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2015 Legislative Summary

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Summary Points

- Computer science will become a required offering in high schools in 2015-16.
- The PARCC test will be the state's Common Core-aligned assessment for at least one more school year, despite an intense effort to eliminate it.
- Public school funding Act 1248 includes an approximate 2% increase over two years. Supplemental funding for transportation is expected to be addressed in the 2016 fiscal session.
- The minimum teacher salary schedule set in statute will be increased for the first time since 2008.
- The state's school choice law is renewed as the Public School Choice Act of 2015.
- A consolidation waiver process is established for non-distress districts with low enrollment.
- Schools can make up missed time in 60-minute increments.
- The career education system is revamped to expand training and employment options for high school students.

2015 Legislative Review

The 90th General Assembly opened its Regular Session on January 12 and recessed on April 9. Meetings of the House and Senate education committees were usually standing room only for discussions of a broad range of bills on early childhood, K-12, and higher education issues. The purpose of this policy brief is to review the K-12 bills that garnered the most attention and have been signed into law by first-term Governor Asa Hutchinson. These highlights are organized into several categories as shown in This Brief.

Curriculum

Computer science. HB1183 ([Act 187](#)) requires high schools to offer at least one course in computer science beginning in the 2015-16 school year. The requirement to offer the course does not increase the number of credits needed for graduation nor replace other courses. The law also authorizes a task force to develop a variety of ways that schools can meet the requirement. One computer science course will be offered free for one year to any school via Virtual Arkansas.

Art, music, and physical education. HB1527 ([Act 1079](#)) gives school districts flexibility to schedule art, music, and PE in 40- to 60-minute periods. Current law sets art and music classes at "no less than 40 minutes" and PE classes at 60 minutes per week. The new law allows districts to schedule the classes in equal periods if desired. Committee members commented on constituent email expressing concern that one or more of the courses was in jeopardy, which was not the aim of the legislation.

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Cursive writing. HB1044 ([Act 160](#)) sponsored by Rep. Kim Hendren (R-Gravette) requires that school districts provide instruction in cursive writing by the end of third grade. Cursive writing instruction is included in many Arkansas schools but currently is not a requirement. Education committee members discussed the importance of learning both to read and to write in cursive.

Course with no students. SB325 ([Act 853](#)) ensures that a school district is not in violation of accreditation standards if a course is offered but no students enroll. Proponents said the new law keeps schools from forcing students into courses so the school can avoid probation.

Learning Assessment

PARCC test. Teachers, counselors, parents, professors, and policymakers gave impassioned testimony to a standing-room-only crowd on HB1241 ([Act 1074](#)) that would have eliminated the Partnership for Assessment of Readiness for College and Careers (PARCC) test after this school year. Critics of the PARCC test cited technical problems, student stress, "teaching to the test," and delayed results among their complaints. Proponents of the new computer-based tests emphasized the importance

of an assessment aligned with the current standards, the work of the state's educator task force in assuring quality, and the difficulties associated with implementing any first-time assessment of this scale. Several who testified urged legislators to allow the new Governor's Council on Common Core Review to carry out its mission before eliminating any options.

After failing in its first hearing at the Senate Committee on Education, HB1241 passed when presented again with two amendments: 1) to prohibit the State Board of Education from contracting for any assessment for more than one year at a time after the 2015-16 school year, and 2) to require the state board to consider the Governor's Council on Common Core Review recommendations before contracting for an assessment for the 2016-17 school year.

PARCC proctors. An early criticism of the PARCC assessment was a stipulation that only current staff could serve as proctors. By the time Sen. Alan Clark (R-Lonsdale) introduced SB591 ([Act 1204](#)) to allow certified teachers who may be retired and/or long-term substitutes to proctor statewide exams, PARCC had eased this regulation. Clark pursued the bill to avoid a similar conflict in the future.

Funding

Matrix funding. HB1663 ([Act 1248](#)) contains the formulas for foundation and categorical funding for school years 2015-16 and 2016-17. The formulas represent an approximate 2% increase for the two-year period. HB1663 is based on the recommendations of the education adequacy committee, a joint effort of the House and Senate education committees, which meets regularly between legislative sessions as part of the ongoing work to ensure the constitutionality of the state's spending on education.

