

State of Arkansas  
92nd General Assembly  
Regular Session, 2019

# A Bill

HOUSE BILL 1485

By: Representative Eubanks  
By: Senator J. Sturch

## For An Act To Be Entitled

AN ACT CONCERNING PUBLIC SCHOOL FUNDING; TO AMEND  
PROVISIONS OF THE ARKANSAS CODE WITH RESPECT TO  
PUBLIC SCHOOL FUNDING; AND FOR OTHER PURPOSES.

## Subtitle

TO AMEND PROVISIONS OF THE ARKANSAS CODE  
WITH RESPECT TO PUBLIC SCHOOL FUNDING.

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

SECTION 1. Arkansas Code § 6-20-2305(b)(4)(C), concerning approved programs and purposes for which funds allocated under this section may be expended, is amended to read as follows:

(C)(i)(a) The State Board of Education shall establish by rule a list of approved programs and purposes for which funds allocated under this subdivision (b)(4) may be expended.

(b) School districts shall expend funds allocated under this subdivision (b)(4) ~~only on~~ for the programs or purposes on the State Board of Education's list of approved programs and purposes for which funds allocated under this subdivision (b)(4) may be expended, ~~which shall include, but are not limited to~~ including without limitation:

(1) Classroom teachers, ~~provided that~~ if the school district meets the minimum salary schedule ~~in~~ under § 6-17-2403 without using funds provided under this subdivision (b)(4) and ~~that~~ those teachers are used for the purposes delineated in this subdivision (b)(4);

(2) Before-school academic programs and



after-school academic programs, including without limitation transportation to and from the before-school academic programs and after-school academic programs;

(3) Prekindergarten programs coordinated by the Department of Human Services;

(4) Tutors, teachers' aides, counselors, social workers, nurses, and curriculum specialists;

(5) Parent education;

(6) Summer programs;

(7) Early intervention programs;

(8) Materials, supplies, and equipment, including without limitation technology used ~~in approved programs or for approved purposes~~ for programs or purposes on the State Board of Education's list of approved programs and purposes for which funds allocated under this subdivision (b)(4) may be expended;

(9) Federal child nutrition programs, to the extent necessary to provide school meals without charge to all students under the United States Department of Agriculture Special Assistance Alternative "Provision 2" program under 42 U.S.C. § 1759a, as it existed on July 1, 2011;

(10) Federal child nutrition programs, to the extent necessary to provide school meals without charge to students otherwise eligible for reduced-price meals under the United States Department of Agriculture's National School Lunch Program or School Breakfast Program;

(11) Expenses directly related to funding a longer school day;

(12) Expenses directly related to funding a longer school year;

(13) Partnering with state-supported institutions of higher education and technical institutes to provide concurrent courses or technical education options for academic learning to students while those students are still in high school so that the students are college-ready and career-ready upon graduation from high school;

(14) ~~Teach For America, Inc.,~~ professional Professional development as identified in the school district's support plan required under § 6-15-2914;

(15) Implementing components of the Arkansas Advanced Initiative for Math and Science, Inc.;

(16) The College and Career Coaches Program, as administered by the Department of Career Education under § 6-1-601 et seq.; ~~and~~

(17) Implementing a school-wide evidence-based program intended to close achievement gaps with an arts-infused curriculum;

(18) Dyslexia programs and interventions under § 6-41-601 et seq.; and

(19) Recruiting and retaining effective teachers, if the school district meets the minimum salary schedule under § 6-17-2403 without using funds provided under this subdivision (b)(4), by implementing:

(A)(i) Approaches identified within the school district's support plan required under § 6-15-2914 to address a disproportionate rate of low-income students or minority students being taught by ineffective teachers, teachers who teach out of their licensure content area, or inexperienced teachers, either within the school district or as compared to surrounding school districts, including without limitation strategies:

(a) For reassignment;

(b) For differentiated

pay plans to address identified shortage areas; and

(c) For addressing

teacher recruitment and retention, as recommended by the Department of Education, including without limitation models for:

(1) Effective

use of teacher leaders;

(2) Cultural

responsiveness training; and

(3) Equity

audits.

(ii) A school district's support plan under this subdivision (b)(4)(C)(i)(b)(19)(A) shall include without limitation how the school district identified gaps in equitable

access to effective teachers through a review of school district and school-level data, student growth data, a root-cause analysis, research of the strategies used to address the identified gaps, and the measures of the effectiveness of the strategies used, including without limitation student growth data; and

(B) Levels of differentiated compensation that increase classroom teacher salaries based on a tiered system of licensure established by the State Board of Education under § 6-17-402.

~~(ii) School districts that have met the needs of students for whom the funding is provided for additional educational categories under this subsection and that have excess national school lunch student categorical funds provided under this subdivision (b)(4) may use the excess national school lunch student categorical funds to supplement all classroom teacher salaries under the following conditions:~~

~~(a) The school district shall not use any portion of the national school lunch student categorical funds that are carry forward or reserve funds to supplement classroom teacher salaries;~~

~~(b) The school district shall meet the minimum teacher salary schedule under § 6-17-2403 without using national school lunch student categorical funds;~~

~~(c) The school district shall comply with the Standards for Accreditation of Arkansas Public Schools and School Districts established under The Quality Education Act of 2003, § 6-15-201 et seq., and the Arkansas Fiscal Assessment and Accountability Program under § 6-20-1901 et seq. without using national school lunch student categorical funds; and~~

~~(d) The school district shall agree that it shall not allocate or use any excess national school lunch student categorical funds in any manner except as a bonus to the salary of classroom teachers.~~

~~(iii) The school district shall include with its comprehensive school improvement plan a written detailed statement concerning how the school district will use its excess national school lunch categorical funds each school year and explaining in detail the amount of funds and percent of total funds to be used to supplement all classroom teacher salaries as allowed in subdivision (b)(4)(C)(ii) of this section.~~

~~(iv)(a)(ii)~~ Upon review of the school district's school level improvement support plan required under § 6-15-2914, if the Commissioner of Education determines that the school district has met the needs of students in the school district for whom the funding for additional educational categories under this subsection is provided, ~~has met the requirements of subdivisions (b)(4)(C)(ii) and (iii) of this section,~~ and has prudently managed its resources, the commissioner shall give written approval of the detailed planned flexible use of excess national school lunch ~~student~~ state categorical funds provided to the school district for up to two (2) years.

