

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

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

HOUSE BILL 1688

By: Representative Evans
By: Senator J. English

For An Act To Be Entitled

AN ACT TO AMEND VARIOUS PROVISIONS OF THE ARKANSAS
CODE CONCERNING PUBLIC SCHOOL FUNDING AMOUNTS; TO
DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND VARIOUS PROVISIONS OF THE
ARKANSAS CODE CONCERNING PUBLIC SCHOOL
FUNDING AMOUNTS; AND TO DECLARE AN
EMERGENCY.

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

SECTION 1. Arkansas Code § 6-17-1117(a) and (b), concerning the health insurance contribution rate paid by a school district and the amount paid by the Division of Elementary and Secondary Education to the Employee Benefits Division, are amended to read as follows:

(a)(1) Beginning January 1, 2023, a school district shall pay each month for each eligible employee electing to participate in the public school employees' health insurance program the health insurance contribution rate ~~established by the~~ enacted by the General Assembly.

(2) The House Committee on Education and the Senate Committee on Education through the biennial adequacy review process required by § 10-3-2102 ~~each month for each eligible employee electing to participate in the public school employees' health insurance program~~ shall provide a health contribution rate recommendation to the General Assembly.

(b)(1)(A) The Division of Elementary and Secondary Education shall



pay the Employee Benefits Division the amount ~~established~~ enacted by the General Assembly.

(B) The amount provided for under subdivision (b)(1)(A) of this section shall take into consideration the recommendation of the House Committee on Education and the Senate Committee on Education through the biennial adequacy review process required by § 10-3-2102, which may be factored according to the medical component of the Consumer Price Index for All Urban Consumers, for each eligible employee electing to participate in the public school employees' health insurance program administered by the State Board of Finance.

(2) The funds provided to the Employee Benefits Division under this subsection shall be administered by the board for the benefit of the employee participants of the public school employees' health insurance program.

(3)(A) In the event that appropriation or funding is not provided, the Division of Elementary and Secondary Education shall not be responsible for the increased payments for the public school employees' health insurance program as established by this section.

(B) If funding and appropriation are provided but are inadequate for the total number of employees electing to participate in the public school employees' health insurance program, the Division of Elementary and Secondary Education shall pay a proportional share on behalf of each participant.

(C) If funding and appropriation are provided and exceed the amount needed to make the minimum contribution under subdivision (b)(1) of this section, the Division of Elementary and Secondary Education shall pay a proportional share of the excess on behalf of each participant.

SECTION 2. Arkansas Code § 6-20-2305(a)(2), concerning per-student foundation funding amounts, is amended to read as follows:

(2)(A) For the ~~2021-2022~~ 2023-2024 school year, the foundation funding amount is equal to ~~seven thousand one hundred eighty two dollars (\$7,182)~~ seven thousand six hundred eighteen dollars (\$7,618) multiplied by the school district's average daily membership for the previous school year.

(B) For the ~~2022-2023~~ 2024-2025 school year and each school year thereafter, the foundation funding amount is equal to ~~seven~~

~~thousand four hundred thirteen dollars (\$7,413)~~ seven thousand seven hundred seventy-one dollars (\$7,771) multiplied by the school district's average daily membership for the previous school year.

SECTION 3. Arkansas Code § 6-20-2305(b)(2)(A), concerning per-student categorical funding amounts for alternative learning environments, is amended to read as follows:

(2)(A)(i) For the ~~2021-2022~~ 2023-2024 school year, alternative learning environment funding shall be ~~four thousand seven hundred ninety-four dollars (\$4,794)~~ four thousand nine hundred eighty-seven (\$4,987) multiplied by the number of identified alternative learning environment students enrolled during the previous school year.

(ii) For the ~~2022-2023~~ 2024-2025 school year, alternative learning environment funding shall be ~~four thousand eight hundred ninety dollars (\$4,890)~~ five thousand eighty-six dollars (\$5,086) multiplied by the number of identified alternative learning environment students enrolled during the previous school year.

(iii) Funding for students in alternative learning environments shall be distributed based on rules promulgated by the State Board of Education.

SECTION 4. Arkansas Code § 6-20-2305(b)(3), concerning per-student state categorical funding amounts for English-language learners, is amended to read as follows:

(3)(A) For the ~~2021-2022~~ 2023-2024 school year, funding for students who are identified as English-language learners shall be ~~three hundred fifty-nine dollars (\$359)~~ three hundred sixty-six (\$366) for each identified English-language learner.

(B) Funding for English-language learners shall be distributed to public school districts for students who have been identified as not proficient in the English language based upon a state-approved English proficiency assessment instrument.

(C) Funds allocated for English-language learners to public school districts under this subchapter shall be expended only for eligible activities as identified in current rules promulgated by the State Board of Education and are a supplement to funding for national school lunch

students provided in subdivision (b)(4) of this section.

