

Stricken language would be deleted from and underlined language would be added to present law.

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

As Engrossed: H3/19/19

A Bill

HOUSE BILL 1726

5 By: Representative Lowery
6

For An Act To Be Entitled

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

Subtitle

11 TO CREATE THE SAFE AND SOUND SCHOLARSHIP
12 PROGRAM.
13

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16
17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

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

21 Subchapter 20 – Safe and Sound Scholarship Program
22

23 6-18-2001. Title and purpose.

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

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

33 6-18-2002. Definitions.

34 As used in this subchapter:

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



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

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

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

10
11 6-18-2003. Eligibility.

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

16 (A) Battery;

17 (B) Harassment;

18 (C) Hazing;

19 (D) Bullying;

20 (E) Kidnapping

21 (F) Physical attack;

22 (G) Robbery;

23 (H) Sexual offenses;

24 (I) Assault;

25 (J) Threats or intimidation; or

26 (K) Fighting at school.

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

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

33
34 6-18-2004. Term.

35 (a) For purposes of the continuity of educational choice, a
36 scholarship under this subchapter shall remain in effect until the student

1 who received the scholarship returns to public school or graduates from high
2 school, whichever occurs first.

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

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8 6-18-2005. Public school obligations.

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

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

13 (B) Parent of the alleged offender; and

14 (C) Superintendent of the public school district.

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

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

20 (B) Parent of the alleged offender; and

21 (C) Superintendent of the public school district.

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

29
30 6-18-2006. Private school eligibility and obligations.

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

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

36 (1) Either:

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

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

9 (ii) A private school shall no longer be eligible
10 if:

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

14 (b) The accrediting association determines
15 that the private school is ineligible or unable to continue the accreditation
16 process; or

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

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

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

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

30 (3) Complies with the antidiscrimination provisions of 42 U.S.C.
31 § 2000d;

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

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

35 (6) Employs or contracts with teachers who hold baccalaureate or
36 higher degrees;

1 (7) Complies with all state laws and regulations governing
2 private schools; and

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

5 (c) An eligible private school may be sectarian or nonsectarian and
6 shall:

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

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

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

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

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

20
21 6-18-2007. Department of Education obligations.

22 (a) The Department of Education shall:

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

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

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

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

33 (A)(i) Reviewing school bullying prevention education
34 programs, climate, and codes of student conduct of public schools from which
35 ten (10) or more students transferred to another public school or private
36 school under this subchapter in order to determine the areas in the public

1 school or public school district that are in need of improvement.

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

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

7 (b) An assessment of the effectiveness of
8 communication amongst public school students who are involved in an incident
9 under this subchapter, the involved students' parents, and the public school
10 and public school district personnel;

11 (c) An analysis of public school and public
12 school district incident and discipline data; and

13 (d) A review of the challenges that are
14 related to implementing recommendations under subdivision (4)(B) of this
15 section based on the review under this subdivision;

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

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

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

30 (i) Determine academic, safety, and school climate
31 satisfaction; and

32 (ii) Identify any challenges to or obstacles in
33 addressing the incident or relating to the use of the scholarship under this
34 subchapter.

35 (b) The numerical net maximum limit on school choice transfers of not
36 more than three percent (3%) of the enrollment that exists in a public school

1 district of the immediately preceding school year under § 6-18-1906 does not
2 apply to the provisions of this subchapter.

3
4 6-18-2008. Parent and student obligations.

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

8 (b) A parent under this subchapter shall:

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

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

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

18 (4)(A) Ensure that his or her student remains in attendance at
19 the private school in which his or her student enrolls for the duration of
20 the school year unless excused by the private school for illness or other
21 good cause.

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

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

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

29 (d) A student participating in the program under this subchapter
30 shall:

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

33 (2) Comply fully with the code of conduct for the private
34 school.

35 (e) The state board may terminate the scholarship of a student if the
36 student or the student's parent or guardian materially fails to comply with

1 the responsibilities under this section.

2
3 6-18-2009. Scholarship payments – Funding.

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

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

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

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

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

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

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

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

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

29 (A) Copy of the report of the incident received under § 6-
30 18-2005; and

31 (B) Private school's fee schedules for enrolled students.

32 (2) The initial payment for a student's enrollment in a private
33 school under this subchapter shall be made after verification of admission
34 acceptance, and subsequent payments shall be made upon verification by the
35 department of the student's continued enrollment and attendance at the
36 private school.

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

2 (A)(i) Individual warrant made payable to the student's
3 parent.

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

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

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

12 (a) Debit cards;

13 (b) Electronic payment cards; or

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

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

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

23 (f) The department shall:

24 (1) Obtain verification from a private school of a student's
25 continued attendance at the private school for each period covered by a
26 scholarship payment;

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

28 (3) Not charge an application fee for applications under this
29 subchapter.

30
31 6-18-2010. Rules and duties.

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

35 (b) The department shall not:

36 (1)(A) Become a party to a contract between a participating

1 private school and a student's parent.

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

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

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11 */s/Lowery*
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