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~~ARKANSAS DEPARTMENT OF EDUCATION RULES GOVERNING~~
DIVISION OF ELEMENTARY AND SECONDARY EDUCATION RULES GOVERNING
THE CREATION OF SCHOOL DISTRICTS BY DETACHMENT
August 2016 _____

1.00 REGULATORY AUTHORITY

- BUREAU OF
LEGISLATIVE RESEARCH
- 1.01 These rules shall be known as the ~~Arkansas Department of Education~~ Division of Elementary and Secondary Education Rules Governing the Creation of School Districts by Detachment.
- 1.02 The State Board of Education (State Board) enacted these rules pursuant to its authority as set forth in Ark. Code Ann. § 6-13-1501 et seq., ~~Ark. Code Ann. § 25-15-204, and Acts 372 and 947 of 2015~~ Act 528 of 2019.

2.00 GENERAL REQUIREMENTS

- 2.01 No school district shall be created with fewer than two thousand five hundred (2,500) students.
- 2.02 A school district created under ~~Title 6, Chapter 13, Subchapter 15 of the Arkansas Code~~ Ark. Code Ann. §6-13-1501 et seq. and these rules shall have all the rights, privileges, and responsibilities of other public school districts.

Source: Ark. Code Ann. § 6-13-1501 as amended by Act 372 of 2015

3.00 MINIMUM AREA AND ATTENDANCE REQUIREMENTS

- 3.01 A new school district may not be created in an area with fewer than two thousand five hundred (2,500) students in average daily membership.
- 3.02 An existing school district shall not be reduced by means of detachment to an area with fewer than two thousand five hundred (2,500) students in average daily membership.
- 3.03 A new school district to be created by detachment must only be made up of students from one (1) existing school district.
- 3.04 ~~Title 6, Chapter 13, Subchapter 15 of the Arkansas Code and t~~ These rules shall apply only to school districts that:
- 3.04.1 Had an average daily membership of at least five thousand (5,000) students ~~but not more than twenty thousand (20,000) students~~ in the school year immediately preceding the detachment; or

- 3.04.2 Encompass a total area of four hundred and fifty square miles (450 sq. mi.) or more, now or in the future.

Source: Ark. Code Ann. § 6-13-1502-as amended by Act 372 of 2015

4.00 INITIATION OF DETACHMENT

Creation of a new school district by detachment shall be initiated by:

- 4.01 Resolution of the board of directors of each school district from which territory is to be detached; or
- 4.02 A petition that is presented to the State Board of Education pursuant to the provisions of ~~Title 6, Chapter 13, Subchapter 15 of the Arkansas Code and Ark. Code Ann. §6-13-1501 et seq.~~ and Ark. Code Ann. §6-13-1501 et seq. and these rules.

Source: Ark. Code Ann. § 6-13-1503

5.00 PETITION AND ELECTION

- 5.01 Not later than the thirtieth day after the date the State Board receives a petition or resolution for detachment under ~~Title 6, Chapter 13, Subchapter 15 of the Arkansas Code and Ark. Code Ann. §6-13-1501 et seq.~~ and these rules, the State Board shall hold a hearing on the validity of the petition or resolution.
- 5.02 To be valid, a petition or resolution shall:
- 5.02.1 State the purpose for which the petition or resolution is being submitted;
- 5.02.2 Contain a plat or map of the proposed new school district;
- 5.02.3 Contain an independent feasibility study stating:
- 5.02.3.1 Cost of operation of the new school district and the ability to operate the new school district taking into consideration the tax base, debt service, and division of assets to the new school district;
- 5.02.3.2 A list of the public school assets to be transferred from the existing school district to the new school district;
- 5.02.3.3 The size of the new school district; and
- 5.02.3.4 The effect of detachment on court-ordered desegregation; and

