

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

State of Arkansas  
93rd General Assembly  
First Extraordinary Session, 2021

# A Bill

Call Item 1  
SENATE BILL 2

By: Senators A. Clark, Beckham, Hester, Irvin

## For An Act To Be Entitled

AN ACT TO ESTABLISH THE EMERGENCY PANDEMIC CHILD AND FAMILY PROTECTION LOCAL CONTROL AND CHOICE IN EDUCATION ACT; AND FOR OTHER PURPOSES.

### Subtitle

TO ESTABLISH THE EMERGENCY PANDEMIC CHILD AND FAMILY PROTECTION LOCAL CONTROL AND CHOICE IN EDUCATION ACT.

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

SECTION 1. Arkansas Code Title 6, Chapter 13, Subchapter 1, is amended to add an additional section to read as follows:

6-13-114. Emergency Pandemic Child and Family Protection Local Control and Choice in Education Act.

(a) As used in this section:

(1) "Extracurricular activity" means an intraschool activity not included in a regular curriculum, including without limitation sports and special interest clubs or groups;

(2) "Funding" means the lesser of the amount of money specified by the General Assembly for each school year to be expended by a public school district for the provision of an adequate education for each public school student or the amount of tuition, fees, and costs required for a student to attend a private school, home school or virtual school;

(3) "Interscholastic activity" means an interschool activity not included in a regular curriculum, including without limitation sports and special interest clubs or groups that are subject to regulations of the



Arkansas Activities Association; and

(4) "Pandemic emergency" means any period during which the Centers for Disease Control and Prevention or the Department of Health recommends the wearing of face masks, face shields, or face coverings in schools.

(b) During a pandemic emergency, each local school district board of directors shall establish a policy concerning quarantine requirements and whether or not to impose a mandate in the school district's schools regarding the use of face masks, face shields, or other face coverings.

(c)(1) Based on the policy established by a student's assigned public school or public school district under subsection (b) of this section, upon the request of a parent, legal guardian, person standing in loco parentis, or student if the student is over eighteen (18) years of age, a student may transfer from his or her assigned public school district to:

(A) An alternate public school district or open-enrollment public charter school;

(B) A private school;

(C) A home school; or

(D) A virtual school offered within the State of Arkansas.

(2) Except as provided in subsection (d) of this section, a transfer under subdivision (c)(1) of this section:

(A) May, upon the choice of the parent, legal guardian, person standing in loco parentis, or student if the student is over eighteen (18) years of age, operate as an irrevocable election for each subsequent entire school year and remain in force until the student completes high school or the parent, legal guardian, person standing in loco parentis, or student if the student is over eighteen (18) years of age timely makes application under a provision of law governing attendance in or transfer to another public school district other than the student's assigned public school district; and

(B) Shall take effect immediately upon the notification of application by a parent, legal guardian, person standing in loco parentis, or student if the student is over eighteen (18) years of age to the alternate public school district or open-enrollment public charter school, private school, home school, or virtual school.

(d)(1) A school to which a student intends to transfer under

subdivision (c)(1)(A) of this section shall not deny the student the ability to attend the school under this section unless there is a limitation as described in subdivision (d)(2) of this section at the school to which the student seeks to transfer.

(2) A limitation may be claimed by a school to which a student intends to transfer under subdivision (c)(1)(A) of this section only if the:

(A)(i) School to which a student intends to transfer has reached the maximum student-to-teacher ratio allowed under federal law, state law, the Standards of Accreditation of Arkansas Public Schools and School Districts, state rules, or other applicable federal regulations.

(ii) A public school district may accept the application of a student transferring to the public school district under this section even if enrolling the student would cause the public school district to exceed the numerical net maximum limit on school choice transfers under § 6-18-1906.

(iii)(a) An open-enrollment public charter school may accept the application of a student transferring to the open-enrollment public charter school under this section even if enrolling the student would cause the open-enrollment public charter school to exceed the number of students specified in its charter.

(b) Subject to any limitations stated in this section, a student who transfers to an open-enrollment public charter school shall be allowed to continue attending the open-enrollment public charter school regardless of whether the student's enrollment causes the open-enrollment public charter school to exceed the number of students specified in its charter;

(B) Student who intends to transfer under this section has previously been expelled from a public school district, open-enrollment public charter school, or private school; or

(C) School to which a student intends to transfer would require additional building structures in order to accommodate the transferring student.

(e)(1) For purposes of determining a public school district's foundation funding amount under § 6-20-2305, a nonresident student who transfers to an alternate public school district or open-enrollment public charter school under subdivision (c)(1)(A) of this section shall be counted

as part of the average daily membership of the public school district to which the student has transferred.

