education as a substitute for core academic classes.

19) Act 656 - Child Nutrition Programs

The act requires federal funds appropriated to the Department of Education for a child nutrition program be used to provide school breakfasts and lunches at no cost to qualifying students. The act prohibits a public school that serves a breakfast or lunch from charging a qualifying student a reduced-price copayment for a school breakfast or a school lunch. The act requires the department to provide funds that have been disbursed to it from the federal government for purposes of funding child nutrition programs to each public school that serves a school breakfast or lunch to cover the cost of eliminating reduced-price copayments. The act requires Arkansas Legislative Audit to audit the Arkansas Department of Education Child Nutrition Unit by December 15, 2023, and report the audit findings.

20) Act 423 - School Performance Report Act - Students Counted Towards Drop-Out Count

The act specifies that students who pass a GED test and students in grades nine through twelve (9-12) who transfer from a public school to a home school, private school, or parochial school do not count towards a public school district's dropout rate for purposes of the school performance report.

E. Employees (Classified)

21) Act 782 - Committee on Personnel Policies for Classified Employees

The act amends the law concerning a school district's committee on personnel policies for classified employees, including the requirements regarding the membership of the committee, the election of a non-management classified employee to the committee, the requirements for meetings of the committee, and requirement that written personnel policies for classified employees include the bylaws, rules, and proceedings related to the committee.

22) Act 792 - Criminal Misconduct - Sexual Misconduct

The act prohibits a superintendent from providing a recommendation of employment for an employee if he or she finds probable cause that the employee has engaged in sexual misconduct with a minor. The act requires a board of directors of a district to which a registered volunteer who is in the process of obtaining a coaching certificate or will be working with students in a coaching capacity applies to apply to the Identification Bureau of the of the Division of Arkansas State Police for criminal records checks. The act prohibits a registered volunteer who has a true report in the Child Maltreatment Central Registry or has pled guilty or nolo contendere to or has been found guilty of certain offenses from being eligible for employment in an educational entity in a nonlicensed staff position.

23) Act 20 - Leave of Absence - Emergency and Rescue Training Programs

The act provides a leave of absence with pay to an entitled employee of a school district for the purpose of participating in a training program for the United States Civil Air Patrol, the United States Coast Guard Auxiliary, or certain emergency and rescue services.

24) Act 776 - Deduction of Dues and Fees in Paychecks

The act prohibits a public school district board of directors or representatives of a public school district board of directors from deducting dues, fees, or contributions from the pay of a teacher or classified employee on behalf of any professional or labor organization or political fund.

25) Act 780 - Reduction-in-Force Policies

The act requires a public school district to use specific criteria when considering a layoff or recall of employees, including an employee's merit, ability, attendance, performance, and effectiveness. The act prohibits an employee's seniority, length of service with the public school district, total professional development hours, and education level from factoring more than fifty percent (50%) of the total criteria used by a public school district in its written reduction-in-force policy.

26) +Act 542 - Employee Speech - Addressing Students

The act prohibits a public school employee from addressing an unemancipated minor or student either with a pronoun or title that is inconsistent with the student's biological sex or with a name other than the name listed on the student's birth certificate, or a derivative of that name, unless there is written permission from the parent or legal guardian of the student if the student is under eighteen (18) years of age. The act creates a cause of action for a person who is harmed by a violation of the act.

27) +Act 511 - Implicit Bias Training

The act prohibits a public school district and open-enrollment public charter school from requiring a school employee to complete or participate in implicit bias training and from taking adverse employment action against a school employee for the employee's failure or refusal to complete or participate in implicit bias training. The act further permits a school employee to leave a training that he or she is attending if he or she determines that the training addresses implicit bias.

F. Facilities

28) Act 787 - Exterior Doors - Building Egress

The act requires exterior doors of all educational institutions to be closed and locked during school hours except during transition times and prohibits building egress from being impeded for any person in compliance with the Arkansas Fire Prevention Code and the Americans with Disabilities Act.

29) +Act 317 - School Restrooms - Designation Based on Sex

The act requires public school districts and open-enrollment public charter schools to designate each multiple occupancy restroom or changing area exclusively based on sex and provide a reasonable accommodation to an individual who is unwilling or unable to use a multiple occupancy restroom or changing area designated for the individual's sex. The act creates exceptions for certain individuals, including individuals with disabilities, and permits an individual to file a formal complaint upon an allegation of noncompliance with the act.

30) Act 764 - Storm Shelters

The act prohibits the Arkansas Fire Prevention Code, before January 1, 2025, from requiring an educational facility to have a storm shelter that has an occupant capacity that exceeds the total occupant load of the classrooms, vocational rooms, and offices in the building in which the storm shelter is located. The act also requires the Arkansas Fire Prevention Code, beginning January 1, 2025, to identify the educational facilities that must have a storm shelter and set certain requirements for the occupant capacity of the storm shelter.

G. Funding

31) Act 793 - Academic Facilities Wealth Index - Calculation

The act amends the means by which the academic facilities wealth index is calculated by requiring that student millage rankings be allocated into percentages by calculating a cumulative total of the greater of either the prior-year average daily membership or the prior three-year average of the school district's average daily membership.

32) Act 630 - Foundation Funding - Homeschooled Students - Interscholastic Activities

The act authorizes the disposition of an amount of funding equal to one-sixth (1/6) of the state foundation funding amount to a public school district that enrolls a homeschooled student for purposes of the homeschooled student's participation in an interscholastic activity for the duration of the homeschooled student's enrollment in the public school district.

33) *Act 744 - Foundation Funding - Categorical Funding

The act requires the House Committee on Education and Senate Committee on Education to provide to the General Assembly during its biennial adequacy review process a recommendation for the health insurance contribution rate to be paid by each public school district each month for each eligible employee electing to participate in the public school employees' health insurance program. The act increases the foundation funding amounts for the 2023-2024 school year and the 2024-2025 school year. The act increases alternative learning environment funding for the 2023-2024 school year and the 2024-2025 school year. The act clarifies that funding amounts for English-language learners and enhanced student achievement remain the same and increases the professional development funding amount. The act declares an emergency and is effective on and after April 12, 2023.