- 5.02.4 Be signed by at least ten percent (10%) of the number of voters in the area proposed for detachment who voted in the most recent general election.
- 5.03 If the State Board determines that the petition or resolution is valid and the petition or resolution does not conflict with Ark. Code Ann. § 6-13-1504(b)(2) and ~~Section 5.03 of these rules~~ this section, the State Board may, *after complying with Ark. Code Ann. § 6-13-1504(b)(2)* and ~~Section 5.03 of these rules~~, order an election on the proposition of detachment to be held at the next annual school election or general election.
- 5.03.1 The State Board shall not order any creation of a new school district by detachment under ~~Title 6, Chapter 13, Subchapter 15 of the Arkansas Code~~ Ark. Code Ann. §6-13-1501 et seq. and these rules, or any other act or combination of any acts that hampers, delays, or in any manner negatively affects desegregation efforts of a school district or school districts in this state.
- 5.03.2 Prior to the entry of any order for election on the question of detachment, the State Board shall seek an advisory opinion from the Attorney General concerning the impact of the proposed detachment and creation of a new school district on the effort of the state to assist the affected school district or school districts in the desegregation of the public schools of this state.
- 5.03.3 The order for election on the proposition of detachment shall:
- 5.03.3.1 Contain a plat or map of the proposed new school district; and
- 5.03.3.2 Comply with all requirements and procedures set forth in Ark. Code Ann. § 6-14-101 et seq. that do not conflict with the provisions of ~~Title 6, Chapter 13, Subchapter 15 of the Arkansas Code~~ Ark. Code Ann. §6-13-1501 et seq. and these rules.
- 5.04 The State Board shall certify two (2) copies of the detachment order and convey one (1) copy to the county clerk and one (1) copy to the county election commission at least sixty (60) days prior to the date the commission sets for election on the question of detachment.
- 5.04.1 No later than forty-five (45) days prior to the election, the county clerk of each county affected shall identify all persons who reside within the area proposed to be detached, and the county clerk shall determine the names and addresses of all qualified electors residing within that area. The failure to identify all persons residing within the area proposed to be detached or the failure to determine the names and addresses of all qualified electors residing within that area shall not invalidate or otherwise

affect the results of the election.

5.04.1.1 All of the qualified electors residing within the territory to be detached shall be entitled to vote in the election.

5.04.1.2 The petitioners shall give notice of the election by publication of at least one (1) insertion in a newspaper having general circulation in each school district from which territory is being detached.

5.04.2 The county clerk shall prepare a list by precinct of all those qualified electors residing within the area to be detached who are qualified to vote in that precinct and furnish that list to the election officials at the time the ballot boxes and voting machines are delivered.

5.04.2.1 If the county clerk or the county election commission shall fail to perform any duties required, then any interested party may apply for a writ of mandamus to require the performance of the duties.

5.04.2.2 The failure of the county clerk or the county election commission to perform the duties shall not void the detachment election unless a court finds that the failure to perform the duties substantially prejudiced an interested party.

5.05 The ballot shall be printed to permit voting for or against the proposition in a manner similar to the following: "Creation of a new school district by detachment of property and territory that includes the following property and territory from the _____ School District: _____." The ballot description of the property and territory to be detached shall be sufficient to give general notice of the territory affected.

Source: Ark. Code Ann. § 6-13-1504

6.00 CREATION OF A SCHOOL DISTRICT

6.01 If all the requirements of ~~Title 6, Chapter 13, Subchapter 15~~ Ark. Code Ann. §6-13-1501 et seq. and these rules are met and a majority of the votes are cast for the proposition, the State Board shall order the creation of the new school district.

6.02 At the time the order creating the school district is made, the State Board shall appoint a board of directors of seven (7) members for the new school district to serve until the next regular election of members, when a board of directors shall be elected in compliance with Arkansas law.

