

1 State of Arkansas
2 93rd General Assembly
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4

As Engrossed: S3/11/21

A Bill

SENATE BILL 349

5 By: Senators A. Clark, J. English, M. Johnson
6 By: Representatives Brooks, Lowery
7

For An Act To Be Entitled

9 AN ACT CONCERNING PRACTICES, INTERVENTIONS, AND
10 CURRICULUM THAT ARE BASED ON THE SCIENCE OF READING;
11 TO ADJUST FUNDING FOR PUBLIC SCHOOLS THAT OFFER
12 CERTAIN TYPES OF READING PRACTICES, INTERVENTIONS,
13 AND CURRICULUM THAT ARE NOT ALIGNED WITH THE SCIENCE
14 OF READING; TO CREATE THE EDUCATION OMBUDSMAN WITHIN
15 THE DIVISION OF ELEMENTARY AND SECONDARY EDUCATION;
16 AND FOR OTHER PURPOSES.

Subtitle

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20 TO ADJUST FUNDING FOR PUBLIC SCHOOLS THAT
21 OFFER CERTAIN TYPES OF READING PRACTICES,
22 INTERVENTIONS, AND CURRICULUM NOT ALIGNED
23 WITH THE SCIENCE OF READING; AND TO
24 CREATE THE EDUCATION OMBUDSMAN.
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27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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29 SECTION 1. Arkansas Code § 6-17-429(i), concerning violating
30 provisions of the Right to Read Act, is amended to add an additional
31 subdivision to read as follows:

32 (3)(A) A public school district or an open-enrollment public
33 charter school shall not use a program of instruction for students in
34 kindergarten through grade two (K-2) that is based in any practice or
35 intervention program that utilizes:

36 (i) The three-cueing system model of reading;



1 (ii) Visual memory as the primary basis for teaching
2 word recognition; or

3 (iii) The three-cueing system model of reading based
4 on meaning, structure and syntax, and visual, which is also known as "MSV".

5 (B)(i) Beginning with the 2023-2024 school year, if the
6 state board determines that a public school district or an open-enrollment
7 public charter school has violated subdivision (i)(3)(A) of this section, the
8 state board shall notify the public school district or the open-enrollment
9 public charter school of its violation.

10 (ii)(a) If a public school district or an open-
11 enrollment public charter school fails to remedy its violation under
12 subdivision (i)(3)(A) of this section within sixty (60) days of notification
13 of its failure to comply with subdivision (i)(3)(A) of this section, the
14 state board shall direct the division to withhold a maximum of ten percent
15 (10%) of the monthly distribution of state foundation funding aid to the
16 public school district or open-enrollment public charter school as provided
17 under § 6-20-2305(a)(1)(B).

18 (b) Once the state board determines that a
19 public school district or open-enrollment public charter school has complied
20 with this section, the division shall restore the monthly distribution of
21 state foundation funding aid to the public school district or open-enrollment
22 public charter school to its original amount before the reduction was made
23 under subdivision (i)(3)(B)(ii)(a) of this section.

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25 *SECTION 2. Arkansas Code § 6-17-429, concerning the Right to Read Act,*
26 *is amended to add an additional subsection to read as follows:*

27 (1)(1) The Secretary of the Department of Education shall hire an
28 Education Ombudsman to assist the division in the enforcement of this
29 section, including without limitation enforcing the requirements for:

30 (A) Demonstrating proficiency;

31 (B) Providing professional development; and

32 (C) Using a permitted program of instruction.

33 (2) The secretary may designate additional requirements related
34 to public education, including without limitation the enforcement of literacy
35 requirements.

36 (3) The secretary shall supervise the Education Ombudsman and

1 shall not delegate supervision to an employee of the division.

2 (4)(A) The minimum qualifications for the Education Ombudsman
3 shall include a master's degree in:

4 (i) Education; or

5 (ii) A related field.

6 (B) An individual who has served as a past public school
7 district superintendent or who serves as a current public school district
8 superintendent is not eligible to serve as the Education Ombudsman under this
9 section.

10 (5) The Education Ombudsman may:

11 (A) Communicate with:

12 (i) A public school student, with permission from a
13 parent, legal guardian, or person standing in loco parentis of the public
14 school student;

15 (ii) A parent, legal guardian, or person standing in
16 loco parentis of a public school student; and

17 (iii) Administration, faculty, and staff employed by
18 a public school district or open-enrollment public charter school;

19 (B) Review an issue or concern related to the education of
20 a public school student enrolled in a public school or open-enrollment public
21 charter school;

22 (C) Recommend training and resources to a public school,
23 public school district, or open-enrollment public charter school; and

24 (D) Request support and assistance from the division to be
25 provided to a public school, public school district, or open-enrollment
26 public charter school.

27 (6)(A) The Education Ombudsman shall prepare and submit an
28 annual report to the state board concerning the work of the Education
29 Ombudsman and any recommendations related to the focus areas of the Education
30 Ombudsman.

31 (B) The report required under subdivision (1)(6)(A) of
32 this section shall be submitted every two (2) years to the:

33 (i) House Committee on Education; and

34 (ii) Senate Committee on Education.

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/s/A. Clark