



ASBA Regional Meetings 2019

Arkansas School Boards Association

Arkansas Department of Elementary and Secondary Education

Dinner Activity

- Select a recorder and a spokesperson at your table.
- Have a discussion during your meal. Using the blue sheet (A side):
 - Top Half: record concerns, problems, barriers, ideas, etc. in law, rule or regulation that inhibits your efforts to maximize benefits for students.
 - Lower Half: list/describe SPECIFIC legislation for how these issues may be addressed in the 2021 legislative session. We will report out and discuss this as a group later tonight.
- Be thinking about additional training ASBA should provide. Please be prepared to list these subjects on the evaluation form you'll be completing at the end of this session.

Agenda for Tonight

Arkansas Department of Elementary & Secondary Education

How Do We Move Our Schools Toward Continuous Improvement?

A Guide for School Board Members

- Brief overview of ESSA School Index and MySchool Info: Any Changes and what Boards need to know
- Accountability Timelines for Schools
- How to Improve your School Using the High Reliability Framework
 - Why HRS
 - Overview of Levels
- Q & A

Agenda for Tonight (continued)

Arkansas School Boards Association

- ASBA Legislative Package Development
- Preparing for the 2021 Legislative Session
 - Concerns
 - Needs
 - Suggestions
 - Activity
- Some Acts of 2019
- Bidding Requirements

“Why We Do What We Do”

ASBA Legislative Package Development

- ASBA is attentive to the concerns and needs of school board members and school districts across the state
- Before each session ASBA develops legislative proposals for consideration during the session
- ASBA identifies legislative sponsor(s) to carry the proposed bill
- Ideas for proposals often come from board members, administrators, other educators, legislator comments, meetings with other groups, etc.
- Proposals may be of direct benefit to board members or perhaps just to students, staff or school districts in general
- Proposals normally address known needs or concerns and are of broad benefit across the state

Results From 2019 Package Development (Started in Regionals - 2017)

- Act 168 - Board member required audit training timeline is now part of the initial nine hours a new board member must receive by Dec. 31 of the year after being elected.(Regardless of May or November election)
- Act 187 - Reduces the degrees of kinship (consanguinity) a Level 3 sex offender must be related to a student in order to attend school sponsored ticketed events from four (4) to two (2) or a student's great-grandparent
 - Level 3 sex offenders related at the third degree, except for great-grandparents, and beyond would be prohibited from attending ticketed school sponsored events – entirely
- Act 186 - Immunity for Mandated Reporters - Reassures mandated reporters are immune from criminal or civil penalties when performing their duties in good faith.

2021 Regular Legislative Session ASBA Member School Considerations

- During dinner you discussed and wrote down on side A of your blue sheet some of your concerns/ideas for consideration in the ASBA Legislative Packet for 2021
- Take a few minutes to finalize that discussion, record it on the blue sheet and be prepared to report out your thoughts
- Report out by groups

The 92nd General Assembly

- Generally, the 92nd General Assembly was a successful session.
- Many of your legislators strongly supported public schools.
- Please don't forget to thank them for their service.

We also want to say “Thank You” to all board members who reached out to legislators before and during the session. We appreciate you!

Some New Acts of 2019



Teacher Salary Enhancement Act

Act
170

- Increased the State Minimum Teacher Salary Schedule:

	<u>BA Degree Salary</u>	<u>MA Degree Salary</u>
2019-2020 Beginning Salary	\$31,400 \$32,800	\$36,050 \$37,450
2020-2021 Beginning Salary	\$31,800 \$33,800	\$36,450 \$38,450
2021-2022 Beginning Salary	\$34,900	\$39,550
2022-2023 Beginning Salary	\$36,000	\$40,650

Educator Compensation Reform Program

Act
877

- The Department of Elementary and Secondary Education adopted rules creating the “Educator Compensation Reform Program”, which sets funding eligibility requirements and restrictions for districts to qualify for assistance
- The legislature appropriated \$60 million to assist districts whose salary schedule was below the \$36,000 final minimum salary
- This \$60 million appropriation is intended to help cover the additional salary increases for all eligible districts for the entirety of the program > 2019-2023
- The funding expenditure will be reviewed on an annual basis, with appropriate steps taken based on the evaluation

The Transformation and Efficiencies Act of 2019

Act
910

- Combines the Department of Elementary and Secondary Education (formerly the Department of Education), the Department of Career Education, and the Department of Higher Education into one overarching department.
- Converts old departments listed above into divisions under the Department of Education
- The chief officer of the new Department of Education will be the Secretary of Education (Johnny Key)

Record Public Meetings

Act
1028

- Requires all open public meetings to be recorded.
 - (Includes School Board meetings, both regular and special)
- All open public meetings shall be recorded in a manner that allows for the capture of sound including without limitation:
 - A sound-only recording; or
 - A video recording with sound and picture; or
 - A digital or analog broadcast capable of being recorded
- This recording requirement does not apply to executive sessions.
- A recording of an open public meeting shall be maintained by the public entity for a minimum of one (1) year from the date of the open public meeting.