- 6.02.1 Following the entry of the order creating the new school district, the new school district shall:
- 6.02.1.1 Be considered a school district under § 6-13-101 et seq. for all constitutional and statutory purposes, except as limited under this section;
 - 6.02.1.2 Be considered a body corporate and may sue and be sued in the name of the new school district; and
 - 6.02.1.3 After the appointment of a board of directors for the new school district but before the transfer of any assets, territory, property, liabilities, duties, or responsibilities, a new school district created by detachment from an existing school district that is a party to any court-ordered desegregation plan shall petition the court having jurisdiction in the desegregation matter and obtain any and all court orders or other relief necessary to ensure that the detachment will not cause the state or any affected school district to be in violation of any orders of the court or any consent orders or decrees entered into by the parties with regard to the desegregation plan.
- 6.02.2 Following the entry of the order creating the new school district, the new school district may:
- 6.02.2.1 Exercise the power of eminent domain; and
 - 6.02.2.2 Borrow money and issue bonds for allowable purposes under Ark. Code Ann. § 6-20-1201 et seq.
- 6.03 A new school district created under ~~Title 6, Chapter 13, Subchapter 15 of the Arkansas Code~~ Ark. Code Ann. §6-13-1501 et seq. and these rules shall be allocated the assets of the school district from which the territory was taken, as the State Board shall deem proper or as agreed by the original school district and the new school district with the approval of the State Board.
- 6.03.1 The transfer or conveyance of the title of the assets from the original school district to the new school district shall be documented through deeds, assignments, or bills of sale as necessary to produce evidence of the transfer of ownership and the resulting rights and liabilities.
- 6.03.2 The new school district may be allocated transferred assets in exchange for payment or may assume liability for that part of the indebtedness of the original school district allocable to the territory within the new school district as agreed by the original school district and the new school district

with the approval of the State Board or as determined, assigned, or allocated to the new school district by the State Board.

6.03.3 In determining the value of the transferred assets or the amount of the indebtedness for which the new school district will become responsible, the new school district and the original school district shall either:

6.03.3.1 Agree upon an amount with the approval of the State Board; or

6.03.3.2 Allow the State Board to determine the amount if the new school district and the original school district fail to agree.

6.03.4 The allocation or assignment of indebtedness shall be structured in such a manner that does not cause the original school district to default under the documents authorizing the indebtedness, and shall not violate any tax covenants contained in the documents authorizing the indebtedness by the original school districts.

6.03.5 In determining foregoing allocations, all reasonable and fair methods of allocations shall be considered, including without limitation:

6.03.5.1 A third-party appraisal of the real property to be transferred to the new school district;

6.03.5.2 A ratio generated by comparing the number of students currently residing in the boundaries of the new school district to the total number of students in the original school district;

6.03.5.3 A ratio generated by comparing the assessed value of property within the boundaries of the new school district to the assessed value of property within the original school district;

6.03.5.4 A ratio generated by comparing the amount of the outstanding debt of the original school district that was incurred to finance property located within the boundaries of the new school district to the total outstanding debt of the original school district; and

6.03.5.5 Other reasonable and fair methods of allocation.

6.04 The ad valorem tax rate of the new school district shall remain the same as that of the original school district until an election is held in the new school district and a rate of tax is approved and shall be allocated in the same proportion between

maintenance and operation and debt service as allocated by the original school district.

- 6.05 The new school district may use and pledge debt service millage to pay all or part of any indebtedness assigned or allocated to the new school district for payment of any other lawful indebtedness of the new school district, for maintenance and operation of the new school district, or for any other lawful purpose, until a different rate is approved by the qualified electors of the new school district.
- 6.06 In order to satisfy the payment obligations of a new school district with respect to the allocation of assets, or if the new school district assumes or becomes responsible for any indebtedness of the original school district, one (1) or more of the following methods may be used by the new school district to meet the new school district's obligations:
- 6.06.1 Borrow funds from the original school district as mutually agreed by both school districts;
- 6.06.2 Enter into lease purchase agreements, revolving loans under Ark. Code Ann. §6-20-801 et seq., term loans, post-dated warrants, or installment contracts pursuant to Ark. Code Ann. § 6-20-402;
- 6.06.3 Borrow funds from a private, governmental, or commercial lender;
- 6.06.4 Issue bonds; or
- 6.06.5 Use any other lawful method.
- 6.07 The State Board shall have the following rights and duties regarding creation of a school district by detachment:
- 6.07.1 To form local school districts, change boundary lines of school districts, create new school districts, and perform all other functions regarding changes in school districts in accordance with the law; and
- 6.07.2 To transfer funds and attach territory that is in one (1) school district to other school districts as may seem best for the educational welfare of the children, including the loaning of funds to the new school district under terms and conditions acceptable to the State Board; and
- ~~6.07.3 To enact rules and regulations regarding the creation of school districts by detachment under Title 6, Chapter 13, Subchapter 15 of the Arkansas Code.~~
- 6.08 In its order creating the new school district ~~under Title 6, Chapter 13, Subchapter 15 of the Arkansas Code~~, the State Board may allow a transition period of up to

two (2) consecutive years to allow the new school district to become fully operational.