H. Graduation Requirements

34) Act 100 - High School Diploma Alternatives

The act requires that the receipt of a high school diploma through the passage of a nationally recognized high school equivalency exam, such as the GED test, be treated the same as the receipt of a high school diploma from an accredited secondary school for purposes of employment.

35) Act 720 - Community Service Requirements - Approved Programs and Activities

The act repeals the requirement that the State Board of Education approve programs and activities in which students participate in order to obtain community service hours and requires that programs and activities approved for purposes of community service satisfy certain criteria.

36) *Act 662 - Early Issuance of Diploma for Terminally Ill Students

The act allows a public school district or an open-enrollment public charter school to award a terminally ill student a high school diploma before the established graduation date if criteria are met. The act declares an emergency and is effective on and after April 11, 2023.

I. Libraries and Media Centers

37) Act 372 - Selection, Relocation, and Retention of Materials

The act creates the offense of furnishing harmful items to a minor, eliminates the defense to prosecution for disseminating material that is claimed to be obscene for schools and public libraries, and adds loaning a book from a library to the list of actions that can constitute the offense of possessing, selling, or distributing obscene material. The act also establishes requirements for media centers and public libraries regarding the selection, relocation, and retention of physical materials that are available to the public and provides a process for challenging materials that are available to the public in media centers and public libraries if a person believes the material to be inappropriate. The act also allows libraries to disclose confidential library records to the parent or legal guardian of a library patron who is a minor.

38) Act 640 - Imagination Library of Arkansas Program

The act creates the Imagination Library of Arkansas Program. The act creates the Imagination Library of Arkansas Program Fund, which shall be used to provide, through Dolly Parton's Imagination Library, one (1) age-appropriate book to each registered child from birth to age five (5) in each participating county. The act requires the state program fund to contribute a fifty percent (50%) match of the funds, if available, required of local programs participating in Dolly Parton's Imagination Library. The act requires the Department of Education to partner with a nonprofit entity organized solely to promote and encourage reading in early childhood for the children of Arkansas to administer the program.

J. School Districts - Generally

39) Act 514 - Discrimination Prohibited - Natural, Protective, or Cultural Hairstyle

The act establishes the Creating a Respectful and Open World for Natural Hair (CROWN) Act that prohibits discrimination based upon natural, protective, or cultural hairstyles in public schools and in state-supported two-year or four-year institutions of higher education and adds definitions to the Arkansas Civil Rights Act of 1993 related to natural, protective, or cultural hairstyles.

40) Act 729 - Alternative Methods of Instruction - Alternate School Calendars

The act repeals the provision that states that a public school district board of directors that elects to implement an alternate school calendar is not eligible to use alternative methods of instruction.

41) +Act 737 - Automated External Defibrillator at School-Sponsored Sporting Event

The act requires automated external defibrillators at school-sponsored sporting events for grades seven through twelve (7-12) and on campuses of institutions of higher education. The act also requires the Arkansas Higher Education Coordinating Board to develop rules for automated external defibrillator and cardiopulmonary resuscitation training.

42) Act 724 - Expelled Students - Courses Offered

The act repeals the requirement that public school districts and open-enrollment public charter schools that expel a student offer to the expelled student digital learning courses or other alternative educational courses for which the student may receive academic credit that is at least equal to credit the expelled student may have received if he or she were still enrolled in his or her assigned public school district or open-enrollment public charter school.

43) +Act 811 - Opioid Overdose Rescue Kits

The act requires that by January 1, 2024, each public high school campus have a clearly visible and labeled opioid overdose rescue kit and requires that the location of each opioid overdose rescue kit be registered with the school nurse and school resource officer. The act requires that an opioid overdose rescue kit meet certain requirements. The act also requires a public school nurse and school resource officer to carry Narcan, Naloxone, or another approved medication at all times and requires them to report to the office of the Arkansas Drug Director immediately following the use of an opioid overdose rescue kit.

44) Act 101 - Water Safety Information - Provided to Students

The act requires that public school districts and open-enrollment public charter schools, beginning with the 2023-2024 school year, provide to parents, legal guardians, and persons standing in loco parentis to students information on water safety education courses and swimming lessons, including local options for water safety education courses and swimming lessons.

45) Act 653 - Abortion Referrals - Prohibited

The act includes offering or providing abortion referrals as a prohibited transaction by a public school or open-enrollment charter school.

46) Act 461 - Public Education Reorganization - Voluntary and Administrative Consolidations

The act repeals the requirement that the Division of Elementary and Secondary Education annually publish a list of all school districts with fewer than three hundred fifty (350) students according to the average daily membership in the school year immediately preceding the current school year and repeals the authority of the State Board of Education to administratively consolidate a district that is on the list and that does not submit a petition for voluntarily consolidating with another school district.

47) Act 643 - Virtual Schools - Statewide Student Assessments

The act permits a public school that operates primarily as a virtual school to administer a statewide student assessment to a student enrolled in the public school in a virtual setting that best meets the educational needs of the student and requires the public school to meet certain requirements in order to administer a statewide student assessment in a virtual setting.

K. State Board of Education

48) *Act 543 - Public Education Reorganization

The act prohibits the State Board of Education from administratively consolidating a school district that is on the consolidation list and that does not submit a petition to voluntarily consolidate if the school district is currently classified as in need of Level 5 - Intensive support and a public school student enrolled in the school district would have to ride a bus for more than forty (40) miles in order to arrive at and attend a receiving district. The act requires the state board to assume authority of such a school district and prohibits the state board from closing a public school or public school facility within and removing permanently the superintendent and assistant superintendent of such a school district. The act declares an emergency and is effective on and after April 11, 2023.

49) Act 347 - Public School District Waivers - Criteria

The act amends the process by which a public school district may obtain a waiver from certain Division of Elementary and Secondary Education rules and state laws. The act requires the State Board of Education to use the same criteria as is used for open-enrollment public charter school waivers when granting waiver requests submitted by public school districts. The act also permits the state board to revoke a waiver granted to a public school district only upon showing cause.

