

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

State of Arkansas  
93rd General Assembly  
Regular Session, 2021

As Engrossed: S1/25/21 S1/26/21

# A Bill

SENATE BILL 142

By: Senators K. Ingram, Elliott, L. Chesterfield, L. Eads, J. Sturch

By: Representatives Cozart, Beck, Bragg, Bryant, Deffenbaugh, Evans, D. Ferguson, C. Fite, Holcomb, Hollowell, McGrew, McNair, Milligan, Nicks, Rye, S. Smith, Tollett, Vaught, Watson, Wing, Wooten, D. Garner

## For An Act To Be Entitled

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

## Subtitle

CONCERNING FUNDING BASED ON THE AVERAGE DAILY MEMBERSHIP OF A SCHOOL DISTRICT OR OPEN-ENROLLMENT PUBLIC CHARTER SCHOOL; AND TO DECLARE AN EMERGENCY.

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

SECTION 1. TEMPORARY LANGUAGE. DO NOT CODIFY. Legislative findings.

It is found by the General Assembly that:

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

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



(A) Fluctuating numbers of students attending in-person or virtual instruction;

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

(C) A number of students who are missing.

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

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

(i) Declining enrollment funding equal to:

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

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

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

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 a substantial disruption to the traditional educational environment and system in the state's kindergarten through grade twelve (K-12) public schools and open-enrollment public charter schools; that amendments to the law as provided in this act are needed to immediately address funding shortages and other issues that public schools and open-enrollment public charter schools may face as a result of the substantial disruption caused by the coronavirus 2019 (COVID-19) pandemic; and that this

act is immediately necessary to maintain the 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 the 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/K. Ingram*