

Stricken language would be deleted from and underlined language would be added to present law.

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

As Engrossed: S3/29/21

# A Bill

SENATE BILL 564

5 By: Senator Elliott  
6

## For An Act To Be Entitled

8 AN ACT TO CREATE THE ARKANSAS TUTORING CORPS ACT; TO  
9 SUPPORT THE IMPLEMENTATION OF A SUSTAINABLE TUTORING  
10 PROGRAM IN RESPONSE TO LEARNING LOSS; TO DECLARE AN  
11 EMERGENCY; AND FOR OTHER PURPOSES.  
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## Subtitle

14 TO CREATE THE ARKANSAS TUTORING CORPS  
15 ACT; TO SUPPORT THE IMPLEMENTATION OF A  
16 SUSTAINABLE TUTORING PROGRAM IN RESPONSE  
17 TO LEARNING LOSS; AND TO DECLARE AN  
18 EMERGENCY.  
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
23

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

26 *Subchapter 30 – Arkansas Tutoring Corps Act*  
27

28 *6-15-3001. Title.*

29 *This subchapter shall be known and may be cited as the "Arkansas*  
30 *Tutoring Corps Act".*  
31

32 *6-15-3002. Legislative findings.*

33 *The General Assembly finds that:*

34 *(1) Data suggests that learning loss suffered as a result of the*  
35 *coronavirus 2019 (COVID-19) pandemic will be substantial, particularly for*  
36 *the state's most vulnerable students, with recent studies showing that these*



1 students on average could lose five (5) to nine (9) months of learning by the  
2 end of the 2021 school year;

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

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

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

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

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

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

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

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

32 6-15-3003. Definitions.

33 As used in this subchapter:

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

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

1 (A) A public school or open-enrollment public charter  
2 school located within this state;

3 (B) An education service cooperative;

4 (C) An institution of higher education located within this  
5 state; or

6 (D) A community facility that meets the requirements  
7 established by the division.

8 6-15-3004. Development of program.

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

10 (A) Identify qualified tutors;

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

15 (C) Ensure training modules related to the identified  
16 curriculum are provided to qualified tutors before the qualified tutors begin  
17 tutoring;

18 (D) Ensure ongoing support is provided to qualified  
19 tutors; and

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

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

25 (A) Offers statewide coverage; and

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

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

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

31 (2) Develop guidelines for public schools and open-enrollment  
32 public charter schools to use funding from the Elementary and Secondary  
33 School Emergency Relief Fund (ESSER Fund) and the American Rescue Plan Act of  
34 2021, Pub. L. No. 117-2, to provide compensation and stipends to qualified  
35 tutors serving their students in the near term.

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

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2 SECTION 2. DO NOT CODIFY. Rules.

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

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

7 (2) If approval under § 10-3-309 has not occurred by January 1,  
8 2022, as soon as practicable after approval under § 10-3-309.

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

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

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

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

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

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34 */s/Elliott*