

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

As Engrossed: S3/14/13

A Bill

SENATE BILL 814

5 By: Senators J. Key, K. Ingram, Elliott, E. Cheatham
6 By: Representatives Carnine, Lampkin
7

For An Act To Be Entitled

9 AN ACT TO AMEND AND UPDATE THE ARKANSAS COMPREHENSIVE
10 TESTING, ASSESSMENT, AND ACCOUNTABILITY PROGRAM; TO
11 ALIGN POSTSECONDARY PREPARATORY PROGRAMS WITH THE
12 STATE ASSESSMENT SYSTEM; TO DECLARE AN EMERGENCY; AND
13 FOR OTHER PURPOSES.
14
15

Subtitle

16 TO AMEND AND UPDATE THE ARKANSAS
17 COMPREHENSIVE TESTING, ASSESSMENT, AND
18 ACCOUNTABILITY PROGRAM; AND TO DECLARE AN
19 EMERGENCY.
20
21
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 SECTION 1. DO NOT CODIFY. LEGISLATIVE FINDINGS.

26 The General Assembly finds that:

27 (1) The purpose of the Arkansas Comprehensive Testing,
28 Assessment, and Accountability Program, § 6-15-401 et seq., is to provide the
29 statutory framework necessary to ensure that all students in the public
30 schools of this state have an equal opportunity to demonstrate grade-level
31 academic proficiency through the application of knowledge and skills in core
32 academic subjects consistent with state curriculum frameworks, performance
33 standards, and assessments;

34 (2) To better meet their obligations and responsibilities under
35 the Arkansas Comprehensive Testing, Assessment, and Accountability Program,
36 and to facilitate the adoption of the Common Core State Standards, the State



1 Board of Education and Department of Education are working to transition the
2 state's assessment program to a common set of next-generation assessments in
3 English language arts and mathematics as approved by the state board;

4 (3) When fully implemented, these next-generation assessments
5 will:

6 (A) Determine whether students are college and career
7 ready or on track;

8 (B) Assess the full range of the Common Core State
9 Standards;

10 (C) Measure the full range of student performance,
11 including the performance of high-performing and low-performing students;

12 (D) Provide data to inform instruction, interventions, and
13 professional development;

14 (E) Provide data for accountability, including measures of
15 growth; and

16 (F) Incorporate innovative approaches throughout the
17 assessment system;

18 (4) The next-generation assessments will improve on the
19 consistency, frequency, and rigor of the state's existing assessment system
20 while meeting the purposes and substantive obligations under the Arkansas
21 Comprehensive Testing, Assessment, and Accountability Program;

22 (5) To facilitate this transition, amendments to the existing
23 statutory framework are necessary to update terminology and provide
24 flexibility in choice of assessments;

25 (6) The existing statutory requirement of high-stakes end-of-
26 course assessments for Algebra I and English II are duplicative of the
27 planned assessments that are expected to include:

28 (A) Annual mathematics assessments in grade three (3)
29 through grade eight (8);

30 (B) End-of-course assessments in Algebra I and geometry;

31 (C) Annual English language arts assessments in grade
32 three (3) through grade eleven (11); and

33 (C) College and career readiness measurements in both
34 English language arts in grade eleven (11) and mathematics, including Algebra
35 II;

36 (7) The total cost of implementing an English II high-stakes

1 end-of-course assessment as required by current law would be in excess of two
 2 million dollars (\$2,000,000) based on estimates by the Department of
 3 Education;

4 (8) With the implementation of the next-generation assessments,
 5 implementation of a separate assessment for English II would be an imprudent
 6 use of state funds with little or no instructional benefit; and

7 (9) It is in the best interest of the public school students of
 8 Arkansas to replace existing high-stakes end-of-course assessments for
 9 Algebra I and English II with the next-generation assessments that will
 10 determine whether students are college and career ready, as defined in § 6-
 11 15-419.

12
 13 SECTION 2. Arkansas Code § 6-15-404(j)(2), concerning program
 14 implementation, is amended to read as follows:

15 (2) The results of ~~general and high-stakes~~ end-of-course testing
 16 shall become a part of each student's transcript or permanent record and
 17 shall be recorded on these documents in a manner prescribed by the state
 18 board.

