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Proposed Rulemaking

Title

Promulgated by: Arkansas State Board of Education

Title 6. Education

Chapter I. Division of Elementary and Secondary Education

Subchapter D. Student Instruction and Learning

Part 108. Rules Governing the Course Choice Program

Subpart 1. Generally

6 CAR § 108-101. Creation.

This part shall be known and may be cited as the "Course Choice Program".

6 CAR § 108-102. Definitions.

As used in this part:

(1)(A) "Adult facilitator" means the person responsible for supervising and assisting the students at a brick-and-mortar location.

(B) The adult facilitator shall be an adult approved by the resident school district.

(2) "Course" means a unit of instructional material for which credit is awarded;

(3)(A) "Course provider" means an entity that offers individual courses in person or online, including without limitation:

(i) An online or virtual education provider that is not a public school district or an open-enrollment public charter school;

(ii) A postsecondary education institution;

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(iii) A business or entity that offers vocational or technical course work in its field and has been authorized to provide such courses by the State Board of Education;

(iv) Arkansas School for Mathematics, Sciences, and the Arts; and

(v) An educational entity that is not a public school district or an open-enrollment public charter school.

(B)(i) A course provider does not include a public school district or an open-enrollment public charter school.

(ii)*(a)* Except as provided under subdivision (1)(B)(ii)(b) of this section, a public school district or an open-enrollment public charter school may make one (1) or more courses available to eligible students under this part.

(b) A public school district or an open-enrollment public charter school with a rating of "D" or "F" under Arkansas Code §§ 6-15-2105, 6-15-2106 and state board rules shall not be eligible to offer courses to eligible students under this part.

(4) "Eligible student" means any student in grades six through twelve (6-12) who resides in Arkansas and meets at least one (1) of the following criteria:

(A) Is attending a public school district or open-enrollment public charter school that does not offer the course in which the student desires to enroll, as determined by the Division of Elementary and Secondary Education; or

(B) Is attending a public school district or open-enrollment public charter school that has a letter grade of "D" or "F", or any variation thereof, under Arkansas Code §§ 6-15-2105 and 6-15-2106 and state board rules and would like to take a course required for graduation at the eligible student's school through the Course Choice Program.

(5) "Non-completion" means that an enrolled student does not receive a passing grade or credit for the course.

(6)(A) "Per-course amount for a course provider" means the standard market rate as determined by a course provider and reported to the division that is up to eight percent (8%) of the per-pupil amount each year as determined by the foundation

funding amount, established under Arkansas Code § 6-20-2305, allotted per student to each public school district or open-enrollment public charter school in which an eligible student resides.

(B) The per-course amount for a course provider shall include required materials, including textbooks, for participation in the course.

(C) The per-course amount for a public school district or an open-enrollment public charter school shall be the amount of foundation funding generated by including an eligible student in the public school district's or open-enrollment public charter school's average daily membership under Arkansas Code § 6-20-2305 for one (1) or more courses.

(D) A course that awards one half (1/2) credit is eligible to receive one half (1/2) of the per-course amount.

6 CAR § 108-103. Course Choice Program.

(a) Course providers seeking participation in the Course Choice Program shall provide the following without limitation to the Division of Elementary and Secondary Education:

(1) An attestation by the proposed course provider stating they will comply with Arkansas law and applicable division rules;

(2) A proposal that is valid, complete, financially well-structured and educationally sound;

(3) A proposal that provides a plan for collecting data; and

(4) A proposal offering the potential for fulfilling the purposes of this part.

(b) The Division of Elementary and Secondary Education shall ensure an independent evaluation is conducted of each proposal submitted by a proposed course provider by a third party that has educational, organizational, legal and financial expertise.

(c) An agreement is required between the State Board of Education and all course providers that shall include without limitation a plan for implementing or providing the following:

(1) Administration of state assessments by the course provider or an eligible student's resident public school district or open-enrollment public charter school as determined by the Division of Elementary and Secondary Education, and as required by the school rating system under Arkansas Code § 6-15-2101 et seq.;

(2) The public school district or open-enrollment public charter schools in which the course provider operates;

(3) Information about courses the provider intends to offer that includes:

(A) The name and course code;

(B) Alignment of the courses with the Arkansas academic standards;

(C) Designated length of each course offered;

(D) Required materials, including textbooks, that the course provider will provide for students enrolled in a course; and

(E) Necessary supplies or equipment that parents, guardians or person standing in loco parentis need to provide for students enrolled in a course;

(4) Total student enrollment capacity for each proposed course offered;

(5) Alignment of the courses offered by the course provider with approved Arkansas graduation requirements; and

(6) Assurances that the course provider shall, to the best of its ability, collaborate and coordinate with a local public school district or open-enrollment public charter school in which an eligible student is enrolled full time, including to assist with implementation of a student's Individualized Education Program (IEP) when applicable.

(d) Public and private Arkansas colleges and universities accredited by the National Alliance of Concurrent Enrollment Partnership or by the Division of Higher Education to offer concurrent credit courses shall qualify as a course choice provider.

(1) All state-supported institutions of higher education providing concurrent credit courses shall:

(A) Adhere to the Higher Education Coordinating Board concurrent enrollment policy; and

(B) Agree to a memorandum of understanding for course choice providers offering concurrent credit.

(e)(1) The initial authorization of a course provider shall be for a period of three (3) years.

(2) After the second year of the initial authorization period, the Division of Elementary and Secondary Education shall conduct a thorough review of the course provider's activities and the academic performance of the eligible students enrolled in courses offered by the course provider.

(3) Following the division's review after the second year, the state board shall consider the division's recommendation to determine whether the course provider's activities and the academic performance of the eligible students enrolled are in accordance with the school rating system under Arkansas Code § 6-15-2101 et seq., and 6 CAR pt. 64.

(4) If the performance of eligible students enrolled in courses offered by the course provider does not meet performance standards set by the state board, the board shall place the course provider on probation for the remainder of the initial authorization period.

(f) After the conclusion of an authorization period, the state board may consider the recommendation of the Division of Elementary and Secondary Education to determine whether to reauthorize a course provider for additional periods of not less than three (3) years nor more than five (5) years.

(g)(1) Course providers shall be monitored and evaluated throughout each authorization period by the Division of Elementary and Secondary Education in accordance with state board performance expectations which shall include without limitation:

(A) Student achievement;

(B) Semester or annual student completion rates as applicable to the design of the course;

(C) Adherence to Arkansas Academic Standards; and

(D) Provider operational system management.

(2)(A) If at any time during an authorization period the state board determines the course provider does not meet performance standards, the board shall place the course provider on probation.

(B) Prior to the conclusion of the probationary period, a review shall be conducted by the division to determine whether the course provider meets performance standards set by the state board.

(C) Following the division's review, the state board shall then consider the division's recommendation to determine whether:

(i) The course provider meets standards set by the board such that the probationary status is removed; or

(ii) The course provider does not meet standards set by the board resulting in termination from the program.

(3) Additionally, course providers may be terminated from the program at any time if the state board determines that the provider has materially breached the agreement required under § 108-103(c) of this part.

(h)(1) The Course Choice Catalog contains common course numbering of all courses available under this part and shall be reviewed to ensure compliance with Arkansas state academic standards; and

(2) For courses offered by postsecondary educational institutions that are authorized course providers, the Division of Elementary and Secondary Education shall consult with the Division of Higher Education and Higher Education Coordinating Board.

(i) The Division of Elementary and Secondary Education will post on its website the Course Choice Catalog for all courses offered by a public school district or open-enrollment public charter school.

(j)(1) The school in which a student is enrolled remains responsible for implementation of a student's Individualized Education Program (IEP).

(2) The course provider shall assist in implementing the student's IEP, including providing necessary accommodations, as directed by the district.

6 CAR § 108-104. Responsibilities of Student's Resident School.

(a) The following policies and procedures shall be established by each local school district or open-enrollment public charter school board of directors:

(1) Credits earned through a course provider shall appear on each eligible student's official transcript and count fully towards graduation requirements;

(2) Required tests shall be administered to each eligible student attending the public school district or open-enrollment public charter school;

(3) All services to which each eligible student attending the public school district or open-enrollment public charter school would be entitled if attending the public school in which he or she is enrolled full time for all courses, including without limitation special education services pursuant to the eligible student's individualized education program, shall be provided;

(4) Students enrolled in digital courses shall have access to a suitable classroom environment to participate in the course; and

(5) Participation in course choice at another school shall not affect a student's participation in extracurricular or cocurricular activities.

(b)(1) A public school district or open-enrollment public charter school shall make available to all students the course catalog during the annual course enrollment process for the school.

(2) A public school district or open-enrollment public charter school shall not actively discourage, intimidate, or threaten an eligible student during the course enrollment process or at any other time.

(3) Final course placement and enrollment is contingent upon both provider and resident school district approval.

(4) The public school district or open-enrollment public charter school shall enroll students within course choice as part of their annual course enrollment procedures.

(c) A public school district or open-enrollment public charter school shall provide:

(1) Adequate classroom space to accommodate all students;

(2) Required technology for students to access materials and participate in the course;

(3) Reasonably designed student schedules that allow students to participate in the program without conflicting with other courses; and

(4) For courses offered virtually, an adult facilitator to:

(A) Supervise any instructional activity where students meet as a group;

(B) Administer all student achievement assessments used to determine a student's final grade; and

(C) Conform with Division of Elementary and Secondary Education Rules Governing Distance and Digital Learning under 6 CAR pt. 93 and other applicable rules.

(d)(1) The aggregate test scores of eligible students under this subpart shall be included in the annual school performance report provided to the Division of Elementary and Secondary Education for the public school district or open-enrollment public charter school in which an eligible student is enrolled full time.

(2) The aggregate test scores published by each course provider shall be published by the division on its website in an easy-to-understand format.

(e) Each eligible student shall enroll in and attend at least one (1) course at the resident school district in which he or she is enrolled full-time.

(f) Schools may, but are not required to, provide transportation for a student to and from the location of the course where the student is enrolled under this part unless the student has an Individualized Education Program (IEP) that entitles the student to transportation.

(g) Unless a course is offered through an institution of higher education, a course pursuant to this part shall not be offered outside of the school's adopted calendar.

(h) Students shall not enroll in courses pursuant to this part that would cause the student's course load to exceed the maximum course load offered by the resident school district.

6 CAR § 108-105. Funding.

(a)(1) Each eligible student shall be included in the average daily membership of the public school district or open-enrollment public charter school in which the eligible

student is enrolled full time for the purpose of generating foundation funding under Arkansas Code § 6-20-2305.

(2) Funds under § 102(6)(A) of this part shall be used to finance any administrative or operational costs to support eligible students enrolled in courses offered by course providers.

(b)(1) For each eligible student, a course provider shall receive payment for only the courses in which an eligible student is enrolled pursuant to this part.

(2) The remaining funds for each eligible student, up to the maximum amount established under Arkansas Code § 6-20-2305 shall remain with the public school district or open-enrollment public charter school in which the student is enrolled full time.

(3) A student or a student's parent, guardian or person standing in loco parentis shall not be responsible for tuition, fees, or materials required for participation in a Course Choice Program.

(c) Payment for courses under this part shall be made by the department on behalf of the responsible public school district or open-enrollment public charter school to the authorized course provider based on enrollment verification data input into the Statewide Information System by the school district in which the student is enrolled full time.

(d)(1) A course provider shall not charge an eligible student any amount above the per-course amount established pursuant to this part.

(2)(A) For coursework that begins in the fall semester, fifty percent (50%) of the per-course amount for a course provider that is paid or transferred to a course provider shall be paid or transferred after verification of eligible student enrollment in a course on October 1 of each year and fifty percent (50%) shall be paid or transferred upon course completion and the eligible student receiving credit according to the published course length.

(B) For coursework that begins in the spring semester, fifty percent (50%) of the per-course amount for a course provider that is paid or transferred to a course provider shall be paid or transferred after verification of eligible student enrollment in a

course on February 1 of each year and fifty percent (50%) shall be paid or transferred upon course completion and the eligible student receiving credit according to the published course length.

(C) For non-completion prior to leaving school or graduating from high school, the course provider shall receive only fifty percent (50%) of the per-course amount for course providers that is paid upon eligible student enrollment in the course.

(e)(1) Pursuant to Arkansas Code § 6-51-305, vocational centers shall be financed by distributing vocational center aid from the Public School Fund according to rules promulgated by the Career Education and Workforce Development Board.

(2) Additionally, centers shall be eligible for any vocational program start-up funds which become available and for federal vocational education funds upon meeting eligibility requirements.

(3) If a vocational center receives funding pursuant to Arkansas Code § 6-51-305, it shall not also receive foundation funding under Arkansas Code § 6-20-2305.

State of Arkansas *As Engrossed: H2/27/23*
94th General Assembly **A Bill**
Regular Session, 2023 SENATE BILL 294

By: Senators B. Davis, Hester, Irvin, J. Dismang, J. English, G. Stubblefield, Flippo, B. Johnson, D. Wallace, Hill, M. Johnson, K. Hammer, D. Sullivan, Gilmore, M. McKee, C. Penzo, J. Boyd, J. Petty, J. Bryant, Crowell, Stone, Dees, J. Payton, J. Dotson, A. Clark
By: Representatives Brooks, M. Shepherd, McCollum, B. McKenzie, Pilkington, S. Meeks, Wardlaw, Eubanks, Cozart, Womack, C. Fite, Lundstrum, Bentley, Gonzales, Beck, K. Brown, Richmond, Fortner, Cavenaugh, Maddox, Barker, Rye, Hollowell, Watson, Lynch, Wing, Crawford, L. Johnson, C. Cooper, Breaux, Evans, McGrew, Ray, Beaty Jr., McClure, Milligan, Haak, John Carr, Underwood, Furman, G. Hodges, J. Moore, Achor, Burkes, Hawk, McAlindon, M. Brown, Rose, Puryear, Gramlich, Painter, Duffield, Unger, R. Scott Richardson, Andrews

For An Act To Be Entitled

AN ACT TO CREATE THE LEARNS ACT; TO AMEND VARIOUS PROVISIONS OF THE ARKANSAS CODE AS THEY RELATE TO EARLY CHILDHOOD THROUGH GRADE TWELVE (12) EDUCATION IN THE STATE OF ARKANSAS; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE LEARNS ACT; TO AMEND VARIOUS PROVISIONS OF THE ARKANSAS CODE AS THEY RELATE TO EARLY CHILDHOOD THROUGH GRADE TWELVE EDUCATION IN THE STATE OF ARKANSAS; AND TO DECLARE AN EMERGENCY.

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

SECTION 1. DO NOT CODIFY. Title.

This act shall be known and may be cited as the "LEARNS Act".

SECTION 2. Arkansas Code § 6-10-128(d)(1), concerning school resource

officer training requirements, is amended to read as follows:

(d)(1) Sworn, nonsupervisory law enforcement personnel, including without limitation school resource officers, who are assigned to a public school campus during the instructional day or employed by a public school district shall:

(A) Within eighteen (18) months of being assigned or employed by the public school district:

(i)(a) Complete a forty-hour basic school resource officer training program developed and provided, or approved, by the Arkansas Center for School Safety of the Criminal Justice Institute.

(b) The training required under subdivision (d)(1)(A)(i)(a) of this section shall include without limitation:

(1) The roles and responsibilities of school resource officers in public schools;

(2) Laws that are specific to public schools and students in public schools; and

(3) Adolescent behavior and development; and

(ii)(a) ~~Obtain certification in Youth Mental Health First Aid~~ Attend a training in youth mental health as required by the State Board of Education.

(b) ~~Youth Mental Health First Aid certification shall be maintained and renewed~~ The youth mental health training required under subdivision (d)(1)(A)(ii)(a) of this section shall be obtained every four (4) years if the school resource officer remains assigned to or employed by a public school district;

(B)(i) Within five (5) years after receiving the initial basic school resource officer training program, complete a sixteen-hour school resource officer refresher training developed and provided, or approved, by the Arkansas Center for School Safety of the Criminal Justice Institute.

(ii) The school resource officer refresher training required under subdivision (d)(1)(B)(i) of this section shall be completed every five (5) years; and

(C)(i) Annually complete twelve (12) hours of public school-specific continuing education developed and provided, or approved, by

the Arkansas Center for School Safety of the Criminal Justice Institute.

(ii) The ~~Youth Mental Health First Aid~~ The youth mental health training required under subdivision (d)(1)(A)(ii) of this section and the school resource officer refresher training required under subdivision (d)(1)(B) of this section shall count towards the twelve (12) hours of public school-specific continuing education required under subdivision (d)(1)(C)(i) of this section in the years during which the ~~Youth Mental Health First Aid~~ youth mental health and school resource officer refresher trainings are completed.

SECTION 3. Arkansas Code § 6-11-105(a), concerning powers and duties of the State Board of Education, is amended to add an additional subdivision to read as follows:

(13) Administer the state's early learning and education system, which shall include the administration of:

(A) Relevant rules related to administering funding, licensing, standards, and program requirements;

(B) Quality rating and improvement initiatives; and

(C) Streamlining and burden reduction for families and providers.

SECTION 4. Arkansas Code § 6-13-620(5), concerning the power of a school district board of directors to employ staff, is amended to read as follows:

(5)~~(A)~~ Employ staff, including:

~~(i)(a)~~(A)(i) A superintendent and one (1) or more assistant superintendent of schools to oversee the day-to-day operations of the school district.

~~(b)~~(ii) A superintendent shall be evaluated annually or no less often than before any extension of his or her employment contract.

~~(c)~~(iii) Superintendents and assistant superintendents may be employed under contract terms and conditions that incorporate all elements prescribed by the State Board of Education; and

~~(ii)(a)~~(B) School district employees under initial written employment contracts in the form prescribed by the State Board of

Education, not including day-to-day substitutes.

~~(b) The employment contract shall:~~

~~(1) State the duration of employment, specific duties of the employee and the annual salary or hourly wage of the employee and projected annual earnings in the case of nonexempt employees under applicable state and federal law; and~~

~~(2) Incorporate all personnel policies adopted by June 30 to be in effect on July 1 of the following employee contract year, subject to the requirements and exceptions contained in §§ 6-17-204 and 6-17-205.~~

~~(B) Copies of initial written employment contracts and renewed written employment contracts issued in accordance with §§ 6-17-1506 and 6-17-1703 shall be distributed as follows:~~

~~(i) One (1) copy to be given to the employee;~~

~~(ii) One (1) copy to be retained by the school district board of directors; and~~

~~(iii) One (1) copy to be retained by the school district's treasurer or bookkeeper~~;

SECTION 5. Arkansas Code § 6-13-635(b)(1)(B), concerning a resolution approved by a school district board of directors for an increase in salary of five percent (5%) or more of a public school district employee, is amended to read as follows:

(B) The resolution shall include the reasons for the salary increase, which may include without limitation:

(i) A bonus that is not added to the employee's salary;

(ii) An incentive bonus provided:

(a) For National Board for Professional Teaching Standards certification under § 6-17-413;

(b) To a certified speech-language pathologist under § 6-17-413;

~~(c) For teacher recruitment or retention in high-priority school districts under § 6-17-811;~~

~~(d)~~(c) To a master principal under § 6-17-1603; or

~~(c)~~(d) Under another specific provision of law; or

(iii) An increase in salary received as a result of the school district employee moving into a new position with substantially different job functions.

SECTION 6. Arkansas Code Title 6, Chapter 13, Subchapter 6, is amended to add an additional section to read as follows:

6-13-636. Authority to make school personnel hiring and placement decisions.

(a)(1) Each local public school district board of directors shall adopt policies for and establish procedures that require a public school district superintendent to consult with teachers employed by the public school district before making any decisions regarding the hiring or placement of a principal at the public school in which the teachers are employed.

(2) Recommendations made by teachers under subdivision (a)(1) of this section shall not be binding on the superintendent, but shall be considered by the superintendent when making employment decisions within the public school district.

(b)(1) Each public school district superintendent and public school principal shall make all employment-related decisions based upon the following, as applicable to the specific position for which the public school district superintendent and public school principal are hiring:

(A) Performance;

(B)(i) Effectiveness.

(ii) Effectiveness shall be used as the primary criterion for making personnel decisions; and

(C) Qualifications.

(2) However, seniority and tenure shall not be used as the primary criterion when making decisions regarding the hiring, assignment, or dismissal of public school teachers and other public school employees.

(c)(1) Each public school district shall ensure that its reduction in force plan, as defined under § 6-17-2407, is aligned with all state laws, including without limitation subsection (b) of this section.

(2) To ensure compliance as required under subdivision (c)(1) of this section, each public school district shall submit to the Division of

Elementary and Secondary Education its reduction in force plan each time it is updated, including without limitation updates regarding:

(A) Staff positions that are to be eliminated;

(B) Staff performance and effectiveness metrics applicable to each specific position; and

(C) Any other general or specific change made to the reduction in force plan.

(d) A public school district employee employment contract shall:

(1) State the:

(A) Duration of employment;

(B) Specific duties of the employee;

(C) Annual salary or hourly wage of the *employee;*

(D) Projected annual earnings in the case of nonexempt *employees under applicable state and federal law; and*

(E) Employee's right to:

(i) Notice of a recommendation for termination from the public school district superintendent; and

(ii) An opportunity for a hearing before the public school district board of directors concerning the employee's recommendation for termination; and

(2)(A) Incorporate all personnel policies adopted by June 30 to be in effect on July 1 of the following employee contract year, subject to the requirements and exceptions contained in §§ 6-17-204 and 6-17-205.

(B) Copies of initial written employment contracts and renewed written employment contracts shall be distributed as follows:

(i) One (1) copy to be given to the employee;

(ii) One (1) copy to be retained by the school district superintendent or his or her designee; and

(iii) One (1) copy to be retained by the school district's treasurer or bookkeeper.

SECTION 7. Arkansas Code § 6-13-808(i), concerning the Arkansas Traveling Teacher Program, is repealed.

~~(i) An agreement for traveling teacher services under this section is not governed by or subject to the provisions of The Teacher Fair Dismissal Act of 1983, § 6-17-1501 et seq.~~

SECTION 8. Arkansas Code § 6-15-1303 is amended to read as follows:

6-15-1303. Safe Schools Initiative Act.

(a)(1) A public school district or open-enrollment public charter school shall conduct a comprehensive school safety ~~audit~~ assessment every three (3) years to assess the safety, security, accessibility, and emergency preparedness of district buildings and grounds in collaboration with local law enforcement, fire, and emergency management officials.

(2)(A) A comprehensive school safety ~~audit~~ assessment shall be conducted by more than one (1) individual, including at least one (1) individual who is not assigned to the facility being ~~audited~~ assessed, if the ~~audit~~ assessment is conducted by district personnel.

(B) A comprehensive school safety ~~audit~~ assessment shall include without limitation an ~~audit~~ assessment of the following:

(i) Safety and security of the site and exterior of buildings;

(ii) Access control;

(iii) Safety and security of the interior of buildings;

(iv) Monitoring and surveillance, including without limitation type and extent;

(v) Communication and information security;

(vi) Review of emergency operation plans; and

(vii) School climate and culture.

(3) The initial comprehensive school safety ~~audit~~ assessment shall be conducted by August 1, 2024.

(4) The Division of Elementary and Secondary Education shall promulgate rules specifying how the completion of the ~~audit~~ assessment and confirmation of collaboration with local law enforcement and emergency management officials shall be verified.

(b)(1) A public school district or open-enrollment public charter school shall conduct an annual lockdown drill for a possible threat on campus at each school in the public school district or open-enrollment public charter school.

(2) As part of the public school district or open-enrollment public charter school's planning for lockdown drills, the public school

district or open-enrollment public charter school shall:

(A) Assess the plan and ability of the public school district or open-enrollment public charter school to prevent and respond to a threat on campus;

(B) Identify the roles and responsibilities of each individual when an emergency occurs;

(C) Discuss the logistics of responding to an emergency on the school campus;

(D) Identify areas in which the emergency operation plan of the school may require modification, if necessary; and

(E) Collaborate with local law enforcement*, medical professionals, fire department* and emergency management officials.

(3) The Division of Elementary and Secondary Education shall promulgate rules describing how the completion of the drills and confirmation of collaboration with local law enforcement*, medical professionals, fire department* and emergency management officials shall be verified.

(c)(1) On or before October 1, 2021, a public school shall provide current floor plans and pertinent emergency contact information to appropriate first responders.

(2) Public school administration shall provide updated information annually and when substantial building modifications or changes are made.

(3) Information provided under this subsection is not a public record and is not available for public inspection.

(4) The Division of Elementary and Secondary Education shall promulgate rules describing how public school compliance with subdivisions (c)(1) and (2) of this section will be verified.

(d)(1) Subject to continued appropriation and funding for this purpose, the Arkansas Center for School Safety of the Criminal Justice Institute shall assist the Division of Elementary and Secondary Education in building the capacity of educators, leaders, and law enforcement professionals to meet the safety needs of children in public schools in this state.

(2) The Arkansas Center for School Safety of the Criminal Justice Institute shall promote and support school safety statewide and shall provide school safety training, education, and resources for school, school

district, and law enforcement personnel.

(3)(A) The Arkansas Center for School Safety of the Criminal Justice Institute shall be the state school safety clearinghouse and shall collaborate with the following entities to provide a comprehensive, efficient, and effective resource for education and law enforcement personnel to obtain training and technical assistance to meet the school safety needs of students in this state:

(i) The Division of Elementary and Secondary Education;

(ii) The Safe Schools Committee established under this subchapter;

(iii) The Arkansas Association of Educational Administrators;

(iv) The Arkansas School Boards Association;

(v) Education service cooperatives;

(vi) The Division of Emergency Management;

(vii) The Arkansas Public School Resource Center, Inc.; and

(viii) Other key stakeholders.

(B) The Division of Elementary and Secondary Education shall collaborate actively with the Arkansas Center for School Safety of the Criminal Justice Institute and shall promote the training and resources provided by the Arkansas Center for School Safety of the Criminal Justice Institute to public school district or open-enrollment public charter school staff.

(C) The training provided by the Arkansas Center for School Safety of the Criminal Justice Institute may include without limitation the training and education needed to assist a public school or private school in:

(i) Developing prevention strategies and enhancing existing emergency response plans for campus security and safety issues;

(ii) Addressing public safety and legal topics such as drugs and alcohol abuse, sexual assault, dating violence, bullying and ~~cyber-bullying~~ cyberbullying, human trafficking, gangs, preventing the possession of weapons by minors, and responding to the threat of weapons at school;

(iii) Conducting school safety ~~audits~~ assessments;

(iv) Cooperating effectively with law enforcement officers, school resource officers, and other school safety personnel, in the school setting; and

(v) Other relevant school safety topics, initiatives, and programs.

(4) Annual training and emergency response drills may be conducted during the instructional day or during noninstructional time periods as determined by the school district.

(e) Subject to an appropriation and funding for this purpose, each public school, in collaboration with the school district, may install communications equipment that is interoperable with the Arkansas Wireless Information Network system.

(f)(1) A public school district or open-enrollment public charter school shall have a school safety expert review and advise on architectural plans for a public school facility before the new construction of the public school facility.

(2) The requirements for a school safety expert shall be established by the Commission for Arkansas Public School Academic Facilities and Transportation by rule.

(g) To promote school safety, the Department of Education shall:

(1) Work with organizations, including without limitation the following:

(A) Readiness and Emergency Management for Schools (REMS) Technical Assistance Center (TA); and

(B) The National Training and Technical Assistance Center in order to develop a customized, state-level school bus safety initiative for use by public school districts, open-enrollment public charter schools, and transportation offices;

(2)(A) Make crisis response training available to school personnel and other key stakeholders throughout the state.

(B) The department shall ensure all public school districts and open-enrollment public charter schools receive relevant training information required under subdivision (g)(2)(A) of this section in a timely manner; and

(3) Conduct an analysis to determine how the Arkansas State

Fusion Center may be more effectively utilized to:

(A) Receive and disseminate information pertaining to threats against public schools; and

(B) Provide timely and relevant information to public schools and other appropriate entities pertaining to school safety.

(h) Each public school district and open-enrollment public charter school shall support student mental health on a timeline to be established by the department by:

(1) Supporting access to training in youth mental health for all school personnel who interact with students;

(2) Requiring all school staff to complete mental health awareness training; and

(3) Establishing a behavioral threat assessment team, which shall:

(A) Follow best practices for team composition and process; and

(B) Require that all team members receive basic and advanced behavioral threat assessment training through the Arkansas Center for School Safety of the Criminal Justice Institute or another organization or entity approved by the state board.

(i) Each public school district and open-enrollment public charter school shall work with law enforcement to improve school safety and security by:

(1) Developing plans to increase the presence of uniformed law enforcement on all public school campuses at all times when school staff and children are attending class or during a major extracurricular activity;

(2)(A) Providing to school resource officers, commissioned school security officers, and institutional law enforcement officers regular specialized training, including specific training on roles and responsibilities associated with each position.

(B) Responsibilities of school resource officers, commissioned school security officers, and institutional law enforcement officers shall not include involvement with student disciplinary *action, as defined in § 6-18-501 et seq.;* and

(3) Implementing and expanding strategies to promote reporting, which shall include anonymous reporting of:

(A) Suspicious activity and behavior; and

(B) Threats.

(j) Each public school district and open-enrollment public charter school shall promote student security and safety by:

(1) Forming District Safety and Security Teams to review district emergency operations plans and security policies and procedures;

(2)(A) Conducting a comprehensive school safety *assessment every three (3) years* that is reviewed by the public school district board of directors and administration or an open-enrollment public charter school's governing body.

