

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

# A Bill

Call Item 1  
SENATE BILL 2

5 By: Senators A. Clark, Beckham, Hester, Irvin  
6

## For An Act To Be Entitled

8 AN ACT TO ESTABLISH THE EMERGENCY PANDEMIC CHILD AND  
9 FAMILY PROTECTION LOCAL CONTROL AND CHOICE IN  
10 EDUCATION ACT; AND FOR OTHER PURPOSES.  
11

## Subtitle

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14 TO ESTABLISH THE EMERGENCY PANDEMIC CHILD  
15 AND FAMILY PROTECTION LOCAL CONTROL AND  
16 CHOICE IN EDUCATION ACT.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code Title 6, Chapter 13, Subchapter 1, is amended  
22 to add an additional section to read as follows:

23 6-13-114. Emergency Pandemic Child and Family Protection Local Control  
24 and Choice in Education Act.

25 (a) As used in this section:

26 (1) "Extracurricular activity" means an intraschool activity not  
27 included in a regular curriculum, including without limitation sports and  
28 special interest clubs or groups;

29 (2) "Funding" means the lesser of the amount of money specified  
30 by the General Assembly for each school year to be expended by a public  
31 school district for the provision of an adequate education for each public  
32 school student or the amount of tuition, fees, and costs required for a  
33 student to attend a private school, home school or virtual school;

34 (3) "Interscholastic activity" means an interschool activity not  
35 included in a regular curriculum, including without limitation sports and  
36 special interest clubs or groups that are subject to regulations of the



1 Arkansas Activities Association; and

2 (4) "Pandemic emergency" means any period during which the  
3 Centers for Disease Control and Prevention or the Department of Health  
4 recommends the wearing of face masks, face shields, or face coverings in  
5 schools.

6 (b) During a pandemic emergency, each local school district board of  
7 directors shall establish a policy concerning quarantine requirements and  
8 whether or not to impose a mandate in the school district's schools regarding  
9 the use of face masks, face shields, or other face coverings.

10 (c)(1) Based on the policy established by a student's assigned public  
11 school or public school district under subsection (b) of this section, upon  
12 the request of a parent, legal guardian, person standing in loco parentis, or  
13 student if the student is over eighteen (18) years of age, a student may  
14 transfer from his or her assigned public school district to:

15 (A) An alternate public school district or open-enrollment  
16 public charter school;

17 (B) A private school;

18 (C) A home school; or

19 (D) A virtual school offered within the State of Arkansas.

20 (2) Except as provided in subsection (d) of this section, a  
21 transfer under subdivision (c)(1) of this section:

22 (A) May, upon the choice of the parent, legal guardian,  
23 person standing in loco parentis, or student if the student is over eighteen  
24 (18) years of age, operate as an irrevocable election for each subsequent  
25 entire school year and remain in force until the student completes high  
26 school or the parent, legal guardian, person standing in loco parentis, or  
27 student if the student is over eighteen (18) years of age timely makes  
28 application under a provision of law governing attendance in or transfer to  
29 another public school district other than the student's assigned public  
30 school district; and

31 (B) Shall take effect immediately upon the notification of  
32 application by a parent, legal guardian, person standing in loco parentis, or  
33 student if the student is over eighteen (18) years of age to the alternate  
34 public school district or open-enrollment public charter school, private  
35 school, home school, or virtual school.

36 (d)(1) A school to which a student intends to transfer under

1 subdivision (c)(1)(A) of this section shall not deny the student the ability  
2 to attend the school under this section unless there is a limitation as  
3 described in subdivision (d)(2) of this section at the school to which the  
4 student seeks to transfer.

5 (2) A limitation may be claimed by a school to which a student  
6 intends to transfer under subdivision (c)(1)(A) of this section only if the:

7 (A)(i) School to which a student intends to transfer has  
8 reached the maximum student-to-teacher ratio allowed under federal law, state  
9 law, the Standards of Accreditation of Arkansas Public Schools and School  
10 Districts, state rules, or other applicable federal regulations.

11 (ii) A public school district may accept the  
12 application of a student transferring to the public school district under  
13 this section even if enrolling the student would cause the public school  
14 district to exceed the numerical net maximum limit on school choice transfers  
15 under § 6-18-1906.

16 (iii)(a) An open-enrollment public charter school  
17 may accept the application of a student transferring to the open-enrollment  
18 public charter school under this section even if enrolling the student would  
19 cause the open-enrollment public charter school to exceed the number of  
20 students specified in its charter.

21 (b) Subject to any limitations stated in this  
22 section, a student who transfers to an open-enrollment public charter school  
23 shall be allowed to continue attending the open-enrollment public charter  
24 school regardless of whether the student’s enrollment causes the open-  
25 enrollment public charter school to exceed the number of students specified  
26 in its charter;

27 (B) Student who intends to transfer under this section has  
28 previously been expelled from a public school district, open-enrollment  
29 public charter school, or private school; or

30 (C) School to which a student intends to transfer would  
31 require additional building structures in order to accommodate the  
32 transferring student.

33 (e)(1) For purposes of determining a public school district’s  
34 foundation funding amount under § 6-20-2305, a nonresident student who  
35 transfers to an alternate public school district or open-enrollment public  
36 charter school under subdivision (c)(1)(A) of this section shall be counted

1 as part of the average daily membership of the public school district to  
2 which the student has transferred.