Additional Board Training Requirements

- Board Members must receive training on information on school safety and student discipline at least once following their election.
- By model policy 1.11, we have recommended board members receive the above referenced training within the following timeline:
 - Starting for board members elected to an initial or non-continuous term on or after 2019, the training is received as part of the board initial nine (9) hours.
 - For all board members elected prior to 2019, the training is received by December 31st of 2020.

Off Duty Law Enforcement Officers May Carry on Campus

Act
472

Allows for certified law enforcement officers, either on duty or off duty, to carry open or concealed handgun in any publicly owned building or facility, which would include school campuses.

Districts Law Enforcement Divisions

Act
629

- Public School Districts and Open-Enrollment Charter Schools may establish and appoint an institutional law enforcement officer.
- Institutional Law Enforcement Officer (ILEO) means an individual who is appointed by an executive head to exercise law enforcement authority on the property of an institution
- ILEO's have the same authority as Student Resource Officers (SRO)
- An executive head of an institution may designate and appoint at least one (1) of the employees of the institution as an institutional law enforcement officer

Districts Law Enforcement Divisions (continued)

Act
629

- Before an executive head may appoint a district ILEO, the institution shall appear before the Arkansas commission on Law Enforcement Standards and Training to be declared a new law enforcement agency
- An advantage would be that a district has sole authority over law enforcement officers.
- A disadvantage would be that the district would be specifically liable for any constitutional violations by the ILEO, which would have previously gone to the SRO's employer

Revises Academic Facilities Wealth Index Calculation Method

Act
1080

Alters the formula for determining Partnership Fund Percentage Eligibility in two major ways beginning in 2024-2025 funding cycle:

- Amends the ADM determination to be the highest over the last ten (10) years rather than the last three (3) years; and
 - Includes the median household income in the district's geographic boundaries as a portion of the formula
- See Act 1080 at the web address below for new calculation method:
<http://www.arkleg.state.ar.us/assembly/2019/2019R/Acts/Act1080.pdf>

NSLA to ESAF

**Act
1083**

- Amends the name of National School Lunch State Categorical funding (NSLA) to Enhanced Student Achievement Funding (ESAF)

Stop the Bleed Training

Act
245

- Beginning in the 2019-2020 school year, each public school shall provide bleeding control training as a component of a health course to be taught to students in grades nine through twelve (9-12)
- The State Board of Education, in consultation with the Department of Health, shall develop this required bleeding control training using instructional materials developed or endorsed by the: American College of Surgeons Committee on Trauma, the National Association of Emergency Medical Technicians, or the Department of Health.

Hunger Free Students Bill of Rights Act

Act
428

- Requires a school to provide a meal or snack even if the student is unable to pay or does not have enough existing funds in their account
- If a student owes money for a meal or snack that is in excess of the amount charged a student for five (5) lunches, or another amount as determined by the student's school district, a school may contact the parent or guardian of the student to: (1) Attempt collection of the owed money; and (2) Request that the parent or guardian apply for meal benefits in a federal or state child nutrition program

Hunger Free Students Bill of Rights Act (Continued)

Act
428

- If a student is unable to pay for a meal or snack or owes money for a meal or snack, a school shall not:
 - Provide a meal or snack that is different from the meal or snack being provided to other students in the school;
 - Require the student to wear a wristband;
 - Give the student a hand stamp;
 - Require the student to dispose of a meal or snack after the student is served the meal or snack;
 - Require the student to sit in a location separate from other students;
 - Publicly make known the name of the student; or
 - Perform any other action that may stigmatize the student.

Allows Excess Food Distribution

- Allows public schools to adopt a policy permitting the distribution of “excess food” that remains after a school has served breakfast and lunch to students during the school day. (See ASBA Model Policy 7.17.1)
- Donation of “excess food” has to go through a non-profit organization

Drug Test All School Employees

Act
323

- A school district Board of Directors may adopt a policy implementing a drug screening requirement for:
 - Pre-employment drug screening of an individual who applies for employment at a public school district; or
 - Random drug screening of current employees
- Under the U.S. Supreme Court interpretation of the search provision of the 4th Amendment, public employees must perform certain job duties to be eligible to be drug tested.
- The Ark. Attorney General recently opined that no court had specifically ruled on whether teachers and most other district staff meet the U.S. Supreme Courts requirement to be eligible for “suspicionless” drug testing.
- **Therefore, districts should consult with local counsel before implementing such policies.**

