

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 83rd General Assembly  
3 Regular Session, 2001

# A Bill

HOUSE BILL 1071

4  
5 By: Representatives Hutchinson, D. Elliott  
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## For An Act To Be Entitled

9 AN ACT TO PROVIDE LEARNING ENDOWMENTS FOR STUDENTS  
10 ATTENDING SCHOOL DISTRICTS THAT ARE IN ACADEMIC  
11 DISTRESS; AND FOR OTHER PURPOSES.  
12

## Subtitle

13 AN ACT TO PROVIDE LEARNING ENDOWMENTS  
14 FOR STUDENTS ATTENDING SCHOOL DISTRICTS  
15 THAT ARE IN ACADEMIC DISTRESS.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. FINDINGS AND INTENT. The purpose of this act is to provide  
22 enhanced opportunity for students in Arkansas to gain the knowledge and skills  
23 necessary for postsecondary education, a technical education, or the world of  
24 work. The General Assembly finds that the State Constitution requires the  
25 state to maintain a general, suitable and efficient system of free public  
26 schools and adopt all suitable means to secure to the people the advantages  
27 and opportunities of education. The General Assembly further finds that a  
28 student should not be compelled, against the wishes of the student's parent or  
29 guardian, to remain in a school found by the Department of Education to be in  
30 academic distress. The Department of Education shall make available learning  
31 endowments in order to give parents and guardians the opportunity for their  
32 children to attend an eligible private school when the parent or guardian  
33 chooses to apply the equivalent of the public education funds generated by his  
34 or her child to the cost of tuition in the eligible private school as provided  
35 in section 7 of this act.  
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SECTION 2. DEFINITIONS. For purposes of this Act:

(1) A "school district in academic distress" means a public school district that has been designated by the Department of Education as a district in academic distress pursuant to Arkansas Code 6-20-1601 through 6-20-1610;

(2) An "assigned school district" means the public school district that a student would be required to attend pursuant to Arkansas Code 6-18-202, if the student attended a public school in the state.

SECTION 3. LEARNING ENDOWMENT PROGRAM. A public school student's parent or guardian may request and receive from the Department of Education a learning endowment for the child to enroll in and attend a private school in accordance with the provisions of this section if:

(1) By assigned school district, the student has spent the prior school year in attendance in a school district in academic distress, or the parent or guardian of a student who has been in attendance elsewhere in a public school system in Arkansas or who is entering kindergarten or first grade has been notified that the student's assigned school district is in academic distress; and

(2) The parent or guardian has obtained acceptance for admission of the student to a private school eligible for the program pursuant to section 7 of this act, and has notified the Department of Education and the student's assigned school district of the request for a learning endowment no later than July 1 of the school year in which the student intends to use the scholarship.

SECTION 4. STUDENTS IN JUVENILE DETENTION FACILITIES. The provisions of this act shall not apply to a student who is enrolled in a school operating for the purpose of providing educational services to youth in a juvenile detention facility as defined by Arkansas Code 6-20-104.

SECTION 5. RENEWAL. For purposes of continuity of educational choice, the learning endowment shall be renewed until the student returns to a public school or, if the student chooses to attend a private school the highest grade of which is grade eight (8), until the student matriculates to high school and the public school district to which the student is assigned is not designated as being in academic distress. However, at any time upon reasonable notice to the Department of Education and the assigned school district, the student's

1 parent or guardian may remove the student from the private school and place  
2 the student in a public school, as provided in section 6 of this act, or in  
3 the student's assigned school district.

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5 SECTION 6. SCHOOL DISTRICT'S OBLIGATION.

6 (a) A school district shall, for each student enrolled in or registered  
7 to attend a school in academic distress, notify the parent or guardian of the  
8 student no later than thirty (30) calendar days after such designation is made  
9 of all options available pursuant to this act.

10 (b) The parent or guardian of a student whose assigned school district  
11 is in academic distress may choose as an alternative to enroll the student in  
12 and transport the student to a public school that has available space in an  
13 adjacent school district, if such school district is not in academic distress.  
14 If the adjacent school district has space available, that school district  
15 shall accept the student and shall include the student in the average daily  
16 membership of the receiving district for purposes of the district's funding.

17 (c) For students in the district who are participating in the Learning  
18 Endowment Program, the student's assigned school district shall provide  
19 locations and times to take all statewide assessments required by state law.

20 (d) Students with disabilities who are eligible to receive services  
21 from the school district in the student's assigned school district under  
22 federal or state law, and who participate in the Learning Endowment Program,  
23 shall remain eligible to receive services from the student's assigned school  
24 district as provided by federal or state law.

25 (e) Students who receive a learning endowment shall be included in the  
26 average daily membership of the student's assigned school district for  
27 purposes of the assigned school district's funding.