L. Students

50) Act 669 - Arkansas Children's Educational Freedom Account Program - Fund Limitations

The act allows a student with a disability who meets certain income requirements to receive funds from both the Arkansas Children's Educational Freedom Account Program and the Philanthropic Investment in Arkansas Kids Program and clarifies that the student shall receive the funds only to the extent necessary to cover qualifying expenses.

51) Act 189 - Attendance - Nonresident School District - Relocation

The act permits a child whose parent or legal guardian relocates him or her to a nonresident school district to complete all remaining school years at the school district in which he or she is enrolled at the time of the relocation, regardless of the residency status of the child.

52) Act 448 - Attendance - Excused Absences - 4-H Activities and Programs

The act clarifies that class absences of students who are participating in programs related to National FFA Organization, the Arkansas Family, Career and Community Leaders of America, Inc., and 4-H are excused to the extent established by a public school district board of directors. The act further requires public school districts to grant absences for students who participate in 4-H activities or programs that are scheduled and approved by a county extension agent, 4-H educator, or other appropriate authority and establish the maximum number of excused absences a student may receive for purposes of participating in 4-H activities or programs.

53) Act 621 - Attendance - Excused Absences - Voting With Parent or Legal Guardian

The act prohibits a public school district from considering an enrolled student absent from the public school for the time during which the student accompanies his or her parent, legal guardian, or person standing in loco parentis to the student when the parent, legal guardian, or person standing in loco parentis to the student is exercising his or her right to vote in a scheduled election. The act limits the excused absence for an enrolled student to only one (1) time during each scheduled election.

54) Act 43 - School District Choice - Residency in More Than One School District

The act authorizes the school-age children of a person who owns an undivided tract of land on which the person's principal place of residence lies partially in one (1) school district and partially in another school district to be eligible to attend the public school in either of the public school districts on which the undivided tract of land is situated.

55) Act 426 - Attendance - International Exchange Students' Residency Status

The act creates an exception to the residential address requirement for a host family of an international exchange student who is placed by an international student exchange visitor placement organization under the International Student Exchange Visitor Placement Organization Registration Act.

56) *Act 26 - Attendance - School Calendar

The act requires the first day of the school year for student attendance in public schools be on or after the Monday of the week in which August 19 falls, not earlier than August 14, and not later than August 26. The act also permits the Division of Elementary and Secondary Education to grant a school district a waiver to begin school on an earlier date if the division determines that there exists a material and substantial reason for the school district to begin school on an earlier date. The act declares an emergency and is effective on and after January 30, 2023.

57) +Act 317 - Attendance - Student Overnight Trips - Assigned Sleeping Quarters

The act requires public school districts and open-enrollment public charter schools to ensure public school students attending a school-sponsored overnight trip either share sleeping quarters with a member or multiple members of the same sex or are provided single-occupancy sleeping quarters.

58) +Act 542 - Discipline - Limitations

The act prohibits a public school district and open-enrollment public charter school from disciplining a student due to the student's declining to address a person using a name other than the name listed on the person's birth certificate or a pronoun or title that is inconsistent with the person's biological sex.

59) Act 793 - English Learners

The act renames references from "English language learners" to "English learners" throughout the Arkansas Code and provides that English learners are identified under the Public School Funding Act of 2003 based upon approved English proficiency assessments administered annually in the spring.

60) Act 748 - Homeless Students - Interscholastic Activity Participation

The act permits a student who is a member of a school athletic activity and who has engaged in a competition for an interscholastic activity to participate in a non-school athletic activity that is of the same sport as the school athletic activity during the same season without losing eligibility to participate on the school athletic activity, except in the case of football, basketball, baseball, softball, and volleyball. The act also requires that a student who is considered homeless be immediately eligible to participate in interscholastic activities at the school in which he or she is enrolled.

61) Act 638 - Military Child School Transitions - Arkansas Council for Military Children

The act requires that each public school military family education coordinator be included in the establishment and adoption of a public school district's and public school's parent and family engagement plan required under state law. The act amends requirements for the membership and meetings of the Arkansas Council for Military Children.

62) Act 790 - Public School Choice - Children of Uniformed Service Members

The act provides that a student is eligible for enrollment in the public school district of his or her choice if he or she is a dependent of a uniformed service member in full-time active-duty status or a surviving spouse of a uniformed service member and submits an application to the student's nonresident district and resident district. The act prohibits the requirement of an application deadline for purposes of students who are eligible based on their military dependency status.

63) Act 754 - Student Data Vendor Security

The act requires each local education agency to ensure that all contracts that disclose or make available student personally identifiable information to vendors include express provisions that safeguard the privacy and security of student personally identifiable information. The act specifies requirements for school service contract providers and school service on-demand providers in relation to the collection, use, and protection of student personally identifiable information.

64) Act 788 - Speech and Expression - Religious Viewpoints

The act prohibits a public school district from discriminating against a student based on a religious viewpoint expressed by the student on an otherwise permissible subject. The act requires each public school district to adopt a policy regarding students' voluntary expression of a religious viewpoint.

65) Act 128 - Support for Pregnant and Parenting Students

The act creates requirements for public schools regarding pregnant and parenting students, including requiring schools to excuse absences due to conditions related to pregnancy or parenting, provide at least ten (10) school days of excused absences for a parenting mother and father after the birth of a child, allow a student to make up missed work in a reasonable amount of time at the conclusion of a pregnancy-related or parenting-related period of absence, provide reasonable accommodations for a lactating student to express breast milk, breastfeed, or address other breastfeeding needs, and provide that a student shall not incur an academic penalty as a result of the use of these accommodations.

66) Act 286 - Seizure Rescue Medication

The act requires at least two (2) school employees to have training to administer or assist with the self-administration of seizure rescue medication and prescribed electrical stimulation using a vagus nerve stimulator magnet to a student if the student's parent or legal guardian complies with certain requirements. The act applies only to a school that has a student enrolled who has a seizure disorder and has a seizure medication or other medication prescribed to treat seizure disorder symptoms.

67) Act 506 - Unaccompanied Homeless Youth and Youth in Foster Care - Transcripts

The act, in relevant part, allows an individual between sixteen (16) and twenty-two (22) years of age who is not in the physical custody of a parent or guardian to be certified as an unaccompanied homeless youth and provides that an unaccompanied homeless youth or a youth in foster care may be issued a paper transcript or an electronic transcript from a public college or university without cost.