- 6.09 The new school district shall publish a projected budget of expenditures for the first anticipated operational school year at least sixty (60) days before the next annual school election for which notice can be lawfully given.
- 6.10 At the school election or any subsequent school election, a new school district may present to the qualified electors of the new school district a proposed ad valorem tax for the maintenance and operation of schools and the retirement of indebtedness.

Source: Ark. Code Ann. § 6-13-1505 as amended by Act 947 of 2015

7.00 TRANSITION PERIOD

- 7.01 If the new school district created by detachment was formed from an existing school district that is a party to any court-ordered desegregation plan, the State Board shall, prior to the transfer of any assets, territory, property, liabilities, duties, or responsibilities to the new school district, allow for a time period sufficient to permit the parties to petition the court having jurisdiction in the desegregation matter to obtain any and all court orders or other relief necessary to ensure that the detachment will not cause the state or any affected school district to be in violation of any orders of the court or any consent orders or decrees entered into by the parties with regard to the desegregation plan.
- 7.02 If the State Board allows for a transition period as set forth in Ark. Code Ann. § 6-13-1505 and Section 6.08 of these rules, the State Board may allow a reasonable time period, not to exceed 120 days from the date the State Board issues the order creating the new school district, to allow the existing school district and the new school district created by detachment to develop and present to the State Board a written agreement concerning the following matters, without limitation:
 - 7.02.1 A plan for the selection and employment of a superintendent or administrator for the new school district created by detachment;
 - 7.02.2 A plan for the zoning and election of school board members in accordance with Arkansas and federal law;
 - 7.02.3 A determination of the millage necessary to operate the new school district created by detachment;
 - 7.02.4 A plan that specifically addresses the distribution of real and personal property, assets, liabilities (including debt), duties and responsibilities for

the existing school district and the new school district created by detachment; and

- 7.02.5 A plan that specifically addresses the procedure by which the new school district will employ licensed and nonlicensed staff.
- 7.03 If the State Board allows for a transition period as set forth in Ark. Code Ann. § 6-13-1505 and Section 6.08 of these rules, and if the new school district created by detachment was formed from an existing school district that is a party to any court-ordered desegregation plan, the State Board may allow a reasonable time period, not to exceed 120 days from the date the presiding court issues all court orders or other relief necessary as set forth in Section 7.01 of these rules, to allow the existing school district and the new school district created by detachment to develop and present to the State Board a written agreement concerning matters set forth in Section 7.02 of these rules.
- 7.04 In the event that the existing school district and the new school district created by detachment are unable to agree upon any issue regarding the formation of a written agreement concerning detachment or upon the implementation of the final determination of the State Board concerning detachment, the school districts shall:
- 7.04.1 Jointly petition the Commissioner of Education or his or her designee to resolve the matter subject to final determination by the State Board as set forth in Section 7.05 of these rules;
- 7.04.2 Jointly select a mediator to mediate the matter subject to final determination by the State Board as set forth in Section 7.05 of these rules; or
- 7.04.3 Jointly petition the State Board to resolve the matter in accordance with Section 7.05 of these rules.
- 7.04.4 In the absence of an agreement regarding any of the options listed in Sections 7.04.1 through 7.04.3 of these rules, the matter will proceed directly to the State Board for resolution in accordance with Section 7.05 of these rules.
- 7.05 The State Board shall make the final determination concerning the distribution of real and personal property, assets, liabilities (including debt), duties and responsibilities for the existing school district and the new school district created by detachment.

8.00 FIRST YEAR OF DISBURSEMENT OF STATE FUNDING TO THE NEW SCHOOL DISTRICT CREATED BY DETACHMENT

Unless otherwise specified by law, rule, court order, or agreement between the parties approved by the State Board, the provisions in Section 8.00 of these rules apply only to the first year of disbursement of funding for the new school district created by detachment and the remaining original school district.