3 (2)(A) The funding associated with a student who transfers to a  
4 private school, home school, or virtual school under subdivisions (c)(1)(B)-  
5 (D) of this section shall follow the student to the private school, home  
6 school, or virtual school as applicable.

7 (B)(i) For a student transferring to an alternate public  
8 school district or open-enrollment public charter school, private school, or  
9 virtual school, funding shall be disbursed to the alternate public school  
10 district or open-enrollment public charter school, private school, or virtual  
11 school.

12 (ii) For a student transferring to home school,  
13 funding shall be disbursed to the parent, legal guardian, person standing in  
14 loco parentis, or student if the student is over eighteen (18) years of age.

15 (f) Funding received by a nonpublic school under this section shall be  
16 used for only the following expenses of the student:

17 (1) Tuition, fees, and the cost of required uniforms for the  
18 nonpublic school;

19 (2) Textbooks required by a nonpublic school;

20 (3) Tutoring services provided by a:

21 (A) Teacher who is licensed by the State Board of  
22 Education;

23 (B) Person qualified to be a substitute teacher under § 6-  
24 15-1004 and the rules of the state board;

25 (C) Person who has at least one (1) semester of teaching  
26 experience at an institution of higher education; or

27 (D) Tutoring facility with a license to operate in this  
28 state;

29 (4) Specific course materials, including without limitation any  
30 required supplemental materials;

31 (5) Fees for:

32 (A) Nationally standardized assessments, including without  
33 limitation assessments required by the state board of all public students and  
34 nationally recognized norm-referenced examinations;

35 (B) Advanced Placement exams;

36 (C) College placement examinations, including without

1 limitation the ACT and the SAT;

2 (D) Industry certification examinations; or

3 (E) Other assessments necessary to complete an eligible  
4 student's course of study;

5 (6) Fees for specialized after-school or summer education  
6 programs whose primary purpose is to provide academic instruction;

7 (7)(A) Services that are provided by a public school district or  
8 an open-enrollment public charter school, including without limitation  
9 academic courses, nonacademic programs, and extracurricular programs.

10 (B) A public school district or an open-enrollment public  
11 charter school that provides services to a student who transferred to a  
12 nonpublic school under this section is entitled to receive an amount that is  
13 not more than one-sixth (1/6) of the state foundation funding amount that  
14 would be received by the public school district or open-enrollment public  
15 charter school under § 6-20-2305(a)(2) for each academic course in which the  
16 student is enrolled as described in § 6-18-232;

17 (8) Tuition and fees at an in-state or out-of-state institution  
18 of higher education if the student is enrolled both in high school and an  
19 academic course at an in-state or out-of-state institution of higher  
20 education;

21 (9) Textbooks and materials related to coursework at an  
22 institution of higher education if an student is enrolled in an academic  
23 course at an in-state or out-of-state institution of higher education;

24 (10) Specialized services that are necessary to facilitate a  
25 student's education, including without limitation:

26 (A) Applied behavior analysis as defined in § 23-99-418;

27 (B) Audiology as defined in § 17-100-103;

28 (C) Dyslexia support;

29 (D) Occupational therapy as defined in § 17-88-102;

30 (E) Physical therapy as defined in § 17-93-102;

31 (F) Speech-language pathology as defined in § 17-100-103;

32 and

33 (G) Other services approved by the Division of Elementary  
34 and Secondary Education; and

35 (11)(A) Transportation required for travel to and from a  
36 nonpublic school.

1                   (B) Expenses related to transportation under subdivision  
2 (f)(11)(A) of this section shall not exceed ten percent (10%) of the funding  
3 provided for the student for that academic year.

4           (g) Funding received by a public school under this section shall be  
5 used only for the following expenses:

6                   (1) Public school technology enhancements, including without  
7 limitation:

8                           (A) Wireless access points;

9                           (B) Installation of cabling;

10                           (C) Wireless internet hot spots that are available for  
11 check out;

12                           (D) Laptop computers; and

13                           (E) Tablet computers;

14                   (2) Building upgrades and repairs for:

15                           (A) Heating, ventilation, and air conditioning upgrades  
16 and repairs; and

17                           (B) Roof repairs;

18                   (3) Resources for Response to Intervention (RTI);

19                   (4) Remote learning intervention platform technology;

20                   (5) Social and emotional well-being programming for public  
21 school students and parents of public school students;

22                   (6) Parent support centers for parents of public school students  
23 who are economically disadvantaged;

24                   (7) Parent support centers for parents of public school students  
25 with intellectual or developmental disabilities;

26                   (8) Professional development training for public school staff  
27 specific to diverse public school student populations;

28                   (9) Professional development training for public school staff  
29 specific to economically disadvantaged public school student populations;

30                   (10) Sensory rooms and equipment for indoor and outdoor special  
31 education services manipulatives that public school students use for hands-on  
32 problem-solving;

33                   (11) Funding for economically disadvantaged public school  
34 student populations, including without limitation funding for:

35                           (A) Personal care items;

36                           (B) Clothing; and

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(C) Food;

(12) After-hours training resources for parents of public school students, including without limitation resources for training in:

(A) Basic technology and computer literacy; and

(B) Math and reading literacy; and

(13) Resources, materials, and equipment for workforce and skills training courses.

(h) A student who transfers to an alternate public school district or open-enrollment public charter school, private school, home school, or virtual school under subsection (c) of this section shall be eligible to participate in extracurricular activities and interscholastic activities immediately upon his or her transfer to an alternate public school district or open-enrollment public charter school, private school, home school, or virtual school.