M. Teachers

68) Act 781 - Committee on Personnel Policies for Classroom Teachers

The act provides requirements for the election and appointment of classroom teacher members of a public school district's committee on personnel policies, the meetings of the committee, and the minutes of the meetings of the committee.

69) Act 732 - Licensure - Generally

The act repeals the requirement that teachers demonstrate competency in subject-matter content on identified assessments. The act requires teachers to demonstrate competency by obtaining passing scores on State Board of Education-approved assessments or by successfully completing a Division of Elementary and Secondary Education Alternate Assessment Plan. The act authorizes an individual with an Aspiring Teacher permit to be assigned to teach a grade level or a subject for which he or she is not fully or provisionally licensed. The act repeals the authority of the State Board of Education to require that a provisional license may be issued if an applicant for a teaching license meets minimum qualifications applicable to an applicant for a teaching or an administrator license or partially meets full licensure requirements. The act authorizes the state board to include in its rules for a tiered system of licensure an Aspiring Teacher permit. The act allows a person applying for a first-time provisional or standard licensure to be eligible to work under an Additional Licensure Plan. The act authorizes the state board to extend a provisional license. The act increases the number of school days during which a class of students may be under the instruction of a teacher who is not licensed to teach the grade level or subject matter of the class to sixty (60) days. The act amends the definition of a "long-term substitute" to increase the consecutive number of school days the long-term substitute may teach to sixty-one (61) days.

70) Act 548 - Licensure - Professional Development Requirements

The act amends the requirements under the professional development schedule for licensed teachers as it pertains to certain topics. The act requires that an applicant for an initial teaching license meet certain training requirements unless he or she is eligible for an exception. The act prohibits a public school district from requiring more than four (4) days of professional development in addition to the six (6) days of professional development included in a basic contract for a teacher.

71) Act 416 - Licensure - Tiered System of Licensure - Alternative Educator Preparation Program

The act eliminates the requirement that certain persons applying for licensure complete a test approved by the State Board of Education and submit the scores of the required test to the Division of Elementary and Secondary Education. The act also authorizes an individual who meets requirements for the issuance of a standard teaching license or a provisional license to be approved for an Additional Licensure Plan to add an area of endorsement to his or her teaching license. The act specifies that a provisional license issued by the state board shall be equivalent to a standard license for the purpose of applying for a Driver's Education Licensure Endorsement through the Additional Licensure Plan.

72) Act 791 - Licensure - Scientific Reading Instruction - Applicability

The act requires that all teachers employed in a classroom teaching position that requires a license to teach a special education course that directly relates to literacy for students in kindergarten through grade twelve (K-12) demonstrate proficiency in knowledge and practices of scientific reading instruction. The act adds an exception to the requirement that certain teachers demonstrate proficiency in knowledge and practices of scientific reading instruction for a teacher who has already demonstrated proficiency through an approved, prescribed pathway and is adding an endorsement to his or her teaching license.

N. *Technical Corrections - Education*

73) Act 109 - Title 6 - Technical Corrections

The act makes technical corrections recommended by the Arkansas Code Revision Commission to Title 6 of the Arkansas Code.

O. Transportation

74) *Act 238 - Enhanced Transportation Funding

The act amends the enhanced transportation funding provided to certain public school districts by the Division of Elementary and Secondary Education for the 2023-2024 and 2024-2025 school years. The act declares an emergency and is effective on and after March 10, 2023.

P. Open-Enrollment Public Charter Schools

75) Act 129 - Public School Choice Act of 2015 - Student Transfers - Limitations

The act permits a student who is eligible to transfer to a nonresident district under the Public School Choice Act of 2015 to transfer to a nonresident district without counting against the cap of three percent (3%) of the resident district if the student attended a preschool operated by the nonresident district for at least one (1) year before the school year in which the student intends to enroll in a kindergarten class in the nonresident district.

76) Act 649 - Public School Choice Act of 2015 - Children of Uniformed Services Families

The act defines "uniformed service member" and "uniformed service veteran" under the Public School Choice Act of 2015, repeals the deadline by which students must apply for school transfers under the Public School Choice Act of 2015 for children of uniformed services families, and allows a child to be eligible for enrollment in the public school of his or her choice if certain conditions are met.

77) Act 768 - Participation in Extracurricular Activities

The act prohibits a public school from which a student transfers or to which a student transfers under the Arkansas Opportunity Public School Choice Act or the Public School Choice Act of 2015 from denying the student the ability to participate in an extracurricular activity based exclusively on the student's decision to transfer and from disciplining a transferring student in any manner based exclusively on the student's exercise of his or her right to transfer to another public school or nonresident district; requires a student who transfers to complete a Changing Schools/Athletic Participation form; and prohibits public school district personnel and registered volunteers from recruiting students to the public school at which they are employed or volunteer for athletic purposes.

HIGHER EDUCATION

A. Employees

78) Act 778 - Employment - Generally

The act amends Arkansas law concerning employees of institution of higher education, including repealing the Higher Education Uniform Classification and Compensation Act, amending the duties of staff employed by the Arkansas Higher Education Coordinating Board, establishing extra help positions and position pools for institutions of higher education and annual career service recognition payments for employees of institutions of higher education, and amending the application of certain existing laws. The act declares an emergency and is effective on and after April 12, 2023.

79) Act 645 - Maximum Number of New or Additional Positions

The act amends the maximum number of new or additional positions that may be established by certain institutions of higher education and amends the maximum number of passenger motor vehicles for certain institutions of higher education.

80) +Act 542 - Speech - Limitations

The act prohibits a faculty member or an employee of a state-supported institution of higher education from addressing an unemancipated minor or student either with a pronoun or title that is inconsistent with the unemancipated minor's or student's biological sex or with a name other than the name listed on the unemancipated minor's or student's birth certificate, or a derivative of that name, unless there is written permission from the parent, legal guardian, or person standing in loco parentis to the unemancipated minor or student if the student is under eighteen (18) years of age. The act creates a cause of action for a person who is harmed by a violation of the act and provides for the award of injunctive relief, monetary damages, reasonable attorney's fees and costs, and any other appropriate relief.

