

INTERIM STUDY PROPOSAL 2019-067

1
2 State of Arkansas
3 92nd General Assembly
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As Engrossed: H3/19/19

A Bill

HOUSE BILL 1726

5
6 By: Representative Lowery

7 Filed with: House Committee on Education
8 pursuant to A.C.A. §10-3-217.

9 **For An Act To Be Entitled**

10 AN ACT TO CREATE THE SAFE AND SOUND SCHOLARSHIP
11 PROGRAM; AND FOR OTHER PURPOSES.

12
13
14 **Subtitle**

15 TO CREATE THE SAFE AND SOUND SCHOLARSHIP
16 PROGRAM.

17
18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

20
21 SECTION 1. Arkansas Code Title 6, Chapter 18, is amended to add an
22 additional subchapter to read as follows:

23 Subchapter 20 – Safe and Sound Scholarship Program

24
25 6-18-2001. Title and purpose.

26 (a) This subchapter shall be known and may be cited as the "Safe and
27 Sound Scholarship Program".

28 (b) The purpose of this subchapter is to provide the parent or legal
29 guardian of a public school student who was subjected to a qualifying
30 incident under this subchapter an opportunity to transfer his or her public
31 school student to another public school or to request a scholarship for his
32 or her public school student to enroll in and attend an eligible private
33 school.

34
35 6-18-2002. Definitions.

36 As used in this subchapter:

1 (1) "Parent" means a resident of this state who is a parent or
2 legal guardian of a student;

3 (2) "Private school" means a private school that has notified
4 the Department of Education of its desire to participate in the program under
5 this subchapter;

6 (3) "Program" means the Safe and Sound Scholarship Program as
7 created under this subchapter; and

8 (4) "Student" means a public school student enrolled in
9 kindergarten through grade twelve (K-12) public school district who has
10 reported an incident that makes him or her eligible for the program under
11 this subchapter.

12

13 6-18-2003. Eligibility.

14 (a)(1) A parent may apply for a Safe and Sound Scholarship under this
15 subchapter if his or her student reports an incident to the public school
16 principal or his or her designee of at least one (1) of the following
17 occurring on a public school district campus:

- 18 (A) Battery;
- 19 (B) Harassment;
- 20 (C) Hazing;
- 21 (D) Bullying;
- 22 (E) Kidnapping
- 23 (F) Physical attack;
- 24 (G) Robbery;
- 25 (H) Sexual offenses;
- 26 (I) Assault;
- 27 (J) Threats or intimidation; or
- 28 (K) Fighting at school.

29 (2) A student shall report an incident under subdivision (a)(1)
30 of this section within fourteen (14) days of the occurrence of the incident.

31 (b) In addition to subsection (a) of this section, a student is
32 eligible for a Safe and Sound Scholarship if he or she has been accepted for
33 admission into a private school that is eligible to participate in the Safe
34 and Sound Scholarship Program.

35

36 6-18-2004. Term.

1 (a) For purposes of the continuity of educational choice, a
2 scholarship under this subchapter shall remain in effect until the student
3 who received the scholarship returns to public school or graduates from high
4 school, whichever occurs first.

5 (b) A student who receives a scholarship under this subchapter and
6 thereafter enrolls in a public school is considered to have returned to a
7 public school for the purposes of determining the end of the scholarship's
8 term.

9
10 6-18-2005. Public school obligations.

11 (a)(1) Within twenty-four (24) hours after the receipt of a report
12 under § 6-18-2003, a public school principal or his or her designee shall
13 provide a copy of the report to the:

14 (A) Parent of the student who reported the incident;

15 (B) Parent of the alleged offender; and

16 (C) Superintendent of the public school district.

17 (2) After providing a copy of the report to the individuals
18 under subdivision (a)(1) of this section, the public school principal or his
19 or her designee shall conduct an investigation of the alleged incident, and
20 provide a copy of the report of the investigation to the:

21 (A) Parent of the student who reported the incident;

22 (B) Parent of the alleged offender; and

23 (C) Superintendent of the public school district.