19
 20 SECTION 3. The introductory language of Arkansas Code § 6-15-419(15),
 21 concerning the definition of "general end-of-course assessment", is amended
 22 to read as follows:

23 (15) "~~General end-of-course~~ End-of-course assessment" means a
 24 criterion-referenced assessment taken ~~upon successful completion of~~ during a
 25 course of study set by the State Board of Education:

26
 27 SECTION 4. Arkansas Code § 6-15-419(19), concerning the definition of
 28 "high-stakes end-of-course assessment", is repealed:

29 ~~(19) "High-stakes end-of-course assessment" means a criterion-~~
 30 ~~referenced assessment taken upon the successful completion of both the~~
 31 ~~Algebra I and the English II course of study under § 6-15-433(b)(3)(A)(iii);~~
 32 ~~(A) To determine whether a student demonstrates, according~~
 33 ~~to a requisite scale score established by rule of the state board, attainment~~
 34 ~~of sufficient knowledge and skills to indicate a necessary and satisfactory~~
 35 ~~passing standard of the subject level content in that particular end-of-~~
 36 ~~course assessment; and~~

1 ~~(B) For which failure to meet the requisite scale score~~
2 ~~requires that the student shall not receive academic credit for the course of~~
3 ~~study for which the assessment was taken until the student meets the~~
4 ~~requisite scale score on the initial, a subsequent, or an alternative high-~~
5 ~~stakes end-of-course assessment as allowed or required by Arkansas law or by~~
6 ~~state board rules;~~

7
8 SECTION 5. Arkansas Code § 6-15-419, concerning definitions of the
9 Arkansas Comprehensive Testing, Assessment, and Accountability Program, is
10 amended to add a new subdivision to read as follows:

11 (37) "College and career readiness measurement" means a set of
12 criterion-referenced measurements of a student's acquisition of the knowledge
13 and skills the student needs to be successful in future endeavors, including
14 credit-bearing, first-year courses at a postsecondary institution, such as
15 two-year or four-year college, trade school, or technical school, or to
16 embark on a career.

17
18 SECTION 6. Arkansas Code § 6-15-420(a), concerning remediation and
19 intervention, is amended to read as follows:

20 ~~(a)(1)~~ In order for students to be academically prepared to achieve
21 proficiency in ~~reading and writing literacy~~ English language arts and
22 mathematics, the Department of Education shall require each public school
23 serving students in kindergarten through grade four (K-4) to develop, select,
24 and implement ongoing, informal assessments ~~linked to the Arkansas frameworks~~
25 corresponding to the Common Core State Standards.

26 ~~(2) Literacy assessment training and mathematics assessment~~
27 ~~training utilizing research-based diagnostic instruments or tools will be~~
28 ~~provided for teachers by the department. Where grant funds are available in~~
29 ~~the areas of highest need, a literacy coordinator may be trained.~~

30
31 SECTION 7. Arkansas Code § 6-15-433(b)(3)(A), concerning the statewide
32 assessment program, is amended to read as follows:

33 (3)(A) Implement student achievement ~~testing~~ assessment as part
34 of the statewide assessment program, to be administered annually to measure
35 ~~reading, writing,~~ English language arts and mathematics, and includes:

36 (i) Developmentally appropriate ~~testing~~ measurements

1 or assessments for grades kindergarten through two (K-2);

2 (ii) Either:

3 (a) Developmentally appropriate augmented,
4 criterion-referenced, or norm-referenced assessments in kindergarten through
5 grade twelve (K-12), as determined by the state board and as required by law;
6 or

7 (b) Other assessments that are based on
8 researched best practices as determined by qualified experts that would be in
9 compliance with federal and state law;

10 ~~(iii)(a) High stakes end-of-course assessments~~
11 ~~administered under § 6-15-2009 for Algebra I and English II only.~~

12 ~~(b) The state board shall identify by rule~~
13 ~~Algebra I and English II high stakes courses and establish the high stakes~~
14 ~~end-of-course assessments;~~

15 (iii) College and career readiness measurements in
16 English language arts and mathematics as determined by state board rules;

17 ~~(iv) General end-of-course~~ End-of-course assessments
18 administered for other content course subject areas as determined by state
19 board rule; and

20 (v) Any other assessments required by the state
21 board.

22
23 SECTION 8. Arkansas Code § 6-15-441 is amended to read as follows:

24 6-15-441. Arkansas College and Career Readiness Planning Program.

