

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: S3/11/21  
**A Bill**

SENATE BILL 349

By: Senators A. Clark, J. English, M. Johnson

By: Representatives Brooks, Lowery

### **For An Act To Be Entitled**

AN ACT CONCERNING PRACTICES, INTERVENTIONS, AND CURRICULUM THAT ARE BASED ON THE SCIENCE OF READING; TO ADJUST FUNDING FOR PUBLIC SCHOOLS THAT OFFER CERTAIN TYPES OF READING PRACTICES, INTERVENTIONS, AND CURRICULUM THAT ARE NOT ALIGNED WITH THE SCIENCE OF READING; TO CREATE THE EDUCATION OMBUDSMAN WITHIN THE DIVISION OF ELEMENTARY AND SECONDARY EDUCATION; AND FOR OTHER PURPOSES.

### **Subtitle**

TO ADJUST FUNDING FOR PUBLIC SCHOOLS THAT OFFER CERTAIN TYPES OF READING PRACTICES, INTERVENTIONS, AND CURRICULUM NOT ALIGNED WITH THE SCIENCE OF READING; AND TO CREATE THE EDUCATION OMBUDSMAN.

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

SECTION 1. Arkansas Code § 6-17-429(i), concerning violating provisions of the Right to Read Act, is amended to add an additional subdivision to read as follows:

(3)(A) A public school district or an open-enrollment public charter school shall not use a program of instruction for students in kindergarten through grade two (K-2) that is based in any practice or intervention program that utilizes:

(i) The three-cueing system model of reading;



(ii) Visual memory as the primary basis for teaching word recognition; or

(iii) The three-cueing system model of reading based on meaning, structure and syntax, and visual, which is also known as "MSV".

(B)(i) Beginning with the 2023-2024 school year, if the state board determines that a public school district or an open-enrollment public charter school has violated subdivision (i)(3)(A) of this section, the state board shall notify the public school district or the open-enrollment public charter school of its violation.

(ii)(a) If a public school district or an open-enrollment public charter school fails to remedy its violation under subdivision (i)(3)(A) of this section within sixty (60) days of notification of its failure to comply with subdivision (i)(3)(A) of this section, the state board shall direct the division to withhold a maximum of ten percent (10%) of the monthly distribution of state foundation funding aid to the public school district or open-enrollment public charter school as provided under § 6-20-2305(a)(1)(B).

(b) Once the state board determines that a public school district or open-enrollment public charter school has complied with this section, the division shall restore the monthly distribution of state foundation funding aid to the public school district or open-enrollment public charter school to its original amount before the reduction was made under subdivision (i)(3)(B)(ii)(a) of this section.

*SECTION 2. Arkansas Code § 6-17-429, concerning the Right to Read Act, is amended to add an additional subsection to read as follows:*

(1)(1) The Secretary of the Department of Education shall hire an Education Ombudsman to assist the division in the enforcement of this section, including without limitation enforcing the requirements for:

(A) Demonstrating proficiency;

(B) Providing professional development; and

(C) Using a permitted program of instruction.

(2) The secretary may designate additional requirements related to public education, including without limitation the enforcement of literacy requirements.

(3) The secretary shall supervise the Education Ombudsman and

shall not delegate supervision to an employee of the division.

(4)(A) The minimum qualifications for the Education Ombudsman shall include a master's degree in:

(i) Education; or

(ii) A related field.

(B) An individual who has served as a past public school district superintendent or who serves as a current public school district superintendent is not eligible to serve as the Education Ombudsman under this section.

(5) The Education Ombudsman may:

(A) Communicate with:

(i) A public school student, with permission from a parent, legal guardian, or person standing in loco parentis of the public school student;

(ii) A parent, legal guardian, or person standing in loco parentis of a public school student; and

(iii) Administration, faculty, and staff employed by a public school district or open-enrollment public charter school;

(B) Review an issue or concern related to the education of a public school student enrolled in a public school or open-enrollment public charter school;

(C) Recommend training and resources to a public school, public school district, or open-enrollment public charter school; and

(D) Request support and assistance from the division to be provided to a public school, public school district, or open-enrollment public charter school.

(6)(A) The Education Ombudsman shall prepare and submit an annual report to the state board concerning the work of the Education Ombudsman and any recommendations related to the focus areas of the Education Ombudsman.

(B) The report required under subdivision (1)(6)(A) of this section shall be submitted every two (2) years to the:

(i) House Committee on Education; and

(ii) Senate Committee on Education.

*/s/A. Clark*