24 (b) If a public school principal finds factual support during an
25 investigation under subdivision (a)(2) of this section of an incident
26 reported by a student under § 6-18-2003 of this subchapter, the public school
27 principal shall, at the conclusion of the investigation or within fifteen
28 (15) days after the incident was reported, whichever occurs first, inform the
29 parent of the student who reported the incident about the program under this
30 subchapter.

31
32 6-18-2006. Private school eligibility and obligations.

33 (a) A private school shall notify the Department of Education of its
34 intent to participate in the Safe and Sound Scholarship Program under this
35 subchapter.

1 (b) The department shall approve a private school as eligible to
2 participate in the program under this subchapter if the private school:

3 (1) Either:

4 (A) Meets the accreditation requirements set by the State
5 Board of Education, the Arkansas Nonpublic School Accrediting Association,
6 Inc., or its successor, or another accrediting association recognized by the
7 state board as providing services to severely disabled individuals; or

8 (B)(i) Is an associate member of or has applied for
9 accreditation by the Arkansas Nonpublic School Accrediting Association, Inc.,
10 or its successor, or another accrediting association recognized by the state
11 board as providing services to severely disabled individuals.

12 (ii) A private school shall no longer be eligible
13 if:

14 (a) The private school has not received
15 accreditation within four (4) years of becoming eligible under subdivision
16 (b)(1)(B)(i) of this section;

17 (b) The accrediting association determines
18 that the private school is ineligible or unable to continue the accreditation
19 process; or

20 (c) It becomes impossible for the private
21 school to obtain accreditation within four (4) years.

22 (iii) A private school that becomes ineligible under
23 subdivision (b)(1)(B)(ii) of this section shall regain eligibility when the
24 private school receives accreditation;

25 (2)(A) Demonstrates fiscal soundness by having been in operation
26 for one (1) school year or providing the department with a statement by a
27 certified public accountant confirming that the private school is insured and
28 the private school has sufficient capital or credit to operate in the
29 upcoming school year.

30 (B) In lieu of a statement, a surety bond or letter of
31 credit for the amount equal to the scholarship funds for any quarter may be
32 filed with the department;

33 (3) Complies with the antidiscrimination provisions of 42 U.S.C.
34 § 2000d;

35 (4) Meets state and local health and safety requirements;

1 (5) Is academically accountable to the parent or legal guardian
2 for meeting the educational needs of the student;

3 (6) Employs or contracts with teachers who hold baccalaureate or
4 higher degrees;

5 (7) Complies with all state laws and regulations governing
6 private schools; and

7 (8) Adheres to the tenets of its published disciplinary
8 procedures before an expulsion of a student receiving a scholarship.

9 (c) An eligible private school may be sectarian or nonsectarian and
10 shall:

11 (1) Comply with all requirements under this subchapter; and

12 (2)(A) Administer annually or make provisions for a student
13 participating in the program under this subchapter to take a nationally
14 recognized norm-referenced test as established by the state board.

15 (B) A student with an individual education plan that
16 provides for an exemption to standardized testing is not required to take the
17 test administered under subdivision (c)(2)(A) of this section.

18 (C) A private school participating in the program under
19 this subchapter shall report to the student's parent the student's scores on
20 the exam under subdivision (c)(2)(A) of this section.

21 (d) If a private school participating in the program fails to meet the
22 requirements under this subchapter, the department may determine that the
23 private school is ineligible to continue to participate in the program.

24
25 6-18-2007. Department of Education obligations.