~~(b) The school district shall not use its excess national school lunch categorical funds for classroom teacher salaries as provided in subdivision (b)(4)(C)(ii) of this section unless:~~

~~(1) The commissioner provides the written approval required under subdivision (b)(4)(C)(iv)(a) of this section; and~~

~~(2) Funds allocated under this subdivision (b)(4) are available.~~

~~(v) The excess national school lunch student categorical funds used to supplement the salary of a classroom teacher shall only be used as a nonrecurring bonus to a classroom teacher's salary for any given school year and shall not be considered a permanent obligation under the school district's teacher salary schedule or as contract obligations of any classroom teacher or employee of the school district.~~

~~(vi)(iii)~~ Notwithstanding any other provision of law, if the Department of Education determines that a school district's expenditure of funds allocated under this subdivision (b)(4) would result in the school district's losing funding under any federal law, then the funds allocated to a school district under this subdivision (b)(4) may be expended for other academic programs or salaries.

~~(vii)(iv)~~ The Department of Education may direct that a school district expend available funds on specified programs under subdivision (b)(4)(C)(i) of this section.

~~(viii)(v)(a)~~ By September 15 of each school year, a school district shall submit to the Department of Education a report for the immediately preceding school year listing each program ~~upon~~ for which funds

allocated under this subdivision (b)(4) were expended, the amount expended, and any other information required by the Department of Education ~~on~~ concerning the use of funds allocated under this subdivision (b)(4).

(b) The Department of Education shall develop appropriate reporting forms for use by school districts to comply with subdivision ~~(b)(4)(C)(viii)(a)~~ (b)(4)(C)(v)(a) of this section.

~~(ix) Beginning with the 2007-2008 school year and each school year thereafter, any school district that used or applied restricted national school lunch student categorical funds as a supplement for salaries of classroom teachers in a school district during the 2006-2007 school year under subdivision (b)(4)(C)(i)(b) of this section shall either:~~

~~(a) Remove the use of all national school lunch student categorical funds immediately as a supplement to classroom teacher salaries; or~~

~~(b) Begin the process of removing the use or application of national school lunch student categorical funds as part of an obligated salary schedule in the following manner:~~

~~(1) A school district shall reduce each current school year by twenty percent (20%) the amount of national school lunch student categorical funds received and used in the prior school year by the school district as a supplement to classroom teacher salaries and shall continue this reduction in the application of national school lunch student categorical funds as a supplement to classroom teacher salaries until the school district has no more than twenty percent (20%) of the total of any current year of all national school lunch student categorical funds received by a school district applied and used as a supplement to classroom teacher salaries for a current school year;~~

~~(2) No school district shall be allowed to use or consider reserve or carry forward national school lunch student categorical funds as a supplement to classroom teacher salaries;~~

~~(3) The school district shall meet the minimum teacher salary schedule under § 6-17-2403 without using national school lunch student categorical funds;~~

~~(4) The school district shall comply with the Standards for Accreditation of Arkansas Public Schools and School Districts established under The Quality Education Act of 2003, § 6-15-201 et~~

~~seq., without using national school lunch categorical funds;~~

~~(5) The school district shall include with its school-level improvement plan a written detailed narrative or plan concerning how the school district will use its excess national school lunch categorical funds each school year and explaining in detail the amount of funds and percent of total funds to be used to supplement all classroom teacher salaries as allowed in this subdivision (b)(4)(C)(ix);~~

~~(6) Upon review of the school district's school-level improvement plan, if the commissioner determines that the school district has met or is meeting the needs of students in the school district for whom the funding for additional educational categories under this subdivision (b)(4)(C)(ix) is provided, and has prudently managed its resources, the commissioner shall give written approval of the detailed planned flexible use of excess national school lunch student categorical funds provided to the school district; and~~

~~(7) Upon review of the school district's school-level improvement plan and other indicators, if the commissioner determines that a school district has not met the needs of students that may be served with national school lunch student categorical funds, the commissioner may require that any and all national school lunch categorical funds dedicated for use or application in the teachers' salary fund shall be removed from and not used to meet the classroom teacher salary obligation and redirected and applied to meet the needs of students in a school district.~~

~~(x)(vi)~~ Each school district shall submit to the Department of Education a report listing each program and purpose upon which funds allocated under this subdivision (b)(4) were expended, the amount expended, and any other information required by the Department of Education concerning the receipt and use of funds allocated under this subdivision (b)(4).

~~(xi) No provision of subdivision (b)(4)(C)(ix) of this section shall be deemed to prohibit a school district from participating in the provisions of subdivisions (b)(4)(C)(ii)-(viii) of this section.~~

~~(xii)(vii)~~ The Department of Education shall promulgate rules and develop appropriate reporting forms for use by school districts to comply with this subdivision (b)(4)(C).