When supplemental funding for transportation that the adequacy committee included in the original version of HB1663 was removed, discussions grew contentious and the bill was volleyed between committees for several weeks. Rep. Bruce Cozart (R-Hot Springs) told legislators the \$3 million for supplemental funding was not available and that an amendment to the bill outlines an effort to address the issue prior to the 2016 fiscal session. Ultimately, the bill passed.

Professional development. SB30 ([Act 44](#)) changes the requirement for 10 professional development days to "no less than six days." The act aligns the professional development requirement with available funding but allows school districts to exceed the requirement.

Partnership application review. HB1913 ([Act 962](#)) amends state law regarding public school facilities funding, providing for districts to receive a written copy of their partnership application review conference findings from ADE's Division of Public School Academic Facilities and Transportation in time to address any issues. A district that wants a review conference must make the request at least 60 days before the application deadline. A superintendent from the district of bill sponsor Rep. Charlotte Douglas (R-Alma) told the Senate

education committee the new language will prevent districts' applications from being denied for minor technicalities with simple fixes. Act 962 also stipulates that the Commission for Arkansas Public School Academic Facilities and Transportation must publish a list by November 1 each year of the school districts that qualify as "high growth" districts.

Use of NSL state funds. In a March 27 meeting of the Senate Committee on Education, Sen. Joyce Elliott (D-Little Rock) presented [SB851](#) that would narrow the list of uses for NSL state funds. Elliott acknowledged that her intent was not to ask the committee to vote on a specific list but to alert education stakeholders to begin looking for replacement funds. She said that two adequacy studies have not been able to determine the effect of NSL funds on closing the achievement gap for children from low-income families, because the money is distributed across so many programs. A spokesperson for Arkansas Advocates for Children & Families (AACF) concurred, saying the agency's research on the impact of the state's \$220 million investment has been inconclusive due to the breadth of spending. Elliott reminded committee members that OEP, Picus Odden & Associates, and the Bureau of Legislative Research (BLR) all have recommended that the legislature focus on the intent of the NSL funds to address the achievement gap by paring the list of allowable uses. Committee members agreed that difficult choices are necessary and imminent. Elliott pulled the bill and referred it for interim study.

Employee Compensation Issues

Teacher salary schedule. House Bill 1623 ([Act 1087](#)) ushered in the first increase of the minimum salary schedule since 2008. Part of a series of recommendations resulting from the education adequacy committee's interim studies, the minimum salary for teachers will increase by \$878 per year in each of the next two school years. The salary schedule includes increases for each year of teaching experience and higher pay for teachers with master's degrees. Legislators supported the increases but expressed frustration that districts spend substantially less than amount budgeted in the funding matrix for teacher salaries.

Additional compensation. SB366 ([Act 993](#)) to provide additional compensation to teachers who voluntarily teach more than the maximum number of students per day and/or teach during their conference period failed to pass in committee on the first try. Sen. Alan Clark (R-Lonsdale) brought back an amended version of the bill that addressed legislators' specific questions. Responding to concerns that administrators would pressure teachers to volunteer, two superintendents said that: 1) the bill would help those teachers who must work several jobs; 2) teachers are not pressured into other voluntary service such as summer school; and 3) teachers have recourse through the grievance process. Act 993 applies only to teachers of grades 7-12 and does not increase the maximum class size.

Lunch time. HB1991 ([Act 1104](#)) assures a duty-free, uninterrupted 30-minute lunch period for full time classified

school employees, except in emergencies. Districts must compensate employees when the duty-free lunch period does not occur. The lunch period replaces the two 15-minute breaks currently allowed for this group of employees.

Health insurance. SB535 ([Act 995](#)) requires school districts to increase their contributions to employee health insurance by the same percentage as a base salary increase. A change in the contribution rate takes effect in the plan year following the salary increase. The new law specifies some exceptions.