26 (a) The Department of Education shall:

27 (1) Cross-check the list of students who are participating in
28 the program under this subchapter with the public school enrollment lists in
29 order to avoid duplication;

30 (2) Maintain a list of eligible private schools participating in
31 the program under § 6-18-2006;

32 (3) Issue quarterly reports regarding the number of students
33 participating in the program under this subchapter, the private schools in
34 which the students are enrolled, and any other relevant information; and

35 (4) Contract with an independent entity to provide an annual
36 evaluation of the program by:

1 (A)(i) Reviewing school bullying prevention education
2 programs, climate, and codes of student conduct of public schools from which
3 ten (10) or more students transferred to another public school or private
4 school under this subchapter in order to determine the areas in the public
5 school or public school district that are in need of improvement.

6 (ii) The review under subdivision (4)(A)(i) of this
7 section shall include without limitation:

8 (a) An assessment of the investigation time
9 and quality of the response regarding a report of an incident under this
10 subchapter by a public school or public school district;

11 (b) An assessment of the effectiveness of
12 communication amongst public school students who are involved in an incident
13 under this subchapter, the involved students' parents, and the public school
14 and public school district personnel;

15 (c) An analysis of public school and public
16 school district incident and discipline data; and

17 (d) A review of the challenges that are
18 related to implementing recommendations under subdivision (4)(B) of this
19 section based on the review under this subdivision;

20 (B) Reviewing school bullying prevention education
21 programs, climate, and codes of student conduct of each public school or
22 private school to which a student transferred if the student was transferring
23 from a school under subdivision (4)(A)(i) of this section in order to
24 identify best practices and make recommendations to the public schools at
25 which the incidents occurred;

26 (C) Reviewing the performance of students participating in
27 the program under this subchapter who are enrolled in a private school in
28 which at least fifty-one percent (51%) of the total number of enrolled
29 students in the prior school year participated in the program under this
30 subchapter and in which there are at least ten (10) participating students
31 who have scores for tests administered as required under this subchapter; and

32 (D) Surveying the parents of students who are
33 participating in the program under this subchapter to:

34 (i) Determine academic, safety, and school climate
35 satisfaction; and

1 (ii) Identify any challenges to or obstacles in
2 addressing the incident or relating to the use of the scholarship under this
3 subchapter.

4 (b) The numerical net maximum limit on school choice transfers of not
5 more than three percent (3%) of the enrollment that exists in a public school
6 district of the immediately preceding school year under § 6-18-1906 does not
7 apply to the provisions of this subchapter.

8
9 6-18-2008. Parent and student obligations.

10 (a) A parent who applies for a scholarship under this subchapter on
11 behalf of his or her student is exercising his or her parental option to
12 place his or her student in an eligible private school.

13 (b) A parent under this subchapter shall:

14 (1) Select a private school from the list of private schools
15 eligible to participate in the program that is maintained by the Department
16 of Education and apply for the admission of his or her student to the private
17 school;

18 (2) Inform his or her student's public school district
19 superintendent when the parent applies for the admission of his or her
20 student to a private school under this subchapter;

21 (3) Comply with the policies of the private school in which his
22 or her student is enrolled under this subchapter;

23 (4)(A) Ensure that his or her student remains in attendance at
24 the private school in which his or her student enrolls for the duration of
25 the school year unless excused by the private school for illness or other
26 good cause.

27 (B) A parent shall notify the State Board of Education or
28 the state board's designee if his or her student ceases to be enrolled in or
29 regularly attend the private school in which the student is enrolled; and

30 (5) Ensure that his or her student takes the norm-referenced
31 assessment offered by the private school in which the student is enrolled.

32 (c) A parent may transfer his or her student from a private school
33 under this subchapter to a public school.

34 (d) A student participating in the program under this subchapter
35 shall:

1 (1) Attend the private school throughout the school year unless
2 excused by the private school for illness or other good cause; and

3 (2) Comply fully with the code of conduct for the private
4 school.

5 (e) The state board may terminate the scholarship of a student if the
6 student or the student's parent or guardian materially fails to comply with
7 the responsibilities under this section.

8
9 6-18-2009. Scholarship payments – Funding.