(B) The comprehensive school safety assessment required under subdivision (j)(2)(A) of this section shall:

(i) Be solely for the purpose of ensuring student safety;

(ii) Not be a public record and not be available for public inspection under the Freedom of Information Act of 1967, § 25-19-101 *et seq.; and*

(iii) Be conducted only in an executive session convened by a public school district board of directors or an open-enrollment public charter school's governing body;

(3) Training school nurses and staff in efforts that enhance the emergency medical response within public schools, including without limitation:

(A) Training concerning opioid overdose; and

(B) Bleeding control training;

(4) Establishing and maintaining a comprehensive, common communication plan to be utilized by:

(A) School officials;

(B) Students;

(C) Parents, legal guardians, or persons standing in loco parentis to a student;

(D) Law enforcement; and

(E) Other relevant stakeholders;

(5) Establishing systems that enable direct communication with local, law-enforcement, which may include without limitation:

(A) Emergency alert systems;

(B) Radios for school officials that are programmed with law enforcement frequencies; and

(C) School camera systems that can be accessed in real time by law enforcement; and

(6) Reviewing and updating cybersecurity policies and procedures annually.

SECTION 9. Arkansas Code § 6-15-2610 is amended to read as follows:

6-15-2610. Construction with other state law.

To the extent that the provisions of this subchapter or the terms of an approved Rewarding Excellence in Achievement Program plan directly conflict with any provision of § 6-17-201 et seq.~~, The Teacher Fair Dismissal Act of 1983, § 6-17-1501 et seq.,~~ or the provisions of any other state law relating to the compensation of public school teachers, the provisions of this subchapter and the approved Rewarding Excellence in Achievement plan shall control.

SECTION 10. Arkansas Code § 6-15-2804(a)(9), concerning requirements for schools that are designated as schools of innovation, is repealed.

~~(9) Adhere to The Teacher Fair Dismissal Act of 1983, § 6-17-1501 et seq.;~~

SECTION 11. Arkansas Code § 6-15-2907(a), concerning the implementation of a statewide student assessment system, is amended to read as follows:

(a) The Division of Elementary and Secondary Education shall implement a statewide student assessment system to be administered by Arkansas public schools on a schedule determined by the State Board of Education that includes the following components:

(1) Developmentally appropriate measurements or assessments for kindergarten through grade two (K-2) in *literacy and* mathematics;

(2)(A) High-quality, evidence-based literacy screeners for kindergarten through grade three (K-3).

(B)(i) The division shall identify the literacy screeners required under subdivision (a)(2)(A) of this section, which shall meet the requirements of § 6-41-603 and may be the same screener used for dyslexia

screening.

(ii) The literacy screeners required under subdivision (a)(2)(A) of this section shall be utilized to determine student progression in reading in kindergarten through grade three (K-3) and shall be:

(a) Given during the first thirty (30) days of the school year;

(b) Repeated, if indicated, midyear; and

(c) Given at the end of the school year.

(iii) The division shall collect and publish aggregated public school district, open-enrollment public charter school, and overall state literacy *assessment results* annually by October 1;

~~(2)~~(3) Assessments to measure English language arts, mathematics, and science as identified by the state board;

~~(3)~~(4) Assessments of English proficiency of all English learners; and

~~(4)(A)~~(5)(A) Assessments to measure college and career readiness.

(B) A public school that serves a student in grades ten through twelve (10-12) shall administer college and career readiness assessments, including a career readiness assessment that leads to a nationally recognized work readiness certificate, as determined by the state board to each student before he or she graduates from high school.

(C) Public school districts may offer additional college and career readiness assessments for students in grades ten through twelve (10-12) at no cost to the student by using public school district funding, including without limitation Enhanced Student Achievement Funding under § 6-20-2305.

SECTION 12. Arkansas Code § 6-15-2911(b), concerning the development of a student success plan, is amended to read as follows:

(b)(1) Beginning with the 2018-2019 school year, each student, by the end of grade eight (8), shall have a student success plan developed by school personnel in collaboration with parents and the student that is reviewed and updated annually.

(2) The student success plan shall, at a minimum:

(A) Guide the student along pathways to graduation;

(B) Address accelerated learning opportunities;

(C) Address academic deficits and interventions; and

(D) Include college and career planning components.

(3) Beginning with the 2023-2024 school year:

(A) Each student's student success plan, or the student's individualized education program, if applicable, shall include the recommended sequence of courses for successful completion of a diploma pathway selected by the student;

(B)(i) A student success plan shall be sufficiently flexible to allow the student to, with the written approval of a parent, legal guardian, or person standing in loco parentis to the student, change his or her diploma pathway.

(ii) A change made to a student's diploma pathway under subdivision (b)(3)(B)(i) of this section shall be structured to ensure that the student will:

(a) Meet the high school graduation requirements for the student's chosen diploma pathway or the requirements of the student's individualized education program, if applicable; and

(b) Be qualified for admission to a postsecondary educational institution or to enter the workforce; and

(C)(i) Each student's student success plan shall be reviewed annually and revised as necessary to identify the courses to be taken each year until all required core courses are completed.

(ii) Upon completion of the review required under subdivision (b)(3)(C)(i) of this section, the student's student success plan shall be signed by the:

(a) Student;

(b) Student's parent, legal guardian, or person standing in loco parentis to the student; and

(c) School counselor.

(iii) Before revising a student success plan under subdivision (b)(3)(C)(i) of this section, a school counselor or person acting in the equivalent role of a school counselor shall meet with the student's parent, legal guardian, or persons standing in loco parentis to the student either in person or virtually to explain the possible impacts the revisions

to the plan might have on the student's graduation requirements and postsecondary education goals.

(iv) Any revisions to a student success plan shall be approved in writing by the student's parent, legal guardian, or person standing in loco parentis to the student.

~~(3)~~(4) An individualized education program for a student with a disability, identified under the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq., meets the requirements of this section if the individualized education program:

(A) Addresses academic deficits and interventions for students not meeting standards-based academic goals at an expected rate or level; and

(B) Includes a transition plan that addresses college and career planning components.

~~(4)~~(5) The State Board of Education may promulgate rules to implement this section that include without limitation requirements for the development and review of a student success plan if a student is enrolled for the first time in or transfers to a public school district in the state during or after the student completes grade eight (8).

SECTION 13. Arkansas Code § 6-15-2911, concerning student success plans, is amended to add an additional subdivision to read as follows:

(e) To provide a foundation for the development of a student success plan, a public school district shall:

(1) Provide career awareness and exploration activities to all public school students in grades six through eight (6-8) that create links between what a student does in school and what a student wants to achieve in life, as described in § 6-16-1802(a); and

(2)(A) Hold an informational meeting for parents, legal guardians, or persons standing in loco parentis to students enrolled in grades six through twelve (6-12) within the public school district to provide information regarding graduation requirements and curriculum choices.

(B) The informational meeting required under subdivision (e)(2)(A) of this section shall be held in conjunction with the scheduling of courses for the next academic year.

(C) Notice of the informational meeting required under

subdivision (e)(2)(A) of this section shall be provided through existing means of communication.

SECTION 14. Arkansas Code Title 6, Chapter 15, is amended to add an additional subchapter to read as follows:

Subchapter 32 — School Transformation Contracts

6-15-3201. School eligibility.

A public school district with a "D" or "F" *school rating* according to the most recent results of the school rating system under § 6-15-2101 et seq., or a school district classified as in need of Level 5 — Intensive support by the State Board of Education shall be eligible for an exemption from sanctions or action under §§ 6-15-2915, 6-15-2916, and 6-15-2917, and qualify for funding provided under § 6-15-3203 if the public school district board of directors contracts with a partner to operate a public school district transformation campus with:

(1) The governing body of an open-enrollment public charter school; or

(2) Another entity, as approved by the State Board of Education.

6-15-3202. Contract for school transformation.

(a) A school district board of directors or the Commissioner of Elementary and Secondary Education acting as a school district board of directors, with approval from the State Board of Education, may enter into a contract for school transformation if:

(1) The entity with which it intends to contract has been approved by the state board under § 6-15-3201 and is determined to be in good standing;

(2) The charter of the open-enrollment public charter school has not previously been revoked in the State of Arkansas;

(3) For the three (3) school years preceding the school year of the proposed school transformation, the open-enrollment public charter school has:

(A) An overall performance rating of “C” or higher according to the school rating system under § 6-15-2101 et seq., or an equivalent performance rating in the accountability system of the state in

which it currently operates; and

(B) Had no significant findings on the prior year annual financial audit; or

(4) The entity considered for a charter has not previously operated an open-enrollment public charter school in which the charter expired or was revoked or surrendered.

(b) A contract entered into by a school district board of directors with the governing body of an open-enrollment public charter school shall include without limitation a provision addressing student eligibility for enrollment.

(c) A contract for a public school transformation campus that is entered into under subsection (a) of this section shall:

(1) Provide that any student residing in the public school zone as it existed before the operation of the public school zone under the contract shall be admitted for enrollment at the public school transformation campus; and

(2) Establish the following enrollment preference order for students who do not reside in the public school zone:

(A) Other students who reside in the public school district in which the public school transformation campus is located; and

(B) Students who reside outside the public school district in which the public school transformation campus is located.

(d)(1) A public school district proposing to enter into a contract under this section shall notify the commissioner of the public school district's intent to enter into the contract.

(2) The state board shall establish by rule the procedures for a public school district to notify the commissioner as required under subdivision (d)(1) of this section, including without limitation:

(A) The time period within which the notification is required before the school year in which the proposed contract would take effect; and

(B) If necessary, the entity to which a public school district shall submit information as required under subdivision (d)(1) of this section.

(e)(1) The state public charter authorizer, as designated under § 6-23-701, shall decide whether to authorize a charter to the proposed charter

entity if a charter is requested by a public school district, subject to review by the state board.

(2) The commissioner shall notify a public school district whether the proposed contract is approved not later than sixty (60) days after the date the state board and the commissioner received notice of the proposed contract and all information required by the commissioner to be submitted has been received.

(f) This section does not prohibit a contract between a public school district and another entity for the provision of services for a public school campus within the public school district, including without limitation a contract for food services.

6-15-3203. Incentives.

(a) The Division of Elementary and Secondary Education shall seek to encourage transformation charter operators to enter into contracts with eligible public school districts.

(b)(1) For purposes of accountability during the first two (2) school years of operation, a public school transformation campus shall be:

(A)(i) Awarded with an alternate letter grade, which shall be established and defined by the State Board of Education.

(ii) While a public school transformation campus is receiving an alternate letter grade under subdivision (b)(1)(A)(i) of this section, the State of Arkansas shall not impose a sanction or take action against the public school transformation campus for failure to satisfy academic performance standards; and

(B) Publicly signaled as a public school transformation campus.

(2) Following the first two (2) years of transformation, the state shall continue to evaluate and assign all performance ratings received by all public schools within a public school district to the public school district transformation campus that has entered into a contract under § 6-15-3202.

(c) The division may provide, through state and federal funds where allowable, financial incentives to support transformations under this subchapter.

6-15-3204. Rules.

The State Board of Education shall promulgate rules as necessary to implement and administer this subchapter.

SECTION 15. Arkansas Code § 6-16-120 is amended to read as follows:

6-16-120. Academic credit for community service.

(a) Beginning with the 1996-1997 school year and ending with the graduating class of 2025-2026, a student who has completed a minimum of seventy-five (75) clock hours of documented community service in grades nine through twelve (9-12), as certified by the service agency or organization to the school, shall be eligible to receive one (1) academic credit that may be applied toward graduation.

(b) The community service shall be in programs or activities approved by the State Board of Education and the local school district board of directors and shall include preparation, action, and reflection components that may occur in or out of school campuses and during or after school hours.

(c) A local school district board of directors may grant a waiver of this requirement for an individual student with notice to the state board.

(d) The state board ~~is hereby authorized to~~ may promulgate rules necessary for the implementation of this section.

SECTION 16. Arkansas Code Title 6, Chapter 16, Subchapter 1, is amended to add additional sections to read as follows:

6-16-156. Indoctrination.

(a)(1) The Secretary of the Department of Education shall take established steps to ensure that the Department of Education, its employees, contractors, guest speakers, and lecturers are in compliance with Title IV and Title VI of the Civil Rights Act of 1964, Pub. L. No. 88-352.

(2) Steps required under subdivision (a)(1) of this section shall include the review of the rules, policies, materials, and communications of the Department of Education to identify any items that may, purposely or otherwise, promote teaching that would indoctrinate students with ideologies, such as Critical Race Theory, otherwise known as "CRT", that conflict with the principle of equal protection under the law or encourage students to discriminate against someone based on the individual's color, creed, race, ethnicity, sex, age, marital status, familial status,

disability, religion, national origin, or any other characteristic protected by federal or state law.

(3) The secretary shall amend, annul, or alter the rules, policies, materials, or communications that are considered prohibited indoctrination and that conflict with the principle of equal protection under the law.

(b) As used in this section, "prohibited indoctrination" means communication by a public school employee, public school representative, or guest speaker that compels a person to adopt, affirm, or profess an idea in violation of Title IV and Title VI of the Civil Rights Act of 1964, Pub. L. No. 88-352, including that:

(1) People of one color, creed, race, ethnicity, sex, age, marital status, familial status, disability status, religion, national origin, or any other characteristic protected by federal or state law are inherently superior or inferior to people of another color, creed, race, ethnicity, sex, age, marital status, familial status, disability status, religion, national origin, or any other characteristic protected by federal or state law; or

(2) An individual should be discriminated against or receive adverse treatment solely or partly because of the individual's color, creed, race, ethnicity, sex, age, marital status, familial status, disability status, religion, national origin, or any other characteristic protected by federal or state law.

(c) This section does not prohibit the discussion of:

(1) Ideas and the history of the concepts described in subsection (b) of this section; or

(2) Public policy issues of the day and related ideas that individuals may find unwelcome, disagreeable, or offensive.

(d) As it relates to employees, contractors, and guest speakers or lecturers of the department, the secretary shall review and enhance the policies that prevent prohibited indoctrination, including Critical Race Theory.

(e) The secretary shall ensure that no public school employee or public school student shall be required to attend trainings or orientations based on prohibited indoctrination or Critical Race Theory.

(f) The State Board of Education may promulgate rules to implement

this section.

6-16-157. Child sexual abuse and human trafficking prevention — Instruction required.

(a) The Division of Elementary and Secondary Education shall:

(1)(A) Enhance or adapt curriculum materials to assist public school personnel in providing instruction through a multidisciplinary approach on the detection, intervention, prevention, and treatment of child sexual abuse and human trafficking.

(B) The curriculum materials developed under subdivision (a)(1)(A) of this section shall be:

(i) Geared toward a sequential program of instruction from kindergarten through grade twelve (K-12); and

(ii) Include strategies for utilizing the curriculum in schools; and

(2) Ensure that curriculum materials developed under subdivision (a)(1)(A) of this section are incorporated into the Health and Safety and Physical Education Standards developed by the Department of Education in an age-appropriate manner.

(b) Each public school district and open-enrollment charter school shall:

(1) Implement a child sexual abuse and human trafficking prevention program that meets the standards and requirements established by the division;

(2) Provide training for teachers employed by the public school district or open-enrollment public charter school on child sexual abuse and assault and human trafficking:

(A) Awareness;

(B) Reporting requirements; and

(C) Prevention;

(3) Notify parents, legal guardians, and persons standing in loco parentis to a student when child sexual abuse and assault and human trafficking prevention education shall occur in the public school district or open-enrollment public charter school;

(4) Allow parents, legal guardians, and persons standing in loco parentis to a student to preview curriculum materials before classroom

instruction; and

(5) Allow parents, legal guardians, and persons standing in loco parentis to a student to exempt their child from the child sexual abuse and assault and human trafficking prevention program.

(c) Before grade five (5), a public school teacher shall not provide classroom instruction on the following topics:

(1) Sexually explicit materials;

(2) Sexual reproduction;

(3) Sexual intercourse;

(4) Gender identity; or

(5) Sexual orientation.

SECTION 17. Arkansas Code § 6-16-1403(b), concerning definitions and approved provider lists under the Digital Learning Act of 2013, is amended to read as follows:

(b) The Division of Elementary and Secondary Education shall annually~~:~~

~~(1) Publish~~ publish a list of approved ~~digital learning~~ course choice providers that offer digital learning services~~; and~~

~~(2) Provide a copy of the list of approved digital learning providers to the House Committee on Education and the Senate Committee on Education no later than June 1 each year~~.

SECTION 18. Arkansas Code §§ 6-16-1404 and 6-16-1405 are repealed.

~~6-16-1404. Digital learning environment.~~

~~A digital learning environment shall be composed of:~~

~~(1) Access to quality digital learning content and online blended learning courses;~~

~~(2) Tailored digital content designed to meet the needs of each student;~~

~~(3) Digital learning content that meets or exceeds the curriculum standards and requirements adopted by the State Board of Education and that is capable of being assessed and measured through standardized tests or local assessments; and~~

~~(4) Infrastructure that is sufficient to handle and facilitate a quality digital learning environment.~~

~~6-16-1405. Digital learning providers.~~

~~(a) To become an approved digital learning provider, a digital learning provider shall submit proof that the provider:~~

~~(1) Is nonsectarian and nondiscriminatory in its programs, employment practices, and operations;~~

~~(2) Demonstrates or partners with an organization that demonstrates successful experience in furnishing digital learning courses to public school students as demonstrated by student growth in each subject area and grade level for which it proposes to provide digital learning courses;~~

~~(3) Meets or exceeds the minimum curriculum standards and requirements established by the State Board of Education and ensures instructional and curricular quality through a curriculum and accountability plan that addresses every subject area and grade level for which it agrees to provide digital learning courses; and~~

~~(4)(A) Utilizes qualified teachers to deliver digital learning courses to public school students.~~

~~(B) A qualified teacher who delivers digital learning courses under this subchapter is not required to be licensed as a teacher or administrator by the state board, but shall meet the minimum qualifications for teaching in a core content area established by rules of the state board.~~

~~(b) The Division of Elementary and Secondary Education or state board shall not require as a condition of approval of a digital learning provider that the digital learning provider limit the delivery of digital learning courses to public schools that require physical attendance at the public school to successfully complete the credit for which the digital learning course is provided.~~

SECTION 19. Arkansas Code § 6-16-1406(d), concerning digital learning courses required for graduation under the Digital Learning Act of 2013, is repealed.

~~(d) Beginning with the entering ninth grade class of the 2014-2015 school year, each high school student shall be required to take at least one (1) digital learning course for credit to graduate.~~

SECTION 20. Arkansas Code Title 6, Chapter 16, is amended to add additional subchapters to read as follows:

Subchapter 16 — Arkansas High-Impact Tutoring Pilot Program

6-16-1601. Title.

This subchapter shall be known and may be cited as the "Arkansas High-Impact Tutoring Pilot Program".

6-16-1602. Program established.

There is established the Arkansas High-Impact Tutoring Pilot Program.

6-16-1603. Administration.

Beginning in the 2023-2024 school year, the Division of Elementary and Secondary Education shall administer the Arkansas High-Impact Tutoring Pilot Program, which shall include without limitation:

(1) Determining:

(A) Program requirements;

(B) Student eligibility criteria, which shall consider without limitation the academic performance of student groups across grades and subjects; and

(C) A process for providing competitive grant funding to each public school district and open-enrollment public charter school participating in the program for purposes of providing in-school, high-impact tutoring;

(2) Approving and making publicly available on the division's website participating public school district and open-enrollment public charter school tutoring program plans;

(3) Identifying and communicating allowable uses for grant funding, as permitted by state and federal law, which may include without limitation:

(A) Hiring or contracting for tutors or providing stipends or other incentives to paraprofessionals, retired teachers, and community organizations to ensure maximum tutoring capacity;

(B) Developing instructional materials and related supplies;

(C) Covering administrative expenses;

(D) Covering costs associated with technology-enabled tutoring solutions and related devices;

(E) Contracting with approved tutoring providers for products and services related to high-impact tutoring; and

(F) Other uses designed to increase the effectiveness of the Arkansas High-Impact Tutoring Program;

(4) Providing training, technical assistance, and guidance, including without limitation the topic of sustaining of high-impact tutoring through existing funding streams to participating public school district and open-enrollment public charter schools conducting in-school, high-impact tutoring;

(5) Awarding and distributing program grants, subject to legislative appropriation of available funding;

(6) Pursuing available private and federal grant funding to expand the state investment in the program;

(7) Creating reporting templates, procedures, and definitions for reporting metrics for participating public school district and open-enrollment public charter schools to use in collecting and reporting tutoring-related data to the division;

(8) Including required data reports within existing state data reporting structures to streamline the data collection process for participating public school district and open-enrollment public charter schools, where feasible;

(9) Identifying, vetting, and creating an approved list of high-impact tutoring providers and other tutoring models that may be used by participating public school district and open-enrollment public charter school; and

(10) Providing annually to the General Assembly a report that includes without limitation the following:

(A) Data regarding participating public school students' access to high-impact tutoring and program implementation, including by geography, grade span, and subject based on program requirements, including without limitation:

(i) How data required under this subdivision (10)(A) have changed over time;

(ii) The number of students who received high-impact tutoring;

(iii) The attendance of students who received high-

impact tutoring in the program; and

(iv) The number of students eligible for high-impact tutoring;

(B) Data on achievement and growth outcomes from participating public school students;

(C) Program successes and challenges;

(D) Recommendations for policy changes in future years in order to ensure every child in Arkansas can access high-impact tutoring as needed; and

(E) An overview of actions taken to support every participating public school district and open-enrollment public charter school to ensure that high-impact tutoring is available to every eligible child in Arkansas.

6-16-1604. Public school districts and open-enrollment public charter schools — Requirements.

(a) Each participating public school district and open-enrollment public charter school shall:

(1) Submit a plan for the administration of the Arkansas High-Impact Tutoring Pilot Program in the public school district or open-enrollment public charter school to the Division of Elementary and Secondary Education that addresses the research-based criteria under § 6-15-3104;

(2) Provide a funding match to support the high-impact tutoring program funding that is distributed by the division; and

(3)(A) Submit to the division, using a template and guidance established by the division and leveraging existing reporting process where possible, a report that includes without limitation the following:

(i) The number of students who participated in the program at each public school district or open-enrollment public charter school, including without limitation related student metrics using tutoring subjects, grade levels, attendance, dosage, previous performance on state assessments, and demographic information;

(ii) How the public school district or open-enrollment public charter school maintained consistent access for participating students to non-core academic instruction;

(iii) How grant funding for the program was used by

the public school district or open-enrollment public charter school, including without limitation a summary of additional resources, if any, used to provide the tutoring;

(iv) The academic achievement results or other criteria used to enroll students in the program;

(v) The impact on student academic and non-academic outcomes that are associated with the public school district's or open-enrollment public charter school's program, including without limitation interim assessments or other outcome metrics; and

(vi) Other information as requested by the division to complete its annual report to the General Assembly required under § 6-16-1603.

(B) The report required under (a)(3)(A) of this section shall be submitted on a timeline established by the division.

(b) Subject to the availability of funding, the General Assembly shall provide for:

(1) The program to be made available as competitive grants to public school districts and open-enrollment public charter schools; and

(2) Funding to be made available to the division to administer and manage the program.

(c) The State Board of Education may promulgate rules to implement this section.

Subchapter 17 — Course Choice Program

6-16-1701. Title.

This subchapter shall be known and may be cited as the "Course Choice Program".

6-16-1702. Definitions.

As used in this subchapter:

(1) "Course provider" means an entity that offers individual courses in person or online, including without limitation:

(A) An online or virtual education provider;

(B) A postsecondary education institution; and

(C) A business or entity that offers vocational or

technical course work in its field and has been authorized to provide such courses by the State Board of Education;

(2) "Eligible student" means any student who resides in Arkansas and meets at least one (1) of the following criteria:

(A) Is attending a public school that does not offer the course in which the student desires to enroll, as determined by the state board; or

(B) Is attending a public school that received a letter grade of "C", "D", or "F", or any variation thereof, under §§ 6-15-2105 and 6-15-2106 and state board rules, and would like to take a required course through the Course Choice Program; and

(3) “Non-completion” means that an enrolled student does not receive a passing grade or credit for the course.

6-16-1703. Course Choice Program.

(a) There is established the Course Choice Program.

(b) To support student participation, not later than the 2025-2026 school year, the State Board of Education shall promulgate rules on the Course Choice Program, including a process that includes without limitation the following:

(1) The determination regarding whether each:

(A) Proposed course provider complies with the law and state board rules;

(B) Proposal submitted by a proposed course provider is valid, complete, financially well-structured, and educationally sound;

(C) Proposal submitted by a proposed course provider provides a plan for collecting data; and

(D) Proposal submitted by a proposed course provider offers the potential for fulfilling the purposes of this subchapter;

(2) The provision for an independent evaluation of each proposal submitted by a proposed course provider by a third party with educational, organizational, legal, and financial expertise; and

(3) The provision for an agreement between the state board and course provider that shall include without limitation a plan for implementing or providing the following:

(A) Administration of state assessments as required by the

school rating system under § 6-15-2101 et seq.;

(B) The public school districts in which the course provider will operate;

(C) Proposed courses offered, alignment of the courses by the course provider with the Arkansas academic standards, and the designated length of each course offered;

(D) Alignment of the courses offered by the course provider with approved Arkansas diploma requirements; and

(E) Assurances that the course provider shall, to the best of its ability, collaborate and coordinate with a local public school district in which an eligible student is enrolled full time.

(c)(1) The initial authorization of a course provider shall be for a period of three (3) years.

(2)(A) After the second year of the initial authorization period, the state board shall conduct a thorough review of the course provider's activities and the academic performance of the eligible students enrolled in courses offered by the course provider in accordance with the school rating system.

(B) If the performance of the eligible students enrolled in courses offered by the course provider does not meet performance standards set by the state board under the school rating system, the state board shall place the course provider on probation.

(d) After the initial three-year authorization period, the state board may reauthorize a course provider for additional periods of not less than three (3) years nor more than five (5) years after thorough review of the course provider's activities and the achievement of students enrolled in courses offered by the course provider.

(e) The state board shall monitor and evaluate the course provider in accordance with performance expectations set forth by the state board in which student achievement is the predominant criterion.

(f)(1) The Division of Elementary and Secondary Education shall create a process for:

(A) Common course numbering of all courses listed in the course catalog; and

(B) Determining whether courses are in compliance with Arkansas state academic standards.

(2) For courses offered by postsecondary educational institutions that are authorized course providers, the division shall consult with the Arkansas Higher Education Coordinating Board.

(g) Prior to the 2025-2026 school year, the division shall create a course catalog for all courses offered by a public school district.

(h) The state board may promulgate rules to administer the program.

6-16-1704. School district — Duties.

(a) Each local school district board of directors shall establish policies and procedures for each eligible student, where the following shall apply:

(1) Credits earned through a course provider shall appear on each eligible student's official transcript and count fully towards the requirements of any approved Arkansas diploma;

(2) Required tests shall be administered to each eligible student attending the public school district;

(3) All services to which each eligible student attending the public school would be entitled if attending the public school in which he or she is enrolled full time for all courses, including without limitation special education services pursuant to the eligible student's individualized education program shall be provided; and

(4) Participation in course choice at another school shall not affect a student's participation in extracurricular or cocurricular activities.

(b) A public school district shall make available to all students the course catalog as provided by the State Board of Education during the annual course enrollment process for the public school district.

(c) A public school district shall not actively discourage, intimidate, or threaten an eligible student during the course enrollment process or at any time.

(d)(1) The aggregate test scores of eligible students under this subchapter shall be counted in the annual school performance report for the public schools in which the eligible students are enrolled full time.

(2) The aggregate test scores required under subdivision (d)(1) of this section shall be reported to and published by the Department of Education for each course provider in an easy-to-understand format on the

department's website.

(e) Each eligible student shall enroll in at least one (1) course at the public school in which he or she is enrolled full time.

(f) The state board may adopt rules necessary to implement this section, including without limitation the requirements of public school districts in which eligible students enroll in courses offered by authorized course providers.

6-16-1705. Funding.

(a)(1) As used in this section, "per-course amount" means an amount equal to the market rate as determined by a course provider and reported to the Department of Education that is up to one-sixth (1/6) of ninety percent (90%) of the per-pupil amount each year as determined by the foundation funding amount, established under § 6-20-2305, allotted per student to each public school district in which an eligible student resides.

(2)(A) Any remaining funds for an eligible student, except those specified under subsection (c) of this section, shall be returned to the state or the public school district according to the pro rata share for the per pupil amount each year as determined by the foundation funding amount for the public school district in which the eligible student resides.

(B) Transfers of course payments shall be made by the department on behalf of the responsible public school district in which an eligible student resides to the authorized course provider.

(b) A course provider shall receive a per-course amount for each eligible student.

(c)(1) For each eligible student, an amount equal to ten percent (10%) of the per-pupil amount according to the pro rata share as determined each year by the foundation funding amount, established under § 6-20-2305, allotted per student for the local school district in which an eligible student resides shall remain with the public school district in which the eligible student is enrolled full time.

(2) Funds under subdivision (c)(1) of this section shall be used to finance any administrative or operational costs to support eligible students enrolled in courses offered by course providers, as determined by the State Board of Education.

(d)(1) For each eligible student, a course provider shall receive

payment for only the courses in which an eligible student is enrolled as determined under this subchapter.

(2) The remaining funds for each eligible student up to the maximum amount for the public school district in which the eligible student resides as determined each year by the foundation funding, established under § 6-20-2305, allotted per student or the actual tuition and fees, as applicable, shall remain with the participating public school district in which the student is enrolled.

(e)(1) A course provider may charge an eligible student the cost of tuition in an amount equal to the amount determined by the course provider and reported to the department.

(2) A course provider shall accept the per-course amount as the total tuition and fees for an eligible student.

(3)(A) Fifty percent (50%) of the amount of tuition to be paid or transferred to a course provider shall be paid or transferred upon eligible student enrollment in a course and fifty percent (50%) shall be paid or transferred upon course completion according to the published course length.

