

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

As Engrossed: S3/3/11
A Bill

SENATE BILL 81

5 By: Senator J. Jeffress
6

7 **For An Act To Be Entitled**

8 AN ACT TO IMPROVE THE EFFECTIVENESS OF PUBLIC SCHOOL
9 ALTERNATIVE LEARNING ENVIRONMENTS; AND FOR OTHER
10 PURPOSES.
11

12
13 **Subtitle**

14 TO IMPROVE THE EFFECTIVENESS OF PUBLIC
15 SCHOOL ALTERNATIVE LEARNING
16 ENVIRONMENTS.
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18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 *SECTION 1. Arkansas Code § 6-15-202(38) and (39), concerning the*
22 *Department of Education's review of the accreditation status of a school*
23 *district, are amended to read as follows:*

24 *(39) ~~§ 6-18-508~~ § 6-48-101 et seq. concerning alternative*
25 *learning environments;*

26 *(40) ~~§ 6-18-509~~ § 6-48-103 concerning assessment and*
27 *intervention in alternative learning environments;*
28

29 *SECTION 2. Arkansas Code § 6-18-508 and § 6-18-509 are repealed.*

30 *~~6-18-508. Alternative learning environment.~~*

31 *~~(a) Every school district shall establish an alternative learning~~*
32 *~~environment that shall afford students an environment conducive to learning.~~*

33 *~~(b) The alternative learning environment required by this section may~~*
34 *~~be established by more than one (1) school district or may be operated by an~~*
35 *~~education service cooperative established under The Education Service~~*
36 *~~Cooperative Act of 1985, § 6-13-1001 et seq.~~*



1 ~~(c) The Department of Education shall establish criteria for teacher~~
2 ~~preparation for alternative learning environments, which shall include~~
3 ~~inservice training.~~

4 ~~(d)(1)(A) Each school district shall report on a yearly basis to the~~
5 ~~department the race, gender, and other pertinent information regarding~~
6 ~~alternative learning environment attendees.~~

7 ~~(B) This information shall be reported by the department~~
8 ~~to the Joint Interim Oversight Subcommittee on Educational Reform by~~
9 ~~September 15 of each year.~~

10 ~~(2) The Arkansas Pygmalion Commission on Nontraditional~~
11 ~~Education will also report its findings by the same time each year to the~~
12 ~~same legislative body.~~

13
14 ~~6-18-509. Assessment and intervention in alternative learning~~
15 ~~environments.~~

16 ~~(a) As used in this section, "intervention services" means activities~~
17 ~~within or outside a school that will eliminate traditional barriers to~~
18 ~~learning.~~

19 ~~(b) An Arkansas school district electing to operate an alternative~~
20 ~~class or school should provide for:~~

21 ~~(1) Student assessment either before or upon entry into the~~
22 ~~class or school; and~~

23 ~~(2) Intervention services designed to address the specific~~
24 ~~educational needs of individual students.~~

25 ~~(c) A student assigned to an alternative class or school for~~
26 ~~behavioral reasons must receive intervention services designed to address the~~
27 ~~student's behavioral problems. Such intervention services shall not be~~
28 ~~punitive in nature but must be designed for long term improvement of the~~
29 ~~student's ability to control his or her behavior.~~

30 ~~(d) Along with its annual report to the Department of Education, a~~
31 ~~school district shall submit an assurance statement that it is in compliance~~
32 ~~with the establishment of an alternative learning environment.~~

33 ~~(e) The department shall work with alternate classes and schools in~~
34 ~~assisting them in complying with the provisions of this section.~~

35 ~~(f) The department shall periodically, but not less often than every~~
36 ~~three (3) years, monitor each school district or cooperative to ensure that~~

~~1 alternative learning environments have been established, are conducive to
2 learning, and are providing intervention services designed to address
3 individual needs of students.~~

~~4 (g) A school district that does not comply with these provisions shall
5 be identified each year in the department's annual school district report
6 card.~~

7
8 SECTION 3. Arkansas Code § 6-20-2303(2), concerning the definition of
9 alternative learning environments for the purpose of public school funding,
10 is amended to read as follows:

11 (2)(A) "Alternative learning environment" means a student
12 intervention program in compliance with ~~§§ 6-18-508 and 6-18-509~~ § 6-48-101
13 et seq. that seeks to eliminate traditional barriers to learning for
14 students.

15 ~~(B) The State Board of Education shall promulgate rules
16 that explicate not only which alternative learning environment programs shall
17 qualify for funding, but also the characteristics of students who qualify for
18 funding because they have been placed in an alternative learning environment
19 program;~~

20
21 SECTION 4. Arkansas Code Title 6 is amended to add an additional
22 chapter to read as follows:

23 Chapter 48

24 Alternative Learning Environments

25
26 6-48-101. Definitions.

27 As used in this chapter:

28 (1)(A)(i) "Alternative learning environment" means an alternate
29 class or school that affords all students an environment that seeks to
30 eliminate barriers to learning for students whose academic and social
31 progress are negatively affected by the student's personal characteristics or
32 situation.