81) +Act 511 - Implicit Bias Training

The act prohibits state-supported two-year and four-year institutions of higher education from requiring employees to complete or participate in implicit bias training and from taking adverse employment action against an employee for the employee's failure or refusal to complete or participate in implicit bias training. The act further permits an employee of a state-supported two-year or four-year institution of higher education to leave a training that he or she is attending if he or she determines that the training addresses implicit bias. The act permits state-supported two-year and four-year institutions of higher education to require implicit bias training if at least ninety-five percent (95%) of the implicit bias training is required by an accreditor, grantor, or licenser.

B. *Division of Higher Education*

82) +Act 737 - Automated External Defibrillators on Campuses

The act requires automated external defibrillators on campuses of institutions of higher education and requires the Arkansas Higher Education Coordinating Board to develop rules for automated external defibrillator and cardiopulmonary resuscitation training.

83) *Act 786 - Director of the Division of Higher Education

The act eliminates the requirement that the Governor consult with the Arkansas Higher Education Coordinating Board when appointing the Director of the Division of Higher Education and changes the title of the Director of the Division of Higher Education to the Commissioner of the Division of Higher Education. The act declares an emergency and is effective on and after April 12, 2023.

84) +Act 539 - Finances - Higher Education Grants Fund Account

The act requires the disbursement of additional funds allocated from the Higher Education Grants Fund Account for the Arkansas Academic Challenge Scholarship Program to account for the distribution of up to two million dollars (\$2,000,000) by the Division of Higher Education on behalf of students who are enrolled in a technical institute or a vocational-technical institute.

85) Act 751 - Finances - Sustainable Building Maintenance Program

The act creates the Sustainable Building Maintenance Program for State-Supported Institutions of Higher Education and permits the Division of Higher Education to authorize money to be loaned from the fund for the program to state-supported institutions of higher education for purposes of deferred maintenance, critical maintenance, or a renovation of a state-owned property.

86) +Act 811 - Opioid Overdose Rescue Kits

The act requires that by January 1, 2024, each state-supported two-year and four-year institution of higher education campus have a clearly visible and labeled opioid overdose rescue kit and requires that the location of each opioid overdose rescue kit be registered with the campus police of each state-supported two-year and four-year institution of higher education. The act requires an opioid overdose rescue kit be located within certain locations on each higher education campus.

87) +Act 413 - Rules Promulgation - Scholarships Funded With State Funds and Lottery Proceeds

The act requires the Division of Higher Education to promulgate rules or update existing division rules to allow a student who is a recipient of scholarship funded with state funds or lottery proceeds and administered by the division to enroll in and attend courses offered during a summer term at a postsecondary institution in which the student is enrolled. The act declares an emergency and is effective on and after July 1, 2023.

C. Institutions of Higher Education

88) Act 726 - Community Colleges - Boards

The act establishes an exception to the requirement that a community college board be established in the case of an institution of higher education that converts to a community college and is under the control of a board of trustees of a university system and clarifies that a board of trustees of certain technical or community colleges may also include the board of trustees of the university system that controls a community college. The act also repeals the requirement that, upon request of a citizens' group representing a proposed community college district, the State Community College Board assist in a feasibility study of the proposed district to determine whether its formation would meet statutory requirements and criteria established by the board for the formation of the district.

89) Act 519 - Community Colleges - Reconstitution of Districts

The act permits a board of a community college district that has been reconstituted to vote to establish additional zones within the reconstituted community college district and requires that any additional zones be substantially equal in population to the existing local community college board zones.

90) *Act 590 - Event Ticketing and Resale - Collegiate Sporting Events

The act repeals the criminal law prohibiting the resale of tickets in excess of their regular price to certain events, allows for the resale of tickets, prohibits a local government from regulating or prohibiting the sale or resale of a ticket for admission to a legal event or prohibiting the charge of a fee in connection with the sale or resale, regulates the sale by an institution of higher education of a ticket to a collegiate sporting event held in this state, and regulates the refund process for event tickets. The act declares an emergency and is effective on and after April 11, 2023.

91) Act 614 - Expression on Campuses

The act prohibits a state-supported institution of higher education from limiting or restricting the expression of a member of the campus community in a campus forum based on the viewpoint of the expression or the reaction or opposition from listeners to or observers of the expression and clarifies the interpretation and scope of the prohibition and the rights of members of the campus community.

92) Act 817 - Motor Vehicle Restrictions - "Passenger Motor Vehicles"

The act amends the definition for "passenger motor vehicles" in relation to the motor vehicle restrictions and authorizations for state entities and institutions of higher education to exclude vehicles that are primarily used for health screenings or providing health treatment.

93) Act 245 - South Arkansas Community College - Name Change

The act changes the name of South Arkansas Community College to South Arkansas College in sections of the Arkansas Code. The act declares an emergency and is effective on and after July 1, 2023.

94) Act 124 - University of Arkansas - Generally

The act amends provisions of the Arkansas Code regarding the University of Arkansas, including repealing certain statutes regarding the community college in Polk County, Rich Mountain Community College, and the University of Arkansas at Fort Smith; repealing certain laws concerning the powers and duties of the Board of Trustees of the University of Arkansas; requiring the board of trustees to prescribe the course of study for the campuses, divisions, and units of the University of Arkansas system; renaming eVersity the University of Arkansas Grantham; and renaming the University of Arkansas Cooperative Extension Service to the Division of Agriculture of the University of Arkansas.

D. Scholarships, Grants, and Financial Aid

95) +Act 539 - Arkansas Academic Challenge Scholarship Program - Approved Institutions

The act includes a public or private vocational-technical school and a public or private technical institute that is bonded and insured in the definition of an "approved institution of higher education" under the Arkansas Academic Challenge Scholarship Program. The act requires that an applicant who has applied for a scholarship under the program and has applied to or is enrolled in a public or private vocational-technical school or a public or private technical institute is eligible for a scholarship only if he or she is accepted for admission in a program of study that leads to an associate degree or a certificate program in industry, health care, or information technology.