(B) If an eligible student does not complete a course, according to the published course length, in which the course provider has received the first payment, the course provider shall receive only forty percent (40%) rather than the remaining fifty percent (50%) of the course amount, but only if the eligible student completes the course and receives credit for the course prior to leaving school or graduating from high school.

(C) For non-completion prior to leaving school or graduating from high school, the course provider shall receive only fifty percent (50%) of the amount of tuition paid upon eligible student enrollment in the course.

(4)(A) The remaining ten percent (10%) of the per-pupil amount according to the pro rata share as determined each year by foundation funding, established under § 6-20-2305, allotted per student for a public school district in which an eligible student resides shall remain with the public school in which the eligible student is enrolled full time.

(B) The amount under subdivision (e)(4)(A) of this section shall be in addition to the ten percent (10%) provided under subsection (c) of this section.

Subchapter 18 — High School Career-Ready Pathways to Diploma

6-16-1801. Career-ready pathways description.

(a) Beginning with the ninth grade class of 2024-2025, a public high school student shall have the option to earn a high school diploma through a career-ready pathway.

(b) The Division of Elementary and Secondary Education, in consultation with other relevant state agencies and subject to the approval of the State Board of Education, shall develop a career-ready pathway to a high school diploma in Arkansas's high schools, which shall include:

(1) Challenging academic courses; and

(2) Modern career and technical studies aligned with high-wage, high-growth jobs in Arkansas.

(c) A career-ready pathway shall be informed by the division's annual audit of the state's career pathways.

(d) The state board shall adopt course and curriculum requirements for career-ready pathways offered by public school district boards of directors and open-enrollment public charter schools that are aligned with the requirements of this subchapter.

(e)(1) A public school district shall issue a diploma to a student who successfully completes the requirements established by the state board for a career-ready pathway.

(2)(A) A diploma issued to a student under subdivision (d)(1)(B) of this section shall be given the same status and recognition for purposes of the Arkansas Educational Support and Accountability Act, § 6-15-2901 et seq., as is given a standard diploma issued by a public school district.

(B) A public school district or open-enrollment public charter school shall not be penalized in any manner for students who are issued a diploma through a career-ready pathway.

6-16-1802. Early exposure to career-ready pathways.

(a)(1) To prepare students for choosing a career option at the high-school level, in grades six through eight (6-8), each public school district and open-enrollment public charter school shall incorporate career awareness and exploration activities that expose students to career and technical and

academic fields of study, which may include without limitation the following:

(A) Field trips;

(B) Guest speakers;

(C) Community services;

(D) Dedicated curricula; and

(E) Other activities designed to introduce students to occupations that are found to be in demand in Arkansas.

(2) The State Board of Education shall determine the minimum number and type of activities required under subdivision (a)(1) of this section.

(b) Each public school district and open-enrollment public charter school with an approved career-ready pathway shall annually conduct an informational meeting for the parents, legal guardians, and persons standing in loco parentis to students enrolled in the eighth grade regarding the approved curriculum offered by the public school district or open-enrollment public charter school.

6-16-1803. Career-ready pathway requirements.

(a) A career-ready pathway to a diploma shall:

(1) Provide a student with credentials of value in a desired high-wage, high-growth career and a strong academic core;

(2) Be offered to each high school student;

(3) Prepare students to:

(A) Pursue either a degree or certification from:

(i) A institution of higher education;

(ii) An industry-based training or certification;

(iii) An apprenticeship; or

(iv) The military; or

(B) Immediately enter a career field; and

(4) Be primarily designed for students who are seeking stackable credentials to be successful in a career.

(b)(1) Each public school district shall develop and offer at least one (1) career-ready pathway that is aligned to state and regional workforce demands, according to rules adopted by the State Board of Education.

(2) Each open-enrollment public charter school may develop and offer at least one (1) career-ready pathway that is aligned to state and

regional workforce demands, according to state board rules.

(c) Public school districts and open-enrollment public charter schools, in partnership with local business and industry leaders, local economic development agencies, and postsecondary education leaders, shall:

(1) Review career-ready pathways offered by the public school districts and open-enrollment public charter schools; and

(2) Expand offerings as appropriate, including without limitation:

(A) Courses offered through articulation;

(B) Concurrent enrollment courses;

(C) Industry training programs; and

(D) Digital learning opportunities.

(d) A public school student in a career-ready pathway shall complete an academic core of courses and a career and technical sequence of courses or an approved training program that leads to an approved, industry-based credential in a high-wage, high-growth field.

6-16-1804. Methods of program development — Options to aid in curriculum design — Career-ready pathway teachers.

(a) To develop and implement a career-ready pathway program, public school districts and open-enrollment public charter schools may:

(1) Work as a system in developing a district-wide or school-wide program;

(2) Work as individual schools in developing individual school programs;

(3) Work as groups of high schools in developing consortia programs; or

(4) Partner with a career and technical education program or community college.

(b)(1) The faculty for a career-ready pathway shall include career and technical instructors and other teachers who have received the appropriate staff development or in-service training to enable them to teach career-ready pathway courses, including specific certifications where relevant.

(2) Public school districts and open-enrollment public charter schools may employ content experts who hold a certification or credential relevant to a specific career-pathway program.

(c) A teacher hired to teach a career-ready pathway course shall be given appropriate staff development and in-service training.

(d) Whenever a teacher is unavailable to teach a career-ready pathway course, the career-ready pathway course may be taught in partnership with another public school, public school district, or educational entity, including through the aid of technology and computer software whenever possible.

6-16-1805. Reimbursement for workers' compensation insurance premiums.

(a) A public school student who is in a work-based learning opportunity that is provided in coordination with a public school district or open-enrollment public charter school shall be covered by the workers' compensation insurance of his or her employer as provided in the Workers' Compensation Law, § 11-9-101 et seq.

(b) For purposes of §§ 6-17-1401 and 11-9-102, a public school district and open-enrollment public charter school shall be considered an employer, as applicable, and a student an employee, when the student is providing services under a work-based learning opportunity provided in coordination with the public school district or open-enrollment public charter school.

(c) Subject to legislative appropriation, the Department of Education may reimburse employers, including without limitation public school districts and open-enrollment public charter schools, for the proportionate cost of workers' compensation premiums for students in work-based learning opportunities in accordance with department rules.

6-16-1806. Long-term value of a career-ready pathway.

(a) To ensure that a career-ready pathway to a diploma adequately prepares public school students for high-wage, high-growth opportunities within Arkansas, the Arkansas Workforce Development Board, in consultation with the Department of Education, shall develop a system for collecting, analyzing, and reporting the public school student outcomes associated with the completion of high-wage, high-growth career-ready pathways under this subchapter.

(b) The system required under subsection (a) of this section shall include without limitation the:

(1) Hiring and retention of students and graduates within their respective fields of training; and

(2) Remediation courses taken, including both quantity and type, for career-ready high school graduates entering postsecondary institutions.

(c) Data collected under this section shall be used to inform:

(1) Adjustments, approvals, and denials of high-wage, high-growth career-ready pathways to diplomas approved for high school graduation; and

(2) Accountability measures for high schools.

Subchapter 19 — Community Service Diploma Requirement

6-16-1901. Community service diploma requirement.

(a) Beginning with the graduating class of 2026-2027, a public high school student shall complete a minimum of seventy-five (75) clock hours of documented community service in grades nine through twelve (9-12), as certified by the service agency or organization with which the public school student volunteers, in order to graduate.

(b) The community service required under subsection (a) of this section shall:

(1) Be in programs or activities, either in Arkansas or outside of Arkansas, that meet the requirements established by the State Board of Education and each public school district board of directors; and

(2) Include preparation, action, and reflection components.

(c)(1) Students transferring into a public school district after grade nine (9) or students graduating early may receive a diploma provided that the minimum requirement for each year they attend the public school district is met.

(2) The minimum number of community service hours for each grade level shall be:

(A) Fifteen (15) hours for students in grade nine (9);

(B) Twenty (20) hours for students in grade ten (10);

(C) Twenty (20) hours for students in grade eleven (11); and

(D) Twenty (20) hours for students in grade twelve (12).

6-16-1902. Waivers — Rules.

(a)(1) A public school district board of directors may grant a waiver of this requirement for extenuating circumstances on a case-by-case basis.

(2) Extenuating circumstances permitted under subdivision (a)(1) of this section may include without limitation:

(A) A major illness associated with a student or a family member of a student;

(B) Student homelessness or housing insecurity; and

(C) Notice to *the public school district board of directors* if the student is a major contributor to family income.

(b) *The State Board of Education* may promulgate rules necessary for the implementation of this subchapter.

SECTION 21. Arkansas Code Title 6, Chapter 17, Subchapter 1, is amended to add additional sections to read as follows:

6-17-122. Paid maternity leave.

(a) Education personnel employed by a public school district or open-enrollment public charter school that elect to participate under this section shall be eligible for up to twelve (12) weeks of paid maternity leave.

(b) As used in this section:

(1) "Cost-sharing" means joint, equal responsibility for the cost shared between the State of Arkansas and a public school district or open-enrollment public charter school that employs an individual considered education personnel under this section;

(2) "Education personnel" means an individual employed full-time by a public school district or open-enrollment public charter school in Arkansas for more than one (1) year; and

(3) "Maternity leave" means partially or fully compensated time away from work within the first twelve (12) weeks following the:

(A) Birth of a biological child to an individual considered education personnel under this section; or

(B) Placement of an adoptive child in the home of an individual considered education personnel under this section.

(c)(1) The Division of Elementary and Secondary Education shall create and sign a standard cost-sharing agreement for paid maternity leave expenses between the division and a public school district or open-enrollment public

charter school that elects to participate under this section.

(2) At a minimum, the cost-sharing agreement required under subdivision (c)(1) of this section shall obligate the state and the public school district or open-enrollment public charter school to each pay fifty percent (50%) of incurred costs for approved paid maternity leave.

(3) The division shall promulgate rules outlining:

(A) Management of a cost-sharing agreement required under subdivision (c)(1) of this section;

(B) Reimbursement processes; and

(C) Other related procedures required to implement this section.

6-17-123. Superintendent performance targets.

(a) Each local school district board of directors shall establish, as part of a superintendent's contract of employment, written performance targets for the public schools at both the school level and district level that include without limitation the following:

(1) Student achievement for the entire public school district;

(2) Student achievement for public schools within the public school district that have received any variation of a school performance letter grade designation of "C", "D", or "F" under §§ 6-15-2105 and 6-15-2106 and State Board of Education rules;

(3) Graduation rates for the entire public school district; and

(4) Graduation rates for public schools within the public school district that have received any variation of a school performance letter grade designation of "C", "D", or "F" under §§ 6-15-2105 and 6-15-2106 and state board rules.

(b) Each local school district board of directors shall:

(1) Publish the school district superintendent's current contract of employment on the school district website; and

(2) Submit a copy of the current contract of employment of the school district superintendent to the Commissioner of Elementary and Secondary Education.

(c) A contract of employment executed, negotiated, or renegotiated after July 1, 2023, between a local school district board of directors and a superintendent that does not meet the requirements established in this

section shall be null and void.

(d) The State Board of Education may promulgate rules to implement this section.

SECTION 22. Arkansas Code § 6-17-204(c)(2)(B)(ii), concerning personnel policies incorporated into teachers' contracts, is amended to read as follows:

(ii)~~(a)~~ A provision that states that due to the policy change, each continuing employee under contract shall have the power to unilaterally exercise the power of rescission within a period of thirty (30) days after the school district board of directors takes final action by providing to the school district board of directors a notice of rescission in the form of a letter of resignation during the period of thirty (30) days.

~~(b) For continuing contract employees covered under The Teacher Fair Dismissal Act of 1983, § 6-17-1501 et seq., the power of rescission in this section shall be in addition to the power of rescission provided under § 6-17-1506.~~

SECTION 23. Arkansas Code § 6-17-410(g), concerning mandatory reporting of disqualifying offenses, is amended to read as follows:

(g)(1) The superintendent of each school district or open-enrollment public charter school shall report to the state board the name of any person holding a license issued by the state board and currently employed or employed during the two (2) previous school years by the school district or open-enrollment public charter school who:

(A) Has pleaded guilty or nolo contendere to or has been found guilty of a felony or any misdemeanor listed in subsection (c) of this section;

(B) Has been arrested or charged with a felony or any misdemeanor listed in subsection (c) of this section;

~~(B)~~(C) Holds a license obtained by fraudulent means;

~~(C)~~(D) Has had a similar license revoked in another state;

~~(D)~~(E) Has intentionally compromised the validity or security of any student test or testing program administered or required by the Division of Elementary and Secondary Education;

~~(E)~~(F) Has knowingly submitted falsified information or

failed to submit information requested or required by law to the Division of Elementary and Secondary Education, the state board, or Arkansas Legislative Audit;

~~(F)~~(G) Has failed to establish or maintain the necessary requirements and standards set forth in Arkansas law or Division of Elementary and Secondary Education rules for teacher licensure; or

~~(G)~~(H) Has a true report in the Child Maltreatment Central Registry.

(2) Failure of a superintendent to report information as required by this subsection may result in sanctions imposed by the state board.

(3)(A) If an arrest or charge is reported in accordance with subdivision (g)(l)(B) of this section, the Division of Elementary and Secondary Education shall indicate in the Arkansas Educator Licensure System that the person's employment eligibility is pending or under review.

(B) When a license holder's criminal case is resolved, the license holder's eligibility status shall be updated in accordance with Division of Elementary and Secondary Education rules.

SECTION 24. Arkansas Code § 6-17-414(f), concerning mandatory reporting of disqualifying offenses, is amended to read as follows:

(f)(1) The superintendent or director of an educational entity or a ~~third party~~ third-party vendor shall report to the state board the name of any person currently employed by the educational entity who has:

(A) ~~Has pleaded~~ Pleaded guilty or nolo contendere to or has been found guilty of a felony or any misdemeanor listed in subsection (b) of this section;

(B) Been arrested or charged with any felony or misdemeanor listed in subsection (b) of this section;

~~(B)~~(C) ~~Has intentionally~~ Intentionally compromised the validity or security of any student test or testing program administered or required by the Division of Elementary and Secondary Education;

~~(C)~~(D) ~~Has knowingly~~ Knowingly submitted falsified information or failed to submit information requested or required by law to the Division of Elementary and Secondary Education, the state board, or Arkansas Legislative Audit; or

~~(D)~~(E) ~~Has a~~ A true report in the Child Maltreatment Central Registry.

(2) The failure of a superintendent or director to report information as required by this subsection may result in sanctions imposed by the state board.

(3)(A) If an arrest or charge is reported in accordance with subdivision (f)(1)(B) of this section, the Division of Elementary and Secondary Education shall indicate in the Arkansas Educator Licensure System that the person's employment eligibility is pending or under review.

(B) When a person's criminal case is resolved, the person's eligibility status shall be updated in accordance with Division of Elementary and Secondary Education rules.

SECTION 25. Arkansas Code § 6-17-428(a)(2), concerning the definition of an "educator" with regard to ethical violations of teachers, is amended to read as follows:

(2) "Educator" means, at the time of the alleged violation:

(A) A person holding a valid Arkansas standard teaching license, ancillary license, provisional license, technical permit, or administrator's license issued by the State Board of Education, even if the license expires during the pendency of the ethics complaint process;

(B) A preservice teacher;

(C) An individual employed under a waiver from licensure as a teacher of record or as an administrator; ~~or~~

(D) A person employed under an emergency teaching permit; or

(E) A person who is a registered volunteer who will be working with students in an athletic coaching capacity or is in the process of obtaining a coaching certificate through the Arkansas Activities Association and is assisting with students in a coaching capacity in a public school athletic program;

SECTION 26. Arkansas Code § 6-17-428(p), concerning mandatory reporting of ethical violations, is amended to read as follows:

(p)(1) As used in this subsection:

(A) "Acted upon" means that the State Board of Education

has taken an action to address an ethics complaint by revoking, suspending, or imposing another sanction upon an educator's license;

(B) "School hiring officer" means the person designated by a school who is responsible for hiring or making final recommendations for the hiring of an educator who holds an Arkansas teaching or administrator's license;

(C) "Sexual abuse" has the same meaning as given to the term in § 12-18-103(20)(D) as it applies to a caretaker but shall include a victim who is eighteen (18) years of age or older and is still a student; ~~and~~

(D) "Student" means a person who is enrolled in a public or private school in any level from prekindergarten through grade twelve (preK-12)<u>; and</u>

<u>(E)(i) "Substantiated allegation" means observance of or reasonable cause to believe that a violation of the code of ethics has occurred.</u>

<u>(ii) The completion of an investigation is not required in order for an allegation to be a substantiated allegation.</u>

<u>(iii) A substantiated allegation may be a preliminary determination made by a public school</u>.

(2) The code of ethics shall include without limitation the following provisions:

(A) A standard that an educator maintains a professional relationship with each student, both in and outside the classroom;

(B) ~~An~~ <u>Within twenty-four (24) hours of a matter coming to the attention of a public school supervisor, an</u> educator in a supervisory role in an Arkansas school shall file an ethics complaint if he or she observes ~~or~~<u>,</u> has reasonable cause to suspect<u>, or there is a substantiated allegation</u> that an educator has violated the standard in subdivision (p)(2)(A) of this section ~~involving the sexual abuse of a student~~; and

(C) The failure to submit an ethics complaint under subdivision (p)(2)(B) of this section is a violation of the code of ethics.

(3)(A)(i) The division shall establish and maintain a website providing a school hiring officer with the ability to determine if ~~the~~<u>:</u>

<u>(a) The</u> State Board of Education has acted upon an ethics complaint concerning a violation of the standard in subdivision (p)(2)(A) of this section ~~involving the sexual abuse of a student~~

by an applicant for employment who holds an Arkansas teaching or administrator's license or an individual intending to be employed under a waiver from licensure as a teacher of record or as an administrator; and

(b) An applicant for employment has a pending ethics complaint regarding a violation of the standard in subdivision (p)(2)(A) of this section.

(ii) The website shall identify the action taken on the ethics complaint.

(B) Before an educator who holds an Arkansas teaching license or administrator's license or an individual intending to be employed under a waiver from licensure as a teacher of record or as an administrator may be hired for employment at an Arkansas school, the school hiring officer shall check the website maintained by the division under subdivision (p)(3)(A) of this section to determine whether ~~the~~:

(i) The State Board of Education has acted upon a violation of the standard in subdivision (p)(2)(A) of this section ~~involving the sexual abuse of a student~~ by the applicant; and

(ii) An applicant for employment has a pending ethics complaint regarding a violation of the standard in subdivision (p)(2)(A) of this section.

SECTION 27. Arkansas Code § 6-17-429(g), concerning the Right to Read Act, is amended to add an additional subdivision to read as follows:

(3) By the beginning of the 2023-2024 school year, any public school district or open-enrollment public charter school that is using a curriculum program that is not from the division's approved list created under subsection (f) of this section shall notify all parents, legal guardians, and persons standing in loco parentis to students in writing and on the public school district's or open-enrollment public charter school's website.

SECTION 28. Arkansas Code § 6-17-429(i)(2), concerning providers of state-approved educator preparation programs under the Right to Read Act, is amended to read as follows:

(2)(A) A provider of a state-approved educator preparation program, graduate program, or alternative preparation program that does not

comply with the requirements of this section may be subject to penalties up to and including having the provider's approval status revoked.

(B) The division shall audit each program under subdivision (i)(2)(A) of this section at least one (1) time every three (3) years to verify compliance with this section.

SECTION 29. Arkansas Code § 6-17-429(j)-(l), concerning the Right to Read Act, are amended to read as follows:

(j) Beginning with the 2023-2024 school year, with full implementation no later than the 2025-2026 school year, the division shall:

(l)(A) Ensure that every kindergarten through grade three (K-3) teacher in a public school earning a "D" or "F" rating under § 6-15-2105 or § 6-15-2106 or state board rules or a low-performing public school based on results of the public school's kindergarten through grade three (K-3) literacy screener required by this section, as identified by the division, has access to a literacy coach to support increased literacy rates through coaching for teachers and administrators.

(B) Subject to legislative appropriation, the division shall provide, train, and assign literacy coaches to low-performing public schools based on results of the public school's kindergarten through grade three (K-3) literacy screener required by this section, which shall be based on criteria established by the division.

(C) A literacy coach shall have without limitation:

(i) Expertise in both pedagogy and the science of reading;

(ii) Evidence of success in coaching and classroom instruction;

(iii) An understanding of learning disabilities in reading; and

(iv) An understanding of the child find mandate of the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq., as it existed on January 1, 2023.

(D) A literacy coach shall:

(i) Leverage knowledge of evidence-based instruction and practices aligned to the science of reading to support teachers in maximizing student learning;

(ii) Engage in instructional coaching cycles with teachers to build capacity for classroom instructional practices;

(iii) Deliver consistent and frequent job-embedded professional learning;

(iv) Design and facilitate relevant and cohesive professional learning sessions to strengthen the implementation of evidence-based instructional practices aligned to the science of reading with teachers;

(v) Assist teachers in analyzing data to inform instructional adjustments;

(vi) Partner with teachers to integrate professional learning into classroom practice;

(vii) Work with teachers to ensure effective communication strategies and resource sharing with parents, legal guardians, and persons standing in loco parentis to students;

(viii) Partner with a public school principal or designated leader to connect school-wide literacy goals with evidence-based instruction and practices aligned to the science of reading;

(ix) Provide feedback on teachers' evidence-based instruction and practices that may be used for teacher evaluations;

(x) Actively participate in professional learning experiences to deepen knowledge and skills for coaching;

(xi) Be compensated on a competitive salary schedule to be determined by the division;

(xii) Receive a yearly bonus of up to ten thousand dollars ($10,000) based on measurable performance outcomes; and

(xiii) Meet performance criteria established by the division.

(E) A literacy coach may be employed by the division directly or by contract.

(F) Public school districts and open-enrollment public charter schools identified by the division to have access to a literacy coach under subdivision (j)(1)(A) of this section shall agree to involve the public school, public school district, and open-enrollment public charter school leadership team as directed by the division; and

(2)(A)(i) Establish a literacy tutoring grant program to provide

funds for supplemental educational services for eligible students.

(ii) As used in this section, "eligible student" means any student enrolled in public school in kindergarten through grade three (K-3) who:

(a) Is determined to not meet the reading standard, as defined by the state board;

(b) Is determined to be at risk for reading difficulties according to the results of a high-quality literacy screener, as provided under this section; or

(c) Has received a good cause exemption for promotion to grade four (4), pending the availability of funds.

(B) The literacy tutoring grant created under subdivision (j)(2)(A) of this section shall be in the amount of five hundred dollars ($500) per eligible student per year on a first-come, first-served basis, with priority given to eligible students who are to be retained in third grade.

(C) The division shall administer and implement the literacy tutoring grant created under subdivision (j)(2)(A) of this section according to rules developed and adopted by the state board, which shall require the division to:

(i) Evaluate a student's eligibility for the literacy tutoring grant created under subdivision (j)(2)(A) of this section;

(ii) Develop an application process for students and providers and to accept applications;

(iii)(a) Evaluate providers of supplemental educational services, including without limitation those with expertise in early literacy, to determine the providers' initial and continued eligibility for payments.

(b) The division shall establish minimum criteria by which approved providers shall be evaluated to ensure effectiveness of a literacy tutoring grant program created under subdivision (j)(2)(A) of this section in improving eligible students' reading abilities, including without limitation performance on the Arkansas annual reading assessment or other literacy assessments approved by the division.

(c) A provider that fails to demonstrate improvement in eligible students' reading abilities for two (2) consecutive

years shall be deemed ineligible to participate in the literacy tutoring grant program created under subdivision (j)(2)(A) of this section;

(iv)(a) Remit payments to approved providers for services rendered to eligible students in the literacy tutoring grant program created under subdivision (j)(2)(A) of this section.

(b) The division shall establish criteria for prioritizing eligible students if the number of applicants exceeds available funding for literacy tutoring grants;

(v) Notify the governing authority of each public school district and open-enrollment public charter school of the application process, requirements, and deadlines for a literacy tutoring grant for parents, legal guardians, or persons standing in loco parentis to a student;

(vi) Remit payment for services provided, up to a maximum of five hundred dollars ($500) per eligible student per school year, which may be used for any of the following purposes designed to improve reading or literacy skills:

(a) Online or in-person, high-dosage tutoring services from a list of state-approved providers whose employees are trained in the science of reading and hold:

(1) Valid teaching certificates in either elementary education or reading; or

(2) Baccalaureate or graduate degrees in education, English, or another subject area indicative of expertise in reading and literacy; or

(b) Evidence-based digital literacy applications or software programs from a list of state-approved programs that are in alignment with the science of reading;

(vii) Develop and curate a list of approved tutoring providers and evidence-based digital literacy applications or software programs that are in alignment with the science of reading that will be updated on a regular basis; and

(viii) Develop a procedure for verification that eligible students who received a literacy tutoring grant received the services or materials for which payments were made.

(D) By no later than October 1 of each year, or as soon as practicable if a student's reading need is identified after October 1, each

public school district and open-enrollment public charter school shall notify the parent, legal guardian, or person standing in loco parentis to a student regarding:

(i) Each student who is eligible to participate in the literacy tutoring grant program created under subdivision (j)(2)(A) of this section;

(ii) The process for applying for the literacy tutoring grant program created under subdivision (j)(2)(A) of this section; and

(iii) Other information provided by the division.

(k) Beginning with the 2023-2024 school year, with full implementation no later than the 2025-2026 school year, public school districts and open-enrollment public charter schools shall:

(1)(A) Notify all parents, legal guardians, or persons standing in loco parentis to a student, in writing, in a parent-friendly manner, of their student's reading progress each time the student is assessed throughout the year using high-quality literacy screener results, as required by § 6-15-*2907(a)(2) and § 6-15-2006(a)(1)(C).*

(B) The written notification in a parent-friendly manner required under subdivision (k)(1) of this section may be in the language of communication preferred by a parent, legal guardian, or person standing in loco parentis to a student;

(2)(A) Develop an individual reading plan for each student in kindergarten through grade three (K-3) who does not meet the reading standard as:

(i) Determined by the state board; and

(ii) Measured by a high-quality literacy screener or the state annual accountability assessment.

(B) An individual reading plan shall include:

(i) The student's specific, diagnosed reading skill needs, including without limitation:

(a) Phonemic awareness;

(b) Phonics decoding;

(c) Text reading fluency;

(d) Vocabulary-building strategies; and

(e) Self-regulated use of reading

comprehension strategies, as identified by high-quality literacy screener data;

(ii) The goals and benchmarks for the student's growth;

(iii) How the student's progress will be monitored and evaluated;

(iv) The type of additional instructional services and interventions the student may receive;

(v) The intensive, evidence-based literacy intervention program aligned to the science of reading the student's teacher will use to address the areas of phonemic awareness, phonics, fluency, vocabulary, and comprehension;

(vi) The strategies the student's parents, legal guardians, or persons standing in loco parentis to the student are encouraged to use in assisting the student to achieve the student's reading goal; and

(vii) Any additional services the student's teacher determines are available and appropriate to accelerate the student's reading skill development;

(3) Notify all parents, legal guardians, or persons standing in loco parentis to a student in writing of the content of their child's independent reading plan and progress on the independent reading plan throughout the year; and

(4) By the beginning of the 2024-2025 school year, report to the division the:

(A) Types of interventions used; and

(B) Students receiving each type of intervention.

(l)(1) By the beginning of the 2025-2026 school year, if a public school student has not met the third-grade reading standard, as defined by the state board, or the student does not have a good-cause exemption, as provided under this subsection, the student shall not be promoted to fourth grade.

(2)(A) A student in grade three (3) who does not meet the reading standard for promotion to fourth grade may be promoted by the school district for good cause.

(B) A good-cause exemption for promotion shall be limited to the following students:

(i) Limited English Proficiency students who have had less than three (3) years of instruction in an English language learner program;

(ii) Students with a disability who are not eligible for the alternate assessment and who have an individualized education program or a 504 plan that reflects that the individual student:

(a) Has received an intensive, evidence-based literacy intervention program aligned to the science of reading for more than two (2) years; and

(b) Still demonstrates a need in reading proficiency or previously was retained in kindergarten, grade one (1), grade two (2), or grade three (3);

(iii) Students who:

(a) Have received an intensive, evidence-based literacy intervention program aligned to the science of reading for two (2) or more years;

(b) Still demonstrate a need in reading proficiency and who previously were retained in kindergarten, grade one (1), grade two (2), or grade three (3);

(c) Have received a special education referral and a full comprehensive evaluation; and

(d) Have not met exceptional education criteria;

(iv) Students who have already been retained in kindergarten, grade one (1), grade two (2), or grade three (3) for one (1) year;

(v)(a) Students who can demonstrate that they are successful and independent readers and can perform at or above grade level.

(b) A public school district and open-enrollment public charter school may use certain tools in reevaluating a student in accordance with state board rules, which shall include without limitation subsequent student assessments or alternative assessments; and

(vi) Other students with necessary, justifiable good-cause exemptions identified as appropriate by the state board, in consultation with reading experts.

(3) For each student who does not meet the reading standard

established by the state board by the end of third grade, including students who are promoted with good-cause exemptions to the fourth grade, during the subsequent summer and school year, the public school district or open-enrollment public charter school in which the student is enrolled shall:

(A) Provide at least ninety (90) minutes of evidence-based literacy instruction aligned to the science of reading during each school day;

(B) Assign the student to a teacher with a value-added model score in the top quartile statewide in English language arts for the past three (3) years, or if the public school district or open-enrollment public charter school is unable to identify a teacher with a value-added model score in the top quartile statewide in English language arts for the *past three (3) years, assign the student to a teacher:*

(i) With a highly-effective rating according to the Teacher Excellence and Support System, § 6-17-2801 et seq., where possible; or

(ii) Deemed to be a high-performing teacher as defined by a Master Professional Educator designation;

(C)(i) Provide parents, legal guardians, or persons standing in loco parentis to students with a "read-at-home" plan to support student early literacy growth.