The provisions in this Section may be modified, in whole or in part, by a court order or an agreement between the parties approved by the State Board. Absent such an agreement, the following funding methodology shall be used:

- 8.01 To establish the prior-year three-quarter average daily membership for the new school district created by detachment:
 - 8.01.1 Allocate the total prior-year three-quarter average daily membership of the original school district to the new school district created by detachment and the remaining original school district by calculating an enrollment ratio for each school district using current-year October 1 enrollment divided by the total current-year October 1 enrollment of the two school districts.
 - 8.01.2 To allow for allocation and disbursement of funds pending receipt of October 1 current-year enrollment data, current-year July 1 enrollment shall be used to calculate an estimated enrollment ratio for each school district.
- 8.02 To the extent necessary for other purposes, a history of prior-year average daily membership shall be established for the new school district created by detachment, for the remaining original school district, and for the original school district using the current-year enrollment ratio.
- 8.03 The educational excellence trust fund obligation will be calculated for the new school district created by detachment and the remaining original school district, using prior-year three-quarter average daily membership from fiscal years 1991-1992 through ~~2015-2016~~ the most recent school year for the original school district multiplied by each school district's enrollment ratio.
- 8.04 To establish the prior-year October 1 ~~*national school lunch free and reduced lunch*~~ *Enhanced Student Achievement Funding* student counts and percentage for the new school district created by detachment and the remaining original school district:
 - 8.04.1 Allocate the total prior-year October 1 ~~*national school lunch free and reduced lunch*~~ *Enhanced Student Achievement Funding* free and reduced lunch student counts for the original school district to the new school district created by detachment and the remaining original school district

- by calculating an enrollment ratio for each school district using current-year October 1 enrollment divided by the total current-year October 1 enrollment of the two school districts.
- 8.04.2 Both the new school district and the original school district will be excluded from the transitional ~~*national school lunch state categorical funding*~~ *Enhanced Student Achievement Funding* and will instead use the rate outlined in Ark. Code Ann. § 6-23-2305(b)(4)(A).
- 8.04.3 The new school district created by detachment and the remaining original school district will be eligible for ~~*national school lunch state categorical growth funding*~~ *Enhanced Student Achievement Funding* after sufficient history exists to complete the calculations. Eligibility for national school lunch state categorical growth funding requires a three consecutive year enrollment growth trend of 1% or more.
- 8.04.4 Any withholding of ~~*national school lunch state categorical funding*~~ *Enhanced Student Achievement Funding* ~~under Act 1220 of 2011~~ results from analysis of expenditures and revenue from a fiscal year. The new school district created by detachment will be subject to ~~Act 1220 of 2011~~ analysis once the applicable expenditures and revenue are available for analysis.
- 8.05 To allow for allocation and disbursement of funds pending receipt of October 1 current-year enrollment data, current-year July 1 enrollment may be used to calculate an estimated enrollment ratio for each school district.
- 8.06 The original school district will receive the amount of alternative learning environment (ALE) funding for which it qualifies based on eligible ALE students' full-time equivalents (FTE) in the previous school year as defined in ~~Arkansas Department of Education (ADE)~~ *Arkansas Department of Education (ADE)* rules. To be eligible for ALE funding, the new school district created by detachment shall have established an eligible ALE approved by ~~ADE~~ *ADE* as being in compliance with Ark. Code Ann. § 6-48-101 et seq. and the ~~ADE~~ *ADE* Rules Governing the Distribution of Student Special Needs Funding and the Determination of Allowable Expenditures of Those Funds. The ALE funding, disbursed in the following year, shall be the amount authorized by law multiplied by the new school district's eligible ALE students' FTE in the previous school year as defined in ~~ADE~~ *ADE* rules.
- 8.07 For a new school district created by detachment and the remaining original school district, declining enrollment and student growth funding will be calculated excluding any increase or decrease resulting from the detachment.

