

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021  
4

As Engrossed: S1/25/21

# A Bill

SENATE BILL 142

5 By: Senators K. Ingram, Elliott, L. Chesterfield, L. Eads, J. Sturch  
6 By: Representatives Cozart, Beck, Bragg, Bryant, Deffenbaugh, Evans, D. Ferguson, C. Fite, Holcomb,  
7 Hollowell, McGrew, McNair, Milligan, Nicks, Rye, S. Smith, Tollett, Vaught, Watson, Wing, Wooten  
8

## For An Act To Be Entitled

10 AN ACT CONCERNING FUNDING BASED ON THE AVERAGE DAILY  
11 MEMBERSHIP OF A SCHOOL DISTRICT OR OPEN-ENROLLMENT  
12 PUBLIC CHARTER SCHOOL; TO DECLARE AN EMERGENCY; AND  
13 FOR OTHER PURPOSES.  
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### Subtitle

16 CONCERNING FUNDING BASED ON THE AVERAGE  
17 DAILY MEMBERSHIP OF A SCHOOL DISTRICT OR  
18 OPEN-ENROLLMENT PUBLIC CHARTER SCHOOL;  
19 AND TO DECLARE AN EMERGENCY.  
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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25 SECTION 1. TEMPORARY LANGUAGE. DO NOT CODIFY. Legislative findings.  
26 It is found by the General Assembly that:

27 (1) The coronavirus 2019 (COVID-19) pandemic has resulted in a  
28 substantial disruption to the traditional educational environment and  
29 administration of the state's kindergarten through grade twelve (K-12) public  
30 schools and open-enrollment public charter schools; and

31 (2) As a result of the substantial disruption to the operation  
32 of public schools and open-enrollment public charter schools caused by the  
33 coronavirus 2019 (COVID-19) pandemic, public schools and open-enrollment  
34 public charter schools have been unable to accurately track the average daily  
35 membership due to:

36 (A) Fluctuating numbers of students attending in-person or



1 virtual instruction;

2 (B) Public schools and open-enrollment public charter  
3 schools not having adequate oversight of students attending school virtually  
4 to apply regular attendance counting; and

5 (C) A number of students who are missing.

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7 SECTION 2. Arkansas Code § 6-20-2305(a)(3)(A), concerning school  
8 funding, is amended to read as follows:

9 (3)(A) A school district that has experienced a decline in  
10 average daily membership over the two (2) immediately preceding school years  
11 shall receive:

12 (i) Declining enrollment funding equal to:

13 (a) For the 2021-2022 school year, the  
14 difference between the 2019-2020 and 2020-2021 school average of the two (2)  
15 immediately preceding years' average daily memberships and the average daily  
16 membership for the previous school year multiplied by the amount of  
17 foundation funding set forth provided in subdivision (a)(2) of this section;  
18 and

19 (b) For the 2022-2023 school year and each  
20 following school year, the difference between the average of the two (2)  
21 immediately preceding years' average daily memberships and the average daily  
22 membership for the previous school year multiplied by the amount of  
23 foundation funding provided in subdivision (a)(2) of this section; or

24 (ii) Special needs isolated funding under § 6-20-  
25 604.

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27 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the  
28 General Assembly of the State of Arkansas that the coronavirus 2019 (COVID-  
29 19) pandemic has resulted in a substantial disruption to the traditional  
30 educational environment and system in the state's kindergarten through grade  
31 twelve (K-12) public schools and open-enrollment public charter schools; that  
32 amendments to the law as provided in this act are needed to immediately  
33 address funding shortages and other issues that public schools and open-  
34 enrollment public charter schools may face as a result of the substantial  
35 disruption caused by the coronavirus 2019 (COVID-19) pandemic; and that this  
36 act is immediately necessary to maintain the orderly operation of public

1 schools and open-enrollment public charter schools so that students in this  
2 state continue to receive an adequate education. Therefore, an emergency is  
3 declared to exist, and this act being immediately necessary for the  
4 preservation of the public peace, health, and safety shall become effective  
5 on:

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

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

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

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13 */s/K. Ingram*  
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