(ii) A "read-at-home" plan shall include evidence-based science of reading strategies and tools that are aligned to a student's individual reading plan for parents, legal guardians, or persons standing in loco parentis to a student to use with their children;

(D) Identify eligible students for literacy tutoring grants as established by this section and notify parents, legal guardians, or persons standing in loco parentis to a student regarding their child's eligibility;

(E) Be given priority to receive a literacy tutoring grant under this section; and

(F) Be given the option to participate in additional intensive, evidence-based literacy intervention programs aligned to the science of reading.

~~(j)~~(m) The division shall:

(1) Enforce this section; ~~and~~

(2) Promulgate rules to implement this section; and

(3) Contract with a vendor to conduct an annual independent evaluation to identify and assess strategies that the state, public school districts, and open-enrollment public charter schools have taken to support Arkansas students in reading at grade level by the end of grade three (3).

~~(k)~~(n) As used in this section:

(1) "Science of reading" means the study of the relationship between cognitive science and educational outcomes; and

(2) "Structured literacy" means an approach by which licensed personnel teach reading in an explicit, systematic, cumulative, and diagnostic manner.

~~(l)(1)~~(o)(1) The Secretary of the Department of Education shall hire an Education Ombudsman to assist the division in the enforcement of this section, including without limitation enforcing the requirements for:

(A) Demonstrating proficiency;

(B) Providing professional development; and

(C) Using a permitted program of instruction.

(2) The secretary may designate additional requirements related to public education, including without limitation the enforcement of literacy requirements.

(3) The secretary shall supervise the Education Ombudsman and shall not delegate supervision to an employee of the division.

(4)(A) The minimum qualifications for the Education Ombudsman shall include a master's degree in:

(i) Education; or

(ii) A related field.

(B) An individual who has served as a past public school district superintendent or who serves as a current public school district superintendent is not eligible to serve as the Education Ombudsman under this section.

(5) The Education Ombudsman may:

(A) Communicate with:

(i) A public school student, with permission from a parent, legal guardian, or person standing in loco parentis of the public school student;

(ii) A parent, legal guardian, or person standing in

loco parentis of a public school student; and

(iii) Administration, faculty, and staff employed by a public school district or open-enrollment public charter school;

(B) Review an issue or concern related to the education of a public school student enrolled in a public school or open-enrollment public charter school;

(C) Recommend training and resources to a public school, public school district, or open-enrollment public charter school; and

(D) Request support and assistance from the division to be provided to a public school, public school district, or open-enrollment public charter school.

(6)(A) The Education Ombudsman shall prepare and submit an annual report to the state board concerning the work of the Education Ombudsman and any recommendations related to the focus areas of the Education Ombudsman.

(B) The report required under subdivision ~~(l)(6)(A)~~(o)(6)(A) of this section shall be submitted every two (2) years to the:

(i) House Committee on Education; and

(ii) Senate Committee on Education.

(p) The state board may promulgate rules to implement this section.

SECTION 30. Arkansas Code Title 6, Chapter 17, Subchapter 4, is amended to add an additional section to read as follows:

6-17-431. Numeracy.

(a) By the 2023-2024 school year, each public school district and open-enrollment public charter school shall:

(l)(A) Develop a math intervention plan for each student in grades three through eight (3-8) who is not performing at or above grade level on the state assessment, as defined by the State Board of Education.

(B) The math intervention plan required under subdivision (a)(l)(A) of this section may include without limitation the:

(i)(a) Provision of each student with access to high-dosage, targeted math tutoring in the subsequent school year.

(b) High-dosage, targeted math tutoring provided under subdivision (a)(l)(B)(i)(a) of this section shall mean three

(3) or more tutoring sessions a week in a one-on-one or small-group setting;

(ii) Assignment to a teacher with a value-added model score in the top quartile statewide in math for the previous three (3) years or, if a public school district or open-enrollment public charter school is unable to find a teacher with a value-added model score in the top quartile statewide in math for the previous three (3) years, assignment to a teacher:

(a) With a highly-effective rating in the Teacher Excellence and Support System, § 6-17-2801 *et seq., where possible;* or

(b) Deemed to be a high-performing teacher as defined by a Master Professional Educator designation; and

(iii) Provision of each student with extended time on math instruction during or after school; and

(2) Provide written notification to all parents, legal guardians, or persons standing in loco parentis to a student of their student's math intervention plan and progress on his or her math intervention plan throughout the school year.

(b) By the beginning of the 2024-2025 school year, each public school district and open-enrollment public charter school shall report to the Division of Elementary and Secondary Education the:

(1) Type or types of math intervention used; and

(2) Number of students who are receiving each type of math intervention.

(c) The state board may promulgate rules to implement this section.

SECTION 31. Arkansas Code § 6-17-811 is repealed.

~~6-17-811. Incentives for teacher recruitment and retention in high-priority districts — Definitions.~~

~~(a) As used in this section:~~

~~(1) "High-priority district" means a public school district:~~

~~(A) In which eighty percent (80%) or more of public school students are national school lunch students; and~~

~~(B)(i) Except as provided by subdivision (a)(1)(B)(ii) of this section, that had a three-quarter average daily membership in the previous year of one thousand (1,000) or fewer students.~~

~~(ii) In order to further the state's policy of encouraging efficiency and the expansion of available course offerings that might be achieved through the voluntary consolidation or annexation of school districts, qualifying teachers in the resulting school district in an approved voluntary consolidation under § 6-13-1404(a)(2) or § 6-13-1603(a) or in a receiving district in an approved voluntary annexation under § 6-13-1403(a)(2)-(4) or § 6-13-1603(a) shall continue to receive the funding provided under this section if all school districts in the voluntary consolidation or annexation were high-priority districts in the immediately preceding school year, even if the average daily membership of the resulting or receiving school district is one thousand (1,000) or above.~~

~~(iii) By April 15 of each year, the State Board of Education shall determine the districts that qualify as high-priority districts of the state;~~

~~(2)(A) "National school lunch students" means those students or the percentage of enrolled students from low socioeconomic backgrounds as indicated by eligibility for free or reduced-price meals under the National School Lunch Act as determined on October 1 of each previous school year and submitted to the Division of Elementary and Secondary Education, unless the school district is identified by the division as participating in the special assistance certification and reimbursement alternative implemented under 42 U.S.C. § 1759a, as interpreted in 7 C.F.R. § 245.9.~~

~~(B) If the school district is participating under 42 U.S.C. § 1759a, then for purposes of this section the school district's annual percentage of national school lunch students is equal to the percentage submitted in the base year, which means the last school year for which eligibility determinations were made and meal counts were taken by type;~~

~~(3)(A) "New teacher bonus" means an incentive bonus provided under subdivisions (b)(1)-(3) of this section to a teacher who is within the first three (3) years of employment with a single high-priority district.~~

~~(B) A teacher is not entitled to receive a new teacher bonus from any high-priority district other than the high-priority district that first employed the teacher and paid the teacher a new teacher bonus;~~

~~(4) "Previous year" means the school year immediately preceding the present school year;~~

~~(5) "Retention bonus" means an incentive bonus provided under subdivision (b)(4) or subdivision (b)(5) of this section; and~~

~~(6)(A) "Teacher" means a licensed classroom teacher who spends seventy percent (70%) of his or her time working directly with students in a classroom setting teaching all grade-level or subject-matter appropriate classes.~~

~~(B) "Teacher" includes a guidance counselor or librarian.~~

~~(b) At the end of the school year and upon completion of a licensed teacher's contracted teaching obligations, a teacher who completes the entire current school year teaching in a high-priority district may be entitled to receive in addition to all other contracted salary and benefits:~~

~~(1) For a newly hired teacher who has not previously taught in a high-priority district, a one-time signing bonus of five thousand dollars ($5,000) for the first year of service in the high-priority district, to be paid upon completion of the full year of teaching;~~

~~(2) For a newly hired teacher who meets the requirements of subdivision (b)(1) of this section, who continues to teach in the same high-priority district, and who completes the second full year of contracted teaching obligations, a new teacher bonus of four thousand dollars ($4,000) in addition to all other contracted salary and benefits;~~

~~(3) For a teacher who meets the requirements of subdivisions (b)(1) and (2) of this section, who continues to teach in the same high-priority district, and who completes a third year of contracted teaching obligations, a new teacher bonus of four thousand dollars ($4,000) in addition to all other contracted salary and benefits;~~

~~(4) For a teacher who meets the requirements of subdivisions (b)(1)-(3) of this section and who enters his or her fourth or subsequent year of service with the same high-priority district or begins employment with a high-priority district other than the high-priority district where he or she was employed at the time he or she received a new teacher bonus under subdivisions (b)(1)-(3) of this section, a retention bonus of three thousand dollars ($3,000) for the fourth and each subsequent complete year of service in the high-priority district, to be paid at the end of the school year after completing all contractual obligations; and~~

~~(5) For a teacher employed in a high-priority district who does not meet the requirements of subdivisions (b)(1)-(3) of this section, a~~

~~retention bonus of three thousand dollars ($3,000) for each complete year of service in the high-priority district, to be paid at the end of the school year after completing all contractual obligations.~~

~~(c)(1) A teacher shall not be entitled to a bonus provided under this section unless the teacher has fulfilled his or her contractual obligations for the current school year.~~

~~(2) The superintendent of the high-priority district where the teacher is employed shall certify in writing to the division that the teacher has completed all contractual obligations for the school year.~~

~~(d) The division shall:~~

~~(1) Monitor the implementation of the incentive program established by this section;~~

~~(2) Collect data to be used to evaluate the incentive program's effectiveness; and~~

~~(3) Promulgate any necessary rules to administer the requirements of the teacher recruitment and retention program.~~

~~(e)(1) The bonus amounts provided under this section are the maximum amounts to be paid to qualifying teachers in high-priority districts and are subject to the appropriation and availability of funding for the payment of the bonuses.~~

~~(2) If the funds appropriated and available for the payment of the bonuses under this section are insufficient to pay the maximum bonus amounts to each qualifying teacher, the division shall distribute the available funding to qualified teachers on a pro rata basis.~~

SECTION 32. Arkansas Code § 6-17-812(b)(3)(C), concerning agreements entered into by teachers to receive compensation for teaching more than the maximum number of students permitted, is repealed.

~~(C) The provisions of The Teacher Fair Dismissal Act of 1983, § 6-17-1501 et seq., do not apply to an agreement entered into between a teacher and a school district under this section.~~

SECTION 33. Arkansas Code Title 6, Chapter 17, Subchapter 15, is repealed.

~~Subchapter 15 — The Teacher Fair Dismissal Act of 1983~~

~~6-17-1501. Title.~~

~~This subchapter shall be referred to and may be cited as "The Teacher Fair Dismissal Act of 1983".~~

~~6-17-1502. Definitions.~~

~~(a) As used in this subchapter:~~

~~(1)(A) "Probationary teacher" means a teacher who has not completed three (3) successive years of employment in the school district in which the teacher is currently employed.~~

~~(B) (i) A teacher employed in a school district in this state for three (3) years shall be deemed to have completed the probationary period.~~

~~(ii) However, an employing school district may, by a majority vote of its directors, provide for one (1) additional year of probationary status; and~~

~~(2) "Teacher" means any person, exclusive of the superintendent or assistant superintendent, employed in an Arkansas public school district who is required to hold a teaching license from the State Board of Education as a condition of employment.~~

~~(b) A teacher who has completed three (3) successive years of employment in the school district in which the teacher is employed on July 4, 1983, or a teacher who has been given credit for a prior service in another school district as authorized by subdivision (a)(1)(B)(i) of this section, is deemed to have completed the required probationary period.~~

~~6-17-1503. Construction.~~

~~(a) The General Assembly finds:~~

~~(1) That the current standard, which requires cause that is not arbitrary, capricious, or discriminatory for the nonrenewal, termination, or suspension of a teacher, should be raised to a standard of just and reasonable cause; and~~

~~(2) That the current standard for compliance with this subchapter and a school district's personnel policies of strict compliance should be lowered to substantial compliance.~~

~~(b) This subchapter is not a teacher tenure law in that it does not confer lifetime appointment of teachers.~~

~~(c) A nonrenewal, termination, suspension, or other disciplinary action by a school district shall be void unless the school district substantially complies with all provisions of this subchapter and the school district's applicable personnel policies.~~

~~6-17-1504. Evaluation -- Effect.~~

~~(a) Each teacher employed by the board of directors of a school district shall be evaluated in writing under the Teacher Excellence and Support System, § 6-17-2801 et seq.~~

~~(b) At a time other than an evaluation conducted under the Teacher Excellence and Support System, § 6-17-2801 et seq., if a superintendent or other school administrator charged with the supervision of a teacher believes or has reason to believe that the teacher is having difficulties or problems meeting the expectations of the school district or its administration and the administrator believes or has reason to believe that the problems could lead to termination or nonrenewal of contract, the superintendent or other school administrator shall:~~

~~(1) In writing, bring the problems and difficulties to the attention of the teacher involved; and~~

~~(2) Document the efforts that have been undertaken to assist the teacher to correct whatever appears to be the cause for potential termination or nonrenewal.~~

~~6-17-1505. Teacher personnel file.~~

~~(a) The school district shall maintain a personnel file for each teacher which shall be available to the teacher for inspection and copying at the teacher's expense during normal office hours.~~

~~(b) The teacher may submit for inclusion in the file written information in response to any of the material contained therein.~~

~~6-17-1506. Contract renewal -- Notice of nonrenewal -- Rescission.~~

~~(a) Every contract of employment made between a teacher and the board of directors of a school district shall be renewed in writing on the same terms and for the same salary, unless increased or decreased by law, for the next school year succeeding the date of termination fixed therein, which renewal may be made by an endorsement on the existing contract instrument~~

~~unless:~~

~~(1) By May 1 of the contract year, the teacher is notified by the school superintendent that the superintendent is recommending that the teacher's contract not be renewed;~~

~~(2) During the period of the contract or within ten (10) calendar days after the end of the school year, the teacher shall send by certified or registered mail to the president, vice president, or secretary of the board of directors of the school district, with a copy to the superintendent, or may deliver in person to the president, vice president, or secretary of the board of directors of the school district, with a copy to the superintendent, his or her resignation as a teacher; or~~

~~(3) The contract is superseded by another contract between the parties.~~

~~(b)(1) Termination, nonrenewal, or suspension shall be only upon the recommendation of the superintendent.~~

~~(2)(A) A notice of nonrenewal shall be delivered in person to the teacher or mailed by registered or certified mail to the teacher at the teacher's residence address as reflected in the teacher's personnel file.~~

~~(B) The notice of recommended nonrenewal of a teacher shall include a statement of the reasons for the recommendation, setting forth the reasons in separately numbered paragraphs so that a reasonable teacher can prepare a defense.~~

~~(c)(1) No teacher shall be required to sign and return a contract for the next school year any sooner than thirty (30) days after the contract is issued to the teacher.~~

~~(2) The teacher shall have the right to unilaterally rescind any signed contract no later than ten (10) days after the end of the school year.~~

~~6-17-1507. Notice of termination recommendation.~~

~~(a) A teacher may be terminated only during the term of any contract when there is a reduction in force created by districtwide reduction in licensed staff or for incompetent performance, conduct which materially interferes with the continued performance of the teacher's duties, repeated or material neglect of duty, or other just and reasonable cause.~~

~~(b) The school district superintendent:~~

~~(1) Shall notify the teacher of the termination recommendation;~~

~~and~~

~~(2)(A) May notify a school resource officer assigned to the school campus on which the teacher is employed of the termination recommendation.~~

~~(B)(i) A school district superintendent shall not disclose any additional details regarding a recommendation for the termination of a teacher to a school resource officer assigned to the school campus on which the teacher is employed unless the school district superintendent, in his or her discretion and based on relevant information, believes there are risks to:~~

~~(a) Campus security; and~~

~~(b) Student safety.~~

~~(ii) Additional details regarding a recommendation for the termination of the teacher include without limitation:~~

~~(a) The underlying reasons for a recommendation for the termination of the teacher;~~

~~(b) The identity of other individuals involved in a recommendation for the termination of the teacher, including without limitation other teachers, students, administrators employed at or attending the school campus where the teacher is employed, and the parents or legal guardians of students attending the school campus where the teacher is employed; and~~

~~(c) Further disciplinary actions taken against a teacher in addition to the termination recommendation.~~

~~(C) If a school district superintendent determines that disclosure of additional details regarding a recommendation for the termination of the teacher is necessary under subdivision (b)(2)(B) of this section, the school district superintendent shall limit the disclosure of the additional details to the minimum amount of information that he or she believes is necessary for the school resource officer assigned to the school campus on which the teacher is employed to ensure campus security and student safety.~~

~~(c)(1) The notice shall include a statement of the grounds for the recommendation of termination, setting forth the grounds in separately numbered paragraphs so that a reasonable teacher can prepare a defense.~~

~~(2) The notice shall be delivered in person to the teacher or~~

~~sent by registered or certified mail to the teacher at the teacher's residence address as reflected in the teacher's personnel file.~~

~~6-17-1508. Suspension.~~

~~(a) Whenever a superintendent has reason to believe that cause exists for the termination of a teacher and that immediate suspension of the teacher is necessary, the superintendent may suspend the teacher without notice or a hearing.~~

~~(b) The school district superintendent:~~

~~(1) Shall notify the teacher of the suspension in writing within two (2) school days of the suspension; and~~

~~(2)(A) May notify a school resource officer assigned to the school campus on which the teacher is employed of the teacher's suspension.~~

~~(B)(i) A school district superintendent shall not disclose any additional details regarding a suspension of the teacher to a school resource officer assigned to the school campus on which the teacher is employed unless the school district superintendent, in his or her discretion and based on relevant information, believes there are risks to:~~

~~(a) Campus security; and~~

~~(b) Student safety.~~

~~(ii) Additional details regarding the suspension of the teacher include without limitation:~~

~~(a) The underlying reasons for the suspension of the teacher;~~

~~(b) The identity of other individuals involved in the suspension of the teacher, including without limitation other teachers, students, administrators employed at or attending the school campus where the teacher is employed, and the parents or legal guardians of students attending the school campus where the teacher is employed; and~~

~~(c) Further disciplinary actions taken against a teacher in addition to the suspension, unless the further disciplinary actions include a recommendation for the termination of the teacher.~~

~~(C) If a school district superintendent determines that disclosure of additional details regarding the suspension of a teacher is necessary under subdivision (b)(2)(B) of this section, the school district superintendent shall limit the disclosure of the additional details to the~~

~~minimum amount of information that he or she believes is necessary for the school resource officer assigned to the school campus on which the teacher is employed to ensure campus security and student safety.~~

~~(c)(1) The written notice shall include a statement of the grounds for suspension or recommended termination, setting forth the grounds in separately numbered paragraphs so that a reasonable teacher can prepare a defense.~~

~~(2) The written notice shall be delivered in person to the teacher or sent by registered or certified mail to the teacher at the teacher's residence address as reflected in the teacher's personnel file and shall state that a hearing before the board of directors is available to the teacher upon request provided that the request is made in writing within the time provided in § 6-17-1509.~~

~~(d) The hearing shall be scheduled by the president, vice president, or secretary of the board of directors of a school district and the teacher and shall be held within the time and manner provided in § 6-17-1509 after a request for the hearing is received by the board of directors.~~

~~(e) If sufficient grounds for termination or suspension are found, the board of directors may terminate the teacher or continue the suspension for a definite period of time.~~

~~(f) The salary of a suspended teacher shall cease as of the date the board of directors sustains the suspension.~~

~~(g) If sufficient grounds for termination or suspension are not found, the teacher shall be reinstated without loss of compensation.~~

~~6-17-1509. Hearing.~~

~~(a) A teacher who receives a notice of recommended termination or nonrenewal may file a written request with the board of directors of the school district for a hearing.~~

~~(b) Written request for a hearing shall be sent by certified or registered mail to the president, vice president, or secretary of the board of directors of the school district, with a copy to the superintendent, or may be delivered in person by the teacher to the president, vice president, or secretary of the board of directors of the school district, with a copy to the superintendent, within thirty (30) calendar days after the written notice of proposed termination or nonrenewal is received by the teacher.~~

~~(c) Upon receipt of a request for a hearing, the board of directors shall grant a hearing in accordance with the following provisions:~~

~~(1) The hearing shall take place at a time agreed upon in writing by the parties, but if no time can be agreed upon, then the hearing shall be held no fewer than five (5) calendar days nor more than twenty (20) calendar days after the written request has been received by the board of directors;~~

~~(2)(A) The hearing shall be private unless the teacher or the board of directors shall request that the hearing be public.~~

~~(B) If the hearing is public, the parent or guardian of any student under eighteen (18) years of age who offers testimony may elect to have the student's testimony offered in private;~~

~~(3) The teacher and the board of directors may be represented by representatives of their choosing;~~

~~(4) It shall not be necessary that a full record of the proceedings at the hearing be made and preserved unless:~~

~~(A) The board of directors shall elect to make and preserve a record of the hearing at its own expense, in which event a copy shall be furnished the teacher, upon request, without cost to the teacher; or~~

~~(B) A written request is filed with the board of directors by the teacher at least twenty-four (24) hours before the time set for the hearing, in which event the board of directors shall make and preserve at its own expense a record of the hearing and shall furnish a transcript to the teacher without cost; and~~

~~(5) The board of directors shall not consider at the hearing any new reasons which were not specified in the notices provided pursuant to this subchapter.~~

~~(d) Nothing in this section shall preclude a school district which has chosen to officially recognize in its policies an organization representing the majority of the teachers of the school district for the purpose of negotiating personnel policies, salaries, and educational matters of mutual concern under a written policy agreement from conducting a single nonrenewal hearing when all the school district's teachers are recommended for nonrenewal provided that each teacher at such hearing shall be given an opportunity to make comments to be included in the hearing record.~~

~~6-17-1510. Board action on termination or nonrenewal -- Appeal.~~

~~(a)(i) Upon conclusion of its hearing with respect to the termination or nonrenewal of a contract of a teacher who has been employed as a full-time teacher by the school district for less than three (3) continuous years, the board of directors shall take action on the recommendations by the superintendent with respect to the termination or nonrenewal of such contract.~~

~~(2) The board of directors' decision with regard to nonrenewal of a probationary teacher shall be final.~~

~~(b)(i) Any licensed teacher who has been employed continuously by the school district three (3) or more years or who may have achieved nonprobationary status pursuant to § 6-17-1502 may be terminated or the board of directors may refuse to renew the contract of the teacher only when there is a reduction in force created by districtwide reduction in licensed personnel, for incompetent performance, conduct which materially interferes with the continued performance of the teacher's duties, repeated or material neglect of duty, or other just and reasonable cause.~~

~~(2) Upon completion of the hearing, the board of directors, within ten (10) days after the holding of the hearing, shall:~~

~~(A) Uphold the recommendation of the superintendent to terminate or not renew the teacher's contract;~~

~~(B) Reject or modify the superintendent's recommendation to terminate or not renew the teacher's contract; or~~

~~(C) (i) Vote to continue the contract of the teacher under such restrictions, limitations, or assurances as the board of directors may deem to be in the best interest of the school district.~~

~~(ii) The decision shall be reached by the board of directors within ten (10) days from the date of the hearing, and a copy shall be furnished in writing to the teacher involved, either by personally delivering it to the teacher or by addressing it to the teacher's last known address by registered or certified mail.~~

~~(c) Subsequent to any hearing granted a teacher by this subchapter, the board of directors, by majority vote, shall make specific written conclusions with regard to the truth of each reason given the teacher in support of the recommended termination or nonrenewal.~~

~~(d)(i) The exclusive remedy for any nonprobationary teacher aggrieved~~

~~by the decision made by the board of directors shall be an appeal therefrom to the circuit court of the county in which the school district is located, within seventy-five (75) days of the date of written notice of the action of the board of directors.~~

~~(2) Additional testimony and evidence may be introduced on appeal to show facts and circumstances showing that the termination or nonrenewal was lawful or unlawful.~~

SECTION 34. Arkansas Code Title 6, Chapter 17, Subchapter 17, is repealed.

~~6-17-1701. Title.~~

~~This subchapter shall be known and may be cited as the "Public School Employee Fair Hearing Act".~~

~~6-17-1702. Definitions.~~

~~As used in this subchapter:~~

~~(1) "Employee" means any person employed by a school district under a written annual contract who is not required to have an educator license issued by the Division of Elementary and Secondary Education as a condition of employment;~~

~~(2) "Full-time employee" means any employee who is contracted to work at least twenty (20) hours per week; and~~

~~(3)(A) "Probationary employee" means an employee who has not completed one (1) year of employment in the school district in which he or she is employed.~~

~~(B) Provided that at least thirty (30) days before the completion of an employee's probationary period, the superintendent of schools may recommend and the board of directors may vote that one (1) additional year of probation is necessary for an employee.~~

~~6-17-1703. Termination or nonrenewal — Notice.~~

~~(a) The superintendent of a school district may recommend termination of an employee during the term of any contract or the nonrenewal of a full-time nonprobationary employee's contract provided that he or she gives notice in writing, personally delivered or by letter posted by registered or certified mail to the employee's residence address as reflected in the~~

~~employee's personnel file.~~

~~(b) The recommendation of nonrenewal of a full-time nonprobationary employee's contract shall be made no later than thirty (30) calendar days before the beginning of the employee's next contract period.~~

~~(c) Such written notice shall include a statement of the reasons for the proposed termination or nonrenewal.~~

~~(d) The notice shall further state that an employee being recommended for termination or a full-time nonprobationary employee being recommended for nonrenewal is entitled to a hearing before the school district board of directors upon request provided that the request is made in writing to the superintendent within twenty-five (25) calendar days from receipt of the notice.~~

~~(e) It is the public policy of the State of Arkansas that employees, as defined in this subchapter, shall not be considered "at will" employees with regard to the termination of their employment, notwithstanding any contractual provision to the contrary.~~

~~6-17-1704. Immediate suspension — Notice.~~

~~(a) Nothing in this subchapter shall be construed or interpreted to preclude the superintendent from placing an employee on immediate suspension, provided he or she gives written notice of such action to the employee within two (2) school days of the suspension.~~

~~(b) The notice shall include a statement of reasons for the suspension, state whether the superintendent is recommending termination, and state that a hearing before the school district board of directors is available upon request provided that the request is made in writing to the superintendent within twenty-five (25) calendar days from receipt of the notice.~~

~~6-17-1705. Hearing.~~

~~(a) Upon receipt of a request for a hearing, the school district board of directors shall conduct a hearing in accordance with the following provisions:~~

~~(1) The hearing shall take place no fewer than five (5) nor more than ten (10) days after the written request has been received by the superintendent, except that the employee and board of directors may, in~~

~~writing, agree to an earlier or later hearing date; and~~

~~(2) The hearing shall be public or private at the request of the employee.~~

~~(b) The employee may be represented by persons of his or her own choosing.~~

~~(c) In hearings held concerning a recommendation for the termination of an employee's contract, either the board of directors or the employee may elect to have a record of the hearing made at the board of director's expense.~~

~~(d) In hearings held concerning a recommendation for the nonrenewal of a full-time non-probationary employee, either the board of directors or the employee may elect to have a record of the hearing made, and the expense for the record shall be shared equally between the board of directors and the employee.~~

~~(e)(1) After the hearing, the school district board of directors may terminate the employee or continue the suspension for a definite period of time.~~

~~(2)(A) The salary of a suspended employee shall cease when the school district board of directors sustains the suspension.~~

~~(B) Otherwise, the employee shall be reinstated without loss of compensation.~~

~~(f) The decision of the school district board of directors shall be made within ten (10) calendar days of the hearing.~~

SECTION 35. Arkansas Code § 6-17-2403 is amended to read as follows:

6-17-2403. Minimum teacher compensation schedule — Definition.

(a)(1) The board of directors in each school district in the state shall pay classroom teachers ~~upon~~ a minimum base salary of fifty thousand dollars ($50,000) ~~schedule that provides:~~

~~(A) Annual increments for education and experience;~~

~~(B) A base salary; and~~

~~(C) A minimum salary for a teacher with a master's degree and at least fifteen (15) years' experience~~.

(2) To be eligible for funds to implement the minimum base salary under this section, a public school district shall:

(A) Revise each teacher contract by the 2023-2024 school

year to require that each teacher in the public school district is employed at least one hundred ninety (190) school days each year;

(B)(i) Not adopt a personnel policy or incorporate terms into a personnel contract that provide more rights to personnel than those provided under state law in effect during the term of the personnel contract.

(ii) This subdivision (a)(2)(B) shall not be interpreted as:

(a) Denying personnel rights provided by other laws, including without limitation due process; or

(b) Prohibiting a school district board of directors from specifying in its policy the timelines and processes for providing notice and an opportunity for a hearing as provided under § 6-13-636(d);

(C) Not have a waiver of teacher salary requirements; and

(D) Adopt an employee salary schedule.