96) +Act 413 - Arkansas Academic Challenge Scholarship Program - "Semester"

The act amends the definition of "semester" under the Arkansas Academic Challenge Scholarship Program to include summer courses offered at an institution of higher education. The act declares an emergency and is effective on and after July 1, 2023.

97) Act 387 - Arkansas Academic Challenge Scholarship Program - Eligibility - "Dependent"

The act defines a "dependent" as a biological child, an adopted child, or a stepchild of an individual who meets conditions for purposes of receipt of a scholarship under the Arkansas Academic Challenge Scholarship Program. The act also requires that excess tuition waiver awards that qualify for distribution be funded with funds remaining after the allocation of funding to award scholarships at levels equivalent to the awards made in the previous academic year for the Arkansas Academic Challenge Scholarship Program, Arkansas Workforce Challenge Scholarship Program, and Arkansas Concurrent Challenge Scholarship Program in the event the number of students who qualify for a tuition waiver exceeds the amount of funds appropriated for such purposes.

98) Act 438 - Arkansas Concurrent Challenge Scholarship Program - "Student"

The act expands the definition of "student" under the Arkansas Concurrent Challenge Scholarship Program to include students in grade ten (10).

99) Act 244 - Financial Aid Appeals Committee - Division of Higher Education

The act creates the Financial Aid Appeals Committee for purposes of granting or denying appeals applications and determining individuals who are eligible for appealing a financial aid decision. The act establishes the requirements for the membership of the committee and creates eligibility criteria for individuals eligible to appeal to the division to reinstate a scholarship or grant.

100) Act 386 - Arkansas Challenge Plus Scholarship Program - Created

The act creates the Arkansas Challenge Plus Scholarship Program, which awards scholarships to students who apply for a scholarship under the Arkansas Academic Challenge Scholarship Program and who demonstrate financial need; requires that Arkansas Challenge Plus Scholarship Program scholarships be funded by available net proceeds remaining from the previous academic year after the transfer of the net lottery proceeds necessary to fund the Arkansas Academic Challenge Scholarship Program, Arkansas Workforce Challenge Scholarship Program, and Arkansas Concurrent Challenge Scholarship Program and the deposit of the amount necessary to maintain the Scholarship Shortfall Reserve Trust Account; and limits the total amount of scholarships awarded under the Arkansas Challenge Plus Scholarship Program for the 2023-2024 academic year.

101) Act 842 - Psychological and Neuropsychological Testing Workforce Incentives

The act creates the Psychological and Neuropsychological Testing Workforce Scholarship, Stipend, and Incentive Program and establishes eligibility requirements for recipients under the program.

E. Students

102) Act 470 - Student Due Process - Disciplinary Proceedings

The act establishes procedural protections that are applicable to student conduct disciplinary proceedings at public two-year and four-year institutions of higher education and creates a cause of action for a student or student organization to file a claim with the Arkansas State Claims Commission to recover certain damages and fees upon a finding that rights under the act have been violated.

103) Act 589 - Arkansas Student-Athlete Publicity Rights Act

The act amends the Arkansas Student-Athlete Publicity Rights Act to apply to a student-athlete who has been accepted into admission or signed a National Letter of Intent or other agreement to enroll in an institution of higher education within the state or who is enrolled in an institution of higher education. The act allows a charitable organization that is exempt under federal law to compensate student-athletes for the commercial use of the student-athlete's publicity rights, clarifies that a student-athlete may rescind a publicity rights contract if he or she is no longer eligible to participate in an intercollegiate athletics program, clarifies that an institution of higher education, its supporting foundations, or its authorized entities are not required to compensate a student-athlete for any use of their publicity rights, clarifies that compensation or a promise to compensate for use of a student-athlete's publicity rights for purposes of recruiting, creates a cause of action for violations, and clarifies liability for damages related to an intercollegiate student-athlete's ability or inability to earn compensation. The act declares an emergency and is effective on and after April 11, 2023.

CAREER EDUCATION

104) Act 546 - Arkansas Adult Diploma Program

The act creates an Arkansas Adult Diploma Program to assist adults twenty-one (21) years of age or older in obtaining a high school diploma and developing employability skills and provides the qualifications for and duties of an approved program provider.

105) Act 648 - Career Education and Workforce Development Board - Membership and Duties

The act amends the membership of the Career Education and Workforce Development Board, amends the duties of the Office of Skills Development and the Career Education and Workforce Development Board, and amends the law to coordinate various workforce development programs.

APPROPRIATION BILLS

Each appropriation bill declares an emergency and is effective on and after July 1, 2023.

DEPARTMENT OF EDUCATION

1. Act 871 - *Secretary Office*
2. Act 428 - *Education Television*
3. Act 867 - *Career Education*
4. Act 869 - *School for Blind and Deaf*
5. Act 572 - *Public School Fund (Early Childhood, Elementary, and Secondary Education)*
6. Act 860 - *Division of Public School Academic Facilities and Transportation*
7. Act 566 - *State Library*
8. Act 870 - *Higher Education*
9. Act 568 - *MLK Commission*

KEY:

- * denotes that the act has an emergency clause, which is included in the act's summary.*
- + denotes that the act is included under an additional category within this document.*

ACT 237 OF 2023 - THE "LEARNS" ACT

These summaries are divided according to the categories addressed in Act 237 of 2023. The summaries are overviews of the topical provisions addressed; for a more thorough analysis of an act, please refer to the act itself or contact the Bureau of Legislative Research for additional guidance.

A. Curriculum

Career and Technical Education - Career Readiness

The act requires that, beginning with the ninth grade class of 2024-2025, each public high school student have the option to earn a high school diploma through a career-ready pathway, which shall be developed by the Division of Elementary and Secondary Education. The act requires each public school district to offer at least one (1) career-ready pathway that is aligned to state and regional workforce demands. Further, the act requires each public school district and open-enrollment public charter school to incorporate career awareness and exploration activities for students in grades six through eight (6-8). The act requires the Arkansas Workforce Development Board, in consultation with the Department of Education, to develop a system for collecting, analyzing, and reporting public school student outcomes associated with the completion of high-wage, high-growth career-ready pathways. The act also requires a public school student who is in a work-based learning opportunity provided in coordination with a public school district or open-enrollment public charter school to be covered by the workers' compensation insurance of the student's employer.