- 8.07.1 Declining enrollment funding equals the difference between the average of the two immediately preceding years' average daily memberships and the average daily membership for the previous school year multiplied by the amount of foundation funding set forth in Ark. Code Ann. § 6-20-2305(a). In the first and second years of disbursement of state funding to the new school district created by detachment, declining enrollment funding will be calculated based on the average daily membership of the original school district. The declining enrollment funding amount for one or both years may be prorated between the new school district and the remaining original school district using the current-year enrollment ratios for each school district (calculated in the first year state funding is disbursed to the new school district created by detachment).
- 8.07.2 In the first year of disbursement of state funding to the new school district, student growth funding will be calculated using the prior-year average daily membership of the original school district compared to the combined current-year average daily membership for each quarter for the new school district created by detachment and the remaining original school district. The student growth funding amount will be prorated between the new school district created by detachment and the remaining original school district using the current-year enrollment ratios for each school district.
- 8.08 Any adjustments for bonded debt assistance will be handled on a case-by-case basis.

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

HOUSE BILL 1416

5 By: Representative Sorvillo
6

For An Act To Be Entitled

8 AN ACT CONCERNING MINIMUM AREA AND ATTENDANCE
9 REQUIREMENTS FOR SCHOOL DISTRICTS; TO AMEND THE
10 MAXIMUM AVERAGE DAILY MEMBERSHIP REQUIREMENTS FOR
11 SCHOOL DISTRICTS THAT ARE SUBJECT TO MINIMUM AREA AND
12 ATTENDANCE REQUIREMENTS; AND FOR OTHER PURPOSES.
13
14

Subtitle

15 TO AMEND THE MAXIMUM AVERAGE DAILY
16 MEMBERSHIP REQUIREMENTS FOR SCHOOL
17 DISTRICTS THAT ARE SUBJECT TO MINIMUM
18 AREA AND ATTENDANCE REQUIREMENTS.
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21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. Arkansas Code § 6-13-1502(d)(1), concerning the average
25 daily membership requirements for certain school districts subject to minimum
26 area and attendance requirements, is amended to read as follows:

27 (1) Had an average daily membership of at least five thousand
28 (5,000) students ~~but not more than twenty thousand (20,000) students~~ in the
29 school year immediately preceding the detachment; or
30
31

32 APPROVED: 3/20/19
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1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

SENATE BILL 605

5 By: Senator A. Clark
6

For An Act To Be Entitled

8 AN ACT CONCERNING NATIONAL SCHOOL LUNCH STATE
9 CATEGORICAL FUNDING; TO AMEND THE NAME OF NATIONAL
10 SCHOOL LUNCH STATE CATEGORICAL FUNDING; AND FOR OTHER
11 PURPOSES.
12
13

Subtitle

14 TO AMEND THE NAME OF NATIONAL SCHOOL
15 LUNCH STATE CATEGORICAL FUNDING.
16
17
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code § 6-15-2701(b) and (c), concerning the
22 closing the achievement gap program, are amended to read as follows:

23 (b)(1) A school district that has a chronically underperforming school
24 shall use its ~~national school lunch state categorical funding~~ Enhanced
25 Student Achievement Funding under § 6-20-2305(b)(4) to evaluate the impact of
26 educational strategies used by the chronically underperforming school to
27 address the achievement gaps among students in the chronically
28 underperforming school.

29 (2) The evaluation shall:

30 (A) Identify the categories of programs and intervention
31 strategies used with ~~national school lunch state categorical funding~~ Enhanced
32 Student Achievement Funding; and

33 (B) Report the benchmark assessment scores for the end of
34 the immediately preceding school year and for the end of the current school
35 year of students involved in the programs and intervention strategies
36 identified under this subdivision (b)(2).



1 (c) The Department of Education shall:

2 (1) Promulgate rules necessary to implement this section,
3 including without limitation establishing the categories by which a
4 chronically underperforming school shall identify programs and intervention
5 strategies under subsection (b) of this section;

6 (2) In a chronically underperforming school's comprehensive
7 school improvement plan, direct the use of ~~national school lunch state~~
8 ~~category funding~~ Enhanced Student Achievement Funding for strategies to
9 close gaps in academic achievement, including without limitation:

10 (A) Using an Arkansas Scholastic Audit;

11 (B) Using disaggregated school data to set academic
12 improvement targets in reading, writing, mathematics, and science;