~~(2)(A) A school district may differentiate in the salary levels of the minimum teacher compensation schedule to provide increased salaries based on a tiered licensure system established by the State Board of Education under § 6-17-402.~~

~~(B) The differentiated salary schedule shall not provide for a salary that is below the minimum set out in this section.~~

~~(b) Each school district in the state shall have in place a salary schedule with at least the following minimum levels of compensation for a basic contract:~~

~~(1) For the 2019-2020 school year:~~

~~Years of Experience~~	~~BA Degree Salary~~	~~MA Degree Salary~~
~~0~~	~~$32,800~~	~~$37,450~~
~~1~~	~~33,250~~	~~37,950~~
~~2~~	~~33,700~~	~~38,450~~
~~3~~	~~34,150~~	~~38,950~~
~~4~~	~~34,600~~	~~39,450~~
~~5~~	~~35,050~~	~~39,950~~
~~6~~	~~35,500~~	~~40,450~~
~~7~~	~~35,950~~	~~40,950~~
~~8~~	~~36,400~~	~~41,450~~
~~9~~	~~36,850~~	~~41,950~~

10	37,300	42,450
11	37,750	42,950
12	38,200	43,450
13	38,650	43,950
14	39,100	44,450
15	39,550	44,950;

(2) For the 2020-2021 school year:

Years of Experience	BA Degree Salary	MA Degree Salary
0	$33,800	$38,450
1	34,250	38,950
2	34,700	39,450
3	35,150	39,950
4	35,600	40,450
5	36,050	40,950
6	36,500	41,450
7	36,950	41,950
8	37,400	42,450
9	37,850	42,950
10	38,300	43,450
11	38,750	43,950
12	39,200	44,450
13	39,650	44,950
14	40,100	45,450
15	40,550	45,950;

(3) For the 2021-2022 school year:

Years of Experience	BA Degree Salary	MA Degree Salary
0	$34,900	$39,550
1	35,350	40,050
2	35,800	40,550
3	36,250	41,050
4	36,700	41,550
5	37,150	42,050
6	37,600	42,550
7	38,050	43,050
8	38,500	43,550
9	38,950	44,050

~~10~~	~~39,400~~	~~44,550~~
~~11~~	~~39,850~~	~~45,050~~
~~12~~	~~40,300~~	~~45,550~~
~~13~~	~~40,750~~	~~46,050~~
~~14~~	~~41,200~~	~~46,550~~
~~15~~	~~41,650~~	~~47,050; and~~

~~(4) For the 2022-2023 school year and each school year thereafter:~~

~~Years of Experience~~	~~BA Degree Salary~~	~~MA Degree Salary~~
~~0~~	~~$36,000~~	~~$40,650~~
~~1~~	~~36,450~~	~~41,150~~
~~2~~	~~36,900~~	~~41,650~~
~~3~~	~~37,350~~	~~42,150~~
~~4~~	~~37,800~~	~~42,650~~
~~5~~	~~38,250~~	~~43,150~~
~~6~~	~~38,700~~	~~43,650~~
~~7~~	~~39,150~~	~~44,150~~
~~8~~	~~39,600~~	~~44,650~~
~~9~~	~~40,050~~	~~45,150~~
~~10~~	~~40,500~~	~~45,650~~
~~11~~	~~40,950~~	~~46,150~~
~~12~~	~~41,400~~	~~46,650~~
~~13~~	~~41,850~~	~~47,150~~
~~14~~	~~42,300~~	~~47,650~~
~~15~~	~~42,750~~	~~48,150.~~

(b)(1) For the 2023-2024 school year, each teacher shall be paid a salary that is at least two thousand dollars ($2,000) greater than his or her current salary as of September 1, 2022.

(2) To be eligible for funds to implement the increase under subdivision (b)(1) of this section, a public school district shall:

(A) Revise each teacher contract by the 2023-2024 school year to require that each teacher in the public school district is employed at least one hundred ninety (190) school days each year;

(B)(i) Not adopt a personnel policy or incorporate terms into a personnel contract that provide more rights to personnel than those provided under state law in effect during the term of the personnel contract.

(ii) This subdivision (b)(2)(B) shall not be interpreted as denying personnel rights provided by other laws, including without limitation due process; and

(C) Not have a waiver of teacher salary requirements.

(c) To be eligible for funds to implement the salary increases under subsections (a) and (b) of this section, a public school district shall be open for on-site, in-person instruction for at least:

(1) One hundred seventy-eight (178) days; or

(2) One thousand sixty-eight (1,068) hours.

~~(c)(1)~~(d) For purposes of the salary ~~schedules~~ requirements described in this section, ~~the teacher's experience is his or her total years' experience as~~ a "teacher" ~~with a valid Arkansas teaching license and teaching at any:~~ means an individual employed by a public school in the State of Arkansas in a full-time position that requires a valid Arkansas teaching license, including without limitation a principal or assistant principal, unless the public school has been issued a waiver by the State Board of Education.

~~(A) Public school accredited by the Division of Elementary and Secondary Education or a nationally recognized accrediting association;~~

~~(B) Private school within the State of Arkansas accredited by a nationally recognized accrediting association;~~

~~(C) Institution of higher education within the State of Arkansas accredited by a nationally recognized higher education institution accrediting association; or~~

~~(D) Any facility operated by the Division of Youth Services or any facility contracting with the Division of Youth Services to provide care for juveniles committed to the Division of Youth Services.~~

~~(2) A teacher's years of experience shall be based upon:~~

~~(A) The years in the school district in which the teacher is employed when the salary schedule in this section is considered; and~~

~~(B) The teacher's years of experience with a valid Arkansas teaching license at an institution in subdivision (c)(1) of this section.~~

~~(3) For purposes of this section, "years of service" means:~~

~~(A) Performing the full-time duties of a teacher for a full school year with a valid Arkansas teaching license;~~

~~(B) Years of employment with an Arkansas public school in a full-time position that requires that the teacher have an Arkansas teaching license; or~~

~~(C) Years of employment in an educational capacity with an institution in subdivision (c)(1)(C) of this section with a valid Arkansas teaching license.~~

~~(d)(1)~~(e)(1) The minimum teacher compensation ~~schedule~~ requirements under ~~subsection (b) of~~ this section ~~does~~ do not apply to a part-time teacher or part-time paraprofessional employed by a public school district to work in an adult education program.

(2) The minimum teacher compensation schedule for a part-time teacher or part-time paraprofessional employed by a school district to work in an adult education program shall be established by the Adult Education Section and approved by the Director of the Division of Workforce Services.

(f)(1) The funds allocated by the General Assembly for additional teacher compensation under this section shall only be used for teacher salaries.

(2) To qualify for funding appropriated under this section, public school districts shall:

(A)(i) Utilize an amount of state funds equal to eighty percent (80%) or more of the amount allocated for school-level personnel salaries, according to the adequacy funding matrix recommended by the Senate Committee on Education and the House Committee on Education for the previous school year, for teacher salaries and teacher raises.

(ii) If meeting the requirement under subdivision (f)(2)(A)(i) of this section would impact student safety or potentially cause a school district to go into fiscal distress under the Arkansas Fiscal Assessment and Accountability Program, § 6-20-1901 et seq., the public school district may apply to the State Board of Education for a waiver from this requirement; and

(B)(i) Certify with the Division of Elementary and Secondary Education the number of certified teachers and the certified teachers' current contract salaries for each school year.

(ii) A fund shall be created by the Department of Education to hold and distribute revenues authorized by this section for teacher minimum salary levels and teacher raises.

(3) Each public school district shall:

(A) Report the total amount of state funds used for teacher salaries to the Division of Elementary and Secondary Education; and

(B) Publish the information required under subdivision (f)(3)(A) of this section on the public school district's website.

(g) This section shall not be interpreted to limit a public school district from creating a salary schedule for the public school district.

(h) The State Board of Education may promulgate rules to implement this subchapter.

SECTION 36. Arkansas Code § 6-17-2807(g) and (h), concerning a teacher placed in intensive support status under the Teacher Excellence and Support System, are amended to read as follows:

(g)(1) Upon review and approval of the documentation, the superintendent may recommend termination or nonrenewal of the teacher's contract.

~~(2) A recommendation for termination or nonrenewal of a teacher's contract under this section shall be made pursuant to the authority granted to a superintendent for recommending termination or nonrenewal under The Teacher Fair Dismissal Act of 1983, § 6-17-1501 et seq~~.

~~(3)(A)~~(2) When a superintendent makes a recommendation for termination or nonrenewal of a teacher's contract under this section, the public school shall provide a written notice to the teacher.

~~(B) The notice shall meet the minimum requirements under The Teacher Fair Dismissal Act of 1983, § 6-17-1501 et seq., but is exempt from the provisions of § 6-17-1504(b).~~

~~(C)(i)~~(3) If the public school has substantially complied with the requirements of this section, the public school is entitled to a rebuttable presumption that the public school has a substantive basis for the termination or nonrenewal of the teacher's contract ~~under the applicable standard for termination or nonrenewal under The Teacher Fair Dismissal Act of 1983, § 6-17-1501 et seq~~.

~~(ii) The presumption may be rebutted by the teacher during an appeal under The Teacher Fair Dismissal Act of 1983, § 6-17-1501 et seq.~~

(h) This section does not preclude a public school superintendent

from:

(1) Making a recommendation for the termination or nonrenewal of a teacher's contract for any lawful reason ~~under The Teacher Fair Dismissal Act of 1983, § 6-17-1501 et seq.~~; or

(2) Including in a recommendation for termination or nonrenewal of a teacher's contract under this section any other lawful reason for termination or nonrenewal ~~under The Teacher Fair Dismissal Act of 1983, § 6-17-1501 et seq~~.

SECTION 37. Arkansas Code Title 6, Chapter 17, is amended to add an additional subchapter to read as follows:

Subchapter 29 — Merit Teacher Incentive Fund Program

6-17-2901. Title.

This subchapter shall be known and may be cited as the "Merit Teacher Incentive Fund Program".

6-17-2902. Definitions.

As used in this subchapter:

(1) "Mentor" means an individual who meets the requirements established by the State Board of Education to support aspiring teachers who are participating in yearlong residencies; and

(2) "Teacher" means a:

(A) Licensed classroom teacher who spends at least seventy percent (70%) of his or her contracted time working directly with students in a classroom setting teaching all grade-level or subject-matter appropriate classes;

(B) School counselor;

(C) Library media specialist; or

(D) Aspiring teacher.

6-17-2903. Merit Teacher Incentive Fund Program — Creation.

(a) The Merit Teacher Incentive Fund Program is hereby created to recognize and reward excellent teachers across the State of Arkansas.

(b) A teacher deemed eligible under the program shall be rewarded with annual bonuses of no more than ten thousand dollars ($10,000).

(c) The State Board of Education may promulgate rules for the implementation of this program, including without limitation:

(1) The administration and methods of distribution of funds under the program;

(2) Eligibility requirements; and

(3) Timelines and processes for identifying eligible teachers.

6-17-2904. Teacher eligibility.

(a) Eligibility for an award from the Merit Teacher Incentive Fund Program shall include without limitation:

(1)(A) A teacher who demonstrates outstanding growth in student performance, as determined by the Division of Elementary and Secondary Education.

(B)(i) In determining whether a teacher has demonstrated outstanding growth in student performance, the division shall calculate a value-added growth model score for grades and subjects, where possible.

(ii) The division shall develop rules to establish the process and procedure for public school districts to annually report data related to value-added models that includes without limitation:

(a) Student test scores; and

(b) Prior student performance by subject and school;

(2) Teachers serving as mentors to aspiring teachers;

(3) Aspiring teachers participating in yearlong residencies;

(4) Teachers instructing in subject areas or geographical areas identified as experiencing a critical shortage of teachers, including public schools that have historically been understaffed, as determined by the division; and

(5) Other categories as defined by the state board.

(b) In determining distribution of funds to a teacher under this section, the division shall consider factors that include without limitation:

(1) The poverty level of the school as factored under § 6-17-413; and

(2) The designated performance rating of the school under the school rating system, § 6-15-2101 et seq.

(c) A teacher who is given intensive support status under the Teacher

Excellence and Support System, § 6-17-2801 et seq., is ineligible for receipt of funds under the program for the school year.

6-17-2905. Report.

(a) The Division of Elementary and Secondary Education shall annually conduct and publish a report on the data under subsection (b) of this section on Arkansas's educator workforce.

(b) The report required under subsection (a) of this section shall include without limitation an analysis of:

(1) Teacher shortage areas by geographic region, subject area, district, school, and student demographic groups, including consideration for teacher certification status; and

(2) The teacher pipeline and retention, including consideration of available teacher training pathways.

6-17-2906. Rules.

The State Board of Education may promulgate rules to implement this subchapter.

SECTION 38. Arkansas Code § 6-18-227(k), concerning rules adopted by the State Board of Education under the Arkansas Opportunity Public School Choice Act, is amended to read as follows:

(k)(1) The state board shall adopt any rules necessary for the implementation of this section under the Arkansas Administrative Procedure Act, § 25-15-201 et seq., including rules pertaining to the consideration of a school district's enrollment capacity.

(2) However, the state board shall not establish a numerical net maximum on school choice transfers into or from a public school district, unless required to do so according to an enforceable desegregation court order or a district's court-approved desegregation plan.

SECTION 39. Arkansas Code § 6-18-1906 is amended to read as follows:

6-18-1906. Limitations.

(a)~~(1)~~ If the provisions of this subchapter conflict with a provision of an enforceable desegregation court order or a district's court-approved desegregation plan, either of which explicitly limits the transfer of

students between school districts, the provisions of the order or plan shall govern.

~~(2)~~(b) Annually by January 1, a school district that claims a conflict under ~~subdivision (a)(1)~~ subsection (a) of this section shall submit proof from a federal court to the Division of Elementary and Secondary Education that the school district has a genuine conflict under an active desegregation order or active court-approved desegregation plan that explicitly limits the transfer of students between school districts.

~~(3)~~(c)(1) Proof submitted under ~~subdivision (a)(2)~~ subsection (b) of this section shall contain the following:

(A) Documentation that the desegregation order or court-approved desegregation plan is still active and enforceable; and

(B) Documentation showing the specific language the school district believes limits its participation in the school choice provisions of this subchapter.

~~(4)(A)~~(2)(A) Within thirty (30) calendar days of receipt of proof under ~~subdivision (a)(2)~~ subsection (b) of this section, the division shall notify the school district whether it is required to participate in the school choice provisions of this subchapter.

(B) The division may reject incomplete submissions.

(C) If the division does not provide a written exemption to the school district, then the school district shall be required to participate in the school choice provisions of this subchapter.

~~(5)~~(3) The division shall maintain on its website a list of school districts that are not required to participate in the school choice provisions of this subchapter.

~~(6)~~(4) The State Board of Education may review a decision of the division upon written petition of the affected school district and may affirm or reverse the decision of the division under the rules promulgated by the state board to implement this subsection.

~~(b)(1)(A) There is established a numerical net maximum limit on school choice transfers each school year from a school district, less any school choice transfers into the school district, under this section of not more than three percent (3%) of the enrollment that exists in the school district as of October 1 of the immediately preceding school year.~~

~~(B) If the application for a transfer that causes the~~

~~school district to meet or exceed the three-percent numerical net maximum limit under subdivision (b)(1)(A) of this section is on behalf of a sibling group, then the school district shall allow all siblings in the sibling group to exercise school choice under this subchapter.~~

~~(C) A student eligible to transfer to a nonresident district under § 6-15-430(c)(1) [repealed], the Arkansas Opportunity Public School Choice Act, § 6-18-227, § 6-18-233, or § 6-21-812 shall not count against the cap of three percent (3%) of the resident or nonresident district.~~

~~(2) Annually by December 15, the division shall report to each school district the net maximum number of school choice transfers for the next school year.~~

~~(3) If a student is unable to transfer due to the limits under this subsection, the resident district shall give the student priority for a transfer in the first school year in which the district is no longer subject to subdivision (b)(1) of this section in the order that the resident district receives notices of applications under § 6-18-1905, as evidenced by a notation made by the district on the applications indicating date and time of receipt.~~

SECTION 40. Arkansas Code § 6-18-2004(d), concerning school counselor training required for purposes of comprehensive student services, is amended to read as follows:

(d) By September 1, 2024, and every four (4) years following, a school counselor shall receive ~~Youth Mental Health First Aid~~ youth mental health training, as prescribed by the State Board of Education, to learn the risk factors and warning signs of mental health issues in adolescents, the importance of early intervention, and how to help an adolescent who is in crisis or expecting a mental health challenge.

SECTION 41. Arkansas Code § 6-18-2304(c), concerning eligible taxpayer contributions to the Philanthropic Investment in Arkansas Kids Program Act, is amended to read as follows:

(c)(1)(A) ~~The~~ Except as provided by subdivision (c)(1)(B) of this section, the total amount of state income tax credits awarded under this section shall not exceed ~~two million dollars ($2,000,000)~~ six million dollars

($6,000,000) per calendar year.

(B)(i) If in any calendar year the total amount of state income tax credits awarded under this section is equal to or greater than ninety percent (90%) of the total amount of state income tax credits that may be awarded, the total amount of state income tax credits that may be awarded in the next calendar year and each subsequent calendar year thereafter shall be the total amount of state income tax credits authorized in the previous calendar year plus five percent (5%).

(ii) An increase in the total amount of state income tax credits for subsequent calendar years under subdivision (c)(1)(B)(i) of this section shall be applied to the total amount of state income tax credits authorized in the previous calendar year.

(iii) At the beginning of each calendar year, the Department of Finance and Administration shall certify the total amount of state income tax credits that may be awarded in that calendar year.

(2) The Tax Credits and Special Refunds Section of the Department of Finance and Administration, or its successor, shall:

(A) Award the tax credits on a first-come, first-served basis from the receipts provided to the Tax Credits and Special Refunds Section of the Department of Finance and Administration under § 6-18-2306(3); and

(B) Notify the Division of Elementary and Secondary Education when the annual cap under subdivision (c)(1) of this section is met.

SECTION 42. Arkansas Code Title 6, Chapter 18, is amended to add an additional subchapter to read as follows:

Subchapter 25 — Arkansas Children's Educational Freedom Account Program

6-18-2501. Title.

This subchapter shall be known and may be cited as the "Arkansas Children's Educational Freedom Account Program".

6-18-2502. Creation.

There is created the "Arkansas Children's Educational Freedom Account Program".

6-18-2503. Definitions.

As used in this subchapter:

(1) "Account" means an account that is comprised of funds deposited on behalf of a participating student to pay for qualifying educational expenses;

(2) "Account funds" means the funds deposited into an account on behalf of a participating student;

(3) “Curriculum” means a complete course of study for a particular content area or grade level;

(4) “Eligible student” means a resident of the State of Arkansas who is eligible to enroll in a public elementary or secondary school, subject to the timeline and parameters established under §§ 6-18-2506 and 6-18-2507;

(5) “Full academic curriculum” means all required core courses, or the equivalent, as are offered in traditional public schools;

(6) “Full academic year” means at least one hundred seventy-eight (178) days of instruction or the equivalent number of hours to what is offered in traditional public schools;

(7) “Parent” means:

(A) A biological or adoptive parent;

(B) Legal guardian or custodian;

(C) Persons standing in loco parentis to a student; or

(D) Another person with legal authority to act on behalf of an eligible student;

(8) “Participating school” means a private elementary school or private secondary school that:

(A) Offers enrolled students a full academic curriculum and full academic year experience; and

(B) Receives payments from Arkansas Children’s Educational Freedom Account Program accounts to provide goods and services that are covered as qualifying expenses under this subchapter;

(9) “Participating service provider” means a person or an entity, including a participating public or private school, that receives payments from program accounts to provide goods and services that are covered as qualifying expenses under this subchapter;

(10) "Participating student" means a student:

(A) Eligible to participate in the program; and

(B) For whom an account has been established under this subchapter; and

(11) "Qualifying expenses" means:

(A)(i) For the 2023-2024 school year, "qualifying expenses" shall include:

(a) Tuition;

(b) Fees;

(c) The cost of testing under this subchapter; and

(d) The cost of required school uniforms, if any, at a participating school; and

(e) Expenses determined by a participating school to be necessary for the education of a participating student and required to be paid by a participating student who is enrolled in the participating school, including without limitation expenses related to:

(1) Supplies;

(2) Equipment;

(3) Access to technology; and

(4) Services provided by or at the participating school.

(ii) "Qualifying expenses" shall not mean optional expenses payable to a third party; and

(B) Beginning with the 2024-2025 school year and each year thereafter, "qualifying expenses" shall include those listed under subdivision (11)(A) of this section and include the following:

(i) Instructional materials required for either in-person or virtual instruction provided by a participating service provider or participating school;

(ii) Instructional or tutoring services;

(iii) Curriculum;

(iv) Supplemental materials or supplies required by a course of study for a particular content area;

(v) Fees for:

(a) Courses and associated examinations for college credit; and

(b) Any examination related to postsecondary educational institution admission;

(vi) Fees for:

(a) Courses and associated examinations for career training; and

(b) Any examination required in order to obtain an industry-based credential;

(vii) Educational services provided by a licensed or accredited practitioner or participating service provider to a participating student who is a student with a disability;

(viii) Fees for account management by participating service providers;

(ix)(a) Technological devices used to meet a participating student's educational needs, which shall not include:

(1) A television;

(2) A video game console or accessory; or

(3) Home theater or audio equipment.

(b) Technological devices under subdivision (11)(B)(ix)(a) of this section are subject to approval by the Department of Education or a licensed physician;

(x) Costs associated with transportation to and from a participating service provider or participating school; and

(xi) Any other educational expense approved by the Division of Elementary and Secondary Education.

6-18-2504. State Board of Education — Rules.

(a) The Division of Elementary and Secondary Education shall administer the Arkansas Children's Educational Freedom Account Program under this subchapter, which shall be subject to the rules adopted by the State Board of Education.

(b) The rules adopted by the state board under this subchapter shall include without limitation the:

(1) Process for determining the eligibility of students and service providers, including the awarding of accounts to eligible students and removal of unnecessary barriers or disincentives to participation by

potential participating service providers;

(2)(A) The process for conducting account and program audits, including establishing the authority for the division to conduct or contract for the auditing of accounts.

(B) The division shall establish a process for conducting an audit of an entity receiving funds under this subchapter, including:

(i) An individual account;

(ii) A participating service provider; and

(iii) A participating school.

(C) At least one (1) time each year, the division shall conduct random audits of the following according to the auditing process established under subdivision (b)(2)(B) of this section:

(i) An individual account;

(ii) A participating service provider; and

(iii) A participating school;

(3) Authority of the division to:

(A) Deem any participating student ineligible for the program; and

(B) Refer a case involving the misuse of account funds for investigation to:

(i) The Attorney General; or

(ii) The Secretary of the Department of Inspector General;

(4) Authority of the division to contract with a vendor or other supplier for the administration of the program or parts of the program;

(5) Requirement that the program shall:

(A) Begin enrolling participating students no later than the beginning of the 2023-2024 school year; and

(B) Be fully implemented to serve all Arkansas children eligible to enroll in a public school by the beginning of the 2025-2026 school year;

(6) Establishment or creation of a contract for the establishment of an online anonymous fraud reporting service, including without limitation a telephone hotline;

(7) Requirement for a surety bond for a participating service provider that receives more than one hundred thousand dollars ($100,000) in account funds;

(8) Mechanism for the refunding of payments from service providers back to the account from which they were paid;

(9) Required compliance with all state procurement laws and procedures; and

(10) A means for preventing unreasonable inflation or fraud in participating school tuition and fees.

(c) The following shall be forwarded to Arkansas Legislative Audit:

(1) An audit conducted under subdivision (b)(2) of this section that identifies a potential misuse of account funds; and

(2) The referral of a case involving the misuse of account funds for investigation to the Attorney General or the Secretary of the Department of Inspector General under subdivision (b)(3)(B) of this section.

(d) To ensure that account funds under this subchapter provide for the expansion of access to education options by reducing family financial burdens and are not abused by service providers for financial gain, the state board shall take all necessary action in establishing rules under this subchapter, including without limitation the disqualification of a participating school or a participating service provider.

6-18-2505. Account funds.

(a)(1) The Division of Elementary and Secondary Education shall allocate annually to each participating student's account, from funds appropriated to the Arkansas Children's Educational Freedom Account Fund or otherwise made available for the Arkansas Children's Educational Freedom Account Program, an amount equal to ninety percent (90%) of the prior year's statewide foundation funding allotted per student under § 6-20-2305.

(2) For the 2023-2024 school year, a student who is participating in the Succeed Scholarship Program under § 6-41-901 et seq. *during the 2022-2023 school year shall continue to receive the scholarship amount awarded to him or her under § 6-41-905.*

(b)(1) For the 2023-2024 school year, on behalf of participating students enrolled in participating schools or with participating service providers and at the direction of a participating student's parent, the Department of Education shall make four (4) equal payments in quarterly installments from the participating student's account to the participating school or participating service provider in which the participating student

is enrolled for tuition, fees, and costs associated with testing and uniforms.

(2) The department may:

(A) Contract with a vendor or provider to manage the payment system used for purposes of implementing this subsection (b); and

(B) Withhold up to five percent (5%) of funds allocated for each account annually for the administration of the program.

(c) For the 2023-2024 school year, if a participating student is enrolled full-time in a participating school or with a participating service provider and the total amount of tuition, fees, testing, and uniform costs is less than the amount determined under subsection (a) of this section, the amount allocated to the student shall be the lesser amount.

(d) Account funds shall:

(1)(A) Not be refunded, rebated, or shared with a parent or participating student in any manner.

(B) Any refund or rebate for goods or services purchased with account funds shall be credited directly to the participating student's account; and

(2) Be used only for qualifying education expenses for a participating student.

(e)(1) Beginning with the 2024-2025 school year and each year thereafter, the department shall develop a system for parents to direct account funds to participating schools and participating service providers by electronic funds transfer, automated clearing house transfer, debit card, or another system.

(2) The department may:

(A) Contract with a vendor or provider, including without limitation a private institution, to manage the payment system used for purposes of implementing this subsection (e); and

(B) Withhold up to five percent (5%) of funds allocated for each account annually for the administration of the program.

(3) The department shall:

(A) Not adopt a payment system under this subsection that relies exclusively on requiring parents to be reimbursed for out-of-pocket expenses; and

(B) Ensure a payment system developed under this

subsection provides maximum flexibility to parents by facilitating direct payments to participating service providers and requests for preapproval of and reimbursements for qualifying expenses.

(f)(1) An account shall remain in force, and any unused funds shall roll over from quarter-to-quarter and from year-to-year, until:

(A) A parent withdraws his or her participating student from the program;

(B) A participating student graduates from high school; or

(C) The end of the school year if a participating student turns twenty-one (21) years of age, whichever occurs first.

(2) An account shall be closed before an event occurs under subdivision (f)(1) of this section if the State Board of Education finds:

(A) A substantial misuse of funds; or

(B) That a parent has failed to comply with this subchapter or state board rules governing the program.

(3)(A) Any unused funds shall revert to the division and be allocated to fund other accounts.

(B)(i) There shall be a maximum amount of funds allowed to remain in each participating student's account.

(ii) The state board may establish rules to determine the:

(a) Maximum amount of funds allowed under subdivision (f)(3)(B)(i) of this section; and

(b) Process by which account funds will be returned to the appropriate fund within the department.

(g) Account funds shall not:

(1) Constitute taxable income of the parent or the participating student; and

(2) Be claimed as a credit, deduction, exemption, or rebate.

(h) The division shall create procedures to ensure that a fair process exists to determine whether a participating student is no longer eligible for participation in the program, including without limitation a participating student who is no longer eligible for participation in the program due to his or her failure to demonstrate academic achievement or academic growth.

(i)(1) If the division bars a student from participating in the program, it shall notify the participating student and his or her parent of

its decision within three (3) days of its decision.

(2) A parent may appeal the division's decision to bar him or her from receiving payments from accounts to the state board according to rules established by the state board.

(j) The state board may promulgate rules to implement this subchapter.

6-18-2506. Student eligibility — Initial and continuing.

(a) A student is initially eligible for an account if the student:

(1) Has a parent who is a resident of the State of Arkansas as defined by § 6-18-202;

(2) Is eligible to enroll in a public elementary or secondary school in this state; and

(3) Meets the following criteria:

(A)(i) For the 2023-2024 school year, a student shall be eligible if the student is at least one (1) of the following:

(a) A student with a disability identified under the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq., as it existed on January 1, 2023;

(b) A student who is considered homeless under the McKinney-Vento Homeless Assistance Act, 42 U.S.C. § 11431 et seq., as it existed on January 1, 2023;

(c) A foster child or a former foster child;

(d)(1) A student who is currently participating in the Succeed Scholarship Program, § 6-41-901 et seq.

(2) A student who is currently enrolled in the Succeed Scholarship Program, § 6-41-901 et seq., and elects to enroll in the Arkansas Children's Educational Freedom Account Program under this subchapter shall continue to receive the scholarship amount awarded to him or her under § 6-41-905;

(e) A child of active-duty military personnel, as identified under Title 10 or Title 32 of the United States Code;

(f) A student who was enrolled in the previous school year in a:

(1) Public school that has a rating of "F" under §§ 6-15-2105 and 6-15-2106 and State Board of Education rules; or

(2) Public school district classified as

in need of Level 5 — Intensive support under § 6-15-2913 or § 6-15-2915*; or*

(g) A student who is enrolling in kindergarten for the first time.

(ii)(a) For the 2023-2024 school year, a maximum of one and five-tenths percent (1.5%) of the 2022-2023 total public school student enrollment may be approved to participate in the Arkansas Children's Educational Freedom Account Program.

(b) However, the number of students approved to participate in the Arkansas Children's Educational Freedom Account Program under subdivision (a)(3)(A)(ii)(a) of this section shall not exceed the amount of funds made available for the Arkansas Children's Educational Freedom Account Program;

(B)(i) For the 2024-2025 school year, student eligibility shall expand *to include students who meet at least one (1) of the following:*

(a) All students who are eligible under subdivision (a)(3)(A) of this section;

(b) Students who were enrolled in the prior school year in public schools rated "D" or "F" under §§ 6-15-2105 and 6-15-2106 and state board rules; and

(c) Students whose parents are:

(1) Veterans as identified under Title 38 of the United States Code;

(2) In the military reserves;

(3) First responders; or

(4) Law enforcement officers.