25 (a) As used in this section:

26 (1) "College and career readiness" means ~~that a student is~~
27 ~~academically ready to succeed in college level courses or in the workforce~~
28 ~~without the need to enroll in remedial courses during the student's first~~
29 ~~year~~ the acquisition of the knowledge and skills a student needs to be
30 successful in future endeavors, including:

31 (A) Successfully completing credit-bearing, first-year
32 courses at a postsecondary institution; and

33 (B) Embarking on a chosen career;

34 (2) "College and career readiness assessment" means a test ~~of~~
35 ~~student educational development~~ that measures student readiness for ~~future~~
36 postsecondary learning that is used by and is:

1 (A) ~~Institutions~~ Administered under this section; or
2 (B) Used by an institution of higher education as part of
3 ~~their~~ its admissions, placement, and scholarship processes; ~~and~~

4 ~~(B) High schools to improve college and workforce~~
5 ~~readiness;~~

6 (3) "EXPLORE" means the pre-ACT assessment designed by ACT, Inc.
7 to help students in grade eight (8) explore a broad range of options for
8 their future and focus not only on high school coursework but also on post-
9 high school choices as well;

10 (4) "PLAN" means the pre-ACT assessment for students in grade
11 ten (10) used to help a student focus attention on improved academic
12 achievement, career preparation, and planning for post-high school years; and

13 (5) "PSAT" means the Preliminary SAT/National Merit Scholarship
14 Qualifying Test that provides practice for the SAT Reasoning Test and gives
15 students feedback on individual strengths and weaknesses on college readiness
16 skills.

17 (b)(1)(A) ~~Beginning with the 2010-2011 school year, each~~ A public
18 school that serves students in grade eight (8) shall administer EXPLORE to
19 each student enrolled in grade eight (8) at the public school.

20 (B) ~~Beginning with the 2010-2011 school year, each~~ A
21 public school that serves students in grade ten (10) shall administer PLAN or
22 the PSAT to each student enrolled in grade ten (10) at the public school.

23 (2) Funding for the college and career readiness assessments
24 listed in subdivision (b)(1) of this section may be paid by using Department
25 of Education at-risk funding.

26 (3)(A) The department may designate alternative assessments
27 other than EXPLORE, PLAN, or PSAT to satisfy the purposes of this section.

28 (B) The alternative assessments may include without
29 limitation next-generation assessments as approved by the State Board of
30 Education.

31 (c)(1) Each public school administering the college and career
32 readiness assessments under this section shall use the college and career
33 readiness assessments to:

34 (A) Assist students with college and ~~workforce~~ career
35 readiness skills, course selection in high school, and improved academic
36 achievement; and

1 (B) Provide the basis for the counseling under § 6-16-603
2 concerning postsecondary preparatory programs.

3 (2) Each public school shall fully incorporate the results from
4 college and career readiness assessments listed in ~~subdivision (b)(1)~~
5 subsection (b) of this section into the college and career planning process
6 for each student.

7 (d) Data collection shall be maintained by the Department of Education
8 for the purpose of:

- 9 (1) Increasing college and career readiness skills;
10 (2) Improving instruction;
11 (3) Enhancing school improvement plans;
12 (4) Reducing the college remediation rates of students; and
13 (5) Developing and implementing postsecondary preparatory
14 programs under § 6-16-601 et seq.

15 (e)(1) The department shall report to the House Committee on Education
16 and the Senate Committee on Education no later than December 31 of each year
17 on the:

18 (A) Implementation and effectiveness of the Arkansas
19 College and Career Readiness Planning Program; and

20 (B) Statistical analysis of postsecondary preparatory
21 programs under § 6-16-601 et seq. for each postsecondary preparatory program.

22 (2) The report may be posted on the department's website with a
23 notification to the committees.

24 (f) ~~The department shall~~ State Board of Education may promulgate rules
25 to implement this section and shall monitor the use of college and career
26 readiness assessments administered under this section to ensure public school
27 compliance.

28
29 SECTION 9. Arkansas Code § 6-15-2009(a), concerning public school
30 assessments and remediation, is amended to read as follows:

31 (a)(1) Each student shall participate in the statewide program of
32 educational assessment required in §§ 6-15-419, 6-15-433, and this section
33 and by the State Board of Education.