13 (C) Using improvement targets to define professional
14 development needs related to content, instruction, differentiation, and best
15 practices in educating special education students, gifted and talented
16 students, English language learners, and other student subgroups as needed;

17 (D) Developing interim building-level assessments to
18 monitor student progress toward proficiency on the state benchmark
19 assessments;

20 (E) Developing a plan to immediately address gaps in
21 learning;

22 (F) Examining and realigning, as needed, school
23 scheduling, academic support systems, and assignments of personnel; and

24 (G) Designing a plan for increasing parental knowledge and
25 skill to support academic objectives; and

26 (3) By August 1 of each year, report to the House Committee on
27 Education and the Senate Committee on Education on:

28 (A) The use of ~~national school lunch state category~~
29 ~~funding~~ Enhanced Student Achievement Funding by chronically underperforming
30 schools in the state; and

31 (B) The status of the achievement gaps at chronically
32 underperforming schools in the state.

33
34 SECTION 2. Arkansas Code § 6-15-2907(a)(4)(C), concerning the
35 statewide student assessment system, is amended to read as follows:

36 (C) Public school districts may offer additional college

1 and career readiness assessments for students in grades ten through twelve
 2 (10-12) at no cost to the student by using public school district funding,
 3 including without limitation ~~national school lunch state categorical funding~~
 4 Enhanced Student Achievement Funding under § 6-20-2305.

5
 6 SECTION 3. Arkansas Code § 6-20-2305(b)(4)(A) and (B), concerning the
 7 calculation of national school lunch state categorical funding, are amended
 8 to read as follows:

9 (4)(A) ~~National school lunch state categorical funding~~ Enhanced
 10 Student Achievement Funding for each identified national school lunch student
 11 shall be as follows:

12 (i) For a public school district in which ninety
 13 percent (90%) or greater of the previous school year's enrolled students are
 14 national school lunch students, the amount of per-student ~~national school~~
 15 ~~lunch state categorical funding~~ Enhanced Student Achievement Funding is for
 16 each school year, one thousand five hundred seventy-six dollars (\$1,576);

17 (ii) For a public school district in which at least
 18 seventy percent (70%) but less than ninety percent (90%) of the previous
 19 school year's enrolled students are national school lunch students, the
 20 amount of per-student ~~national school lunch state categorical funding~~
 21 Enhanced Student Achievement Funding is for each school year, one thousand
 22 fifty-one dollars (\$1,051); and

23 (iii) For a public school district in which less
 24 than seventy percent (70%) of the previous school year's enrolled students
 25 are national school lunch students, the amount of per-student ~~national school~~
 26 ~~lunch state categorical funding~~ Enhanced Student Achievement Funding is for
 27 each school year, five hundred twenty-six dollars (\$526).

28 (B)(i)(a) Except as provided under subdivision
 29 (b)(4)(B)(i)(c) of this section, ~~national school lunch state categorical~~
 30 ~~funding~~ Enhanced Student Achievement Funding under this subdivision (b)(4)
 31 shall be based on the number of national school lunch students for the
 32 immediately preceding school year determined under § 6-20-2303(13)(A).

33 (b) If the public school district is
 34 participating under 42 U.S.C. § 1759a, funding under this subdivision (b)(4)
 35 is based on the percentage determined in § 6-20-2303(13)(B) multiplied by the
 36 number of enrolled students for the immediately preceding school year.

1 (c) The per-student ~~national school lunch~~
2 ~~state categorical funding~~ Enhanced Student Achievement Funding for an open-
3 enrollment public charter school shall be based upon the current school year
4 enrollment:

5 (1) In the initial year of operation for
6 an open-enrollment public charter school; or

7 (2) In a year in which an open-
8 enrollment public charter school adds a grade.

9 (ii)(a) If a public school district will receive in
10 the current school year ~~national school lunch state categorical funding~~
11 Enhanced Student Achievement Funding under subdivision (b)(4)(A) of this
12 section that is based on a different per-student amount of ~~national school~~
13 ~~lunch state categorical funding~~ Enhanced Student Achievement Funding than the
14 public school district received in the immediately preceding school year, due
15 to a percentage change in national school lunch students, the ~~department~~
16 Department of Education shall adjust the funding to the public school
17 district in a transitional three-year period.