(ii)(a) For the 2024-2025 school year, a maximum of three percent (3%) of the 2022-2023 total public school student enrollment may be approved to participate in the Arkansas Children's Educational Freedom Account Program.

(b) The number of students approved to participate in the Arkansas Children's Educational Freedom Account Program under subdivision (a)(3)(B)(ii)(a) of this section shall:

(1) Include any students who are continuing to participate in the Arkansas Children's Educational Freedom Account Program from the 2023-2024 school year; and

(2) Not exceed the amount of funds made

available for the Arkansas Children's Educational Freedom Account Program; and

(C)(i) For the 2025-2026 school year and each year thereafter, any resident of this state who is eligible to enroll in a public elementary or secondary school shall be eligible.

(ii) Beginning with the 2025-2026 school year, there shall be no limitation on student participation in the Arkansas Children's Educational Freedom Account Program.

(b) In any year in which funds are insufficient to fund all applications for new accounts, first priority shall be given to students who are eligible under subdivision (a)(3)(A) of this section, followed by students eligible under subdivision (a)(3)(B) of this section.

(c) In any year in which funds are insufficient to fund all continuing accounts, priority shall be given to students who have been in the Arkansas Children's Educational Freedom Account Program the longest after priority has been given to students identified under subsection (b) of this section.

(d) The State Board of Education shall promulgate rules:

(1) For the implementation of the Arkansas Children's Educational Freedom Account Program; and

(2) To effectively and efficiently administer the Arkansas Children's Educational Freedom Account Program, including without limitation:

(A) The awarding of funds to participating students;

(B) The oversight of the Arkansas Children's Educational Freedom Account Program; and

(C) Any other necessary aspects for the operation of the Arkansas Children's Educational Freedom Account Program.

(e) A participating student may only participate in and receive funds from one (1) of the following:

(1) The Arkansas Children's Educational Freedom Account Program established by this subchapter; or

(2) The Philanthropic Investment in Arkansas Kids Program, § 6-18-2301 et seq.

(f) The student's parent shall submit an application for an account to the Department of Education in accordance with Arkansas Children's Educational Freedom Account Program timelines established by the department.

(g)(1) The department shall create a standard form that a parent may

submit to establish his or her child's eligibility for the program.

(2) The department shall ensure that the standard form required under subdivision (g)(1) of this section is publicly available and may be submitted through various sources, including without limitation the internet.

(h)(1) As part of the application, a parent shall sign an agreement promising each of the following without limitation:

(A)(i) Not to enroll his or her child full-time in a public school while his or her child is participating in the Arkansas Children's Educational Freedom Account Program.

(ii) However, a participating student may take approved courses at a public school participating as an approved provider;

(B) To use account funds only for qualifying expenses of the participating student;

(C) To comply with all Arkansas Children's Educational Freedom Account Program requirements as established by the department according to state board rules; and

(D) Beginning with the 2024-2025 school year, in the case of any account used for qualifying educational expenses not associated with full-time enrollment in a participating school or a participating service provider, to agree to provide an education for his or her participating student in at least the subjects of English language arts, mathematics, social studies, and science.

(2) The signed agreement required under subdivision (h)(1) of this section shall satisfy the compulsory school attendance requirements of § 6-18-201.

(i) The division shall:

(1) Continue making deposits into a participating student's account until:

(A) The division determines that the participating student is no longer an eligible student;

(B) The division determines that there was substantial misuse of account funds, as defined by the state board;

(C) A parent or a participating student withdraws from the Arkansas Children's Educational Freedom Account Program;

(D) A participating student enrolls full-time in a public school;

(E) A participating student graduates from high school; or

(F) A participating student completes the school year in the year in which he or she turns twenty-one (21) years of age;

(2) Provide parents with a written explanation of the:

(A) Allowable uses of funds;

(B) Responsibilities of parents; and

(C) Duties of the division and the role of any private financial management firms or other private organizations that the department may contract with to administer the Arkansas Children's Educational Freedom Account Program or any aspect of the Arkansas Children's Educational Freedom Account Program; and

(3) Annually fund a participating student's account as funds are available and in accordance with this law and state board rules.

(j)(1) Upon notice to the division, a participating student may choose to stop receiving funds disbursed under this subchapter and enroll full-time in a public school.

(2)(A) Enrolling as a full-time student in a public school shall result in the immediate suspension of payment of additional funds into the participating student's account.

(B)(i) However, for accounts that have been open for at least one (1) full academic year, the account shall remain open and active for the parent of a former participating student to make qualifying expenditures to educate the student from funds remaining in the account.

(ii) When no funds remain in the former participating student's account, the division may close the account.

(3)(A) If a former participating student decides to return to the Arkansas Children's Educational Freedom Account Program and is a current eligible student, payments into the former participating student's existing account may resume if the account is still open and active.

(B) A new account may be established if the former participating student's previous account was closed.

(k) The state board and the department may adopt rules to provide the least disruptive process for a participating student who desires to stop receiving funds disbursed under this subchapter and enroll full-time in a public school.

6-18-2507. Participating schools and participating service providers — Eligibility — Participation.

(a) To be eligible to participate in the Arkansas Children's Educational Freedom Account Program, a private school shall:

(1)(A) Either:

(i) Meet accreditation requirements established by the State Board of Education, the Arkansas Nonpublic School Accrediting Association, Inc., or its successor, or another accrediting association recognized by the state board; or

(ii) Be an associate member of or have applied for accreditation by the Arkansas Nonpublic School Accrediting Association, Inc., or its successor, or another accrediting association recognized by the state board.

(B) A private school shall no longer be eligible if:

(i) The private school has not received accreditation within four (4) years of becoming eligible;

(ii) The state board determines, based on information provided by the accrediting association, that the private school is ineligible or unable to continue the accreditation process; or

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

(C) A private school that becomes ineligible under this section shall regain eligibility when the private school receives accreditation and is approved by the state board;

(2)(A) Demonstrate fiscal soundness by having been in operation for at least one (1) school year or providing the Department of Education with a statement by a certified public accountant confirming that the private school is insured and the private school has sufficient capital or credit to operate in the upcoming school year.

(B) In lieu of a statement provided under subdivision (a)(2)(A) of this section, a surety bond or letter of credit for the amount equal to the account funds needed by the private school for any quarter may be filed with the department;

(3) Certify that it will not discriminate on any basis prohibited by 42 U.S.C. § 2000d, as it existed on January 1, 2023;

(4) Remain academically accountable to a parent for meeting the

educational needs of his or her participating student;

(5) Employ or contract only with teachers who hold at least baccalaureate degrees or have equivalent documented experience;

(6) Comply with all applicable state laws and rules governing private schools;

(7) Adhere to the tenets of its published disciplinary procedures before expelling a participating student;

(8) Meet any other eligibility criteria set by state board rules;

(9) Comply with all applicable health and safety laws and rules;

(10) Hold valid occupancy of buildings as required by the relevant municipality in which the private school is located;

(11) Exclude any individual from employment who may reasonably pose a risk to the appropriate use of funds disbursed under this subchapter;

(12) Complete background checks and fingerprinting for any employee working in the private school; and

(13) Maintain for audit purposes a background check of all employees.

(b)(1) A public school district or open-enrollment public charter school located in the State of Arkansas that previously enrolled a student who is now a participating student under this subchapter shall provide the participating school or participating service provider that has enrolled the student who was previously enrolled in the public school district or open-enrollment public charter school a copy of the participating student's school records to the extent permitted under the provisions of the Family Educational Rights and Privacy Act of 1974, 20 *U.S.C. § 1232g, as it existed on January 1, 2023.*

(2) The requirement under subdivision (b)(1) of this section that a public school district or open-enrollment public charter school in which a participating student was previously enrolled be located in the State of Arkansas does not apply to a student currently participating in the Succeed Scholarship Program, § 6-41-901 et seq.

(c) By not later than June 30, 2024, the state board shall adopt rules providing for program eligibility for participating service providers that are not participating schools, including without limitation an application process that is executed, at a minimum, annually for the purpose

of determining service provider eligibility.

(d) The department shall maintain a list of service providers determined to be eligible to participate in the program and make the list available on the department's website.

(e) The department may bar a service provider from accepting payments from accounts and restrict the service provider's ability to serve additional participating students if the department determines that the participating service provider has:

(1) Failed to maintain continuing eligibility criteria established by the state board;

(2) Demonstrated a gross or persistent lack of academic competence, as defined by the state board;

(3) Intentionally or substantially misrepresented information or failed to refund any overpayments in a timely manner, as defined by the state board; or

(4) Routinely failed to provide participating students with promised educational goods or services, as defined by the state board.

(f)(1) The department shall create procedures to ensure that a fair process exists to determine whether a participating service provider may be barred from receiving payments from accounts under subsection (e) of this section.

(2) If the department bars a participating service provider from receiving payments from accounts under this section, it shall notify parents and participating students of its decision within three (3) days of its decision on the department's website and through attempted individual communications.

(3) A participating service provider may appeal the department's decision to bar it from receiving payments from accounts to the state board.

(g) The following may be subject to review and an audit of funds received related to this subchapter and as directed by the state board:

(1) A participating service provider; and

(2) A participating school.

(h) The state board shall promulgate rules to implement this subchapter.

6-18-2508. Students with disabilities.

The Department of Education shall ensure that parents of students with disabilities identified under the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq., as it existed on January 1, 2023, receive:

(1) Notice that participation in the Arkansas Children's Educational Freedom Account Program is a parental placement under 20 U.S.C. § 1412, as it existed on January 1, 2023; and

(2) An explanation of the rights that parentally placed students possess under the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq., as it existed on January 1, 2023, and any applicable state laws and rules.

6-18-2509. Testing.

(a)(1) Each participating school and participating service provider shall provide for each participating student to annually take an assessment approved by the State Board of Education, which shall include:

(A) An examination identified by the state board that is required for students attending public schools; or

(B) A state board-approved nationally recognized norm-referenced test or a statewide assessment, which measures, at a minimum, literacy and math.

(2)(A) However, a participating student who has an individualized service plan and is determined by a participating private school to need an exemption from standardized testing due to the existence of a significant cognitive disability is not required to take the test required under subdivision (a)(1) of this section.

(B) If a student is not required to take the test required under subdivision (a)(1) of this section, a participating private school shall annually make provision for the student to take an alternate assessment approved by the state board or prepare a portfolio that provides information on a student's progress to the student's parent or guardian.

(b) For a participating student who is served by a participating service provider that is not a private school that is a participating school during or after the 2024-2025 school year, his or her parent shall provide for his or her child who is a participating student to take an approved examination meeting the standards established under subsection (a) of this section.

(c)(1) The Department of Education shall develop a process for the collection and aggregate reporting of the results of examinations required under this section, which shall include the public dissemination of the results collected by participating private schools and participating service providers.

(2) However, the reporting required under subdivision (c)(1) of this section shall:

(A) Not identify any individual student; and

(B) Ensure that the summary results of the examinations required under this section are provided to parents of participating students.

6-18-2510. Reports.

(a)(1) Not later than September 30 of each year, the Department of Education shall submit a written report regarding the implementation of the Arkansas Children's Educational Freedom Account Program to the:

(A) Legislative Council, or if the General Assembly is in session, the Joint Budget Committee;

(B) House Committee on Education; and

(C) Senate Committee on Education.

(2) The department may contract with an outside entity to compile the report required under subdivision (a)(1) of this section.

(b) The report required under subdivision (a)(1) of this section shall include the following information without limitation:

(1) The total number of students currently participating in the program;

(2) A list of all participating schools and participating service providers;

(3) The total student enrollment of each participating school and the percentage of the total enrollment of each school represented by participating students;

(4) Aggregated test result data for participating students, from the most recent year available;

(5) The percentage of funds used for each type of qualifying expense;

(6) An analysis of the program's fiscal impact;

(7) The retention rates for participating students enrolled in participating schools;

(8) The results of a parental satisfaction survey that shall be administered by the department; and

(9) Other relevant data as determined by the department.

6-18-2511. Legal proceedings.

(a) There shall be no liability on the part of the Department of Education or the state or of any public school or public school district based on the award of or use of an account under this subchapter.

(b) Nothing in this section shall be construed as a waiver of sovereign immunity or any other defenses available to the State of Arkansas.

SECTION 43. Arkansas Code § 6-20-1909(a)(5), concerning powers of the Commissioner of Elementary and Secondary Education with respect to public school districts in fiscal distress, is amended to read as follows:

(5) Waive the application of Arkansas law or the corresponding State Board of Education rules, with the exception of:

~~(A) The Teacher Fair Dismissal Act of 1983, § 6-17-1501 et seq.;~~

~~(B) The Public School Employee Fair Hearing Act, § 6-17-1701 et seq.;~~

~~(C)~~(A) Special education programs as provided in this title;

~~(D)~~(B) Criminal background checks for employees as provided in this title; and

~~(E)~~(C) Health and safety codes as established by the State Board of Education and local governmental entities;

SECTION 44. Arkansas Code Title 6, Chapter 20, is amended to add an additional subchapter to read as follows:

Subchapter 27 — Transportation Modernization Grant Program

6-20-2701. Title.

This subchapter shall be known and may be cited as the "Transportation Modernization Grant Program".

6-20-2702. Creation.

There is established the Transportation Modernization Grant Program for:

(1) Public school districts;

(2) Open-enrollment public charter schools;

(3) Early childhood care and education programs or their local early childhood coordinators; and

(4) Cities, towns, or other entities deemed eligible by the Division of Elementary and Secondary Education.

6-20-2702. Department of Education — Duties — Reports.

(a) The Department of Education shall:

(1) Develop a modernization grant application and application procedures for the Transportation Modernization Grant Program, including defining which public school districts are rural and remote, that require a grant applicant to explain how the grant applicant would use grant moneys to:

(A) Improve access to transportation for students attending a public school district, an open-enrollment public charter school, or a licensed childcare center serving publicly funded students; and

(B) Support transportation innovations and efficiency solutions;

(2) Make final grant determinations and awards; and

(3) Submit an interim report by December 15, 2023, and a final report by June 30, 2024, to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Secretary of State.

(b) The reports required under subdivision (a)(3) of this section shall provide and describe:

(1) The best practices used by grant recipients to transport students to public school districts, open-enrollment public charter schools, or licensed childcare centers serving publicly funded students who are located outside of traditional attendance boundaries;

(2) A list of the grant recipients and the amounts and purposes of the grants; and

(3) The number of children impacted per grant recipient.

(c) The department may retain up to five percent (5%) of appropriated

moneys to administer the program.

(d) The department shall distribute the modernization grant moneys based on:

(1) Demand;

(2) The most innovative solutions proposed; and

(3) Other relevant criteria as determined by the department.

(e)(1) At least twenty-five percent (25%) of grants under this subchapter shall be awarded to support rural and remote public school districts.

(2) Subdivision (e)(1) of this section shall not apply if an insufficient number of proposals from qualified rural and remote public school districts is submitted.

6-20-2703. Transportation Modernization Grant Program grants.

The Transportation Modernization Grant Program grants shall be used for the following purposes without limitation:

(1) Transportation resource sharing with neighboring public school districts or open-enrollment public charter schools;

(2) Developing or contracting with rideshare programs or engaging neighborhood carpool strategies;

(3) Developing options for reducing costs and improving efficiencies, including without limitation exploring the use of fleet vehicles or using technology to lead to more efficient routing;

(4) Developing options to address personnel shortages or challenges;

(5)(A) Funding in lieu of grants given to parents.

(B)(i) A public school district or open-enrollment public charter school that uses funding in lieu of grants given to parents under subdivision (5)(A) of this section shall give priority to enrolled students who:

(a) Meet the economic eligibility requirements established under the Child Nutrition Act of 1966, 42 U.S.C. § 1771 et seq., as in effect on January 1, 2023, and National School Lunch Act, 42 U.S.C. § 1751, as in effect on January 1, 2023, for free or reduced-price lunches; and

(b) Are attending a public school district or an open-enrollment public charter school through open enrollment, if such

information is available.

(ii) A student who attends a school participating in a community eligibility program is eligible under subdivision (5)(A) of this section;

(6) Partnering with school districts and open-enrollment public charter schools and licensed childcare facilities that accept publicly funded students to reevaluate bus routes to decrease ride time for students, with a priority on routes serving elementary and middle school grades;

(7) Developing collaborations with public schools, early childhood care and education programs, and community partners to identify solutions to ensure students' safe and effective passage to school and early childhood care and education programs; and

(8) Other relevant grant activities as determined by the Division of Elementary and Secondary Education.

SECTION 45. Arkansas Code § 6-21-811(g)(6), concerning steps the Division of Public School Academic Facilities and Transportation may take when a public school district is classified as being in facilities distress under the Academic Facilities Distress Program, is amended to read as follows:

(6) Waive the application of Arkansas law or the corresponding State Board of Education or commission rules, with the exception of:

~~(A) The Teacher Fair Dismissal Act of 1983, § 6-17-1501 et seq.;~~

~~(B) The Public School Employee Fair Hearing Act, § 6-17-1701 et seq.;~~

~~(C)~~(A) Special education programs as provided in this title;

~~(D)~~(B) Conducting criminal background checks for employees as provided in this title; and

~~(E)~~(C) Health and safety codes as established by the state board, the commission, and local governmental entities;

SECTION 46. Arkansas Code § 6-22-105, concerning background checks for registered volunteers at a school, is amended to add additional subsections to read as follows:

(e) If a registered volunteer is in the process of obtaining a coaching certificate or will be working with students in an athletic coaching capacity, the board of directors of an educational entity, as a condition for the registered volunteer's unsupervised contact with students, shall require the completion of a criminal records check that is equivalent to that required for nonlicensed personnel under § 6-17-414.

(f) The superintendent or director of an educational entity or a third party vendor shall report to the state board the name of any person working as a registered volunteer in an athletic coaching capacity who:

(1) Has pleaded guilty or nolo contendere to or has been found guilty of any felony or misdemeanor listed in § 6-17-410(b);

(2) Has been arrested or charged with any felony or misdemeanor listed in § 6-17-410(b);

(3) Has intentionally compromised the validity or security of any student test or testing program administered or required by the Division of Elementary and Secondary Education;

(4) Has knowingly submitted falsified information or failed to submit information requested or required by law to the division, the State Board of Education, or Arkansas Legislative Audit; or

(5) Has a true report in the Child Maltreatment Central Registry.

(g) The failure of a superintendent or director of an educational entity to report information as required by this section may result in sanctions imposed by the state board.

(h)(1) If an arrest or charge is reported in accordance with subdivisions (f)(1) or (f)(2) of this section, the division shall indicate in the Arkansas Educator Licensure System that the person's employment eligibility is pending or under review.

(2) Once the criminal case is resolved, the person's eligibility status will be updated in accordance with division rules.

SECTION 47. Arkansas Code § 6-23-302(d) and (e), concerning applications for open-enrollment public charter schools, is amended to read as follows:

~~(d)(1)(A) The application may be reviewed and approved by the local school district board of directors of the public school district in which the~~

~~proposed open-enrollment public charter school will operate.~~

~~(B) The applicant may submit to the authorizer for expedited review an application approved by the local school district board of directors under subdivision (d)(1)(A) of this section.~~

~~(2)(A) However, if the local school district board of directors disapproves the application, the applicant shall have an immediate right to proceed with a written notice of appeal to the authorizer.~~

~~(B) The authorizer shall hold a hearing within forty-five (45) calendar days after receipt of the notice of appeal or a request for review.~~

~~(C) All interested parties may appear at the hearing and present relevant information regarding the application.~~

~~(c)~~(d) A licensed teacher employed by a public school district in the school year immediately preceding the effective date of a charter for an open-enrollment public charter school operated at a public school facility may not be transferred to or be employed by the open-enrollment public charter school over the licensed teacher's objections.

SECTION 48. Arkansas Code § 6-23-304(c), concerning the limitation on the number of charters available under the Arkansas Quality Charter Schools Act of 2013, is amended to read as follows:

(c)(1)~~(A) The division, the state board, or a combination of the division and state board may grant no more than a total of twenty-four (24) charters for open-enrollment public charter schools except as provided under subdivision (c)(1)(B) of this section.~~

~~(B) If the cap on the number of charters available for an open-enrollment public charter school is within two (2) charters of meeting any existing limitation or cap on available open-enrollment charters, the number of available charters shall automatically increase by five (5) slots more than the most recent existing limitation or cap on open-enrollment charters.~~

~~(C) By March 1 each year, the division shall issue a Commissioner of Elementary and Secondary Education's memo stating the existing limitation on the number of charters available for open-enrollment public charter schools and the number of charters available for open-enrollment public charter schools during the next application cycle.~~

~~(2)~~ An open-enrollment public charter school applicant's school campus shall be limited to a single open-enrollment public charter school per charter except as allowed in subsection (d) of this section.

~~(3) An open-enrollment public charter school shall not open in the service area of a public school district administratively reorganized under § 6-13-1601 et seq., until after the third year of the administrative reorganization.~~

~~(4)~~(2) A private or parochial elementary or secondary school shall not be eligible for open-enrollment public charter school status.

SECTION 49. Arkansas Code § 6-23-307 is amended to read as follows:

6-23-307. Renewal of charter.

(a) After the initial five-year period of an open-enrollment public charter, the authorizer may renew the open-enrollment public charter on a one-year or multiyear basis, not to exceed twenty (20) years.

(b) The State Board of Education shall create an expedited renewal process for open-enrollment public charter schools that meet certain criteria that includes the following without limitation:

(1) A school rating that is above the state average based on the most recent results of the Arkansas school rating system established under §§ 6-15-2105 and 6-15-2106 and state board rules;

(2) Demonstration of exceptional academic growth with enrolled students, as defined by the state board; and

(3) Adherence to all operational and financial requirements, as defined by the state board.

SECTION 50. Arkansas Code Title 6, Chapter 23, Subchapter 5, is amended to add an additional section to read as follows:

6-23-508. Facilities funding for open-enrollment public charter schools.

(a) The Department of Education may:

(1) Provide for an open-enrollment public charter school facilities funding program, subject to appropriations by the General Assembly;

(2)(A) Contract with a third-party administrator to administer the program established under subdivision (a)(1) of this section.

(B) Funds shall be granted to the third-party administrator to create a revolving loan fund for the purpose of financing open-enrollment public charter school facilities projects under this section; and

(3) Establish procedures for administering the fund program established under subdivision (a)(1) of this section.

(b) Eligible open-enrollment public charter schools shall be in academic and financial good standing, as determined by the State Board of Education.

(c) The state board may promulgate rules to implement this section.

SECTION 51. Arkansas Code § 6-41-603 is amended to read as follows:

6-41-603. Required screening and intervention.

(a)(1) A school district shall screen each student in kindergarten through ~~grade two (K-2) and others required by the Division of Elementary and Secondary Education rule using the Dynamic Indicators of Basic Early Literacy Skills (DIBELS) or an equivalent screener~~ grade three (K-3) using a high-quality, evidence-based screener approved by the Division of Elementary and Secondary Education.

(2) The screening of students shall be performed with fidelity and include without limitation:

(A) Phonological and phonemic awareness;

(B) Sound symbol recognition;

(C) Alphabet knowledge;

(D) Decoding skills;

(E) Rapid naming skills; ~~and~~

(F) Encoding skills; and

(G) Language comprehension.

(3)~~(A) If the screener under subdivision (a)(1) of this section shows that a student is at risk, or at some risk, then a level I dyslexia screener shall be administered~~ The State Board of Education shall adopt rules to ensure that:

(A) All students in kindergarten through grade three (K-3) are screened using a division-approved screener;

(B) Consistent interpretation of screening data is used to identify students:

(i) Exhibiting a substantial reading deficit; or

(ii) Indicating early signs consistent with characteristics of dyslexia;

(C) Students receive early intervention by a trained interventionist; and

(D) Student progress is monitored and reported to the parent or legal guardian of a student at least two (2) times each school year.

~~(B) The level I dyslexia screening of a student shall be performed with fidelity and include the components listed under subdivision (a)(2) of this section.~~

(b)(1) ~~The division shall adopt rules to ensure that students will be screened using Dynamic Indicators of Basic Early Literacy Skills (DIBELS) or an equivalent screener:~~ A school district shall screen any student in grades three through twelve (3-12) experiencing difficulty in fluency or spelling as documented by a classroom teacher, a parent or legal guardian of the student, or another individual with knowledge of the student's academic performance.

(2) A screening required under subdivision (b)(1) of this section shall be performed with fidelity using information measures of:

(A) Oral reading fluency; and

(B) Encoding.

(3) If a student exhibits deficits in fluency or spelling following a screening under this section, a school district shall administer a level II dyslexia screening as outlined in the Arkansas Dyslexia Resource Guide.

(4) The state board shall adopt rules under this subsection to ensure:

(A) All students in grades three through twelve (3-12) experiencing difficulty in fluency or spelling are screened using a division-approved screener;

(B) Consistent interpretation of screening data is used to identify students exhibiting deficits indicating early signs consistent with characteristics of dyslexia;

(C) Students receive early intervention by a trained interventionist; and

(D) Student progress is monitored and reported to the

parent or legal guardian of a student at least two (2) times each school year.

~~(1) In kindergarten through grade two (K-2);~~

~~(2) When a student in kindergarten through grade two (K-2) transfers to a new school and has not been screened;~~

~~(3) When a student in grade three (3) or higher has difficulty, as noted by a classroom teacher, in:~~

~~(A) Phonological and phonemic awareness;~~

~~(B) Sound-symbol recognition;~~

~~(C) Alphabet knowledge;~~

~~(D) Decoding skills;~~

~~(E) Rapid naming skills; and~~

~~(F) Encoding skills; and~~

~~(4) When a student from another state enrolls for the first time in Arkansas in kindergarten through grade two (K-2) unless the student presents documentation that the student:~~

~~(A) Had the screening or a similar screening; or~~

~~(B) Is exempt from screening.~~

~~(c)(1) If the initial, level I, or level II dyslexia screening indicates that a student has characteristics of dyslexia, the Response to Intervention (RTI) process shall be used to address the needs of the student.~~

~~(2)(A)(i) If the level II dyslexia screening conducted by the school district indicates that a student exhibits characteristics of dyslexia, the student shall be provided intervention services.~~

~~(ii) The level II dyslexia screening shall be completed consistent with the Arkansas Dyslexia Resource Guide.~~

~~(B) If it is determined that the student has functional difficulties in the academic environment due to characteristics of dyslexia, the necessary accommodations or equipment for the student shall be provided under section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and Title II of the Americans with Disabilities Act, 42 U.S.C. §§ 12131-12165, as they existed on February 1, 2013, if qualified under the applicable federal law.~~

SECTION 52. Arkansas Code Title 6, Chapter 41, Subchapter 9, is repealed.