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29 SECTION 7. PRIVATE SCHOOL ELIGIBILITY. (a) To be eligible to  
30 participate in the Learning Endowment Program, a private school may be  
31 sectarian or nonsectarian, and must:

32 (1) Be located in Arkansas;

33 (2) Demonstrate fiscal soundness by being in operation for at  
34 least one (1) school year or provide the Department of Education with a  
35 statement by a certified public accountant confirming that the private school  
36 desiring to participate has sufficient capital or credit to operate the school

1 for the upcoming year and serve the number of students anticipated with  
2 expected revenues from tuition and other sources that may be reasonably  
3 expected. In lieu of such a statement, a surety bond or letter of credit for  
4 the amount equal to the learning endowment funds for any quarter may be filed  
5 with the Department of Education;

6 (3) Except for the first year of implementation, notify the  
7 Department of Education and the school district in which the private school is  
8 located of its intent to participate in the program under this act no later  
9 than May 1 of the school year preceding the school year in which it intends to  
10 participate. The notice shall specify the grade levels and services that the  
11 private school has available for the Learning Endowment Program;

12 (4) Comply with the anti discrimination provisions of 42 USC 2000d  
13 as it appeared on January 1, 2001;

14 (5) Meet state and local health and safety laws and codes;

15 (6) Accept learning endowment students on an entirely random and  
16 religious-neutral basis without regard to the student's past academic history;  
17 however, the private school may give preference in accepting applications to  
18 siblings of students who have already been accepted on a random and religious-  
19 neutral basis;

20 (7) Be subject to the instruction, curriculum, and attendance  
21 criteria adopted by a nonpublic school accrediting body approved by the  
22 Department of Education. The private school must furnish a school performance  
23 report to the parents of each child receiving a learning endowment in  
24 attendance at the private school;

25 (8) Employ or contract with teachers who hold a baccalaureate or  
26 higher degree, or have at least three (3) years of teaching experience in  
27 public or private schools, or have special skills, knowledge, or expertise  
28 that qualifies them to provide instruction in subjects taught;

29 (9) Comply with all state laws relating to private schools;

30 (10) Accept as full tuition and fees the amount provided by the  
31 state for each student;

32 (11) Agree not to compel any student attending the private school  
33 on a learning endowment to profess a specific ideological belief, to pray, or  
34 to worship; and

35 (12) Adhere to the tenets of its published disciplinary  
36 procedures prior to the expulsion of any learning endowment student.

1       (b) A private school that fails to comply with this section shall  
2 forfeit its eligibility to participate in the Learning Endowment Program.

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4       SECTION 8. OBLIGATION OF PROGRAM PARTICIPATION.

5       (a) Any student participating in the Learning Endowment Program must  
6 remain in attendance throughout the school year, unless excused by the school  
7 for illness or other good cause, and must comply fully with the school's code  
8 of conduct.

9       (b) The parent or guardian of each student participating in the  
10 Learning Endowment Program must comply fully with the private school's  
11 parental involvement requirements, unless excused by the school for illness or  
12 other good cause.

13       (c) The parent or guardian shall ensure that the student participating  
14 in the Learning Endowment Program takes all statewide assessments required by  
15 state law.

16       (d) A parent or student who fails to comply with this section shall  
17 forfeit the student's eligibility to participate in the Learning Endowment  
18 Program.

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20       SECTION 9. LEARNING ENDOWMENT FUNDING AND PAYMENT.

21       (a)(1) The maximum learning endowment granted for an eligible student  
22 shall be calculated as an amount equivalent to the per-student share of the  
23 minimum state and local revenue per average daily membership or the private  
24 school's tuition and fees, whichever shall be less. Fees eligible shall  
25 include textbook fees, lab fees, and other fees related to instruction.

26       (2) Following annual notification on July 1 of the number of  
27 participants, the Department of Education shall set aside the calculated  
28 amount of monies from each school district's State Equalization Funding  
29 allocation and transfer that amount of appropriation to the special line item  
30 established by the Chief Fiscal Officer of the State for the Learning  
31 Endowment Program. The calculated amount of learning endowment awarded to each  
32 eligible student in the district shall be made available for quarterly  
33 disbursement to the parents or guardians of participating students. The Chief  
34 Fiscal Officer of the State is hereby authorized to establish a special line  
35 item appropriation by a transfer from the appropriation provided for State  
36 Equalization Funding from which to pay the participants of the Learning

1 Endowment Program authorized in this act. The amount of the special line item  
2 appropriation shall be that amount certified by the Department of Education to  
3 the Chief Fiscal Officer of the State. The Chief Fiscal Officer of the State  
4 shall notify the Auditor of State of such transfers.

5 (b) The Department of Education shall make Learning Endowment Program  
6 payments in four equal amounts no later than September 1, November 1, February  
7 1, and April 1 of each academic year in which the Learning Endowment Program  
8 is in force. The initial payment shall be made after the Department of  
9 Education's verification of admission acceptance and compliance with all  
10 requirements set forth in this act. Subsequent payments shall be made upon  
11 verification of continued enrollment, attendance at the private school and  
12 compliance with all requirements of this act. Payment must be by individual  
13 warrant made payable to the student's parent or guardian and mailed by the  
14 Department of Education to the private school of the parent's or guardian's  
15 choice. The parent or guardian shall restrictively endorse the warrant to the  
16 private school.

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18 SECTION 10. LIABILITY. No liability shall arise on the part of the  
19 state based on any grant or use of a learning endowment.

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21 SECTION 11. RULES. The State Board of Education may adopt rules and  
22 regulations necessary to implement the provisions of this act. However, the  
23 inclusion of eligible private schools within options available to Arkansas  
24 public school students does not expand the regulatory authority of the state,  
25 its officers, or any school district to impose any additional regulation of  
26 private schools beyond those reasonably necessary to enforce requirements  
27 expressly set forth in this act.

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