

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

SENATE BILL 573

By: Senator J. English
By: Representative Cozart

For An Act To Be Entitled

AN ACT TO AMEND VARIOUS PROVISIONS OF THE ARKANSAS
CODE CONCERNING PUBLIC EDUCATION; AND FOR OTHER
PURPOSES.

Subtitle

TO AMEND VARIOUS PROVISIONS OF THE
ARKANSAS CODE CONCERNING PUBLIC
EDUCATION.

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

SECTION 1. Arkansas Code § 6-4-302, Article II(A), concerning the Interstate Compact on Educational Opportunity for Military Children, is amended to read as follows:

A. "Active duty" means: full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. ~~Section~~ Chapter 1209 and 1211.

SECTION 2. Arkansas Code § 6-4-302, Article III(A)(1), concerning the applicability of the Interstate Compact on Educational Opportunity for Military Children, is amended to read as follows:

1. active duty members of the uniformed services as defined in this compact, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. ~~Section~~ Chapter 1209 and 1211;



SECTION 3. Arkansas Code § 6-15-2701(c)(2)(B), concerning evaluation under the closing achievement gap program, is amended to read as follows:

(B) Using improvement targets to define professional development needs related to content, instruction, differentiation, and best practices in educating special education students, gifted and talented students, English language learners, and other student subgroups as needed;

SECTION 4. Arkansas Code § 6-15-2903(6), concerning definitions in the Arkansas Educational Support and Accountability Act, is amended to read as follows:

(6) “English learner” means an individual whose native language is a language other than English or who comes from an environment where a language other than English has had a significant impact on the individual’s level of English language proficiency, and is not considered proficient in English as measured by an approved English language proficiency assessment;

SECTION 5. Arkansas Code § 6-18-2004(b)(2)(G), concerning the School Counseling Improvement Act of 2019, is amended to read as follows:

(G) Serving as a contributing member of decision-making teams, which include without limitation:

(i) Teams that are convened under Section 504 of the Rehabilitation Act of 1973, Pub. L. No. 93-112;

(ii) Response-to-intervention teams;

(iii) English language learner programs;

(iv) Parental involvement or family engagement programs;

(v) Positive behavioral intervention support programs; and

(vi) Advanced placement and gifted and talented programs.

SECTION 6. Arkansas Code § 6-18-2004(c)(2), concerning the School Counseling Improvement Act of 2019, is amended to read as follows:

(2) Administrative activities provided by a school counselor in

collaboration with other school personnel include without limitation:

(A) Coordinating state assessments, cognitive achievement assessments, advanced placement programs, and ~~language acquisition~~ English language proficiency testing programs;

(B) Developing master schedules;

(C) Coordinating of:

(i) Teams convened under Section 504 of the Rehabilitation Act of 1973, Pub. L. No. 93-112;

(ii) Response-to-intervention teams;

(iii) English ~~language~~ learner programs;

(iv) Parental involvement or family engagement programs;

(v) Positive behavioral intervention support programs;

(vi) Data entry; and

(vii) Advanced placement and gifted and talented programs; and

(D) Monitoring students in common areas such as the cafeteria, hallway, playground, and bus lines.

SECTION 7. Arkansas Code § 6-19-107(a)(1), concerning school bus driver applicants, is amended to read as follows:

6-19-107. Bus drivers – Application for employment – Driving records.

(a)(1) An applicant for employment as a school bus driver shall submit an application ~~prescribed by the Division of Public School Academic Facilities and Transportation~~ to the school district in which he or she seeks employment.

SECTION 8. Arkansas Code § 6-20-2210(a)(2)(B), concerning the definition of “net legal balance” under the Arkansas Educational Financial Accounting and Reporting Act of 2004, is amended to read as follows:

(B) Combined balance for the following funds for a public school district’s categorical funding:

(i) National school lunch fund;

(ii) Alternative learning environment fund;

(iii) ~~English language learner~~ English learner fund;

and

(iv) Professional development fund; minus

SECTION 9. Arkansas Code § 6-20-2210(a)(3)(B), concerning the definition of “net legal balance revenues” under the Arkansas Educational Financial Accounting and Reporting Act of 2004, is amended to read as follows:

(B) Revenues placed into the:

- (i) National school lunch fund;
- (ii) Alternative learning environment fund;
- (iii) ~~English-language learner~~ English learner fund;

or

(iv) Professional development fund; minus

SECTION 10. Arkansas Code § 6-20-2303(1), concerning the definition of “Additional education categories” in the Public School Funding Act of 2003, is amended to read as follows:

(1) “Additional education categories” means state funds distributed to school districts for alternative learning environments, ~~English-language~~ English learners, national school lunch students, and professional development;

SECTION 11. Arkansas Code § 6-20-2303(7), concerning the definition of “English-language learners” in the Public School Funding Act of 2003, is amended to read as follows:

(7) ~~“English-language~~ English learners” means students identified by the state board as not proficient in the English language based upon approved English proficiency assessment instruments administered annually in the ~~fall~~ spring of the current school year, which assessments measure oral, reading, and writing proficiency;

SECTION 12. Arkansas Code § 6-20-2305(b)(3), concerning school funding provisions in the Public School Funding Act of 2003, is amended to read as follows:

(3)(A) For the 2021-2022 school year, funding for students who are identified as ~~English-language~~ English learners shall be three hundred

fifty-nine dollars (\$359) for each identified ~~English language~~ English learner.

