

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

SENATE BILL 573

5 By: Senator J. English
6 By: Representative Cozart
7

For An Act To Be Entitled

9 AN ACT TO AMEND VARIOUS PROVISIONS OF THE ARKANSAS
10 CODE CONCERNING PUBLIC EDUCATION; AND FOR OTHER
11 PURPOSES.
12
13

Subtitle

14 TO AMEND VARIOUS PROVISIONS OF THE
15 ARKANSAS CODE CONCERNING PUBLIC
16 EDUCATION.
17
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19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Arkansas Code § 6-4-302, Article II(A), concerning the
23 Interstate Compact on Educational Opportunity for Military Children, is
24 amended to read as follows:

25 A. "Active duty" means: full-time duty status in the
26 active uniformed service of the United States, including members of the
27 National Guard and Reserve on active duty orders pursuant to 10 U.S.C.
28 ~~Section~~ Chapter 1209 and 1211.
29

30 SECTION 2. Arkansas Code § 6-4-302, Article III(A)(1), concerning the
31 applicability of the Interstate Compact on Educational Opportunity for
32 Military Children, is amended to read as follows:

33 1. active duty members of the uniformed services as
34 defined in this compact, including members of the National Guard and Reserve
35 on active duty orders pursuant to 10 U.S.C. ~~Section~~ Chapter 1209 and 1211;
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2
3 SECTION 3. Arkansas Code § 6-15-2701(c)(2)(B), concerning evaluation
4 under the closing achievement gap program, is amended to read as follows:

5 (B) Using improvement targets to define professional
6 development needs related to content, instruction, differentiation, and best
7 practices in educating special education students, gifted and talented
8 students, English language learners, and other student subgroups as needed;

9
10 SECTION 4. Arkansas Code § 6-15-2903(6), concerning definitions in the
11 Arkansas Educational Support and Accountability Act, is amended to read as
12 follows:

13 (6) “English learner” means an individual whose native language
14 is a language other than English or who comes from an environment where a
15 language other than English has had a significant impact on the individual’s
16 level of English language proficiency, and is not considered proficient in
17 English as measured by an approved English language proficiency assessment;
18

19 SECTION 5. Arkansas Code § 6-18-2004(b)(2)(G), concerning the School
20 Counseling Improvement Act of 2019, is amended to read as follows:

21 (G) Serving as a contributing member of decision-making
22 teams, which include without limitation:

23 (i) Teams that are convened under Section 504 of the
24 Rehabilitation Act of 1973, Pub. L. No. 93-112;

25 (ii) Response-to-intervention teams;

26 (iii) English language learner programs;

27 (iv) Parental involvement or family engagement
28 programs;

29 (v) Positive behavioral intervention support
30 programs; and

31 (vi) Advanced placement and gifted and talented
32 programs.
33

34 SECTION 6. Arkansas Code § 6-18-2004(c)(2), concerning the School
35 Counseling Improvement Act of 2019, is amended to read as follows:

36 (2) Administrative activities provided by a school counselor in

1 collaboration with other school personnel include without limitation:

2 (A) Coordinating state assessments, cognitive achievement
3 assessments, advanced placement programs, and ~~language acquisition~~ English
4 language proficiency testing programs;

5 (B) Developing master schedules;

6 (C) Coordinating of:

7 (i) Teams convened under Section 504 of the
8 Rehabilitation Act of 1973, Pub. L. No. 93-112;

9 (ii) Response-to-intervention teams;

10 (iii) English ~~language~~ learner programs;

11 (iv) Parental involvement or family engagement
12 programs;

13 (v) Positive behavioral intervention support
14 programs;

15 (vi) Data entry; and

16 (vii) Advanced placement and gifted and talented
17 programs; and

18 (D) Monitoring students in common areas such as the
19 cafeteria, hallway, playground, and bus lines.

20
21 SECTION 7. Arkansas Code § 6-19-107(a)(1), concerning school bus
22 driver applicants, is amended to read as follows:

23 6-19-107. Bus drivers – Application for employment – Driving records.