Bus Driver Health Insurance Eligibility

Act
563

- A full-time school bus driver who is contracted by a public school district to drive regular routes during the annual school year is eligible to participate in the state and public school life and health insurance program

ADE Discipline Bill

Act
640

- School policy should prescribe the minimum and maximum penalties for offenses, including suspension or expulsion. However, the superintendent shall have discretion to modify the prescribed penalties for a student on a case-by-case basis, regardless of the offense (formerly only allowed for firearms offense).
- Adds to current law to include programs, measures, or alternative means and methods to continue student engagement and access to education during periods of suspension or expulsion

Virtual Courses for Expelled Students

Act
709

- Requires a public school district that expels a student to offer to the expelled student digital learning courses or Alternative Educational Services for which the student may receive credit

Antibullying Requirements

Act
1029

- See ASBA Model Policy 4.43
- Requires a bullying and cyberbullying prevention policy, procedures, and professional development program.
- Requires PD : 1) Licensed Staff > Two (2) Hours as part of the Four (4) year PD Rotation Cycle
 - 2) Board Members > Every elected board member shall receive the training at least once. Board members elected to a non-consecutive term must retake the training.
- Requires that ***one time each school year***, the superintendent of a public school district **shall** report to the school board of directors at a public meeting data regarding discipline in the district, including without limitation the number of incidents of bullying reported and the actions taken regarding the reported incidents of bullying.
- ***ASBA has begun providing training for board members in some Co-op's, as invited, and will provide this training at all three breakout sessions on Thursday at the Annual Conference .***

Districts Shall Enroll Private or Home Schooled Students

Act
430

- A public school district or an open-enrollment public charter school shall adopt a policy that allows a student who attends a private school or a home school to enroll in an academic course(s) at the public school or open-enrollment public charter school if the student resides in the public school district where the public school or open-enrollment public charter school is located
- See ASBA Model Policy 4.59
- The district or open-enrollment charter school will receive 1/6th foundation funding per academic course the private school or home school student attends, not to exceed the full amount of foundation funding

Adequacy Funding Increases

Act
667

Foundation Funding

2018-2019 School Year	\$6,781
2019-2020 School year	\$6,899
2020-2021 School year	\$7,018

ALE Funding

2018-2019 School Year	\$4,640
2019-2020 School Year	\$4,700
2020-2021 School Year	\$4,700

English Language Learners

2018-2019 School Year	\$338
2019-2020 School Year	\$345
2020-2021 School Year	\$352

Professional Development

2018-2019 School Year	\$32.40
2019-2020 School Year	\$32.40
2020-2021 School Year	\$40.80

- Additional \$12,500,000 each year in funding for Professional Learning Communities (PLC's) in addition to statutory PD funding, totaling \$25,000,000 for the biennium
- For the 2019-2020 and 2020-2021 School Year, this Act also includes a table for enhanced transportation funding to districts. This information may be found at this webpage: <http://www.arkleg.state.ar.us/assembly/2019/2019R/Acts/Act667.pdf>

Adequacy Funding (continued)

Act
757

- Special Education Catastrophic Occurrences Fund was amended to be renamed Special Education High Cost Occurrences Funding
- Sp. Ed. High Cost (Catastrophic) reimbursement eligibility Rules were amended:
 - Districts are no longer eligible for reimbursement for expenses incurred that are less than \$15,000
 - A district is eligible to apply for reimbursement when the costs associated with an individual student, after offsets from other available revenue sources, equal or exceed \$15,000
 - After offsets from other revenue sources as specified, the maximum amount of reimbursement for each High Cost occurrence will be the sum of the following:
 - One hundred percent (100%) of the amount above the \$15,000 threshold up to \$65,000, and
 - Eighty percent (80%) of amount above \$65,000
 - No individual High Cost occurrence shall be eligible for reimbursement of more than \$100,000 per year

Matrix Foundation Funding History

	FY 10	FY11	FY 12	FY 13	FY 14	FY 15	FY 16	FY 17	FY 18	FY 19	FY 20	FY 21
Foundation Funding Per Student	\$5,905	\$6,023	\$6,144	\$6,267	\$6,393	\$6,521	\$6,584	\$6,646	\$6,713	\$6,781	\$6,899	\$7,018
Increase	\$116	\$118	\$121	\$123	\$126	\$128	\$63	\$62	\$67	\$68	\$118	\$119
% Increase	2%	2%	2.01%	2%	2%	2%	0.97%	0.94%	1.01%	1.01%	1.74%	1.72%

Adequacy Study Update

- Despite some hiccups surrounding an attempt to initiate the RFP and selection process for an independent entity to review the current state of Arkansas education and adequacy during and immediately following the legislative session, the Joint Education Committees have taken the following actions:
 - August 20, 2019 - Moved to release an RFP to seek proposals from independent entities for the review.
 - September 20, 2019 – Deadline for proposals to be submitted by those entities interested in conducting the review.
 - October 8, 2019 - Joint Education Committees will review submitted proposals and consider employment of independent entity to conduct the review.

