

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

State of Arkansas
92nd General Assembly
Regular Session, 2019

As Engrossed: H3/19/19
A Bill

HOUSE BILL 1726

By: Representative Lowery

For An Act To Be Entitled

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

Subtitle

TO CREATE THE SAFE AND SOUND SCHOLARSHIP
PROGRAM.

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

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

Subchapter 20 – Safe and Sound Scholarship Program

6-18-2001. Title and purpose.

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

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

6-18-2002. Definitions.

As used in this subchapter:

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



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

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

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

6-18-2003. Eligibility.

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

- (A) Battery;
- (B) Harassment;
- (C) Hazing;
- (D) Bullying;
- (E) Kidnapping
- (F) Physical attack;
- (G) Robbery;
- (H) Sexual offenses;
- (I) Assault;
- (J) Threats or intimidation; or
- (K) Fighting at school.

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

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

6-18-2004. Term.

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

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

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

6-18-2005. Public school obligations.

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

- (A) Parent of the student who reported the incident;
- (B) Parent of the alleged offender; and
- (C) Superintendent of the public school district.

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

- (A) Parent of the student who reported the incident;
- (B) Parent of the alleged offender; and
- (C) Superintendent of the public school district.

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

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

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

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

- (1) Either:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6-18-2007. Department of Education obligations.

(a) The Department of Education shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6-18-2008. Parent and student obligations.

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

(b) A parent under this subchapter shall:

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

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

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

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

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

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

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

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

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

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

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

the responsibilities under this section.

6-18-2009. Scholarship payments – Funding.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Debit cards;

(b) Electronic payment cards; or

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

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

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

(f) The department shall:

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

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

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

6-18-2010. Rules and duties.

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

(b) The department shall not:

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

private school and a student's parent.

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

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

/s/Lowery