(B) Funding for ~~English language~~ English 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~~ English 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 school year and each school year thereafter, funding for students who are identified as ~~English language~~ English learners shall be three hundred sixty-six dollars (\$366) for each identified ~~English language~~ English learner.

SECTION 13. Arkansas Code § 6-20-2502(1)(A)(i)(b), concerning the calculation of the academic facilities wealth index for the fiscal years 2024 and 2025 and each year thereafter, is amended to read as follows:

(b) Divide the product from subdivision (1)(A)(i)(a) of this section by the largest average daily membership of ~~a~~ the school district over the previous decade;

SECTION 14. Arkansas Code § 6-20-2502(1)(A)(iv)(a) and (b), concerning the calculation of the academic facilities wealth index for the 2024 and 2025 fiscal years and each year thereafter, is amended to read as follows:

(iv) Identify the school district at the ninety-fifth ~~percentile~~ percentage according to the value calculated under subdivision (1)(A)(iii) of this section by:

(a) Determining student millage rankings by listing the median income per mill value under subdivision (1)(A)(iii) of this section for each school district from districts with the lowest median income per mill value to school districts with the highest median income per mill value;

(b) Allocating the student millage rankings ~~into percentiles with the first percentile containing the one percent (1%) of~~

~~students based on percentages by calculating a cumulative total of the prior year average daily membership with the lowest value per mill and the one-hundredth percentile containing the one percent (1%) of students with the highest value per mill for each school district based on the order established in subdivision (1)(A)(iv)(a) of this section and establishing each school district’s resulting percentage of this cumulative total;~~

SECTION 15. Arkansas Code § 6-20-2502(1)(B)(iii) and (iv), concerning the calculation of the academic facilities wealth index for the 2024 and 2025 fiscal years and each year thereafter, are amended to read as follows:

(iii) ~~Allocate the student millage rankings into percentiles with the first percentile containing the one percent (1%) of students with the lowest value per mill and the one-hundredth percentile containing the one percent (1%) of students with the highest value per mill~~ percentages by calculating a cumulative total of the greater of either the prior year average daily membership or the prior three-year average of the school district’s average daily membership based on the order established in subdivision (1)(B)(ii) of this section, and establishing each school district’s resulting percentage of this cumulative total;

(iv) Divide the value of one (1) mill per student in each school district as computed under subdivision (1)(B)(i) of this section by the amount corresponding to the ninety-fifth ~~percentile~~ percentage of the student millage rankings under subdivision (1)(B)(iii) of this section;

SECTION 16. Arkansas Code § 6-20-2502(3)(A), concerning the definition of “average daily membership”, is amended as follows:

(3)(A) “Average daily membership” means ~~the total number of days of school attended plus the total number of days absent by students in kindergarten through grade twelve (K-12) during the first three (3) quarters of each school year divided by the number of school days actually taught in the school district during that period of time rounded up to the nearest hundredth~~ the same as defined at § 6-20-2303(3).

SECTION 17. Arkansas Code § 6-28-104(2), concerning definitions in the Arkansas Military Child School Transitions Act, is amended to read as follows:

(2) "Active duty" means full-time duty status in the active, uniformed services of the United States, including without limitation members of the National Guard and reserve components of the uniformed services on active duty orders under 10 U.S.C. §§ Chapter 1209 and 1210 or 42 U.S.C. § 204, as they existed on January 1, 2021;

SECTION 18. Arkansas Code § 6-45-111 is amended to read as follows:
6-45-111. Early childhood program assessments.

(a) The Division of Elementary and Secondary Education and the Division of Child Care and Early Childhood Education shall assess each early childhood program in this state that receives state funding under this subchapter based on nationally recognized standards and assessments that may include without limitation the following components:

- (1) Curriculum and learning environment;
- (2) Training and education of staff;
- (3) Adult-to-child ratios;
- (4) Student assessments;
- (5) Health and safety conditions;
- (6) Family ~~involvement~~ engagement; and
- (7) Site visits.

(b) The certification under § 6-45-109 of a childcare facility that has an early childhood program is subject to the review of the assessment by ~~the~~ each division.

(c) ~~The~~ Each division annually shall provide a summary of the results of assessments conducted under this section concerning the quality of the early childhood programs assessed to the Governor, the Senate Committee on Education, and the House Committee on Education.