

As Engrossed: 3/24/93

1 **State of Arkansas**

2 **79th General Assembly**

3 **Regular Session, 1993**

4 **By: Representatives Pollan, *Argue, Roberts, Northcutt, and King***

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For An Act To Be Entitled

8 "AN ACT TO ENSURE THAT ALL ARKANSAS STUDENTS HAVE ACCESS
9 TO A FREE PUBLIC EDUCATION AND TO ENSURE EDUCATIONAL
10 ACCOUNTABILITY; AND FOR OTHER PURPOSES."

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Subtitle

13 "TO ENSURE THAT ALL ARKANSAS STUDENTS HAVE ACCESS TO A
14 FREE PUBLIC EDUCATION AND TO ENSURE EDUCATIONAL
15 ACCOUNTABILITY."

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

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19 SECTION 1. PURPOSE AND INTENT. The Arkansas General Assembly hereby
20 recognizes its responsibility to provide all Arkansas children with adequate
21 educational opportunity. Education is not a privilege but a right guaranteed
22 by the Arkansas Constitution, and it is essential to the economic future of
23 Arkansas that every child become a productive citizen. Educating every child
24 is not a goal in itself but the means by which Arkansas' children can achieve
25 all of their goals. The Arkansas General Assembly further recognizes that not
26 all children are being educated under the current public school system. The
27 reasons are varied and many, and some are longstanding. While not all
28 barriers may be surmountable, the General Assembly does believe that many are.
29 The key is recognizing and identifying how the system is failing a child,
30 early enough to provide meaningful intervention, and then adapting or altering
31 the system to meet the child's educational needs. Arkansas schools exist
32 solely for the benefit of the children, and the schools must adapt to their
33 educational needs. It is the intent of this Act to ensure that schools have
34 the authorization, the guidance, and the incentive to become more responsive
35 to the educational needs of all Arkansas children.

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SECTION 2. DEFINITIONS. As used in this Act, unless the context otherwise requires:

- (1) *"Intervention services" means activities within or outside a school that will eliminate traditional barriers to learning;*
- (2) *"Individual education plan" means a plan offering opportunity for academic progress to a student who is not succeeding in the traditional school classroom.*

SECTION 3. (a) Each school district shall annually conduct a student survey to identify district students falling into one of the following categories:

- (1) Students whose standardized test scores or assessment portfolios indicate that they are nine (9) months or more behind grade level;
- (2) Students who are one (1) year or more behind their grade level peers in accumulating credits for graduation;
- (3) Students who have failed one (1) or more subjects or courses within either of the most recent two (2) semesters of school;
- (4) Students who have been retained one (1) or more times;
- (5) Students whose test scores and/or assessment portfolios indicate that they are not performing at their ability level;
- (6) Students who have recurring *unexcused absences*;
- (7) Students who have personal or family problems or situations that have negatively affected their ability to function in school;
- (8) Students referred for special education who were not found to be eligible for special education; or
- (9) Students who have been suspended or expelled within either of the last two (2) school semesters, including students who are not currently in school because of expulsion.

(b) A school summary of the results of the annual survey for each school must be kept on file in the school principal's office and a district summary must be kept on file in the district superintendent's office. The summary should demonstrate the number, race, sex, socioeconomic status, and grade level of students in each of the categories listed above. No personally identifiable information shall be included in the summary data.

1 (c) Individual student record folders shall indicate if a student has
2 been identified in one of the listed categories during an annual survey, along
3 with the year of identification and the category or categories for which he or
4 she was identified.

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6 SECTION 4. (a) Students identified in the annual survey or *referred by*
7 a *principal or teacher during the school year* shall be screened by the school
8 district within the school year in which they are initially identified or
9 *referred*. During *subsequent years*, the student shall again be screened if:

10 (1) He or she is identified as falling within an additional
11 category;

12 (2) *Two (2) years have elapsed since the initial screening*; or

13 (3) He or she has received no intervention services since the
14 previous screening.

15 (b) School districts may select screening instruments from a list
16 recommended by the General Education Division of the State Department of
17 Education or the Commission on Alternative Nontraditional Education.

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19 SECTION 5. (a)(1) Each school shall appoint a multidisciplinary team
20 or teams, which will be responsible for reviewing the results of student
21 screening and *recommending further assessment*. Teams shall include
22 principals, teachers, and parents, as well as other professionals.

23 (2) A school district may select multidisciplinary team members
24 from school employees who are experts in various areas and may contract with
25 outside individuals or agencies with appropriate experience and expertise.