Sick leave. HB1597 ([Act 1180](#)) clarifies the policy on accumulated sick leave when teachers transfer from one district to another. Explaining that some school districts pay teachers for unused sick leave upon retirement, bill sponsor and former teacher Rep. Charlotte Douglas (R-Alma) said a few districts have recorded the transferred sick leave separately to avoid a larger payout. The new law specifies that credit for unused sick leave transfers with the teacher and that the leave may not be treated differently by those districts that compensate for it upon retirement.

Choice, Charters, Consolidation, Separation

School choice. Senate Bill 179 ([Act 560](#)) replaces the school choice act set to expire this summer with the Public School Choice Act of 2015. Within the stipulations of the legislation, the new law allows a K-12 student to attend school in a nonresident district. Districts that apply for an exemption from the school choice law because of desegregation orders must provide a copy of the federal order to the Arkansas Department of Education. [During the session, OEP published "Impacts of the Public School Choice Act of 2013" to answer questions about how school choice legislation may have affected districts.]

Charter school facilities. SB789 ([Act 739](#)) establishes a facilities funding mechanism for open-enrollment public charter schools that meet certain criteria. Both education committees had sometimes pointed discussions of charter school facilities funding, with legislators and stakeholders citing the lack of "a level playing field" for charter school facilities, the absence of restrictions on the proposed funding, and the longstanding tension associated with inequity among schools districts. SB789 passed, but SB847 to establish a reclamation process for open enrollment public charter schools to access unused school buildings failed.

Charter-like waivers. HB1377 ([Act 1240](#)) allows traditional public school districts to apply for the same waivers granted to open-enrollment public charter schools that draw the district's students. Sponsored by Rep. Reginald Murdock (D-Marianna), the bill was the subject of strong feelings and made several trips between the House and Senate education committees before finally reaching the governor's desk.

Consolidation waiver. Signing HB1263 into law ([Act 377](#)), Gov. Asa Hutchinson followed through on his stated support of a consolidation waiver for healthy school districts

that fall below the 350-student enrollment bar. Bill sponsor Rep. Bruce Cozart (R-Hot Springs) said those small school districts "should be given a chance" if they are not in fiscal, academic, or facilities distress. The new law does not affect schools already consolidated. Some legislators and education organizations expressed concern that schools with fewer than 350 students may not meet the court-mandated requirements for adequacy or the standards for accreditation. Proponents of the bill cited the decline of rural communities that accompanies the loss of schools and the evidence that smaller districts often outperform the larger districts with which they merge.

Separation. HB1242 ([Act 372](#)) paves the way for more districts to follow Jacksonville in creating a new school district by detaching a portion of an existing district. Under current law, an existing district must encompass 700 square miles and have an average daily membership (ADM) of at least 15,000 students before a new district can be created from its territory. The new district must have at least 4,000 ADM. HB1242, sponsored by Rep. Mark Lowery (R-Maumelle) lessens those requirements so that a new district can form by detaching from an existing district that encompasses 450 square miles with at least 5,000 ADM, and the new district must have at least 2,500 ADM.

Safety and Health

School safety. Rep. Scott Baltz (D-Pocahontas) sponsored HB1653 ([Act 950](#)) to create the 2015 School Safety Act. The new law modifies current school safety policy by requiring a panic button alert system that integrates with Smart911. The panic button alert system simultaneously calls emergency responders, notifies district personnel, and initiates a lock-down. One feature of the system is an app that allows au-thorized personnel to activate the panic button with a smartphone. The new system requirement is subject to fund-ing availability.

Make-up days. HB1313 ([Act 286](#)) allows schools to make up missed time in 60-minute increments. Bill sponsor Rep. Charlotte Douglas (R-Alma) noted the difficulty of providing quality instruction during make-up days added to the end of the school year. She said HB1313 would let schools make up hours during the term, when instructional time is more beneficial. Districts still have to submit a plan to ADE for approval. In supporting the bill, an Arkansas Association of Educational Administrators (AAEA) spokesperson gave the example of a flooded building that caused one campus to close but did not impact other campuses in the district. Under HB1313, the affected campus could make up time by adding hours to the beginning or end of school days, and all the schools in the district could still end the year at the same time. An emergency clause allows school districts to take advantage of the new law during this school year.

