

**ARKANSAS DIVISION OF ELEMENTARY AND SECONDARY EDUCATION  
RULES GOVERNING THE ARKANSAS TUTORING CORPS**

RECEIVED

DEC 29 2021

BUREAU OF RESEARCH

**1.00 REGULATORY AUTHORITY AND PURPOSE**

1.01 These rules shall be known as the Arkansas Department of Education Division of Elementary and Secondary Education Rules Governing the Arkansas Tutoring Corps.

1.02 These rules are enacted pursuant to the Arkansas State Board of Education's authority under Ark. Code Ann. §§ 6-11-105, 25-15-201 et. seq., and Ark. Code Ann. § 6-15-3104.

1.03 The purpose of these rules is to establish the requirements and processes governing the Arkansas Tutoring Corps.

**2.00 LEGISLATIVE INTENT**

2.01 It is the intent of the Arkansas General Assembly to address learning loss by providing readily accessible tutors to Arkansas students preparing to enter kindergarten through grade six (K-6).

**3.00 TUTORING PROGRAM**

3.01 The Division of Elementary and Secondary Education shall oversee the establishment of the Arkansas Tutoring Corps.

3.02 The Division shall identify a curriculum aligned with Arkansas academic standards and developed to support children in the content areas of math and literacy.

3.03 The program shall be administered in collaboration with the state's Education Renewal Zones (ERZ)s.

3.04 The ERZs shall:

3.04.1 Conduct needs assessments to determine the number of tutors needed in each area or ERZ;

3.04.2 Ensure that tutoring services are prioritized for students in rural areas and other underserved students;

3.04.3 Actively recruit individuals to become tutors. These individuals may be, but are not limited to, the following:

3.04.3.1 Individuals enrolled in a teacher preparation program:

3.04.3.2 Retired teachers:

3.04.3.3 Teachers who are currently certified:

3.04.3.4 College students; and/or

3.04.3.5 AmeriCorps members or volunteers.

3.04.4 Assist in securing tutoring assignments:

3.04.5 Provide training modules for tutors:

3.04.6 Provide ongoing support for tutors:

3.04.7 Keep ongoing documentation of hours worked by:

3.04.7.1 A tutor in a public school.

3.04.7.2 A tutor in a private school.

3.04.7.3 A tutor in a community or faith-based program or residential facility.

3.04.7.4 Community service volunteer approved by the ERZ or the Division.

3.04.8 Maintain a database of tutoring candidates to monitor progress for tutors completing initial certification and maintaining certification:

3.04.9 Maintain a database of school district feedback regarding the effect of tutoring on student progress: and

3.04.10 Create and maintain a network of approved Arkansas tutoring sites to link to qualified tutors.

3.05 The Division shall monitor the effectiveness of the program annually.

3.06 Continuation of the Arkansas Tutoring Corps program shall be contingent upon available funding.

#### 4.00 THE ARKANSAS TUTORING CORPS

- 4.01 To become a certified member of the Arkansas Tutoring Corps, a candidate must complete initial training and certification, which will be done in two phases.
- 4.02 In order to become an Arkansas Tutoring Corps qualified tutor, an individual must meet the requirements of Phase I of the program, which include:
- 4.02.1 Completion and approval of Arkansas Tutoring Corps application:
- 4.02.2 Successful completion of background checks, including: an Arkansas Child Maltreatment Central Registry Background Check and an Arkansas State Police/FBI background check, which must include the taking of fingerprints.
- 4.02.2.1 Background check must be completed within twelve (12) months prior to application or before being approved as a “qualified tutor”:
- 4.02.2.2 No waivers will be granted via the Arkansas Tutoring Corps program for a disqualifying offense; and
- 4.02.2.3 Approved tutors are required to notify the Division of Elementary and Secondary Education of subsequent conviction(s) of disqualifying offenses or true finding(s) and placement on Child Maltreatment Central Registry.
- 4.02.3 Completion of initial Arkansas Tutoring Corps training that prepares candidates to effectively utilize the identified curriculum chosen by the Division.
- 4.03 Upon completion of Phase I, candidates become a qualified tutor. A qualified tutor may contract with approved tutoring sites to provide tutoring services for students as part of the Arkansas Tutoring Corps. A qualified tutor may be compensated for tutoring services in addition to any compensation received as part of this program.
- 4.04 In order for a qualified tutor to be recognized as an Arkansas Tutoring Corps Certified Member, a tutor must complete Phase II of the program, which includes:
- 4.04.1 Completion of five (5) prescribed Professional Learning Modules:
- 4.04.2 With support of the ERZ, secure a tutoring assignment(s) with one or

more approved tutoring sites; and

4.04.3 Documentation of a total of at least 175 hours of tutoring at one or more approved, qualified tutoring sites, which include:

4.04.3.1 A public school or open-enrollment public charter school located within Arkansas;

4.04.3.2 An education service cooperative;

4.04.3.3 An institution of higher education located within Arkansas; or

4.04.3.4 A community facility that meets the requirements established by the division.

4.05 To maintain status as an Arkansas Tutoring Corps Certified Member, a tutor must annually:

4.05.1 Participate in the renewal process, which includes additional training developed and specified by the program; and

4.05.2 Continue tutoring at approved tutoring sites;

4.05.3 Document at least a total of 175 hours of tutoring at an approved, qualified tutoring site annually.

4.06 The Arkansas Tutoring Corps program runs from September 1 through August 31 each year. Arkansas Tutoring Corps certified members will have priority placement in tutoring sites and an expedited renewal process.

1 State of Arkansas *As Engrossed: S3/29/21 S4/14/21*

2 93rd General Assembly

# A Bill

3 Regular Session, 2021

SENATE BILL 564

4

5 By: Senators Elliott, *B. Ballinger, Beckham, Caldwell, L. Chesterfield, B. Davis, L. Eads, J. English,*  
6 *Gilmore, J. Hendren, Hester, K. Ingram, Irvin, B. Johnson, G. Leding, G. Stubblefield, J. Sturch, Teague,*  
7 *C. Tucker*

8 *By: Representatives Vaught, Brown, Cozart, Eubanks, D. Garner, Godfrey, McCullough, Murdock,*  
9 *Speaks*

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## For An Act To Be Entitled

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AN ACT TO CREATE THE ARKANSAS TUTORING CORPS ACT; TO  
13 SUPPORT THE IMPLEMENTATION OF A SUSTAINABLE TUTORING  
14 PROGRAM IN RESPONSE TO LEARNING LOSS; TO DECLARE AN  
15 EMERGENCY; AND FOR OTHER PURPOSES.

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## Subtitle

19

TO CREATE THE ARKANSAS TUTORING CORPS  
20 ACT; TO SUPPORT THE IMPLEMENTATION OF A  
21 SUSTAINABLE TUTORING PROGRAM IN RESPONSE  
22 TO LEARNING LOSS; AND TO DECLARE AN  
23 EMERGENCY.

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25

26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

27

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

30

*Subchapter 30 – Arkansas Tutoring Corps Act*

31

32 *6-15-3001. Title.*

33

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

35

36 *6-15-3002. Legislative findings.*



1 The General Assembly finds that:

2 (1) Data suggests that learning loss suffered as a result of the  
3 coronavirus 2019 (COVID-19) pandemic will be substantial, particularly for  
4 the state's most vulnerable students, with recent studies showing that these  
5 students on average could lose five (5) to nine (9) months of learning by the  
6 end of the 2021 school year;

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

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

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

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

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

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

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

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

36 6-15-3003. Definitions.

1 As used in this subchapter:

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

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

5 (A) A public school or open-enrollment public charter  
6 school located within this state;

7 (B) An education service cooperative;

8 (C) An institution of higher education located within this  
9 state; or

10 (D) A community facility that meets the requirements  
11 established by the division.

12 6-15-3004. Development of program.

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

14 (A) Identify qualified tutors;

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

19 (C) Ensure training modules related to the identified  
20 curriculum are provided to qualified tutors before the qualified tutors begin  
21 tutoring;

22 (D) Ensure ongoing support is provided to qualified  
23 tutors; and

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

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

29 (A) Offers statewide coverage; and

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

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

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

35 (2) Develop guidelines for public schools and open-enrollment  
36 public charter schools to use funding from the Elementary and Secondary

1 School Emergency Relief Fund (ESSER Fund) and the American Rescue Plan Act of  
2 2021, Pub. L. No. 117-2, to provide compensation and stipends to qualified  
3 tutors serving their students in the near term.

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

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6 SECTION 2. DO NOT CODIFY. Rules.

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

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

11 (2) If approval under § 10-3-309 has not occurred by January 1,  
12 2022, as soon as practicable after approval under § 10-3-309.

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

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

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

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

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

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*/s/Elliott*

**APPROVED: 4/26/21**