

Stricken language would be deleted from and underlined language would be added to present law.
Act 912 of the Regular Session

State of Arkansas
93rd General Assembly
Regular Session, 2021

As Engrossed: S3/29/21 S4/14/21

A Bill

SENATE BILL 564

By: Senators Elliott, *B. Ballinger, Beckham, Caldwell, L. Chesterfield, B. Davis, L. Eads, J. English, Gilmore, J. Hendren, Hester, K. Ingram, Irvin, B. Johnson, G. Leding, G. Stubblefield, J. Sturch, Teague, C. Tucker*
By: Representatives *Vaught, Brown, Cozart, Eubanks, D. Garner, Godfrey, McCullough, Murdock, Speaks*

For An Act To Be Entitled

AN ACT TO CREATE THE ARKANSAS TUTORING CORPS ACT; TO SUPPORT THE IMPLEMENTATION OF A SUSTAINABLE TUTORING PROGRAM IN RESPONSE TO LEARNING LOSS; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE ARKANSAS TUTORING CORPS ACT; TO SUPPORT THE IMPLEMENTATION OF A SUSTAINABLE TUTORING PROGRAM IN RESPONSE TO LEARNING LOSS; AND TO DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code Title 6, Chapter 15, is amended to add an additional subchapter to read as follows:

Subchapter 30 – Arkansas Tutoring Corps Act

6-15-3001. Title.

This subchapter shall be known and may be cited as the "Arkansas Tutoring Corps Act".

6-15-3002. Legislative findings.



The General Assembly finds that:

(1) Data suggests that learning loss suffered as a result of the coronavirus 2019 (COVID-19) pandemic will be substantial, particularly for the state's most vulnerable students, with recent studies showing that these students on average could lose five (5) to nine (9) months of learning by the end of the 2021 school year;

(2) These impacts, if not addressed, could have severe short-term and long-term social and economic implications for Arkansas families and our state as a whole;

(3) While there is an extraordinary, immediate, and widespread need to address learning loss as a result of the coronavirus 2019 (COVID-19) pandemic, there are far too many Arkansas students at risk of falling behind under ordinary circumstances;

(4) Research demonstrates that a strong predictor of higher high school dropout rates is whether or not students have been taught to read at grade level by the end of grade three (3);

(5) Research further shows that another strong predictor of higher high school dropout rates is whether or not students have been taught sufficiently such that they can pass English and math in grades six through nine (6-9);

(6) According to research, one (1) of the most effective interventions to address learning loss, especially in elementary school students, is one-to-one or small group tutoring;

(7) The coordination and implementation of a tutoring program that supports the state's elementary and secondary students aligns with the purpose and mission of the Division of Education Renewal Zones;

(8) Such a tutoring program should address the immediate emergency as well as lay the groundwork for a long-term, sustainable strategy to improve educational outcomes for all students; and

(9) Such a tutoring program would serve as a means by which Arkansas may meet requirements of the Elementary and Secondary School Emergency Relief (ESSER) Grant Program to address learning loss and otherwise serve as a use of funding from the Governor's Emergency Education Relief (GEER) Fund in a manner that immediately helps students and families in greatest need.

6-15-3003. Definitions.

As used in this subchapter:

(1) "Qualified tutor" means a person who meets requirements established by the Division of Elementary and Secondary Education; and

(2) "Qualified tutoring site" means any of the following:

(A) A public school or open-enrollment public charter school located within this state;

(B) An education service cooperative;

(C) An institution of higher education located within this state; or

(D) A community facility that meets the requirements established by the division.

6-15-3004. Development of program.

(a)(1) The Department of Education may develop a program to:

(A) Identify qualified tutors;

(B) Identify a curriculum to support children preparing to enter kindergarten through grade six (K-6) in the content areas of math and reading and ensure that the identified curriculum is aligned with Arkansas academic standards;

(C) Ensure training modules related to the identified curriculum are provided to qualified tutors before the qualified tutors begin tutoring;

(D) Ensure ongoing support is provided to qualified tutors; and

(E) Coordinate with Arkansas public schools and open-enrollment public charter schools to ensure tutoring is offered at qualified tutoring sites or virtually, leveraging existing digital platforms.

(2) The program developed under subdivision (a)(1) of this section shall be designed to deploy qualified tutors in a manner that:

(A) Offers statewide coverage; and

(B) Increases opportunities for students in rural areas.

(b) The Division of Elementary and Secondary Education may:

(1) Develop, in coordination with the Division of Higher Education and Arkansas institutions of higher education, incentive structures such as course credit for participating qualified tutors; and

(2) Develop guidelines for public schools and open-enrollment public charter schools to use funding from the Elementary and Secondary

School Emergency Relief Fund (ESSER Fund) and the American Rescue Plan Act of 2021, Pub. L. No. 117-2, to provide compensation and stipends to qualified tutors serving their students in the near term.

(c) The department shall promulgate rules to implement this section.

SECTION 2. DO NOT CODIFY. Rules.

(a) When adopting the initial rules required under this act, the Department of Education shall file the final rules with the Secretary of State for adoption under § 25-15-204(f):

(1) On or before January 1, 2022; or

(2) If approval under § 10-3-309 has not occurred by January 1, 2022, as soon as practicable after approval under § 10-3-309.

(b) The department shall file the proposed rules with the Legislative Council under § 10-3-309(c) sufficiently in advance of January 1, 2022, so that the Legislative Council may consider the rules for approval before January 1, 2022.

SECTION 3. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the coronavirus 2019 (COVID-19) pandemic has resulted in substantial disruption to the educational system in the state's public schools and open-enrollment public charter schools; that amendments to the law as provided in this act are needed to immediately address challenges faced by Arkansas students in succeeding in school and in life; and that this act is immediately necessary to maintain orderly operation of public schools and open-enrollment public charter schools so that students in this state continue to receive an adequate education. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of 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.

/s/Elliott

APPROVED: 4/26/21