Inclement weather. SB180 ([Act 143](#)) provides school district officials some flexibility in determining whether to declare

an inclement weather day. Bill sponsor Sen. Eddie Joe Williams (R-Cabot) described the difficulty of deciding in the very early morning whether to call off school before road conditions for buses can be evaluated. The new law gives superintendents up to five school days per year to delay start time or to dismiss school early without losing a credited school day.

School nursing staff. Rep. Julie Mayberry (R-Hensley) sponsored three house bills that stemmed from the interim study findings described in the Public School Health Services Advisory Committee report. HB1442 ([Act 935](#)) allows the advisory committee to continue its work, including the school nurse survey, and requires that results of each district's annual school health report be shared with its school board. HB1443 ([Act 936](#)) specifies the minimum requirements for a school nursing center in new buildings and establishes a pilot program for grants to improve existing facilities.

HB1444 to require each school district to employ at least one RN supervisor failed in committee. Committee members expressed concerns about job security for districts' LPNs and heard a variety of views on whether districts have funding to meet the staffing requirements of the bill.

Students with diabetes. Parents and nurses crowded into the meeting rooms when the education committees heard HB1295 ([Act 833](#)) to authorize volunteers to administer insulin and glucagon to students with diabetes. The policy specifies that: 1) a school employee who has volunteered and been trained may act only in cases of emergency when the school nurse is not available; 2) the student's parent must have requested the action in advance; and 3) the student's physician must have approved the request. Parents of diabetic students spoke for and against the bill based on their experiences. A representative of the Arkansas State Board of Nursing and a Little Rock School District nurse spoke against the bill. Stakeholders on both sides of the issue took the opportunity to advocate for more school nurses.

Dating Violence. Rep. Charlotte Douglas sponsored HB1685 ([Act 952](#)) to require teaching dating violence awareness in health classes for grades 7-12. Douglas stressed the importance of understanding dating violence as a form of bullying and a precursor to domestic violence. The topic is already part of the curriculum but often skipped. The new law specifies teaching the material in October for fall courses and February for spring courses to align with national awareness campaigns.

College and Career Preparation

Career education and workforce development. Sen. Jane English (R-North Little Rock) sponsored SB368 ([Act 892](#)) to overhaul the state's various workforce development and career education efforts in favor of a streamlined, coordinated system. The bill replaces the current State Board of Career Education with the Career Education and Workforce Development Board composed of industry representatives familiar

with employer needs. The bill includes a new skills development fund to make competitive grants for high school training initiatives and provides for better coordination among the assortment of state and federal funds and programs with workforce development aims. In passing the bill through the education committees, legislators asked for assurance that the new board will represent the diversity of the state's population and address areas with the highest rates of unemployment.

Student re-engagement. SB212 ([Act 1260](#)) establishes a re-engagement system so that students age 16-21 who have completed less than one-half the credits for graduation may earn a high school diploma. Bill sponsor Sen. Joyce Elliott (D-Little Rock) gave the example that a student who masters complex computational skills in a welding course at a two-year college or technical institute may be able to earn concurrent credit for high school algebra. Programs would be skills-based and student-driven, and school districts may elect whether to participate. Elliott called the bill an opportunity "to recapture students we have lost" and put them on a path to a career or further education. Students may still be in school or can reconnect with their high school and will work with a counselor to develop an individualized plan.

Career choices. Students making decisions about fields of study and career paths will have help from two reports of the employment and earnings of graduates from degree and certificate programs of Arkansas colleges and universities. Sen. Alan Clark (R-Lonsdale) sponsored SB211 ([Act 852](#)) that tasks the Department of Workforce Services with producing the annual "economic security" reports. Beginning in 2016, public school students in grades 7-12 will receive a two-page summary and college students will receive a more detailed report. The new law calls for the reports to be "easily accessible and readable by the public."

Financial aid: Governor's Scholars. HB1836 ([Act 850](#)) combines the Governor's Scholars and Governor's Distinguished Scholars programs into one known as the Arkansas Governor's Scholars Program. HB1011 ([Act 21](#)) allows recipients of awards from the Governor's Scholars Programs to postpone their higher education pursuit for up to 24 months to participate in service opportunities or for family emergencies. Several state scholarship programs already include a deferral measure.