(D) For the ~~2022-2023~~ 2024-2025 school year and each school year thereafter, funding for students who are identified as English-language learners shall be three hundred sixty-six dollars (\$366) for each identified English-language learner.

SECTION 5. Arkansas Code § 6-20-2305(b)(4)(A), concerning per-student Enhanced Student Achievement Funding, is amended to read as follows:

(4)(A) Enhanced Student Achievement Funding for each identified national school lunch student shall be as follows:

(i) For a public school district in which ninety percent (90%) or more of the previous school year's enrolled students are national school lunch students, the amount of per-student Enhanced Student Achievement Funding for the ~~2021-2022~~ 2023-2024 school year is ~~one thousand five hundred ninety-four dollars (\$1,594)~~ one thousand six hundred thirteen (\$1,613) and for the ~~2022-2023~~ 2024-2025 school year is one thousand six hundred thirteen dollars (\$1,613);

(ii) For a public school district in which at least seventy percent (70%) but less than ninety percent (90%) of the previous school year's enrolled students are national school lunch students, the amount of per-student Enhanced Student Achievement Funding for the ~~2021-2022~~ 2023-2024 school year is ~~one thousand sixty-three dollars (\$1,063)~~ one thousand seventy-six dollars (\$1,076) and for the ~~2022-2023~~ 2024-2025 school year is one thousand seventy-six dollars (\$1,076); and

(iii) For a public school district in which less than seventy percent (70%) of the previous school year's enrolled students are national school lunch students, the amount of per-student Enhanced Student Achievement Funding for the ~~2021-2022~~ 2023-2024 school year is ~~five hundred thirty-two dollars (\$532)~~ five hundred thirty-eight dollars (\$538) and for the ~~2022-2023~~ 2024-2025 school year is five hundred thirty-eight dollars (\$538).

SECTION 6. Arkansas Code § 6-20-2305(b)(5), concerning per-student state categorical funding amounts for professional development, is amended to read as follows:

(5)(A) For each school year, professional development funding

shall be equal to an amount of up to ~~forty dollars and eighty cents (\$40.80)~~ forty-one dollars (\$41.00) multiplied by the school district's previous school year average daily membership.

(B) Funding for professional development for teachers in Arkansas public schools required under the Teacher Excellence and Support System, § 6-17-2801 et seq., other law or rule, or by the school district shall be used for professional development activities and materials that:

(i) Improve the knowledge, skills, and effectiveness of teachers;

(ii) Address the knowledge and skills of administrators and paraprofessionals concerning effective instructional strategies, methods, and skills;

(iii) Lead to improved student academic achievement; and

(iv) Provide training for school bus drivers as outlined in rules promulgated by the Commission for Arkansas Public School Academic Facilities and Transportation.

(C)(i) For the ~~2021-2022 school year, additional funding up to fourteen million five hundred thousand dollars (\$14,500,000) and for the 2022-2023~~ 2023-2024 school year and each school year thereafter, additional funding up to sixteen million five hundred thousand dollars (\$16,500,000), provided for professional development above the amount in subdivision (b)(5)(A) of this section shall be used by the Division of Elementary and Secondary Education for the development and administration of professional learning communities for the benefit of public school districts.

(ii)(a) The Division of Elementary and Secondary Education shall promulgate rules to administer the additional professional development funding under subdivision (b)(5)(C)(i) of this section.

(b) The Division of Elementary and Secondary Education may partner with or choose a person, firm, corporation, or education service cooperative to provide the knowledge, skills, experience, and expertise for the development of a research-based process for the implementation of professional learning communities.

SECTION 7. Arkansas Code § 6-20-2305(b)(6)(A), concerning per-student state categorical funding amounts for teacher salary equalization funding, is

amended to read as follows:

(6)(A)(i) Beginning with the 2021-2022 school year, for school districts identified by the Division of Elementary and Secondary Education as having an average annual teacher salary below the statewide target average annual salary, teacher salary equalization funding shall be equal to one hundred eighty-five dollars (\$185) multiplied by the average daily membership of the school district for the previous school year.

(ii) For the ~~2021-2022~~ 2023-2024 and ~~2022-2023~~ 2024-2025 school years, the statewide target average annual salary shall be fifty-one thousand eight hundred twenty-two dollars (\$51,822).

(iii) The House Committee on Education and the Senate Committee on Education shall set jointly the statewide target average annual salary for the ~~2023-2024~~ 2025-2026 and ~~2024-2025~~ 2026-2027 school years, and each biennium thereafter, as part of the adequacy review process required under § 10-3-2102.

SECTION 8. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that funding for public schools is the obligation of the state; that ensuring that adequate funding is provided is the duty of the General Assembly; and that this act is immediately necessary to ensure that funding is provided for the 2023-2024 and 2024-2025 school years so that school districts can budget accordingly. 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.