~~Subchapter 9 — Succeed Scholarship Program~~

~~6-41-901. Definitions — Establishment — Intent.~~

~~(a) As used in this subchapter:~~

~~(1) "Foster care" means the care of a child by a group home or group facility on a twenty-four-hour-a-day basis away from the home of the child's parent or parents;~~

~~(2) "Foster parent" means the responsible official or officials of a group home or group facility that provides foster care to a child;~~

~~(3) "Member of the uniformed services" means:~~

~~(A) An active duty or reserve component member of the United States Army, United States Navy, United States Air Force, United States Marine Corps, United States Space Force, or United States Coast Guard;~~

~~(B) A member of the National Guard;~~

~~(C) A member of the National Oceanic and Atmospheric Administration Commissioned Officer Corps; or~~

~~(D) A member of the active or reserve component of the United States Commissioned Corps of the Public Health Service;~~

~~(4) "Parent" means a student's parent or foster parent; and~~

~~(5) "Student with a disability" means students who have been:~~

~~(A) Identified by a public school district as having a disability consistent with the Individuals with Disabilities Education Act, 20 U.S.C. § 1401 et seq.; or~~

~~(B) Medically diagnosed by a licensed physician as a child with a disability under the Individuals with Disabilities Education Act, 20 U.S.C. § 1401(3)(A).~~

~~(b) The Succeed Scholarship Program is established and intended to provide a scholarship to a private school of choice for:~~

~~(1) Students in foster care as defined in this section;~~

~~(2) Students with a disability; or~~

~~(3) Students who are children of a member of the uniformed services.~~

~~6-41-902. Student eligibility.~~

~~(a) A parent or legal guardian of a student in this state may apply for a Succeed Scholarship to enroll his or her child in an approved private school in this state if:~~

~~(1)(A) The student is currently enrolled in a public school and has attended public school for at least one (1) full academic year.~~

~~(B) Subdivision (a)(1)(A) of this section does not apply if:~~

~~(i) The student is a dependent of an active duty member of any branch of the United States Armed Forces; or~~

~~(ii) The superintendent of the student's resident school district in this state waives the requirement;~~

~~(2) The student:~~

~~(A) Is in foster care as defined in § 6-41-901 or has been in the foster care system and achieved permanency through adoption, reunification, or permanent guardianship;~~

~~(B) Has been identified by a public school district as having a disability consistent with the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq., as evidenced by written notice of the decision from the public school district, or has been medically diagnosed by a licensed physician as a child with a disability under 20 U.S.C. § 1401(3)(A);~~

~~(C) Participated in the Succeed Scholarship Program during the prior school year and has not yet graduated from high school or attained twenty-one (21) years of age; or~~

~~(D) Is a child of a member of the uniformed services;~~

~~(3) The student has been accepted for admission into a private school in this state that is eligible to participate in the program;~~

~~(4) The parent has notified the student's current school district of the request for a scholarship at least sixty (60) days before the date of the first scholarship payment; and~~

~~(5)(A) For students in foster care, the Department of Human Services approves the student's placement in the private school.~~

~~(B) The department shall approve the student's placement in the private school if a determination is made that placement in the private school is in the best interest of the student.~~

~~(b) If a student is accepted to a private school upon the availability of space, a parent or legal guardian shall notify the student's school district at least sixty (60) days before the student enrolls in the private school and receives the first scholarship payment.~~

~~(c) The Division of Elementary and Secondary Education shall approve a maximum of twenty (20) scholarships under this subchapter per academic year for students in foster care.~~

~~(d) For purposes of continuity of educational choice, the program payments made under this subchapter shall remain in effect until a student who is participating in the program returns to a public school district or open-enrollment public charter school, graduates from high school, or attains twenty-one (21) years of age, whichever occurs first.~~

~~(e) An eligible student who is a child of a member of the uniformed services may receive a scholarship under this subchapter only if funds remain after all eligible students as described by subdivisions (a)(2)(A)-(C) of this section have received a scholarship under this subchapter.~~

~~6-41-903. Private school eligibility.~~

~~(a)(1) A private school shall notify the Division of Elementary and Secondary Education of its intent to participate in the Succeed Scholarship Program.~~

~~(2) The notice shall specify the grade levels and services that the private school has available for students with a disability who are participating in the program.~~

~~(b) The division shall approve a private school as eligible to participate in the program if the private school:~~

~~(1) Either:~~

~~(A) Meets the accreditation requirements set by the State Board of Education, the Arkansas Nonpublic School Accrediting Association, Inc., or its successor, or another accrediting association recognized by the state board as providing services to individuals with severe disabilities; or~~

~~(B)(i) Is an associate member of or has applied for accreditation by the Arkansas Nonpublic School Accrediting Association, Inc., or its successor, or another accrediting association recognized by the state board as providing services to individuals with severe disabilities.~~

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

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

~~(b) The accrediting association determines~~

~~that the private school is ineligible or unable to continue the accreditation process; or~~

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

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

~~(iv) A private school that is not fully accredited shall report annually to the state board its progress towards accreditation;~~

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

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

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

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

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

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

~~(7) Complies with all state laws and rules governing private schools; and~~

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

~~(c) The division shall maintain a list of private schools eligible to participate in the program and make the list available on the division's website.~~

~~(d)(1)(A) An eligible private school shall administer annually or make provisions for a student participating in the program to take a nationally recognized norm-referenced test as established by the state board.~~

~~(B) A list, in a deidentified format, of students who have taken a nationally recognized norm-referenced test under subdivision~~

~~(d)(l)(A) of this section and the students' test results shall be forwarded annually to the state board or its designee.~~

~~(2)(A) A student who is determined by the private school to need an exemption to standardized testing due to the nature of the student's disability is not required to take the test required under subdivision (d)(l)(A) of this section.~~

~~(B) A list, in a deidentified format, of students with an exemption to standardized testing under subdivision (d)(2)(A) of this section shall be provided annually to the state board or its designee.~~

~~(3)(A) An eligible private school shall annually prepare a portfolio that provides information on a student's progress to the student's parent or guardian if a student is exempt from standardized testing as permitted under subdivision (d)(2)(A) of this section.~~

~~(B) A list, in a deidentified format, of students with portfolios under subdivision (d)(3)(A) of this section and a general summary of the information provided in the portfolios shall be provided annually to the state board or its designee.~~

~~(4)(A) An eligible private school under this section shall submit annually to the division or its designee, in a deidentified format required by the Bureau of Legislative Research in consultation with the division, a:~~

~~(i) Report that lists all students who have received a Succeed Scholarship under this subchapter who have been dismissed from the program by the private school;~~

~~(ii) Report that lists all students who have received a Succeed Scholarship under this subchapter who have voluntarily returned to a traditional public school;~~

~~(iii) List of foster children who have:~~

~~(a) Entered the program;~~

~~(b) Been dismissed from the program; or~~

~~(c) Been removed from the program by the Department of Human Services;~~

~~(iv) Report of administrative costs required to implement the program; and~~

~~(v) Report regarding the demographic data of students who have applied for the Succeed Scholarship under this subchapter~~

~~and students who were awarded the Succeed Scholarship under this subchapter, including without limitation the geographic location in the state of the students who are participating in the program.~~

~~(B) The division shall make information received from eligible private schools under subdivision (d)(4)(A) of this section available to the House Committee on Education and the Senate Committee on Education in a deidentified format specified by the bureau in consultation with the division.~~

~~(5) All information under this subsection shall be included in the program biennial study under § 6-41-908.~~

~~(e)(1) The division shall prepare and submit annually or obtain from its designated administrator for the program under this subchapter a report, in a deidentified format required by the bureau in consultation with the division, that indicates the:~~

~~(A) List of students who have received a Succeed Scholarship under this subchapter;~~

~~(B) Eligible private school attended by each student who has received a Succeed Scholarship under this subchapter; and~~

~~(C) Amount of each Succeed Scholarship received by a student under this subchapter.~~

~~(2) In addition to the report required under subdivision (e)(1) of this section, the division shall make information received from its designated administrator regarding the program under this subchapter available to the House Committee on Education and the Senate Committee on Education through the bureau.~~

~~6-41-904. Responsibilities of scholarship recipients.~~

~~(a) The parent or legal guardian of a Succeed Scholarship Program recipient shall:~~

~~(1) Select the private school from the list of private schools eligible to participate in the program that is maintained by the Division of Elementary and Secondary Education;~~

~~(2) Apply for the scholarship at least sixty (60) days before the date of the first scholarship payment and notify the superintendent of the student's resident school district within five (5) business days of submitting the application;~~

~~(3) Fully comply with the parental involvement requirements of the private school unless excused by the school for illness or other good cause;~~

~~(4) Sign a waiver that releases the State of Arkansas from any legal obligation to provide services or education to the student participating in the program except for funding provided for the program under the rules established by the State Board of Education;~~

~~(5) Sign a waiver that releases the student's resident school district from any legal obligation to provide services or education to the student participating in the program while the student is not enrolled in the student's resident school district as provided under the rules established by the state board; and~~

~~(6) Notify the state board or the state board's designee if the student ceases to be enrolled in or regularly attend the private school for any reason.~~

~~(b) A student participating in the program shall:~~

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

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

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

~~6-41-905. Scholarship payments — Funding — Definition.~~

~~(a) The maximum scholarship available under the Succeed Scholarship Program is the foundation funding amount for the current school year under § 6-20-2305.~~

~~(b)(1) The amount of the scholarship shall be the amount calculated under subsection (a) of this section or the amount of tuition and fees for the private school, whichever is less.~~

~~(2)(A) As used in this subsection, "tuition and fees" means expenses determined by a private school to be necessary for the education of a student and required to be paid by a student who is enrolled in the private school, including without limitation expenses related to enrollment, supplies, equipment, access to technology, and services.~~

~~(B) "Tuition and fees" does not include optional expenses payable to a third party.~~

~~(c) Scholarship payments shall be disbursed in equal amounts on a monthly basis by the Division of Elementary and Secondary Education or another state agency, person, firm, or corporation designated by the division to administer and disburse funds.~~

~~(d) Beginning on July 1, 2015, the division shall prepare a budget, including cost estimates and projections so that a separate appropriation can be made for the program for the 2016-2017 school year.~~

~~(e) The program shall be funded separately from the Public School Fund and other funds or appropriations designated for public schools.~~

~~(f) The program shall not be funded with county, city, or school district tax revenues.~~

~~6-41-906. Rules and duties.~~

~~(a)(1) The State Board of Education shall adopt rules and develop notices and other documentation necessary to administer the Succeed Scholarship Program, including without limitation rules concerning the method for applying for a scholarship, that are in the best interest of students.~~

~~(2)(A) The state board may promulgate rules and develop a process to award scholarships using a lottery selection process if parent applications exceed the number of available scholarships.~~

~~(B)(i) Twenty (20) scholarships shall be reserved for students in foster care during the initial lottery each year if a lottery selection process is used.~~

~~(ii) Any remaining scholarships shall be made available to students with a disability through the lottery process if fewer than twenty (20) students in foster care apply for a scholarship and are eligible for a scholarship before the initial lottery.~~

~~(C) A weighted lottery may only be used when necessary to comply with a:~~

~~(i) Federal court order; or~~

~~(ii) Federal administrative order issued by an appropriate federal agency having proper authority to enforce remedial measures necessary to comply with Title VI of the federal Civil Rights Act of 1964, Title IX of the federal Education Amendments of 1972, or the Equal~~

~~Protection Clause of the Fourteenth Amendment to the United States Constitution.~~

~~(b) The state board shall not:~~

~~(1) Become a party to a contract between a participating school and a student's parent or guardian. However, the state board shall make payments to a participating school as long as a student is enrolled and attending the participating school in good standing as required under § 6-41-904; or~~

~~(2) Make payments to a participating school after the state board is notified from either the participating school or a student's parent or guardian that the student is no longer enrolled or attending the participating school.~~

~~6-41-907. Autonomy of participating schools.~~

~~(a) A private school that participates in the Succeed Scholarship Program is not considered an agent or instrumentality of the State of Arkansas or a school district.~~

~~(b) The curriculum and education plan for a student with a disability attending a private school is not subject to the regulatory authority of the State Board of Education.~~

~~(c) As a condition of continued participation in the program, the state board may require a participating school that is receiving funds from the program to certify on a semiannual basis under oath that a student is and has been enrolled and attending the participating school except for excused absences.~~

~~6-41-908. Succeed scholarship biennial study.~~

~~(a) The House Committee on Education and the Senate Committee on Education shall conduct biennially a study of the Succeed Scholarship Program under this subchapter to determine the following information without limitation:~~

~~(1) The number of students currently participating in the program;~~

~~(2) The number of students currently participating in the program who attended a traditional public school before receiving a Succeed Scholarship;~~

~~(3) The number of students currently participating in the program who did not attend a traditional public school before enrolling in a private school upon receipt of a Succeed Scholarship;~~

~~(4) The number of students who have been dismissed from the program by a private school that is receiving funds through the program;~~

~~(5) The number of students who attended a private school with a Succeed Scholarship and voluntarily returned to a traditional public school;~~

~~(6) The number of children in foster care who have entered the program, have been dismissed from the program, or have been removed from the program by the Department of Human Services;~~

~~(7) The number of private schools receiving Succeed Scholarship funds that are currently accredited by the Arkansas Nonpublic School Accrediting Association, Inc., its successor, or another accrediting association recognized by the State Board of Education;~~

~~(8) The number of private schools receiving Succeed Scholarship funds that are currently unaccredited but have applied for accreditation to the Arkansas Nonpublic Accrediting Association, Inc., its successor, or another accrediting association recognized by the state board, and where those schools are in the accreditation process;~~

~~(9) The number of students who are enrolled in the program and who have taken a nationally recognized norm-referenced test and received the test results;~~

~~(10) The number of students who are enrolled in the program and have been exempted from standardized testing requirements under § 6-41-903; and~~

~~(11) The number of student portfolios that have been developed for exempt students and a general summary of the information contained in the student portfolios as required under § 6-41-903.~~

~~(b) In addition to the above information, the House Committee on Education and the Senate Committee on Education shall:~~

~~(1) Review norm-referenced test results and student portfolios; and~~

~~(2) Provide comparative data regarding student performance in the program.~~

~~(c) The House Committee on Education and the Senate Committee on Education shall compile a final report that includes the findings under~~

~~subsections (a) and (b) of this section on a biennial basis, with the first report due on March 1, 2020.~~

SECTION 53. Arkansas Code Title 6, Chapter 50, Subchapter 1, is amended to add an additional section to read as follows:

6-50-105. Workforce reporting and information — Requirements.

(a) No later than January 31, 2024, the Department of Education, in partnership with the Department of Commerce and the Division of Workforce Services, shall develop, publish, and maintain a strategic workforce dashboard and related resources that will provide, at a minimum, information to job seekers on:

(1) State and regional labor market conditions;

(2) Supply and demand of workers;

(3) Workforce program outcomes; and

(4) Projected employment growth and declines.

(b)(1) No later than January 2025, the Department of Education, in partnership with the Department of Commerce and the Division of Workforce Services, shall develop a single mobile-phone-friendly application for the state that enables every job seeker to view the following without limitation:

(A) Available jobs in the job seeker's region;

(B) Training required for all available jobs; and

(C) Where job seekers can obtain required training or certifications that job seekers may not yet have.

(2) The application under this subsection may also include the information reported under § 6-60-105.

SECTION 54. Arkansas Code Title 6, Chapter 60, Subchapter 1, is amended to add an additional section to read as follows:

6-60-119. High school course credit.

(a) As used in this section:

(1) "Advanced Placement examination" means an examination administered through the Advanced Placement Program;

(2) "CLEP examination" means an examination administered through the College-Level Examination Program; and

(3) "International Baccalaureate Diploma Programme" means the curriculum and examinations leading to an International Baccalaureate Diploma

awarded by the International Baccalaureate.

(b) The Division of Higher Education:

(1) Shall establish uniform postsecondary criteria for awarding credit to students who have successfully completed the International Baccalaureate Diploma Programme or achieved required scores on one (1) or more CLEP examinations; and

(2) May establish uniform postsecondary criteria for awarding credit to students who attain other nationally recognized college-level credentials, including without limitation those attained through:

(A) The Cambridge Advanced International Certificate of Education; and

(B) Industry-based credentials.

SECTION 55. Arkansas Code § 6-61-217 is amended to read as follows:

6-61-217. Minimum core courses for college and career prep.

(a) In order to promote a coordinated system of higher education in Arkansas and to ~~assure~~ ensure an orderly and effective development of each state-supported institution of higher education, the Arkansas Higher Education Coordinating Board, after consultation with the State Board of Education, shall identify a minimum core of high school courses recommended for preparation for college.

(b) The Arkansas Higher Education Coordinating Board, in consultation with the State Board of Education, shall deem a career-ready pathway to a diploma to be equivalent to a standard high school diploma.

~~(b)~~(c) The Arkansas Higher Education Coordinating Board shall communicate this information at least annually to public school superintendents, who shall make copies available each year to public school students enrolled in grades seven through twelve (7-12).

~~(c)~~(d) The Arkansas Higher Education Coordinating Board may revise the list of high school courses from time to time, as needed.

SECTION 56. Arkansas Code § 6-81-1606 is amended to read as follows:

6-81-1606. Duration — Amount.

(a)(1) The State Teacher Education Program shall be used to provide a loan repayment for federal student loans in the amount of~~:~~

~~(1) Three thousand dollars ($3,000)~~ six thousand dollars

($6,000) per year for a maximum of three (3) years for a licensed teacher who graduated from a teacher education program after April 2004 and teaches in a public school in this state or successfully completed an alternative educator preparation program after April 2004 and teaches in a public school in the ~~State Teacher Education Program~~ program:

(A) In a subject area designated by the Division of Higher Education in consultation with the Division of Elementary and Secondary Education as having a critical shortage of teachers; ~~or~~ and

(B) Located in a geographical area of the state designated by the Division of Higher Education in consultation with the Division of Elementary and Secondary Education as having a critical shortage of teachers~~; and~~.

(2) ~~An additional one thousand dollars ($1,000) per year for a maximum of three (3) years for a licensed teacher who:~~

~~(A) Is a minority;~~

~~(B) Either:~~

~~(i) Graduated from a teacher education program after April 2004; or~~

~~(ii) Successfully completed an alternative educator preparation program; and~~

~~(C) Teaches in a public school in this state~~ A licensed teacher who is given intensive support status under the Teacher Excellence and Support System, § 6-17-2801 et seq., shall be ineligible for receipt of funds under the program for the school year.

(b) The Division of Higher Education may spend no more than fifty thousand dollars ($50,000) annually for costs associated with the administration of the State Teacher Education Program.

(c) The Division of Higher Education shall promulgate rules necessary for the implementation of this subchapter.

SECTION 57. Arkansas Code Title 6, Chapter 82, is amended to add an additional subchapter to read as follows:

Subchapter 22 — Arkansas Teacher Academy Scholarship Program Act

6-82-2201. Title.

This subchapter shall be known and may be cited as the "Arkansas

Teacher Academy Scholarship Program Act".

6-82-2202. Creation.

The Arkansas Teacher Academy Scholarship Program is created under this subchapter.

6-82-2203. Definitions.

As used in this subchapter:

(1) "Academy attendee" means an individual who is enrolled in an Arkansas Teacher Academy at an eligible postsecondary institution who is a:

(A) Current teacher;

(B) Teacher who has graduated from an Arkansas Teacher Academy at an eligible postsecondary institution; or

(C) Current student;

(2) "Eligible postsecondary institution" means a public or private two-year or four-year institution of higher education that:

(A) Offers a postbaccalaureate program that leads to teacher certification; and

(B) Has entered into an agreement with the Division of Higher Education for purposes of the Arkansas Teacher Academy Scholarship Program; and

(3) "Tuition and fees" means any one (1) of the following charged by an eligible postsecondary institution that is associated with a program of study that is part of the Arkansas Teacher Academy Scholarship Program and that leads to teacher certification:

(A) Tuition;

(B) Mandatory fees; and

(C) Program fees.

6-82-2204. Arkansas Teacher Academy — Implementation — Purpose.

(a) An eligible postsecondary institution shall implement an Arkansas Teacher Academy to incentivize potential and enrolled academy attendees to:

(1) Enter the teaching profession; and

(2) Commit to teaching in:

(A) Arkansas public schools; or

(B) Critical shortage areas in Arkansas based on subject

areas or geographical areas.

(b) The Division of Higher Education, in consultation with public and private postsecondary institutions, shall develop and implement a centralized administrative process for each Arkansas Teacher Academy, which shall include without limitation the following:

(1) A marketing and promotion plan to recruit academy attendees for an Arkansas Teacher Academy;

(2) Data collection and reporting;

(3) Tracking of postgraduation service requirements;

(4) Coordination of induction services;

(5) Distribution of moneys in the Arkansas Teacher Academy Scholarship Program Fund between eligible postsecondary institutions;

(6) Collection of reimbursements from individuals who fail to meet the service requirements under this subchapter;

(7) A process for assessing an academy attendee's ability to repay financial assistance received under this subchapter if the academy attendee who receives financial assistance under this subchapter is physically or mentally unable to fulfill the requirements of an Arkansas Teacher Academy program; and

(8) A process for deferring service or repayment required by this subchapter based on factors adopted by the division.

6-82-2205. Arkansas Teacher Academy — Programs — Eligible postsecondary institution duties.

(a) An Arkansas Teacher Academy may include without limitation a new or existing teacher preparation program that utilizes proven, research-based models of best practices that are already being implemented in similar program pathways.

(b) An eligible postsecondary institution may:

(1) Develop a portfolio of teacher preparation programs to offer as part of its Arkansas Teacher Academy;

(2)(A) Give priority to students in grades eleven (11) and twelve (12).

(B) However, an eligible postsecondary institution shall not exclude students in grades nine (9) and ten (10) from its Arkansas Teacher Academy; and

(3)(A) Use scholarship funds that exceed the cost of tuition and fees at the eligible postsecondary institution to support its Arkansas Teacher Academy costs.

(B) However, if a scholarship awarded to an academy attendee under this subchapter does not cover the eligible postsecondary institution's tuition and fees after an academy attendee receives all other financial gifts, financial aid, and grants, the eligible postsecondary institution shall not charge an academy attendee awarded a scholarship under this subchapter the remaining difference.

(c)(1) An eligible postsecondary institution shall develop formal partnerships with Arkansas public schools to build commitments for teacher employment upon an academy attendee's completion of an Arkansas Teacher Academy program.

(2) The targeted deployment of academy attendees who are currently teachers who have completed an Arkansas Teacher Academy program shall be based on the:

(A) Needs of each public school system;

(B) Community that is being served; and

(C) Individual skills of each current teacher who has completed an Arkansas Teacher Academy program.

(d) A program offered as part of an eligible postsecondary institution's Arkansas Teacher Academy shall include accelerated program models for the following without limitation:

(1) Subject areas and geographical areas identified by the Division of Elementary and Secondary Education as experiencing a critical shortage of teachers;

(2) An individual seeking postbaccalaureate coursework that results in a professional certification; and

(3) A student in a non-education program who seeks to complete one (1) or more teacher preparation courses in order to prepare him or her to receive a teaching certification following his or her graduation.

6-82-2206. Scholarship — Amount — Academy attendee requirements.

(a)(1) An eligible postsecondary institution shall provide to each academy attendee who is enrolled in its Arkansas Teacher Academy an annual scholarship up to the actual cost of the:

(A) Eligible postsecondary institution's tuition and fees for a maximum of:

(i) Two (2) academic years or four (4) academic semesters for an academy attendee who is a graduate student enrolled in the Arkansas Teacher Academy at the eligible postsecondary institution;

(ii) Four (4) academic years or eight (8) academic semesters for an undergraduate student enrolled in the Arkansas Teacher Academy at the eligible postsecondary institution; and

(iii)(a) Two (2) academic years or four (4) academic semesters for a community college student enrolled in the Arkansas Teacher Academy at the eligible postsecondary institution.

(b) A student who qualifies under subdivision (a)(1)(A)(iii)(a) of this section shall receive continued eligibility for two (2) additional academic years or four (4) additional academic semesters at a postsecondary institution that is an undergraduate institution; and

(B) Obtainment of a teaching license issued by the State Board of Education, including without limitation the actual cost of one (1) exam required for obtaining a teaching license issued by the state board.

(2) A scholarship distributed to an academy attendee under subdivision (a)(1) of this section shall be distributed only after all other financial gifts, financial aid, and grants have been received by an Academy attendee enrolled in an Arkansas Teacher Academy at an eligible postsecondary institution.

(b) Each academy attendee who is enrolled in an Arkansas Teacher Academy shall:

(1)(A) Agree to teach at least one (1) full school year in a public school or in a school that serves primarily public school students with disabilities in the State of Arkansas for each academic year the academy attendee successfully completes and for which the academy attendee receives a scholarship for all or part of his or her tuition and fees.

(B) For an academy attendee who teaches and receives the scholarship concurrently, the academy attendee's commitment period to teach in a public school in the State of Arkansas as required under subdivision (b)(1)(A) of this section shall begin after the academy attendee's graduation from an Arkansas Teacher Academy;

(2) Reimburse the Division of Higher Education for the:

(A) Total amount of scholarship funds the academy attendee received for tuition and fees for an academic year in which the academy attendee does not successfully complete the academic year in good academic standing; and

(B) Proportional amount of the scholarship the academy attendee received for tuition and fees that corresponds to the number of school years the academy attendee agreed to teach in a public school in the State of Arkansas but did not teach in a public school in the State of Arkansas as required under subdivision (b)(1)(A) of this section; and

(3) Not include time that the academy attendee is enrolled in a summer term in the calculation of the academy attendee's commitment period to teach in a public school in the State of Arkansas as required under subdivision (b)(1)(A) of this section.

6-82-2207. Division of Higher Education — Scholarship distribution duties — Reporting requirements.

(a) The Division of Higher Education shall:

(1) Administer the Arkansas Teacher Academy Scholarship Program Fund; and

(2) Establish criteria for distributing scholarships from the fund.

(b) On or before March 1, 2024, and each year thereafter, the division shall report to the Joint Budget Committee, or, if the General Assembly is not in session, the Legislative Council, and the Governor's office the following information:

(1) The total number of academy attendees enrolled in each eligible postsecondary institution's Arkansas Teacher Academy in the current academic *year; and*

(2) The total number of Arkansas Teacher Academy graduates *receiving induction services in the current academic year.*

(c) On or before September 1, 2024, and each year thereafter, the division shall report to the Governor, President Pro Tempore of the Senate, and Speaker of the House of Representatives, with a copy submitted to the Secretary of State, the following information:

(1) The total number of academy attendees enrolled in each eligible postsecondary institution's Arkansas Teacher Academy by year of

college enrollment;

(2) The percentage of academy attendees who complete each year of an eligible postsecondary institution's Arkansas Teacher Academy and who plan to continue to the subsequent year, delineated by each teacher preparation program offered by each eligible postsecondary institution as part of the Arkansas Teacher Academy;

(3) The number of academy attendees who are currently teachers and who complete a program of study through an eligible postsecondary institution's Arkansas Teacher Academy;

(4) The number of academy attendees who are currently teaching in a public school in the State of Arkansas as part of an agreement for receiving a scholarship under this subchapter;

(5) The total number of Arkansas Teacher Academy graduates receiving induction services;

(6) The number of academy attendees who have defaulted on their obligations under this subchapter and who are in repayment agreements;

(7) The number of academy attendees who have deferred repayment agreements;

(8) The number of academy attendees who have completed repayment agreements;

(9) The methodology for distributing any moneys appropriated for the scholarships distributed under this subchapter to each eligible postsecondary institution and the amounts distributed to each eligible postsecondary institution; and

(10) The amount of unused moneys in the fund from the previous fiscal year.

(d) The division may promulgate rules to implement this subchapter.

SECTION 58. Arkansas Code Title 6 is amended to add an additional subtitle to read as follows:

SUBTITLE 7

EARLY CHILDHOOD CARE AND EDUCATION.

CHAPTER 86

GENERAL PROVISIONS [RESERVED.]

CHAPTER 87

UNIFIED EARLY CHILDHOOD CARE AND EDUCATION SYSTEM.

6-87-101. Early Childhood Care and Education System.

(a)(1) There is created within the Department of Education the Office of Early Childhood.

(2) The head of the Office of Early Childhood shall report directly to the Secretary of Education or his or her designee.

(b) The office shall be responsible for all programs funded through state or federal resources that provide early childhood care or educational services, including without limitation:

(1) The Child Care and Development Block Grant Act;

(2) State preschool;

(3) The Individuals with Disabilities Education Act, Pub. L. No. 101-476:

(A) Part B for children before Kindergarten; and

(B) Part C for infants and toddlers; and

(4) The Arkansas Head Start State Collaboration Office.

(c) Under § 25-43-105, the administration of the programs under subsection (b) of this section currently overseen by the Division of Child Care and Early Childhood Education shall be transferred to the Office of Early Childhood.

(d) The office:

(1) Shall serve as the lead agency for the Child Care and Development Block Grant; and

(2) May contract with other state agencies, including without limitation the Department of Human Services, to administer certain functions during the transition period established in this section, or in perpetuity.

(e) The State Board of Education, through the Department of Education, shall establish a seamless early childhood educational system that is coordinated and integrated across all programs and related state agencies, regardless of public funding source, working cooperatively and collaboratively with the Department of Human Services and the Department of Health.

(f) To facilitate the administration of a unified system of early childhood care and education and all classroom seats supported with public

funds, not later than October 1, 2024, the state board, through the Department of Education, shall competitively select and work with local early childhood lead organizations in communities throughout the state to:

(1) Support access to early childhood programs;

(2) Identify gaps in service;

(3) Foster partnerships;

(4) Create alignment among the public and private providers and agencies within the community that serve families and children; and

(5)(A) Establish a comprehensive, locally supported plan for providing early childhood programs and services within the community.

(B) The plans required under subdivision (f)(5)(A) of this section shall address specific responsibilities that include without limitation:

(i) Measuring the need for affordable access to quality early childhood care and education for children from birth through age four (4) within the community;

(ii) Conducting an unduplicated count of children served through public funds before kindergarten;

(iii) Establishing a local, collaborative governing structure for shared decision making;

(iv) Identifying shared resources that can support improved access to and quality of early childhood care and education programs for children from birth through age four (4), and determining how resources can be leveraged to maximize the impact of early childhood care and education programs at every age;

(v) Coordinating enrollment processes for families; and

(vi) Determining how future financial support should be used to expand access to and improve the quality of infant, toddler, and pre-kindergarten classrooms in the region, according to the locally created plan.

(g) To facilitate the creation of the Unified Early Childhood Care and Education System, the state board shall:

(1) Establish and promulgate a definition of kindergarten readiness aligned with state content standards for elementary and secondary schools;

(2) Create a simple, clear, and understandable uniform accountability system for publicly funded early childhood education programs that includes without limitation a rating indicative of child outcomes;

(3)(A) Designate the 2024-2025 school year as a pilot learning year in which practice ratings, which shall not result in any consequences, shall be created for publicly funded sites and the region in which they are included.

(B) The practice ratings utilized under subdivision (g)(3)(A) of this section shall allow for a transition for the state and programs from the previous system to the Unified Early Childhood Care and Education System established by this chapter, holding harmless financial and other incentives and consequences and allowing for revisions to the existing timeline without harm to existing providers;

(4) In coordination with other state agencies:

(A) Reduce any burdensome, unnecessary rules for the licensing of childcare facilities; and

(B) Report on the reduction of rules under subdivision (g)(4)(A) of this section to the General Assembly as part of the written report required under subsection (k) of this section;

(5) Establish a timeline for the creation and implementation of the Unified Early Childhood Care and Education System administered through local early childhood educational lead organizations that shall be fully implemented by the beginning of the 2026-2027 school year; and

(6)(A) Create and publish a parent-friendly website that includes information on locally available schools and centers near their homes.

(B) The website required under subdivision (g)(6)(A) of this section shall include without limitation the:

(i) Curriculum being taught;

(ii) Tuition costs;

(iii) Student-teacher ratios; and

(iv) Accountability results.

(h)(1) The state board, through the Department of Education, may use available, eligible public and private funds to implement new strategies to increase access to and improve the quality of early childhood care and education programs by establishing pilot programs administered by local early

childhood lead organizations, as identified by the state board.

(2) The findings from these pilot programs shall be used to inform statewide efforts to improve the effectiveness of local early childhood care and education programs, including without limitation:

(A) Supporting businesses to open childcare for employees; and

(B) Creating alternative funding models to support access to high-quality, small business childcare options.