Financial aid: Academic Challenge. SB5 ([Act 1105](#)) makes several changes to the Arkansas Academic Challenge Scholarship Program, also known as the lottery scholarships, in an effort to keep the program solvent. The new law keeps the requirement for an ACT composite score of 19 but deletes the criteria for Smart Core curriculum completion and grade point average. Act 1105 also changes the scholarship amounts to \$1,000 for freshmen; \$4,000 for sophomores and juniors; and \$5,000 for seniors.

HB1779 ([Act 1250](#)) provides that lottery scholarship recipients who enter college with 27 or more hours of concurrent credit

can receive the scholarship amount awarded to sophomores.

Miscellaneous Bills of Interest

Dyslexia programs. SB788 ([Act 1268](#)) addresses some of the difficulties school districts have encountered in implementing the dyslexia legislation of 2013. Sen. Joyce Elliott (D-Little Rock) explained that the bill clarifies the titles, roles, and training requirements for staff; specifies the criteria for instruction; and modifies the makeup of the committee responsible for the Arkansas Dyslexia Resource Guide. Parents and teachers expressed concern that the changes may dilute provisions of the existing law.

A former schoolteacher of 30 years, Elliott commended the school districts that are doing a good job with the dyslexia program but said "some have been inexplicably obstructionist" and should be held accountable. She urged committee members to believe their constituents who say their schools are intentionally hindering efforts to follow this law. "We still have work to do back in our districts to be sure our students are being helped," Elliott said.

Ads on school buses. HB1495 ([Act 941](#)) gives school districts the option to allow advertising on school buses. The new law stipulates that revenue generated from advertising may be used for transportation purposes only and tasks the Commission for Arkansas Public School Academic Facilities and Transportation with developing guidelines.

Board meetings. HB1419 ([Act 836](#)) allows school boards to adopt a meeting attendance policy that permits a member to participate remotely, to count toward a quorum, and to vote. Bill sponsor Rep. Ron McNair (R-Alpena) gave an example that a school board may need to meet the week school starts to approve a hiring decision but lacks a quorum because members are out of town. The new law specifies criteria that school boards must include if they choose to adopt such a policy.

Duplicative reporting. HB1600 ([Act 1181](#)) addresses situations in which school districts must submit the same data multiple times but in different formats to ADE and the Department of Career Education. The bill pro-

vides that districts must submit or publish data as required by law, but that agencies must make their own formatting changes.

School performance. SB342 ([Act 854](#)) amends the School Recognition and Reward Program. The bill provides for performance-based funding of \$100 per student for schools in the top 5% in student performance and \$50 per student for schools in the remainder of the top 10%. The bill also provides for \$100 per student for schools in the top 5% in academic growth and \$50 per student in the remainder of the top 10%. Currently, the program rewards schools for combined student performance and academic growth.

Teacher licensure. SB744 ([Act 1121](#)) adds a non-traditional pathway to teacher licensure for persons with significant experience in a content area and a bachelor's degree from an accredited institution. The bill's purpose is to enhance the pool of highly qualified teachers. The American Board of Certification for Teacher Excellence (ABCTE) and ADE will work together to develop this option for Arkansas.

Conclusion

Legislators are scheduled to return to the state capitol on April 22 to formally adjourn the 2015 Regular Session. The House and Senate education committees will meet jointly in the coming months to continue examining educational adequacy and issues referred for interim study.

The Governor's Council on Common Core Review has announced a listening tour to gather input from around the state. We anticipate hearing more about the public's reaction to the PARCC assessment conversations that received so much media attention during the session.

The 2016 Fiscal Session is set to convene in February. The House and Senate education committees are expected to address the difficult funding matters of transportation and uses of NSL state dollars.

OEP will continue to follow these and other K-12 policy discussions and to share evidence-based findings with education policymakers and stakeholders.

For more information about this policy brief and other education issues in Arkansas, contact us:

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