10 (a)(1) The maximum scholarship amount awarded to a student enrolled in
11 an eligible private school shall be based on a percentage of the foundation
12 funding under § 6-20-2305 for the applicable school year as follows:

13 (A) Eighty-eight percent (88%) for a student who is
14 enrolled in kindergarten through grade five (K-5);

15 (B) Ninety-two percent (92%) for a student who is enrolled
16 in grade six through eight (6-8); and

17 (C) Ninety-six percent (96%) for a student who is enrolled
18 in grade nine through twelve (9-12).

19 (2) The amount of the scholarship shall be the amount listed
20 under subdivision (a)(1) of this section or the amount of tuition and fees
21 for the private school in which a student is enrolled, whichever is less.

22 (b) The maximum amount awarded to a student who is enrolled in a
23 public school located outside of the student's resident public school
24 district shall be seven hundred fifty dollars (\$750).

25 (c)(1) Scholarship payments shall be disbursed to the transfer school
26 in equal amounts on a monthly basis by the Department of Education or another
27 state agency, person, firm, or corporation designated by the department to
28 administer and disburse funds.

29 (2) The scholarships under this subchapter shall be funded with
30 monies from the Public School Fund and other funds or appropriations
31 designated for public schools.

32 (d)(1) When a student enters the program under this subchapter, the
33 department shall receive all documentation required for the student's
34 participation, including without limitation a:

35 (A) Copy of the report of the incident received under § 6-
36 18-2005; and

1 (B) Private school’s fee schedules for enrolled students.

2 (2) The initial payment for a student’s enrollment in a private
3 school under this subchapter shall be made after verification of admission
4 acceptance, and subsequent payments shall be made upon verification by the
5 department of the student’s continued enrollment and attendance at the
6 private school.

7 (e)(1) Scholarship payments by the department may be made by:

8 (A)(i) Individual warrant made payable to the student’s
9 parent.

10 (ii) If a scholarship payment is made by individual
11 warrant under subdivision (e)(1)(A)(i) of this section, the individual
12 warrant shall be delivered by the department to the private school that is
13 selected by a parent under this subchapter.

14 (iii) A parent shall restrictively endorse an
15 individual warrant under subdivision (e)(1)(A)(i) of this section to the
16 private school that the parent selected; and

17 (B)(i) Funds transfer, including without limitation:

18 (a) Debit cards;

19 (b) Electronic payment cards; or

20 (c) Any other means of payment that the
21 department deems to be commercially viable or cost-effective.

22 (ii) If payment of a scholarship is made by funds
23 transfer under subdivision (e)(1)(B)(i) of this section, a parent shall
24 approve each payment before the scholarship funds are deposited.

25 (2) A parent shall not designate an entity or individual
26 associated with the private school that the parent selected for his or her
27 student as the parent’s attorney-in-fact to endorse a scholarship warrant or
28 approve a funds transfer under this subsection (e).

29 (f) The department shall:

30 (1) Obtain verification from a private school of a student’s
31 continued attendance at the private school for each period covered by a
32 scholarship payment;

33 (2) Make scholarship payments on a quarterly basis; and

34 (3) Not charge an application fee for applications under this
35 subchapter.

36

1 6-18-2010. Rules and duties.

2 (a) The Department of Education shall adopt rules and develop notices
3 and other documentation necessary to administer the Safe and Sound
4 Scholarship Program that are in the best interest of students.

5 (b) The department shall not:

6 (1)(A) Become a party to a contract between a participating
7 private school and a student's parent.

8 (B) However, the department shall make payments to a
9 private school participating in the program under this subchapter as long as
10 a student is enrolled and attending the private school in good standing as
11 required under § 6-18-2008; or

12 (2) Make payments to a private school participating in the
13 program under this subchapter after the department is notified by either the
14 private school or a student's parent that the student is no longer enrolled
15 or attending the private school.

16
17 */s/Lowery*
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20 Referred requested by the Arkansas House of Representatives

21 Prepared by: TNL/VJF
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