34 (2) Each student in grades three through eight (3-8) shall
35 participate in ~~those benchmark~~ assessments required in §§ 6-15-419, 6-15-433,
36 and this section and by the state board.

1 (3) Students in appropriate grades shall participate in the
2 ~~general~~ end-of-course assessments and ~~high-stakes end-of-course assessments~~
3 college and career readiness measurements required by §§ 6-15-419 and 6-15-
4 433 as established by the state board and this section.

5 (4)(A) The state board shall determine the requisite scale score
6 of student performance on each assessment or measurement required in
7 subdivisions (a)(1)-(3) of this section.

8 (B) ~~The requisite scale score for any high-stakes end-of-~~
9 ~~course assessment shall be set only at the cut score necessary to demonstrate~~
10 ~~the minimum satisfactory passing level of that subject~~ state board shall make
11 its determination of the requisite scale score of student performance on
12 college and career readiness measurements used for college placement in
13 conjunction with the Arkansas Higher Education Coordinating Board.

14 ~~(5) The state board shall establish by rule the requisite scale~~
15 ~~score for a general end-of-course assessment and the requisite scale score~~
16 ~~for high-stakes end-of-course assessments.~~

17
18 SECTION 10. Arkansas Code § 6-15-2009(c), concerning public school
19 assessments and remediation, is amended to read as follows:

20 (c)(1) ~~Beginning with the 2009-2010 school year, a~~ A student required
21 to take ~~a general~~ an end-of-course assessment who is identified as not
22 meeting the requisite scale score for a particular assessment shall
23 participate in the remediation activities as required in the student's
24 individualized academic improvement plan in the school year that the
25 assessment results are reported in order to receive academic credit on his or
26 her transcript for the course related to the end-of-course assessment.

27 (2) The individualized academic improvement plan shall include
28 remediation activities focused on those areas in which a student failed to
29 ~~pass a general~~ meet the requisite scale score of an end-of-course assessment.

30 (3)~~(A)~~ A student who is identified as not meeting the requisite
31 scale score for ~~a general~~ an end-of-course assessment shall not receive
32 academic credit on his or her transcript for the course related to the
33 ~~general~~ end-of-course assessment until the student is identified as having
34 participated in remediation through an individualized academic improvement
35 plan.

36 ~~(B) For the purpose of a general end-of-course assessment,~~

1 ~~remediation does not require that a student pass a subsequent end-of-course~~
2 ~~assessment in order to receive academic credit for a course.~~

3
4 SECTION 11. Arkansas Code § 6-15-2009(d) and (e), concerning public
5 school assessments and remediation, are amended to read as follows:

6 ~~(d)(1)(A)(i) Beginning with the 2009-2010 school year, all initial~~
7 ~~high-stakes end-of-course assessments for Algebra I shall be administered by~~
8 ~~grade ten (10).~~

9 ~~(ii) Beginning with the 2014-2015 school year, all~~
10 ~~initial high-stakes end-of-course assessments for English II shall be~~
11 ~~administered by grade ten (10).~~

12 ~~(iii) A student from an Arkansas public school who~~
13 ~~completed and received academic credit on an end-of-course assessment for~~
14 ~~Algebra I before the 2009-2010 school year or for English II before the 2014-~~
15 ~~2015 school year is not required to participate in and receive academic~~
16 ~~credit from a high-stakes end-of-course assessment on or after the 2009-2010~~
17 ~~school year for Algebra I or on or after the 2014-2015 school year for~~
18 ~~English II.~~

19 ~~(iv) A student transferring into an Arkansas public~~
20 ~~school on or after 2009-2010 for Algebra I or 2014-2015 for English II who~~
21 ~~can demonstrate by official transcript from an out-of-state public, private,~~
22 ~~or home school or an Arkansas private or home school that he or she has~~
23 ~~previously obtained academic credit for Algebra I or English II is not~~
24 ~~required to participate in and receive academic credit from an initial high-~~
25 ~~stakes end-of-course assessment unless the public school district assesses~~
26 ~~the student's educational status and determines the student does not possess~~
27 ~~the requisite passing knowledge of Algebra I or English II.~~