Course Choice Program

The act creates the Course Choice Program, which authorizes the State Board of Education to approve a course provider that shall offer courses in-person and online. The act requires the Division of Elementary and Secondary Education to create a process for common course numbering of all courses listed in the course catalog and ensure courses are in compliance with Arkansas state academic standards. The act further requires each public school district to make the course catalog created by the division available to all enrolled students. The act requires aggregate test scores of eligible students enrolled with a course provider to be counted in the annual school performance report for the public schools in which the students are enrolled. The act provides a per-course funding amount for course providers to receive on behalf of each eligible student enrolled in a course.

Diploma Pathways

The act requires a student's selected diploma pathway to be included in his or her student success plan. The act requires each student, beginning with the ninth grade class of the 2024-2025 school year, to have the option to earn a high school diploma through a career-ready pathway. The act requires the Division of Elementary and Secondary Education to develop career-ready pathways that include challenging academic courses and modern career and technical studies that are aligned with high-wage, high-growth jobs in the state.

Prohibited Topics of Instruction

The act prohibits a public school teacher from providing classroom instruction to students in kindergarten through grade four (K-4) on sexually explicit materials, sexual reproduction, sexual intercourse, gender identity, and sexual orientation.

B. Early Childhood

Unified Early Childhood Care and Education System

The act transfers the Division of Child Care and Early Childhood Education from the Department of Human Services to the Department of Education. The act requires the State Board of Education to use available public and private funds to establish pilot programs administered by local childhood lead organizations. The act requires the Department of Education to establish a locally supported plan for early childhood programs and services and requires the state board to establish kindergarten readiness standards and a uniform accountability system for publicly funded early childhood education programs. The act requires that, by October 1, 2024, and before the cabinet-level transfer, the Secretary of the Department of Education engage with early childhood stakeholders to advise the Office of Early Childhood on recommendations on the transition of functions and funds between the agencies.

C. Employees (Classified)

Trainings and Orientations - Prohibited Topics

The act prohibits public school employees, representatives, and guest speakers from compelling a person to adopt, affirm, or profess an idea that is in violation of Title IV and Title VI of the Civil Rights Act of 1964. The act prohibits a public school district from requiring employees or students to attend trainings or orientations based on prohibited indoctrination or Critical Race Theory.

Employment Benefits and Procedures - Repeals

The act repeals the Arkansas Traveling Teacher Program, which permits qualified individuals and school districts to enter into agreements in order to provide traveling teacher services to school districts meeting certain criteria. The act also repeals the Teacher Fair Dismissal Act and the Public School Employees Fair Hearing Act.

D. Graduation Requirements

Community Service Diploma Requirements

The act requires each public high school student, beginning with the graduating class of 2026-2027, to complete at least seventy-five (75) hours of documented community service in grades nine through twelve (9-12) with specific requirements established for each grade.

E. Open-Enrollment Public Charter Schools

Applications and Renewals of Charters

The act repeals the limitation on the State Board of Education to grant no more than twenty-four (24) charters and repeals the prohibition against open-enrollment public charter schools opening in the service area of a public school district administratively reorganized by statute during a certain time period. The act creates an expedited renewal process for open-enrollment public charter schools that meet certain criteria, including having a school rating above the state average, demonstrating exceptional academic growth with enrolled students, and adhering to operational requirements. The act allows the Department of Education to provide for an open-enrollment public charter school facilities funding program and to contract with a third-party administrator to create a revolving loan fund for the purpose of financing open-enrollment public charter school facilities projects.

F. School Districts - Generally

Public School District Superintendents and Assistant Superintendents

The act requires school district boards of directors to employ one (1) or more assistant superintendents and establish, as part of a superintendent's employment contract, written performance targets at both the school level and the district level, including student achievement targets and graduation rate targets.

Child Sexual Abuse and Human Trafficking Prevention Program

The act requires public schools to implement a child sexual abuse and human trafficking prevention program, provide training for teachers on child sexual abuse and human trafficking prevention, notify parents and legal guardians when instruction on child sexual abuse and human trafficking prevention occurs, and allow parents and legal guardians to exempt their child from instruction on child sexual abuse and human trafficking prevention. The act requires the Division of Elementary and Secondary Education to enhance or adapt curriculum materials to assist public schools in providing the required instruction on child sexual abuse and human trafficking prevention.

School Safety and Safe Schools Initiative

The act requires school districts and open-enrollment public charter schools to collaborate with medical professionals, fire departments, and local law enforcement and emergency management officials when forming emergency protocols; have a school safety expert review and advise on new construction facility plans; form District Safety and Security Teams; train school nurses and staff on emergency medical responses; and update and review cybersecurity policies annually. The act also requires the Department of Education to make crisis training available to school personnel and relevant stakeholders.

Transformation Campuses

The act states that a public school with a "D" or "F" school rating or a public school district classified as in need of Level 5 – Intensive support is eligible to partner with an open-enrollment public charter school or other approved entity to operate a public school district transformation campus. The act also prohibits the establishment of a maximum on school choice transfers into or from a public school unless the public school is required to do so according to an enforceable desegregation order or a public school district's court-approved desegregation plan.

G. Students - Generally

Literacy and Numeracy

The act requires the existing statewide student assessment system to include high-quality, evidence-based literacy screeners for kindergarten through grade three (K-3) students, which shall be used to determine a student's progression in reading in kindergarten through grade three (K-3). The act requires the Division of Elementary and Secondary Education to collect and publish aggregated overall state literacy assessment results from public school districts and open-enrollment public charter schools annually and requires that a student who has not met the third-grade reading standard, as defined by the State Board of Education, or does not have a good-cause exemption, not be promoted to grade four (4). The act requires the division to provide, train, and assign literacy coaches to low-performing public schools based on the most recent kindergarten through grade three (K-3) literacy screener, subject to legislative appropriation. The act also requires each public school district and open-enrollment public charter school to develop a math intervention plan for each student in grades three through eight (3-8) who is not performing at or above grade level on the state assessment, which may include providing access to math tutoring and assigning the student to a teacher who meets certain qualifications.