(i) The state board shall promulgate rules to implement the provisions of this section related to the Unified Early Childhood Care and Education System.

(j) Requirements to participate in the Unified Early Childhood Care and Education System shall not apply to early childhood programs that receive public funds solely for food and nutrition assistance.

(k)(1) By no later than March 1, 2024, the state board shall submit a written report regarding the status of identification of local early childhood lead organizations and unification of the Unified Early Childhood Care and Education System to the:

(A) President Pro Tempore of the Senate;

(B) Speaker of the House of Representatives;

(C) Senate Committee on Education; and

(D) House Committee on Education.

(2) The report required under subdivision (k)(1) of this section shall include without limitation any recommendations related to changes in law or administrative rules that are needed to maximize the positive implementation of the Unified Early Childhood Care and Education System by the local early childhood lead organizations.

6-87-102. Unified Early Childhood Care and Education System stakeholder engagement.

(a) By no later than October 1, 2024, and before the transfer of the Division of Child Care and Early Childhood Education from the Department of Human Services to the Department of Education by a cabinet-level department transfer under § 25-43-502, the Secretary of the Department of Education shall engage with early childhood stakeholders to advise the Office of Early Childhood, including without limitation on:

(1) Provision of recommendations on the efficient, effective transition of functions and funds between agencies; and

(2) Identification of opportunities to maximize the impact of the Unified Early Childhood Care and Education System for families, providers, and the economy.

(b) Stakeholders shall include without limitation the following:

(1) Childcare providers, which may include without limitation:

(A) Head Start programs;

(B) Private childcare providers; and

(C) School-based prekindergarten providers;

(2) Families with children receiving early care and education services;

(3) Experts in early childhood care and education;

(4) Experts in early literacy and early numeracy;

(5) Business and industry representation;

(6) Leadership from the Department of Education and the Department of Human Services; and

(7) Relevant advocacy organizations.

6-87-103. Academic approval.

(a) By no later than January 1, 2024, each early learning center approved for licensure by the Department of Education and receiving public funds under this chapter shall:

(1) Meet all health and safety standards previously required by the Department of Human Services; and

(2)(A) Obtain approval from the department for adherence to the requirements of the Unified Early Childhood Care and Education System established under this chapter regarding kindergarten readiness as determined by the State Board of Education.

(B) The department shall base its approval under subdivision (a)(2)(A) of this section on an early learning center's satisfactory participation in the Unified Early Childhood Care and Education System, including without limitation unified accountability and coordinated enrollment, as determined by the state board.

(b) The state board shall:

(1) Conduct a comprehensive review of all state standards and

rules for all licenses at least every five (5) years; and

(2) Provide a public process through which early learning centers may submit specific rules that early educators want reviewed or changed.

6-87-104. Transition of federal funds for Child Care and Development Block Grant - Department of Education authority to receive federal funds for Child Care and Development Block Grant.

(a)(1) Upon transfer of lead agency authority from the Department of Human Services to the Department of Education for the federal Child Care and Development Fund, the Department of Education may accept and direct the disbursement of funds appropriated by any act of the United States Congress and apportioned to the State of Arkansas for use in connection with any Child Care and Development Fund programs.

(2)(A) The Department of Education shall deposit all funds received from the United States Government with the Treasurer of State, who shall, subject to legislative appropriation, make disbursements upon the recommendation of the Department of Education.

(B) Before the transfer of lead agency authority under subdivision (a)(1) of this section, the Department of Human Services shall seek input and approval from the Department of Education in the development of the federal Child Care and Development Fund State Plan or any amendments to the plan before its submittal to the United States Department of Health and Human Services.

(b) The State Board of Education shall:

(1) Promulgate rules required to implement the Child Care and Development Fund State Plan; and

(2) Develop and implement a state plan in accordance with the rules promulgated under this subsection.

(c)(1) Before the transfer of lead agency authority under subdivision (a)(1) of this section, the Department of Human Services and the Department of Education shall enter into a cooperative endeavor agreement to ensure a coordinated and seamless transition that does not interrupt the provision of state services or unduly impact the operation or function of either agency and that is informed by the early childhood stakeholders.

(2) The cooperative endeavor agreement required under

subdivision (c)(1) of this section may allow services to be purchased by the Department of Education, including without limitation the following services:

(A) Fulfilling grant requirements;

(B) Data reporting; and

(C) Services to clients.

(d) The transition required under this section shall occur in such a manner that is cost neutral to the state.

(e) Lead agency authority shall transfer no later than October 1, 2023, which shall be established in the cooperative endeavor agreement.

(f)(1) The cooperative endeavor agreement required under this section shall be submitted to the Legislative Council for review.

(2) As part of administering lead agency authority, the Department of Education may contract existing functions back to the Department of Human Services, subject to legislative review by July 1, 2025.

(g) The Department of Education and the Department of Human Services shall coordinate, share appropriate data, and jointly report on any workforce development indicators or priorities associated with early childhood care and education funding programs as they relate to the postsecondary education, training, and employment of beneficiaries who are parents, legal guardians, or persons standing in loco parentis to a student receiving services under this chapter.

SECTION 59. Arkansas Code § 9-28-113(j)(2), concerning a foster child's placement in a nonpublic school, is amended to read as follows:

(2)(A) Except as provided in subdivision (j)(2)(B) of this section, state or federal funding shall not be used for the placement of a foster child in a nonpublic school, including a private, parochial, or home school.

(B) The prohibition under subdivision (j)(2)(A) of this section shall not apply to a foster child who receives ~~a Succeed Scholarship under § 6-41-901 et seq~~ an Arkansas Children's Educational Freedom Account Fund under § 6-18-2501 et seq.

SECTION 60. Arkansas Code § 19-5-304, concerning the Education Fund, is amended to add additional subdivisions to read as follows:

(11) CHILD CARE GRANT FUND ACCOUNT.

(A) The Child Care Grant Fund Account shall be used for the Child Care Grant program to consist of general revenues and any other nonfederal funds, as may be appropriated by the General Assembly.

(B) Federal reimbursement received by the Department of Education shall be deposited into separate funds on the books of the Treasurer of State; and

(12) Child Care and Early Childhood Education Fund Account.

(A) The Child Care and Early Childhood Education Fund Account shall be used for:

(i) The maintenance, operation, and improvement required by the Division of Child Care and Early Childhood Education in carrying out those functions, powers, and duties as set out in the Childcare Facility Licensing Act, § 20-78-201 et seq.; and

(ii) Carrying out other duties imposed by law upon the Division of Child Care and Early Childhood Education.

(B) The Child Care and Early Childhood Education Fund Account shall consist of:

(i) Those general revenues as may be provided by law;

(ii) Nonrevenue income derived from services provided by the Division of Child Care and Early Childhood Education; and

(iii) Any other nonfederal grant-in-aid funds provided by law.

SECTION 61. Arkansas Code § 19-5-306(10)(A)(xiv), concerning the Child Care Grant program funded by the Department of Human Services Grants Fund Account, is repealed.

~~(xiv) Child Care Grant~~.

SECTION 62. Arkansas Code § 19-5-306(12), concerning the Child Care and Early Childhood Education Fund Account, is repealed.

~~(12) Child Care and Early Childhood Education Fund Account.~~

~~(A) The Child Care and Early Childhood Education Fund Account shall be used for the maintenance, operation, and improvement required by the Division of Child Care and Early Childhood Education in carrying out those functions, powers, and duties as set out in the Childcare~~

~~Facility Licensing Act, § 20-78-201 et seq., or other duties imposed by law upon the Division of Child Care and Early Childhood Education.~~

~~(B) The Child Care and Early Childhood Education Fund Account shall consist of:~~

~~(i) Those general revenues as may be provided by law;~~

~~(ii) Nonrevenue income derived from services provided by the Division of Child Care and Early Childhood Education; and~~

~~(iii) Any other nonfederal grant-in-aid funds provided by law; and~~

SECTION 63. Arkansas Code Title 19, Chapter 5, Subchapter 12, is amended to add additional sections to read as follows:

19-5-1277. Arkansas Children's Educational Freedom Account Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a miscellaneous fund to be known as the "Arkansas Children's Educational Freedom Account Fund".

(b)(1) Notwithstanding any other provisions of law, for fiscal year 2024 and each fiscal year thereafter, in addition to all other amounts required under the Arkansas Children's Educational Freedom Account Program, the Department of Education shall include in its annual budget request submitted under § 19-4-301 et seq., and the Governor shall include in each recommendation submitted to the General Assembly under § 19-4-201, an appropriation to the Department of Education, Division of Elementary and Secondary Education, for the greater of an amount not less than two percent (2%) of:

(A) Net public school enrollment adjusted for state foundation funding aid purposes; or

(B) The total number of eligible program applications received by the division, if available, multiplied by the prior year's statewide net foundation funding aid allotted per student.

(2) The amount appropriated under subdivision (b)(1) of this section shall be transferred by the division to the fund to be used solely to meet the obligations required under the program, except as otherwise provided in this section.

(3) The Governor shall include a recommendation, as required

under § 19-4-201, that the total amount of funds appropriated to the division that was not transferred to the fund during the previous fiscal year due to an accumulated balance from previous fiscal years as provided under subsection (c) of this section be reappropriated for the subsequent fiscal year.

(c) Each fiscal year, the amount required to be requested and recommended for appropriation under subsection (b) of this section shall be reduced by the sum of:

(1) Any unused, accumulated amounts transferred to the fund due to the requirements under this subsection from previous years; and

(2) Any unused appropriations made to the department due to the requirements under this subsection that were not transferred to the fund due to an accumulated balance from previous years.

19-5-1278. Literacy Tutoring Grant Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a miscellaneous fund to be known as the “Literacy Tutoring Grant Fund”.

(b) The fund shall consist of:

(1) Moneys obtained from private or public grants, gifts, or donations that are designated to be credited to the fund; and

(2) Any other funds authorized or provided by law.

(c) The fund shall be used by the Division of Elementary and Secondary Education to create and maintain a literacy tutoring grant program fund under the Right to Read Act, § 6-17-429.

(d) Moneys remaining in the fund at the end of each fiscal year shall carry forward and be made available for the purposes stated in this section in the next fiscal year.

19-5-1279. Arkansas Teacher Academy Scholarship Program Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a miscellaneous fund to be known as the "Arkansas Teacher Academy Scholarship Program Fund".

(b) The fund shall consist of funds authorized or provided by law.

(c) The fund shall be used by the Division of Higher Education to create and maintain the Arkansas Teacher Academy Scholarship Program Act, §

6-82-2201 et seq., which shall include only the following expenses:

(1) Reimbursing an eligible postsecondary institution for Arkansas Teacher Academy scholarships distributed under the Arkansas Teacher Academy Scholarship Program Act, § 6-82-2201 et seq., that cover the balance of tuition and fees for undergraduate, graduate, and postbaccalaureate students who are enrolled in the academy after all other financial gifts, financial aid, and grants have been received by academy attendees enrolled in an academy at eligible postsecondary institutions;

(2) Supporting academy attendees who are currently employed by a public school district in the state;

(3) Conducting induction services for academy graduates; and

(4)(A) Implementing a marketing and promotion plan to recruit and retain students and teachers in the academy with particular emphasis on:

(i) Prioritizing academy attendees who reflect the diversity of the state's student and teacher population; and

(ii) Administering the academy.

(B) However, annual expenditures for funds expended under subdivision (c)(4)(A) of this section shall not exceed three percent (3%) of moneys in the fund each fiscal year.

(d) Moneys remaining in the fund at the end of each fiscal year may be used by an eligible postsecondary institution for academy costs in the next fiscal year.

19-5-1280. Teacher Minimum Salary and Raise Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a miscellaneous fund within the Public School Fund to be known as the "Teacher Minimum Salary and Raise Fund".

(b) The fund shall consist of:

(1) Moneys obtained from private or public grants, gifts, or donations that are designated to be credited to the fund; and

(2) Any other moneys authorized or provided by law.

(c) The fund shall be used by the Department of Education to maintain and distribute revenue authorized under § 6-17-2403 for teacher minimum salary levels and teacher raises.

(d) Moneys remaining in the fund at the end of each fiscal year shall

carry forward and be made available for the purposes stated in this section in the next fiscal year.

19-5-1281. Merit Teacher Incentive Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a miscellaneous fund within the Public School Fund to be known as the "Merit Teacher Incentive Fund".

(b) The fund shall consist of:

(1) Moneys obtained from private or public grants, gifts, or donations that are designated to be credited to the fund; and

(2) Any other funds authorized or provided by law.

(c) The fund shall be used by the Division of Elementary and Secondary Education to create and maintain the Merit Teacher Incentive Fund Program moneys.

(d) Moneys remaining in the fund at the end of each fiscal year shall carry forward and be made available for the purposes stated in this section in the next fiscal year.

SECTION 64. Arkansas Code § 20-38-102(a)(2)(C), concerning criminal history records checks, is amended to read as follows:

(C) The licensing or certifying agency shall share the information obtained from the criminal history records check and the national criminal history records check only with employees of the Department of Human Services or the Department of Education who have an official business reason to see the information.

SECTION 65. Arkansas Code § 20-38-112(e)(1), concerning exclusions from criminal history records checks, is amended to read as follows:

(1) With the exception of applicants and employees qualified under § 20-38-105(d)(3), an employment determination and the criminal history records check used to make the determination for an applicant or employee of a service provider shall be fully acceptable and transferrable upon request between the following divisions and offices of the Department of Education or the Department of Human Services:

(A) The Division of Child Care and Early Childhood

Education for a childcare facility or church-exempt childcare facility;

(B) The Division of Developmental Disabilities Services for an Alternative Community Services Waiver Program provider, an early intervention provider, or a nonprofit community program; ~~and~~

(C) The Office of Long-Term Care for a long-term care facility licensed as an intermediate care facility for individuals with developmental disabilities~~.~~; and

(D) The Department of Human Services for an entity licensed under the Child Welfare Agency Licensing Act, § 9-28-401 et seq.

SECTION 66. Arkansas Code § 20-78-503(a), concerning the Arkansas Child Care Facilities Loan Guarantee Trust Fund, is amended to read as follows:

(a)(1) There is established a cash fund account of the Division of Child Care and Early Childhood Education of the Department of ~~Human Services~~ Education to be known as the "Arkansas Child Care Facilities Loan Guarantee Trust Fund". ~~This~~

(2) The cash fund account ~~is to~~ established under subdivision (a)(1) of this section shall be ~~maintained~~:

(A) Maintained in one (1) or more financial institutions of the state; and ~~shall be administered~~

(B) Administered in accordance with this subchapter.

SECTION 67. Arkansas Code § 20-78-606(e), concerning rules for criminal history records checks, is amended to read as follows:

(e) The Division of Child Care and Early Childhood Education of the Department of ~~Human Services~~ Education shall establish by rule requirements for registry records checks for:

(1) An applicant for licensure or exemption from licensure as a service provider;

(2) An applicant for employment with a service provider; and

(3) An employee of a service provider.

SECTION 68. Arkansas Code § 25-10-102(a)(7), concerning the organization of the Department of Human Services, is repealed:

~~(7) The Division of Child Care and Early Childhood Education; and~~

SECTION 69. Arkansas Code § 25-43-502(a), concerning state entities transferred to the Department of Education, is amended to add additional subdivisions to read as follows:

(17) The Division of Child Care and Early Childhood Education, created under § 20-78-205;

(18) The Child Care Appeal Review Panel, defined in § 20-78-202; and

(19) The Arkansas Early Childhood Commission, created under § 20-78-501.

SECTION 70. Arkansas Code § 25-43-902(a)(8), concerning state entities transferred to Department of Human Services, is repealed:

~~(8) The Division of Child Care and Early Childhood Education, created under § 20-78-205;~~

SECTION 71. DO NOT CODIFY. CABINET-LEVEL TRANSFER.

(a) The Division of Child Care and Early Childhood Education of the Department of Human Services, created under § 20-78-205, is transferred to the Department of Education by a cabinet-level department transfer under § 25-43-101 et seq.

(b) Except as provided in subsection (d) of this section, a cabinet-level department transfer under subsection (a) of this section includes all state entities under the division, including without limitation an office, program, or other unit of the division.

(c) Except as provided in subsection (d) of this section, the division shall otherwise continue to exercise the duties of the division under the administration of the cabinet-level Department of Education in the same manner as before the transfer of the division.

(d)(1) It is the specific intent of the General Assembly that the Department of Human Services retain and continue to exercise all stated statutory authority, powers, duties, and functions of the division regarding entities licensed under the Child Welfare Agency Licensing Act, § 9-28-401 et seq.

(2) It is the specific intent of the General Assembly that the Department of Human Services retain all revenue, property, records,

employees, unexpended balances of state appropriations or state allocations, and functions of budgeting and purchasing of the division regarding entities licensed under the Child Welfare Agency Licensing Act, § 9-28-401 et seq.

SECTION 72. DO NOT CODIFY. Severability. If any provision of this act or the application of this act to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this act that can be given effect without the invalid provision or application, and to this end, the provisions of this act are declared severable.

SECTION 73. EMERGENCY CLAUSE.

(a) It is found and determined by the General Assembly of the State of Arkansas that the provision of educational services to children in the State of Arkansas impacts the public peace, health, and safety through its effect upon student learning, which is critical for the future success of the state; that the act amends substantial portions of the Arkansas Code as it pertains to prekindergarten through grade twelve (preK-12) education in the State of Arkansas; that these amendments are extensive and will require new rules and procedures to be developed to implement the changes; that many of the changes to the Arkansas Code will require that certain procedures are put in place before the beginning of the 2023-2024 school year; that this act is immediately necessary in order to give local public school districts time to update school district policies to account for changes created by this act to provide necessary educational services; and that this act is immediately necessary in order to give the Department of Education time to promulgate rules necessary to implement this act to provide necessary educational services. Therefore, an emergency is declared to exist, and Sections 1-6, 8, 11-21, 23-31, 35, 37-42, 44, 46-57, and 59 of this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

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

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

(3) If the bill is vetoed by the Governor and the veto is

overridden, the date the last house overrides the veto.

(b) It is found and determined by the General Assembly of the State of Arkansas that this act transfers a division within the Department of Human Services to the Department of Education under Sections 58, 60-62, and 64-70 of this act; that the cabinet-level transfer revises the duties of the Division of Child Care and Early Childhood Education as it currently exists within the Department of Human Services; that the cabinet-level department transfer impacts the expenses and operations of state government; and that it is necessary for the protection of the health, welfare, and safety of children who are affected by the division's programs and services that this cabinet-level department transfer occur at the beginning of the next fiscal year to coincide with the budgeting functions of the Department of Human Services and Department of Education and ensure continuity of services; that Section 63 of this act creates new funds to be administered by the Department of Education; that the funds created to implement various provisions of this act must correspond to the beginning of the 2024 fiscal year in order to maintain the provision of education-related services, which is vital for Arkansas children in public schools. Therefore, an emergency is declared to exist, and Sections 58 and Sections 60-70 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2023.

(c) It is found and determined by the General Assembly of the State of Arkansas that Sections 7, 9-10, 22, 32-34, 36, 43, and 45 concern The Teacher Fair Dismissal Act of 1983, § 6-17-1501 et seq., and the Public School Employee Fair Hearing Act, § 6-17-1701 et seq.; that these provisions of law directly affect existing public school employees who are employed by public school districts under written annual contracts; that public school employees' written annual contracts are in effect through the end of the current school year; that in order to avoid affecting current public school employees' contracts with public school districts, these provisions of law must go into effect on a certain date, which corresponds with the end of the 2022-2023 school year and the beginning of the 2023-2024 school year; that provisions of this act are immediately necessary to ensure that contracts entered into between public school districts and public school employees for the upcoming 2023-2024 school year, which are currently being negotiated, account for the correct provisions of state law in order to provide essential

educational services to public school students in kindergarten through grade twelve (K-12) in the State of Arkansas and ensure that public school districts are in compliance with current statutory requirements concerning the provision of educational and related services to public school children. Therefore, an emergency is declared to exist, and Sections 7, 9-10, 22, 32-34, 36, 43, and 45 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on June 30, 2023.

/s/B. Davis

APPROVED: 3/8/23

State of Arkansas
95th General Assembly
Regular Session, 2025

A Bill

SENATE BILL 604

By: Senator B. Davis
By: Representative Brooks

For An Act To Be Entitled

AN ACT TO AMEND PROVISIONS OF THE ARKANSAS CODE REGARDING THE COURSE CHOICE PROGRAM; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND PROVISIONS OF THE ARKANSAS CODE REGARDING THE COURSE CHOICE PROGRAM.

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

SECTION 1. Arkansas Code § 6-16-1702 is amended to read as follows:

6-16-1702. Definitions.

As used in this subchapter:

(1)(A) "Course provider" means an entity that offers individual courses in person or online, including without limitation:

~~(A)~~(i) An online or virtual education provider that is not a public school district or an open-enrollment public charter school;

~~(B)~~(ii) A postsecondary education institution; ~~and~~

~~(C)~~(iii) A business or entity that offers vocational or technical course work in its field and has been authorized to provide such courses by the State Board of Education;

(iv) Arkansas School for Mathematics, Sciences, and the Arts; and

(v) An educational entity that is not a public school district or an open-enrollment public charter school.

(B)(i) A course provider does not include a public school district or an open-enrollment public charter school.

(ii)(a) Except as provided under subdivision (l)(B)(ii)(b) of this section, a public school district or an open-enrollment public charter school may make one (1) or more courses available to eligible students under this subchapter.

(b) A public school or an open-enrollment public charter school with a rating of "D" or "F" under §§ 6-15-2105 and 6-15-2106 and state board rules shall not be eligible to offer courses to eligible students under this subchapter.

(2) "Eligible student" means any student in grades six through twelve (6-12) who resides in Arkansas and meets at least one (1) of the following criteria:

(A) Is attending a public school that does not offer the course in which the student desires to enroll, as determined by the ~~state board~~ Division of Elementary and Secondary Education; or

(B) Is attending a public school that received a letter grade of ~~"C",~~ "D"~~,~~ or "F", or any variation thereof, under §§ 6-15-2105 and 6-15-2106 and state board rules, and would like to take a ~~required~~ course required for graduation at the eligible student's school through the Course Choice Program; and

(3) "Non-completion" means that an enrolled student does not receive a passing grade or credit for the course.

SECTION 2. Arkansas Code § 6-16-1703 is amended to read as follows:

6-16-1703. Course Choice Program.

(a) There is established the Course Choice Program.

(b) To support student participation, not later than the ~~2025-2026~~ 2026-2027 school year, the State Board of Education shall promulgate rules on the Course Choice Program, including a process that includes without limitation the following:

(1) The determination regarding whether each:

(A) Proposed course provider complies with the law and ~~state board~~ State Board of Education rules;

(B) Proposal submitted by a proposed course provider is valid, complete, financially well-structured, and educationally sound;

(C) Proposal submitted by a proposed course provider provides a plan for collecting data; and

(D) Proposal submitted by a proposed course provider offers the potential for fulfilling the purposes of this subchapter;

(2) The provision for an independent evaluation of each proposal submitted by a proposed course provider by a third party with educational, organizational, legal, and financial expertise; and

(3) The provision for an agreement between the State Board of Education and course provider that shall include without limitation a plan for implementing or providing the following:

(A) Administration of state assessments by the course provider or an eligible student's resident public school district as determined by the Division of Elementary and Secondary Education and as required by the school rating system under § 6-15-2101 et seq.;

(B) The public school districts in which the course provider will operate;

(C) Proposed courses offered, alignment of the courses by the course provider with the Arkansas academic standards, and the designated length of each course offered; and

(D) ~~Alignment of the courses offered by the course provider with approved Arkansas diploma requirements; and~~

~~(E)~~ Assurances that the course provider shall, to the best of its ability, collaborate and coordinate with a local public school district in which an eligible student is enrolled full time.

(c)(1) The initial authorization of a course provider shall be for a period of three (3) years.

(2)(A) After the second year of the initial authorization period, the State Board of Education shall conduct a thorough review of the course provider's activities and the academic performance of the eligible students enrolled in courses offered by the course provider ~~in accordance with the school rating system~~.

(B) If the performance of the eligible students enrolled in courses offered by the course provider does not meet performance standards set by the State Board of Education ~~under the school rating system~~, the State Board of Education shall place the course provider on probation.

(d) After the initial three-year authorization period, the State Board of Education may reauthorize a course provider for additional periods of not less than three (3) years nor more than five (5) years after thorough review

of the course provider's activities and the achievement of students enrolled in courses offered by the course provider.

(e) The State Board of Education shall monitor and evaluate the course provider in accordance with performance expectations set forth by the State Board of Education in which student achievement is the predominant criterion.

(f)(1) The ~~Division of Elementary and Secondary Education~~ division shall create a process for:

(A) Common course numbering of all courses listed in the course catalog; and

(B) Determining whether courses are ~~in compliance~~ aligned with Arkansas ~~state~~ academic standards.

(2) For courses offered by postsecondary educational institutions that are authorized course providers, the division shall consult with the Arkansas Higher Education Coordinating Board.

(g) ~~Prior to the 2025-2026 school year, the~~ The division shall create a course catalog for all courses offered by a course provider, a public school district, or an open-enrollment public charter school.

(h) The State Board of Education may promulgate rules to administer the program.

SECTION 3. Arkansas Code § 6-16-1704(a)(1), concerning policies and procedures for eligible students established by each local school district board of directors, is amended to read as follows:

(1) Credits earned through a course provider shall appear on each eligible student's official transcript and count fully towards ~~the~~ graduation requirements ~~of any approved Arkansas diploma~~;

SECTION 4. Arkansas Code § 6-16-1704(d)(1), concerning aggregate test scores of eligible students who participate in the Course Choice Program, is amended to read as follows:

(d)(1) The aggregate test scores of eligible students under this subchapter shall be ~~counted~~ included in the annual school performance report for the public schools in which the eligible students are enrolled full time, pursuant to rules promulgated by the Division of Elementary and Secondary Education.

SECTION 5. Arkansas Code § 6-16-1705 is amended to read as follows:

6-16-1705. Funding — Definition.

(a)(1) As used in this section, "per-course amount for a course provider" means ~~an amount equal to~~ the standard market rate as determined by a course provider and reported to the Department of Education that is up to ~~one sixth (⅙) of ninety percent (90%)~~ eight percent (8%) of the per-pupil amount each year as determined by the foundation funding amount, established under § 6-20-2305, allotted per student to each public school district in which an eligible student resides.

(2) The per-course amount for a public school district or an open-enrollment public charter school shall be the amount of foundation funding generated by including an eligible student in the public school district's or open-enrollment public charter school's average daily membership under § 6-20-2305 for one (1) or more courses.

~~(2)(A) Any remaining funds for an eligible student, except those specified under subsection (c) of this section, shall be returned to the state or the public school district according to the pro rata share for the per pupil amount each year as determined by the foundation funding amount for the public school district in which the eligible student resides.~~

~~(B)~~(3) ~~Transfers of course payments~~ Payment for courses under this subchapter shall be made by the department on behalf of the responsible public school district ~~in which an eligible student resides~~ to the authorized course provider.

~~(b) A course provider shall receive a per-course amount for each eligible student.~~

~~(c)(1)~~(b)(1) ~~For each eligible student, an amount equal to ten percent (10%) of the per-pupil amount according to the pro rata share as determined each year by the foundation funding amount, established under § 6-20-2305, allotted per student for the local school district in which an eligible student resides shall remain with~~ Each eligible student shall be included in the average daily membership of the public school district in which the eligible student is enrolled full time for the purpose of generating foundation funding under § 6-20-2305.

(2) Funds under subdivision ~~(c)(1)~~ (b)(1) of this section shall be used to finance any administrative or operational costs to support eligible students enrolled in courses offered by course providers, as

determined by the State Board of Education.

~~(d)(1)~~(c)(1) For each eligible student, a course provider shall receive payment for only the courses in which an eligible student is enrolled as determined under this subchapter.

(2) The remaining funds for each eligible student up to the maximum amount for the public school district in which the eligible student resides as determined each year by the foundation funding, established under § 6-20-2305, allotted per student or the actual tuition and fees, as applicable, shall remain with the participating public school district in which the student is enrolled full time.

~~(e)(1)~~(d)(1) A course provider ~~may charge an eligible student the cost of tuition in an amount equal to the amount determined by the course provider and reported to the department~~ shall receive only the per-course amount for a course provider and shall not charge an eligible student any amount above the per-course amount for a course provider.

~~(2) A course provider shall accept the per-course amount as the total tuition and fees for an eligible student.~~

~~(3)(A)~~(2)(A) Fifty percent (50%) of the per-course amount ~~of tuition to be~~ for a course provider that is paid or transferred to a course provider shall be paid or transferred ~~upon~~ after verification of eligible student enrollment in a course on October 1 of each year and fifty percent (50%) shall be paid or transferred upon course completion and the eligible student receiving credit according to the published course length.

(B) ~~If an eligible student does not complete a course, according to the published course length, in which the course provider has received the first payment, the course provider shall receive only forty percent (40%) rather than the remaining fifty percent (50%) of the course amount, but only if the eligible student completes the course and receives credit for the course prior to leaving school or graduating from high school.~~

~~(C)~~ For non-completion prior to leaving school or graduating from high school, the course provider shall receive only fifty percent (50%) of the per-course amount ~~of tuition~~ for course providers that is paid upon eligible student enrollment in the course.

~~(4)(A) The remaining ten percent (10%) of the per-pupil amount according to the pro rata share as determined each year by foundation funding, established under § 6-20-2305, allotted per student for a public~~

~~school district in which an eligible student resides shall remain with the public school in which the eligible student is enrolled full time.~~

~~(B) The amount under subdivision (e)(4)(A) of this section shall be in addition to the ten percent (10%) provided under subsection (e) of this section.~~

APPROVED: 4/17/25