28 ~~(B)(i) Beginning with the 2009-2010 school year, an~~
29 ~~Arkansas public school student who is not in grade ten (10), grade eleven~~
30 ~~(11), or grade twelve (12) in an Arkansas public school and has not~~
31 ~~previously received proper academic credit on his or her transcript for~~
32 ~~Algebra I but has successfully completed an Algebra I course is required to~~
33 ~~complete and successfully meet the requisite scale score on a high-stakes~~
34 ~~end-of-course assessment before the student is entitled to receive academic~~
35 ~~credit on his or her transcript for Algebra I.~~

36 ~~(ii) Only a student who is in grade ten (10), grade~~

1 eleven (11), or grade twelve (12) in an Arkansas public school in the 2009-
2 2010 school year is exempt from the requirement of taking a high-stakes
3 Algebra I end-of-course assessment, but the student shall meet any general
4 end-of-course assessment requirements for Algebra I.

5 (iii) Any other student, regardless of the school
6 year or the grade level in which he or she completes an Algebra I course or,
7 beginning with the 2014-2015 school year, the English II course, shall
8 successfully complete an Algebra I and English II high-stakes end-of-course
9 assessment and meet the requisite scale score in order to be entitled to
10 receive academic credit for Algebra I or English II on the student's
11 transcript, unless exempted under an individualized education program.

12 (iv) A student transferring into an Arkansas public
13 school district without having obtained academic credit on his or her
14 transcript in or after the 2009-2010 school year for Algebra I and in or
15 after the 2014-2015 school year for English II is not exempt from the
16 requirements of subdivision (d)(1)(B)(iii) of this section.

17 (C) Beginning with the 2014-2015 school year, an Arkansas
18 public school student who is in grade ten (10) and who has not previously
19 received academic credit under (d)(1)(A) for English II shall successfully
20 complete the course and meet the requisite scale score on the English II
21 high-stakes end-of-course assessment in order for the student to be entitled
22 to receive academic credit for English II on the student's transcript.

23 (D)(i) A student who does not meet the requisite scale
24 score on the relevant high-stakes end-of-course assessment shall participate
25 in an individualized academic improvement plan.

26 (ii) An individualized academic improvement plan
27 shall include research-based remediation activities and multiple
28 opportunities for the student to take and pass subsequent high-stakes end-of-
29 course assessments as long as the student remains enrolled in an Arkansas
30 public school and has not reached twenty-one (21) years of age.

31 (iii) If after two subsequent high-stakes end-of-
32 course assessments a student does not meet the requisite scale score on the
33 initial high-stakes end-of-course assessment, the student shall participate
34 in strand analysis or formative analysis remediation provided and supported
35 by the department before taking a third or subsequent high-stakes end-of-
36 course assessment.

1 ~~(ii) An alternative assessment shall be an ACT~~
2 ~~assessment, SAT assessment, advanced placement test, or International~~
3 ~~Baccalaureate test.~~

4 ~~(2)(A) A student identified as having not met the requisite~~
5 ~~scale score for a high stakes end-of-course assessment shall not receive~~
6 ~~academic credit on his or her transcript for the related course until the~~
7 ~~student meets the requirements of subdivision (e)(1) of this section.~~

8 ~~(B) If a student does not meet the requisite scale score~~
9 ~~on an end-of-course assessment and does not satisfy the remedial requirements~~
10 ~~of subsection (e) of this section for general end-of-course assessments and~~
11 ~~subdivision (e)(1) of this section for high-stakes end-of-course assessments,~~
12 ~~the student shall not be entitled to graduate with a high school diploma from~~
13 ~~an Arkansas public high school or public charter school.~~

14
15 SECTION 12. Arkansas Code § 6-15-2009(f)(1), concerning public school
16 assessments and remediation, is amended to read as follows:

17 ~~(f)(1)(A)(e)(1) The state board shall establish the high-stakes end-~~
18 ~~of-course assessment program required in subsection (d) of this section for~~
19 ~~Algebra I beginning in the 2009-2010 school year and for English II beginning~~
20 ~~in the 2014-2015 school year.~~

21 ~~(B) Throughout this process, the The end-of-course~~
22 ~~assessment program shall be maintained in such a manner as to meet the~~
23 ~~requirements of state and federal law, including the full range of students~~
24 ~~with disabilities.~~

25
26 SECTION 13. Arkansas Code § 6-15-2009(f)(3) through (5), concerning
27 public school assessments and remediation, is amended to read as follows:

28 (3) Each year the department shall make public ~~at least fifty~~
29 ~~percent (50%) of the test questions on the most recent initial benchmark and~~
30 ~~end-of-course assessments item and task prototypes for the English language~~
31 ~~arts and mathematics assessments required by this section or a selection of~~
32 ~~actual items and tasks from the most recent assessments.~~

33 ~~(4)(A) The state board shall promulgate rules to establish cut~~
34 ~~scores, remediation programs required in ~~(d)(1)(D) this section,~~ and other~~
35 ~~components of the ~~general end-of-course~~ state assessment program ~~and high-~~~~
36 ~~stakes end-of-course assessment program necessary to administer the~~

1 *provisions of this ~~subsection~~ section.*

2 *(B) Remedial activities and instruction provided during*
3 *high school shall not be in lieu of English language arts, mathematics,*
4 *science, history, or other core courses required for graduation.*

5 (5)~~(A)~~ Each school year, the department shall establish and
6 publish by commissioner's memo an ~~end-of-course~~ assessment cycle for ~~general~~
7 ~~end-of-course assessments and high stakes end-of-course~~ state-required
8 assessments that a public school district shall follow unless the public
9 school district has obtained a written waiver from the department.

10 ~~(B) The end-of-course assessment cycle shall include an~~
11 ~~assessment cycle for a student who does not meet the requisite scale score~~
12 ~~for an initial high stakes end-of-course assessment and is required under~~
13 ~~this section to pass a subsequent end-of-course assessment before receiving~~
14 ~~academic credit on the student's transcript for the course that corresponds~~
15 ~~to the initial end-of-course assessment.~~

16
17 SECTION 14. Arkansas Code § 6-15-2009(f)(8) and (9), concerning public
18 school assessments and remediation, is repealed.

19 ~~(8) Within fifteen (15) business days from the date a public~~
20 ~~school district receives a student's score that indicates the student did not~~
21 ~~meet the requisite scale score on an initial and subsequent end-of-course~~
22 ~~assessment required by this section, the public school district shall provide~~
23 ~~written notice of the failure to the student's parent or guardian.~~

24 ~~(9) If a student with disabilities identified under the~~
25 ~~Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq. is~~
26 ~~unable to meet the requirements of this section because of the nature of the~~
27 ~~student's disabilities, the student may graduate from high school by~~
28 ~~demonstrating alternative competencies or alternative levels of competency~~
29 ~~under the student's individualized education program.~~

30
31 SECTION 15. Arkansas Code § 6-16-601(a)(1) through (3), concerning
32 definitions for postsecondary preparatory programs, is amended to read as
33 follows:

34 (a) As used in this section:

35 (1) "College and career readiness assessment" means ~~a test that~~
36 ~~measures student readiness for postsecondary learning and is~~ a set of

1 criterion-referenced measurements of a student's acquisition of the knowledge
2 and skills the student needs to be successful in future endeavors, including:

3 ~~(A) Administered under the Arkansas College and Career~~
4 ~~Readiness Planning Program, § 6-15-441; or~~

5 ~~(B) Used by institutions of higher education as part of~~
6 ~~their admissions, placement, and scholarship processes;~~

7 (A) Successfully completing credit-bearing, first-year
8 courses at a postsecondary institution; and

9 (B) Embarking on a chosen career;

10 (2)(A) "College and career readiness benchmark" means the
11 minimum score on a college and career readiness assessment in mathematics,
12 English, or reading ~~indicating that a student has a high probability of~~
13 ~~success in entry level postsecondary education~~ English language arts.

14 (B) College and career readiness benchmarks are determined
15 by the Arkansas Higher Education Coordinating Board and the State Board of
16 Education;

17 (3) "Eligible student" means a public school student in Arkansas
18 who:

19 (A) Is enrolled in any of grades eight through eleven (8-
20 11);

21 (B) Is identified through a college and career readiness
22 assessment as scoring below the college readiness benchmark in mathematics,
23 ~~English, or reading~~ English language arts;

24 (C) Has received the counseling required under § 6-16-602;
25 and

26 (D) Desires to enroll in postsecondary education;

27
28 SECTION 16. Arkansas Code § 6-16-601(d)(1)(D), regarding postsecondary
29 preparatory programs, is amended to read as follows:

30 (D) The progress of participants monitored in the postsecondary
31 preparatory program through the use of college and career readiness
32 assessments;

33
34 SECTION 17. Arkansas Code § 6-16-602(a)(5), regarding postsecondary
35 preparatory programs, is amended to read as follows:

36 (5) Effectively use college and career readiness assessments to

1 monitor the progress of participants in the postsecondary preparatory
2 program;

3

4 SECTION 18. Arkansas Code § 6-16-603 is amended to read as follows:

5 6-16-603. Local programs mandated – Placement test.