Annual School Election

Act
545

The annual school election shall be held:

- In even-numbered years, on the date of the:
 - Preferential Primary election; or
 - General election
- In odd-numbered years, on the date of the:
 - First Tuesday following the first Monday in November; or
 - Third Tuesday in May
- *For Presidential election years, the preferential primary will be held in March instead of May.*

Candidate Filing and Petition Circulation Periods/ Annual School Election Date

Act
597

- See ASBA Model Policy 1.21
- Requires school districts to adopt policy selecting the election timeline the district will use (May or November)
- Failure to either adopt an election timeline policy or to provide a copy of the policy to the county election commission and the county clerk at least 100 days prior to the opening of the candidate filing period for the preferential primary election results in the district being required to use the same timeline as in the last school election
- Adjusted the filing timeline so that the preferential primary filing period is always used for the spring election and August 1st is always used for the November election
- Extends the timeline for petition circulation from (30) days to ninety (90) days

Tax Appealer Must Pay Amount Owed to County Pending Appeal

Act
657

- Requires payment to be made for real and personal property tax while an appeal is pending
- Before, the owner of real property appealing a property tax assessment was not required to pay any taxes on the property until completion of the appeal

Construction Bidding Requirements Overview

(See Yellow Handout)

TIPS / TAPS

- TIPS/TAPS is a cooperative purchasing system designed for governmental entities. In the State of Arkansas the program is called TAPS.
 - TIPS/TAPS works with vendors to satisfy state bidding requirements (Different rules apply for federal purchases)
 - Vendor must remit proper paperwork to TIPS/TAPS to be covered by the Cooperative Purchasing System
 - School districts need to contact TIPS/TAPS to assure proper paperwork coverage (Relying solely on vendor may result in audit exception)
 - Performance bonds are still required
 - Architect & Engineer requirements are still to be followed

“Dark Store Theory”

- This theory suggests that occupied big-box stores should be valued as-if-vacant or closed and available for sale or rent to a future hypothetical user rather than in the current use, which is often a functioning, occupied store.
- 2017 - Walmart challenged its property tax on 10 properties in Pulaski County using the dark store argument, though the county court denied that claim because the claim was filed to late.
- 2018 - Walmart, again, challenged their assessment using the dark store argument to the Pulaski County court.
- 2019 – (August 14th) - Walmart lost appeal on lowering it’s Pulaski County tax assessments through dark store argument in county court. Pulaski County Judge Barry Hyde issued a ruling denying their appeal based on an issue with submitted reports.
- 2019 – (September 10th) – Walmart filed an appeal of the County Court’s August 14th ruling with Circuit Court.
- It is anticipated this case could ultimately go to the state Supreme Court on appeal.

“Dark Store Theory” (continued)

- What would the impact be for 10 Walmart properties in Pulaski County?
- These 10 Walmart properties appraised in 2018 at a cumulative \$145 million*
- Through the dark store argument, Walmart is seeking a reduction in the appraisal to \$74.3 million*

** “Walmart files its tax-case appeal in Pulaski County” Published in the Arkansas Democrat Gazette, September 11, 2019, as accessed from www.arkansasonline.com.*

“Dark Store Theory” (continued)

What are the implications for the state?

What are the implications for school districts?





Upcoming Training Opportunities

2019

- November 1: Fall Leadership Institute – Chancellor Hotel (Fayetteville, AR)
- December 11-13: Annual Conference - Marriott/Statehouse Convention Center (LR)
- December 11: New Board Member Boot Camp – Statehouse Convention Center (LR)

2020

- February 13: School Law Seminar – Wyndham Riverfront Hotel (LR)
- April 20: New Board Member Institute/Admin Professionals - Hot Springs Convention Center
- May 5: AAEA & ASBA Joint Conference – Embassy Suites (LR)
- July 19-21: Southern Region Leadership Conference – Hot Springs Convention Center
- Admin Directives Seminars & FMLA training throughout summer
- Digital Training – Online

*To request and schedule additional specialized or on-site training, please contact
Dr. Anne Butcher, ASBA Board Training Director at (501) 492-4814*



ASBA THANKS YOU
for your service!

Please be sure to leave your
Blue Sheets and **Evaluations**
on the table.