33 (ii) The Department of Education shall by rule more
34 fully define the student's personal characteristics and situations applicable
35 under this chapter.

36 (B) An alternative learning environment is not a punitive

1 environment but one that is conducive to learning; and

2 (2) "Intervention services" means activities within or outside a
3 school that will eliminate traditional barriers to learning.

4
5 6-48-102. Alternative learning environment required -- Reporting.

6 (a)(1) A school district shall provide one (1) or more alternative
7 learning environments for all students who meet the minimum criteria
8 established by the Department of Education.

9 (2) A school district complies with this section if the school
10 district provides an alternative learning environment by one (1) or more of
11 the following methods:

12 (A) Establishes and operates an alternative learning
13 environment;

14 (B) Cooperates with one (1) or more other school districts
15 to establish and operate an alternative learning environment; or

16 (C) Uses an alternative learning environment operated by
17 an education service cooperative established under The Education Service
18 Cooperative Act of 1985, § 6-13-1001 et seq.

19 (b) Annually, a school district shall submit to the department:

20 (1) Information on race and gender of the students educated in
21 the alternative learning environment;

22 (2) Any other information regarding students educated in
23 alternative learning environments that the department requires by rule; and

24 (3) An assurance statement that the school district is in
25 compliance with this chapter.

26
27 6-48-103. Assessment and intervention services.

28 (a) An alternative learning environment shall:

29 (1) Assess a student either before or upon entry into the
30 alternative learning environment; and

31 (2) Provide intervention services designed to address a
32 student's specific educational needs.

33 (b)(1) A student assigned to an alternative learning environment for
34 behavioral reasons shall receive intervention services designed to address
35 the student's behavioral needs.

36 (2) The intervention services shall not be punitive in nature

1 but shall be designed for long-term improvement of the student's ability to
2 control his or her behavior.

3
4 6-48-104. Department of Education responsibilities.

5 (a) The Department of Education shall promulgate rules to implement
6 this chapter, including without limitation rules that establish:

7 (1) The criteria for distributing state funding for alternative
8 learning environment programs.

9 (A) The criteria shall identify the characteristics of
10 students who may be counted for the purpose of funding an alternative
11 learning environment program including without limitation that a student is
12 educated in the alternative learning environment for a minimum of twenty (20)
13 consecutive days.

14 (B) If a student is educated in the alternative learning
15 environment for fewer than twenty (20) days, the department may provide
16 funding to a school district based on the actual number of days the student
17 is educated in the alternative learning environment if the student:

18 (i) Leaves the school district to transfer to
19 another alternative learning environment; or

20 (ii) Is placed in a residential treatment program;

21 (2)(A) The criteria for teacher training for teachers in
22 alternative learning environments, including without limitation:

23 (i) In-service training in classroom management; and

24 (ii) Training in additional areas related to the
25 specific needs and characteristics of students who are educated in
26 alternative learning environments.

27 (B) The department shall award professional development
28 credit for the training under this subdivision (a)(2); and

29 (3) Measures of effectiveness for alternative learning
30 environments that measure:

31 (A) For the students educated in the alternative learning
32 environment the effect on the students':

33 (i) School performance;

34 (ii) Need for intervention; and

35 (iii) School attendance and dropout rate; and

36 (B) Any other characteristic of alternative learning

1 environments deemed necessary by the department.

2 (b)(1) As part of the department's accreditation review of a school
3 district under § 6-15-202, the department shall evaluate each alternative
4 learning environment to ensure that the alternative learning environment is:

5 (A) Established and operated in compliance with this
6 chapter; and

7 (B) Effective under the measurements established by the
8 department under this section.

9 (2) The department shall identify a school district's
10 noncompliance with this chapter on the school district's annual report card.

11 (c) The department shall identify information concerning best
12 practices for educating students in alternative learning environments and
13 disseminate that information to teachers and administrators working in
14 alternative learning environments.

15 (d) Annually by September 15 the department shall provide to the House
16 Interim Committee on Education and the Senate Interim Committee on Education
17 a report on:

18 (1) The information reported to it under § 6-48-102; and

19 (2) The effectiveness of alternative learning environments
20 evaluated under this chapter.

21
22 SECTION 5. EMERGENCY CLAUSE. It is found and determined by the
23 General Assembly of the State of Arkansas that it is the constitutional
24 obligation of the state to ensure that the state's public school children
25 receive an equal opportunity for an adequate education; that to ensure that
26 opportunity, it is essential that the state's public schools and education
27 service cooperatives operate effective alternative learning environments;
28 that the immediate effectiveness of this bill is necessary for the
29 implementation of the funding changes and for the public schools and
30 education service cooperatives to operate effective alternative learning
31 environments under this bill throughout the state by the 2011-2012 school
32 year; and that any delay in the effective date of this act could work
33 irreparable harm to the quality of education available to students who are
34 educated in alternative learning environments in this state. Therefore, an
35 emergency is declared to exist and this act being necessary for the
36 preservation of the public peace, health, and safety shall become effective

1 on July 1, 2011.

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/s/J. Jeffress

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APPROVED: 04/04/2011

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