6 (a) Every public school in Arkansas shall:

7 (1) Identify eligible students under this subchapter using the
8 results from college and career readiness assessments under the Arkansas
9 College and Career Readiness Program, § 6-15-441; and

10 (2)(A) Provide the counseling required under subsection (b) of
11 this section.

12 (B) The public school shall make every reasonable effort
13 to involve parents or guardians in student counseling and placement of
14 students.

15 (b) A public school counselor serving students in any of grades eight
16 through eleven (8-11) shall:

17 (1) Counsel and strongly encourage each student enrolled in
18 grades eight through eleven (8-11) who is identified through college and
19 career readiness assessments as not meeting the college readiness benchmarks
20 in mathematics, or English, or reading language arts to enroll in a
21 postsecondary preparatory program if a program is available to the student;

22 (2) Advise each public school student enrolled in grade eleven
23 (11) in Arkansas that the student may take a placement test under § 6-16-605;
24 and

25 (3) Counsel and strongly encourage each student who takes a
26 placement test under § 6-16-605 and scores below the statewide minimum scores
27 established by the Arkansas Higher Education Coordinating Board for
28 mathematics, ~~English,~~ or reading English language arts to enroll during the
29 student's senior year of high school in regular school instructional courses
30 designated by:

31 (A) Local school officials to assist in the improvement of
32 the student's scores in the areas of deficiency; and

33 (B) The Department of Education and the Department of
34 Higher Education as an appropriate course for college and career readiness.

35

36 SECTION 19. Arkansas Code § 6-16-604(a)(3)(A), concerning student

1 enrollment in postsecondary preparatory programs, is amended to read as
2 follows:

3 (A) Scores below college and career readiness benchmarks on a
4 college and career readiness assessment or placement test; and

5

6 SECTION 20. Arkansas Code § 6-16-604(b), concerning student enrollment
7 in postsecondary preparatory programs, is amended to read as follows:

8 (b) An eligible student may enroll in one (1) or more of the
9 curriculum areas in which the eligible student has scored below the college
10 and career readiness benchmark as identified by college and career readiness
11 assessments.

12

13 SECTION 21. Arkansas Code § 6-16-605(a)(2), concerning testing and
14 acceptance of test scores in postsecondary preparatory programs, is amended
15 to read as follows:

16 (2) Completes a postsecondary preparatory program successfully
17 and in the student's senior year of high school enrolls in a mathematics or
18 English language arts course that is designated by the Department of
19 Education and the Department of Higher Education as an appropriate course for
20 college and career readiness.

21

22 SECTION 22. TEMPORARY LANGUAGE. DO NOT CODIFY. Any new assessment
23 required by this act to be implemented by the State Board of Education shall
24 be implemented no later than the 2014-2015 school year or, if the state board
25 determines delay is necessary to ensure proper alignment with curriculum and
26 other assessments, no later than the 2015-2016 school year.

27

28 SECTION 23. EMERGENCY CLAUSE. It is found and determined by the
29 General Assembly of the State of Arkansas that it is the state's
30 constitutional obligation to provide a general, suitable, and efficient free
31 system of public schools in the state; that the transition from the state's
32 existing assessment program to a common set of next-generation assessments in
33 English language arts and mathematics is critical to the delivery of a
34 constitutionally adequate education; and that this act is immediately
35 necessary for school districts and educators to prepare for the
36 implementation of the new assessment system. Therefore, an emergency is

1 declared to exist, and this act being immediately necessary for the
2 preservation of the public peace, health, and safety shall become effective
3 on:

4 (1) The date of its approval by the Governor;

5 (2) If the bill is neither approved nor vetoed by the Governor, the
6 expiration of the period of time during which the Governor may veto the bill;
7 or

8 (3) If the bill is vetoed by the Governor and the veto is overridden,
9 the date the last house overrides the veto.

10

11

/s/J. Key

12

13

14

APPROVED: 04/11/2013

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36