24 (a)(1) An applicant for employment as a school bus driver shall submit
25 an application ~~prescribed by the Division of Public School Academic~~
26 ~~Facilities and Transportation~~ to the school district in which he or she seeks
27 employment.

28
29 SECTION 8. Arkansas Code § 6-20-2210(a)(2)(B), concerning the
30 definition of “net legal balance” under the Arkansas Educational Financial
31 Accounting and Reporting Act of 2004, is amended to read as follows:

32 (B) Combined balance for the following funds for a public
33 school district’s categorical funding:

34 (i) National school lunch fund;

35 (ii) Alternative learning environment fund;

36 (iii) ~~English language learner~~ English learner fund;

1 and

2 (iv) Professional development fund; minus

3

4 SECTION 9. Arkansas Code § 6-20-2210(a)(3)(B), concerning the
5 definition of “net legal balance revenues” under the Arkansas Educational
6 Financial Accounting and Reporting Act of 2004, is amended to read as
7 follows:

8 (B) Revenues placed into the:

9 (i) National school lunch fund;

10 (ii) Alternative learning environment fund;

11 (iii) ~~English language learner~~ English learner fund;

12 or

13 (iv) Professional development fund; minus

14

15 SECTION 10. Arkansas Code § 6-20-2303(1), concerning the definition of
16 “Additional education categories” in the Public School Funding Act of 2003,
17 is amended to read as follows:

18 (1) “Additional education categories” means state funds
19 distributed to school districts for alternative learning environments,
20 ~~English language~~ English learners, national school lunch students, and
21 professional development;

22

23 SECTION 11. Arkansas Code § 6-20-2303(7), concerning the definition of
24 “English-language learners” in the Public School Funding Act of 2003, is
25 amended to read as follows:

26 (7) ~~“English language~~ “English learners” means students
27 identified by the state board as not proficient in the English language based
28 upon approved English proficiency assessment instruments administered
29 annually in the ~~fall~~ spring of the current school year, which assessments
30 measure oral, reading, and writing proficiency;

31

32 SECTION 12. Arkansas Code § 6-20-2305(b)(3), concerning school funding
33 provisions in the Public School Funding Act of 2003, is amended to read as
34 follows:

35 (3)(A) For the 2021-2022 school year, funding for students who
36 are identified as ~~English language~~ English learners shall be three hundred

1 fifty-nine dollars (\$359) for each identified ~~English language~~ English
2 learner.

3 (B) Funding for ~~English language~~ English learners shall be
4 distributed to public school districts for students who have been identified
5 as not proficient in the English language based upon a state-approved English
6 proficiency assessment instrument.

7 (C) Funds allocated for ~~English language~~ English learners
8 to public school districts under this subchapter shall be expended only for
9 eligible activities as identified in current rules promulgated by the State
10 Board of Education and are a supplement to funding for national school lunch
11 students provided in subdivision (b)(4) of this section.

12 (D) For the 2022-2023 school year and each school year
13 thereafter, funding for students who are identified as ~~English language~~
14 English learners shall be three hundred sixty-six dollars (\$366) for each
15 identified ~~English language~~ English learner.

16

17 SECTION 13. Arkansas Code § 6-20-2502(1)(A)(i)(b), concerning the
18 calculation of the academic facilities wealth index for the fiscal years 2024
19 and 2025 and each year thereafter, is amended to read as follows:

20 (b) Divide the product from subdivision
21 (1)(A)(i)(a) of this section by the largest average daily membership of ~~a~~ the
22 school district over the previous decade;

23

24 SECTION 14. Arkansas Code § 6-20-2502(1)(A)(iv)(a) and (b), concerning
25 the calculation of the academic facilities wealth index for the 2024 and 2025
26 fiscal years and each year thereafter, is amended to read as follows:

27 (iv) Identify the school district at the ninety-fifth
28 ~~percentile~~ percentage according to the value calculated under subdivision
29 (1)(A)(iii) of this section by:

30 (a) Determining student millage rankings by
31 listing the median income per mill value under subdivision (1)(A)(iii) of
32 this section for each school district from districts with the lowest median
33 income per mill value to school districts with the highest median income per
34 mill value;

35 (b) Allocating the student millage rankings
36 ~~into percentiles with the first percentile containing the one percent (1%) of~~

1 ~~students based on percentages by calculating a cumulative total of the prior~~
2 ~~year average daily membership with the lowest value per mill and the one-~~
3 ~~hundredth percentile containing the one percent (1%) of students with the~~
4 ~~highest value per mill for each school district based on the order~~
5 ~~established in subdivision (1)(A)(iv)(a) of this section and establishing~~
6 ~~each school district's resulting percentage of this cumulative total;~~

7
8 SECTION 15. Arkansas Code § 6-20-2502(1)(B)(iii) and (iv), concerning
9 the calculation of the academic facilities wealth index for the 2024 and 2025
10 fiscal years and each year thereafter, are amended to read as follows:

11 (iii) Allocate the student millage rankings into
12 ~~percentiles with the first percentile containing the one percent (1%) of~~
13 ~~students with the lowest value per mill and the one hundredth percentile~~
14 ~~containing the one percent (1%) of students with the highest value per mill~~
15 ~~percentages by calculating a cumulative total of the greater of either the~~
16 ~~prior year average daily membership or the prior three-year average of the~~
17 ~~school district's average daily membership based on the order established in~~
18 ~~subdivision (1)(B)(ii) of this section, and establishing each school~~
19 ~~district's resulting percentage of this cumulative total;~~

20 (iv) Divide the value of one (1) mill per student in
21 each school district as computed under subdivision (1)(B)(i) of this section
22 by the amount corresponding to the ninety-fifth ~~percentile~~ percentage of the
23 student millage rankings under subdivision (1)(B)(iii) of this section;

24
25 SECTION 16. Arkansas Code § 6-20-2502(3)(A), concerning the definition
26 of "average daily membership", is amended as follows:

27 (3)(A) "Average daily membership" means ~~the total number of days~~
28 ~~of school attended plus the total number of days absent by students in~~
29 ~~kindergarten through grade twelve (K-12) during the first three (3) quarters~~
30 ~~of each school year divided by the number of school days actually taught in~~
31 ~~the school district during that period of time rounded up to the nearest~~
32 ~~hundredth~~ the same as defined at § 6-20-2303(3).

33
34 SECTION 17. Arkansas Code § 6-28-104(2), concerning definitions in the
35 Arkansas Military Child School Transitions Act, is amended to read as
36 follows:

1 (2) "Active duty" means full-time duty status in the active,
2 uniformed services of the United States, including without limitation members
3 of the National Guard and reserve components of the uniformed services on
4 active duty orders under 10 U.S.C. §§ Chapter 1209 and 1210 or 42 U.S.C. §
5 204, as they existed on January 1, 2021;

6
7 SECTION 18. Arkansas Code § 6-45-111 is amended to read as follows:
8 6-45-111. Early childhood program assessments.

9 (a) The Division of Elementary and Secondary Education and the
10 Division of Child Care and Early Childhood Education shall assess each early
11 childhood program in this state that receives state funding under this
12 subchapter based on nationally recognized standards and assessments that may
13 include without limitation the following components:

- 14 (1) Curriculum and learning environment;
- 15 (2) Training and education of staff;
- 16 (3) Adult-to-child ratios;
- 17 (4) Student assessments;
- 18 (5) Health and safety conditions;
- 19 (6) Family ~~involvement~~ engagement; and
- 20 (7) Site visits.

21 (b) The certification under § 6-45-109 of a childcare facility that
22 has an early childhood program is subject to the review of the assessment by
23 ~~the~~ each division.

24 (c) ~~The~~ Each division annually shall provide a summary of the results
25 of assessments conducted under this section concerning the quality of the
26 early childhood programs assessed to the Governor, the Senate Committee on
27 Education, and the House Committee on Education.