(2)(A) The funding associated with a student who transfers to a private school, home school, or virtual school under subdivisions (c)(1)(B)-(D) of this section shall follow the student to the private school, home school, or virtual school as applicable.

(B)(i) For a student transferring to an alternate public school district or open-enrollment public charter school, private school, or virtual school, funding shall be disbursed to the alternate public school district or open-enrollment public charter school, private school, or virtual school.

(ii) For a student transferring to home school, funding shall be disbursed to the parent, legal guardian, person standing in loco parentis, or student if the student is over eighteen (18) years of age.

(f) Funding received by a nonpublic school under this section shall be used for only the following expenses of the student:

(1) Tuition, fees, and the cost of required uniforms for the nonpublic school;

(2) Textbooks required by a nonpublic school;

(3) Tutoring services provided by a:

(A) Teacher who is licensed by the State Board of Education;

(B) Person qualified to be a substitute teacher under § 6-15-1004 and the rules of the state board;

(C) Person who has at least one (1) semester of teaching experience at an institution of higher education; or

(D) Tutoring facility with a license to operate in this state;

(4) Specific course materials, including without limitation any required supplemental materials;

(5) Fees for:

(A) Nationally standardized assessments, including without limitation assessments required by the state board of all public students and nationally recognized norm-referenced examinations;

(B) Advanced Placement exams;

(C) College placement examinations, including without

limitation the ACT and the SAT;

(D) Industry certification examinations; or

(E) Other assessments necessary to complete an eligible student's course of study;

(6) Fees for specialized after-school or summer education programs whose primary purpose is to provide academic instruction;

(7)(A) Services that are provided by a public school district or an open-enrollment public charter school, including without limitation academic courses, nonacademic programs, and extracurricular programs.

(B) A public school district or an open-enrollment public charter school that provides services to a student who transferred to a nonpublic school under this section is entitled to receive an amount that is not more than one-sixth (1/6) of the state foundation funding amount that would be received by the public school district or open-enrollment public charter school under § 6-20-2305(a)(2) for each academic course in which the student is enrolled as described in § 6-18-232;

(8) Tuition and fees at an in-state or out-of-state institution of higher education if the student is enrolled both in high school and an academic course at an in-state or out-of-state institution of higher education;

(9) Textbooks and materials related to coursework at an institution of higher education if an student is enrolled in an academic course at an in-state or out-of-state institution of higher education;

(10) Specialized services that are necessary to facilitate a student's education, including without limitation:

(A) Applied behavior analysis as defined in § 23-99-418;

(B) Audiology as defined in § 17-100-103;

(C) Dyslexia support;

(D) Occupational therapy as defined in § 17-88-102;

(E) Physical therapy as defined in § 17-93-102;

(F) Speech-language pathology as defined in § 17-100-103;

and

(G) Other services approved by the Division of Elementary and Secondary Education; and

(11)(A) Transportation required for travel to and from a nonpublic school.

(B) Expenses related to transportation under subdivision (f)(11)(A) of this section shall not exceed ten percent (10%) of the funding provided for the student for that academic year.

(g) Funding received by a public school under this section shall be used only for the following expenses:

(1) Public school technology enhancements, including without limitation:

(A) Wireless access points;

(B) Installation of cabling;

(C) Wireless internet hot spots that are available for check out;

(D) Laptop computers; and

(E) Tablet computers;

(2) Building upgrades and repairs for:

(A) Heating, ventilation, and air conditioning upgrades and repairs; and

(B) Roof repairs;

(3) Resources for Response to Intervention (RTI);

(4) Remote learning intervention platform technology;

(5) Social and emotional well-being programming for public school students and parents of public school students;

(6) Parent support centers for parents of public school students who are economically disadvantaged;

(7) Parent support centers for parents of public school students with intellectual or developmental disabilities;

(8) Professional development training for public school staff specific to diverse public school student populations;

(9) Professional development training for public school staff specific to economically disadvantaged public school student populations;

(10) Sensory rooms and equipment for indoor and outdoor special education services manipulatives that public school students use for hands-on problem-solving;

(11) Funding for economically disadvantaged public school student populations, including without limitation funding for:

(A) Personal care items;

(B) Clothing; and

(C) Food;

(12) After-hours training resources for parents of public school students, including without limitation resources for training in:

(A) Basic technology and computer literacy; and

(B) Math and reading literacy; and

(13) Resources, materials, and equipment for workforce and skills training courses.

(h) A student who transfers to an alternate public school district or open-enrollment public charter school, private school, home school, or virtual school under subsection (c) of this section shall be eligible to participate in extracurricular activities and interscholastic activities immediately upon his or her transfer to an alternate public school district or open-enrollment public charter school, private school, home school, or virtual school.