H. School Resource Officers

Training - Youth Mental Health First Aid

The act requires that school resource officers attend a training in youth mental health rather than obtaining certification in Youth Mental Health First Aid.

I. Teachers

Compensation - Salaries, Loan Forgiveness, and Incentives

The act increases the amount of loan repayments under the State Teacher Education Program to six thousand dollars (\$6,000); establishes the minimum base salary for teachers to be fifty thousand dollars (\$50,000); and requires, during the 2023-2024 school year, each teacher to be paid at least two thousand dollars (\$2,000) more than his or her current salary amount. The act requires each school district to meet certain criteria in order to receive state funds to implement the minimum base salary and salary increases, provides for an annual bonus of up to ten thousand dollars (\$10,000) to qualifying teachers, and establishes the categories into which a teacher may fall to be eligible for the annual bonus. The act creates the Arkansas Teacher Academy Scholarship Program, which provides annual scholarships of the cost of tuition and fees at an institution of higher education or the amount for obtaining a teaching license, including the cost of one (1) required examination, and requires participants to agree to teach for at least one (1) full school year in a school that serves primarily public school students with disabilities. The act requires institutions of higher education that establish an Arkansas Teacher Academy to develop partnerships with public schools and requires the Division of Higher Education to create an administrative process and distribution criteria in order to implement the program.

Employment Generally

The act repeals the requirement that specific information be included in school district employment contracts. The act requires a public school district superintendent to consult with teachers employed by the public school district before making decisions regarding the hiring or placement of a principal at the public school in which the teachers are employed. The act establishes the criteria for public school district hiring decisions, reduction-in-force procedures, and other employment-related decisions. The act establishes paid maternity leave for education personnel based on a cost-sharing agreement between the Division of Elementary and Secondary Education and a public school district or open-enrollment public charter school that elects to participate. The act repeals the statute that establishes incentives for teacher recruitment and retention in high-priority districts.

J. Transportation

Transportation Modernization Grant Program

The act creates the Transportation Modernization Grant Program to improve access to transportation for students attending a public school district, an open-enrollment public charter school, or a licensed childcare center serving publicly funded students and to support transportation innovations and efficiency solutions. The act establishes the purposes for which grants under the program shall be used. The act requires the Department of Education to submit an interim report by December 15, 2023, and a final report by June 30, 2024, that describes the best practices used by grant recipients to transport students, provides a list of grant recipients and the amounts and purposes of the grants, and specifies the number of children impacted per grant recipient.

K. Arkansas Children's Educational Freedom Account Program

The act creates the Arkansas Children's Educational Freedom Account Program, which establishes a phased-in approach whereby qualifying students may attend a participating private school or a participating service provider. The act requires that funds allocated annually to participating student accounts be in an amount equal to ninety percent (90%) of the prior year's foundation funding amount allocated per student.

Participating Students – Eligibility Requirements

2023-2024	2024-2025	2025-2026
Disability identified under IDEA	Eligible in 2023-2024 school year	Resident of the State of Arkansas
Considered homeless under McKinney-Vento Homeless Assistance Act	Enrolled in a public school with a “D” or “F” rating	
Foster child or former foster child	Child of a veteran, military reserves	
Currently participating in Succeed Scholarship Program	Child of first responder or law enforcement officer	
Child of active-duty military personnel		
Enrolled in previous year in a school with an “F” rating or in need of Level 5 – Intensive Support		
Enrolling in kindergarten for first time		

Participating Students – Maximum Enrollment

2023-2024	2024-2025	2025-2026
A maximum of 1.5% of the 2022-2023 total public school student enrollment may participate	A maximum of 3% of the 2022-2023 public school enrollment, which includes students who continue to participate from 2023-2024	No maximum

Qualifying Expenses

2023-2024	2024-2025 - thereafter
Tuition	All those from 2023-2024
Fees	Instructional materials
Cost of testing	Tutoring and curriculum
School uniforms	Services for students with disabilities
Expenses determined to be “necessary,” including, e.g., supplies, equipment, technology, and services	Transportation and any other fees approved by the Division of Elementary and Secondary Education

Participating Schools

A private school that offers students a full academic curriculum and full academic year experience and receives payments from program accounts to provide goods and services that are considered to be qualifying expenses

Shall meet accreditation requirements as established by the State Board of Education or an accrediting association or be an associate member of or have applied for accreditation by the Arkansas Nonpublic School Accrediting Association, Inc. A participating school must receive accreditation within 4 years of becoming an eligible participating school.

Shall demonstrate fiscal soundness by having been in operation for at least 1 school year or by providing the Department of Education a statement from a CPA confirming the school is insured and has sufficient capital or credit to operate

Additional certifications and agreements, including:

- Shall not discriminate;
- Shall remain academically accountable to parents;
- Shall employ or contract with teachers who have at least baccalaureate degrees or equivalent, documented experience;
- Shall adhere to its published disciplinary procedures for all;
- Shall follow all state laws and rules, including applicable health and safety laws; and
- Shall complete and maintain background checks of all employees.

Rules

The act requires the State Board of Education to promulgate rules to implement the Arkansas Children's Educational Freedom Account Program, including on:

- *The process for determining eligibility for students, schools, and service providers;*
- *The process for conducting account and program audits;*
- *The authority of the Division of Elementary and Secondary Education to deem a student ineligible to participate in the program and refer a case involving the misuse of account funds for investigation;*
- *The establishment or creation of a contract for the establishment of an online, anonymous fraud reporting service, including a telephone hotline;*
- *The requirement that participating service providers receiving more than \$100,000 in account funds have a surety bond;*
- *A mechanism for the refunding of payments from service providers back to an original account under certain circumstances;*
- *The requirements related to state procurement laws and procedures; and*
- *A means for preventing unreasonable inflation or fraud in tuition and fees.*

Testing

Each participating school and service provider shall provide for each participating student to annually take a state board-approved assessment, except if the participating student has some form of exemption. The department shall develop a process for the collection and aggregate reporting of the assessment results, including the public dissemination of the results collected by participating schools and participating service providers.