18 (b) The amount of ~~national school lunch state~~
19 ~~categorical funding~~ Enhanced Student Achievement Funding under this
20 subdivision (b)(4)(B)(ii) shall be increased or decreased in each year of a
21 three-year transition period by one-third (1/3) of the difference between the
22 amount of ~~national school lunch state categorical funding~~ Enhanced Student
23 Achievement Funding per student for the current year and the amount of
24 ~~national school lunch state categorical funding~~ Enhanced Student Achievement
25 Funding per student for the immediately preceding year, adjusted for changes
26 to the funding rates in subdivision (b)(4)(A) of this section.

27 (iii)(a) The Department of Education shall establish
28 rules to implement the transitional ~~national school lunch state categorical~~
29 ~~funding~~ Enhanced Student Achievement Funding provided in subdivision
30 (b)(4)(B)(ii) of this section.

31 (b) The rules shall include the methods of
32 transition for a school district that:

33 (1) Experiences a decrease in the amount
34 of ~~national school lunch state categorical funding~~ Enhanced Student
35 Achievement Funding per student under subdivision (b)(4)(A) of this section;

36 (2) Experiences an increase in the

1 amount of ~~national school lunch state categorical funding~~ Enhanced Student
 2 Achievement Funding per student under subdivision (b)(4)(A) of this section;
 3 or

4 (3) Within a three-year transition
 5 period, experiences both a decrease and an increase in the amount of ~~national~~
 6 ~~school lunch state categorical funding~~ Enhanced Student Achievement Funding
 7 per student under subdivision (b)(4)(A) of this section.

8 (iv) Under no circumstances shall a public school
 9 district be entitled to receive more or less ~~funding~~ Enhanced Student
 10 Achievement Funding as a result of the transitional process than the public
 11 school district is otherwise entitled to receive under this subdivision
 12 (b)(4) based on the school district's national school lunch student
 13 population as a percentage of the public school district's entire student
 14 population.

15 (v)(a) A public school district that has experienced
 16 a significant growth in enrolled students in the previous three (3) years
 17 shall receive funding for the expected increase in the number of national
 18 school lunch students based on the expected increase in enrolled students
 19 based on the levels of funding provided in this section for national school
 20 lunch students.

21 (b) The State Board of Education shall
 22 establish rules to be used by the Department of Education to determine:

23 (1) The amount of growth necessary to
 24 qualify as significant growth;

25 (2) The expected increase in the number
 26 of national school lunch students based on the expected increase in enrolled
 27 students; and

28 (3) Which public school districts have
 29 experienced a significant growth in enrolled students as necessary to qualify
 30 for funding under this subdivision (b)(4)(B)(v).

31 (c) The Department of Education shall not be
 32 required to adjust or fund a public school district's national school lunch
 33 students based on the current year's number of national school lunch students
 34 enrolled in the public school district or the average growth of students in
 35 the public school district.

36

1 SECTION 4. Arkansas Code § 6-23-501(a)(3), concerning the distribution
 2 of national school lunch state categorical funding to an open-enrollment
 3 public charter school, is amended to read as follows:

4 (3) ~~National school lunch state categorical funding~~ Enhanced
 5 Student Achievement Funding under § 6-20-2305(b)(4) shall be provided to an
 6 open-enrollment public charter school as follows:

7 (A) For the first year of operation, the first year
 8 operating under a new license, the first year adding a new campus, and in any
 9 year when a grade is added at any campus, free or reduced-price meal
 10 eligibility data as reported by October 1 of the current school year will be
 11 used to calculate the ~~national school lunch state categorical funding~~
 12 Enhanced Student Achievement Funding under the state board rules governing
 13 special needs funding; and

14 (B) For the second year and each school year of operation
 15 thereafter, the previous year's October 1 national school lunch student count
 16 as specified in state board rules governing special needs funding will be
 17 used to calculate ~~national school lunch state categorical funding~~ Enhanced
 18 Student Achievement Funding for the open-enrollment public charter school.

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 21 **APPROVED: 4/17/19**
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