26 (b) The teams shall make written recommendations for additional
27 screening, different testing, obtaining more information, referrals for
28 medical and psychological evaluations, and *assessment* procedures, which in
29 the *team's opinion*, will provide the school with information to improve the
30 school's response to a student's educational needs.

31 (c) Recommendations for service-for-fee procedures beyond the initial
32 screening shall not obligate the school to pay for those procedures. This Act
33 shall not be interpreted as reducing a school's obligations to students with
34 disabilities under the Individuals With Disabilities Education Act or Section
35 504 of the Rehabilitation Act of 1975.

1 (d) Each district shall develop a plan for securing the additional
2 *assessment procedures* recommended by the multidisciplinary teams, utilizing
3 all available resources, including but not limited to school funds, third
4 party insurers, and medicaid screens (EPSTD).

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6 SECTION 6. (a) *Teachers, on their own initiative, may refer students*
7 *to the school administration for screening and additional assessment*
8 *procedures.*

9 (b) *Administrators shall act upon all teacher referrals or shall*
10 *respond to the teacher in writing as to why the referral cannot be met.*

11 (c) *Administrative retaliation against a teacher for any referral*
12 *pursuant to this section is prohibited.*

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14 SECTION 7. (a) *After initial screening of a student has been completed*
15 *and the multidisciplinary team has determined whether additional assessments*
16 *are appropriate, the school shall develop an individual education plan to*
17 *address the student's needs.*

18 (b) *Individual education plans may address the similar needs of several*
19 *students or may address the needs of individual students.*

20 (c) *Individual education plans shall be developed by school personnel*
21 *knowledgeable about the student, his or her identified needs, and the range*
22 *and availability of traditional and nontraditional intervention services that*
23 *might address the identified needs. School personnel who meet the training*
24 *requirements set forth in this Act must participate in intervention planning,*
25 *however, schools may also involve persons from outside agencies with*
26 *appropriate expertise.*

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28 SECTION 8. (a) *Each school shall be responsible for all intervention*
29 *services within the school.*

30 (b) *The local school district shall be responsible for providing*
31 *intervention services outside the school, either directly or indirectly.*

32 (c) *Each school shall be responsible for establishing transition plans*
33 *for students entering intervention services, within or outside the school, and*
34 *youth offender programs. The school shall further provide a plan when a*
35 *student subsequently re-enters the traditional school environment. Plans*

1 shall include ninety (90) day monitoring, bi-weekly progress reports, and
2 parent contacts.

3 (d) Each educational cooperative established under § 6-13-901 et seq.
4 is hereby authorized to establish alternative schools specifically designed to
5 be different from the traditional school in their philosophy, structure,
6 methodology, and approach to education.

7 (e) School districts within an educational cooperative area may also
8 join together to establish alternative schools.

9 (f) State funds allocated for students shall follow the students in the
10 year they enter an alternative school outside their home district.

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12 SECTION 9. (a) Each school district shall collect all student test and
13 assessment data by social security number (or equivalent number as authorized
14 by law) and relay all test and assessment reports required by law to the
15 Department of Education by social security number, along with a master key
16 that identifies each number as to race, sex, and socioeconomic status.

17 (b) By October 15 of each year, a school will report, as part of its
18 Annual School Report, the school summary required in subsection 3(b). In
19 addition, for each student identified in the previous year's summary, a school
20 must submit a progress report that records any action on the part of the
21 district to address the student's needs, and a progress report. The progress
22 report shall indicate each student's social security number, date and category
23 of identification, date of screening, and what, if any, intervention service
24 the student received.

25 (c) So long as a student continues to fall into one of the categories
26 listed in Section 1, his or her progress report should be included in the
27 annual school summary reported to the Department of Education. The progress
28 report should also indicate if a student reported the previous year has
29 dropped out of school, has transferred to another school, or no longer falls
30 within one of the designated categories.

31 (d) The Department of Education shall begin longitudinal studies of
32 student progress reported pursuant to this Act for the purpose of determining
33 the following:

34 (1) Relationships between identification of student needs and
35 success in school, reduction in the number of dropouts, and improved

1 attendance;

2 (2) The effectiveness of various types of interventions conducted
3 by schools; and

4 (3) Other longitudinal data requested by individual school
5 districts regarding their students.

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7 SECTION 10. (a) Confidentiality of Records:

8 (1) Data reported to the Department of Education under this Act
9 is subject to the requirements of the federal Family Educational Rights and
10 Privacy Act;

11 (2) Data will not be released in any personally identifiable form
12 but may be supplied with proper protections to persons or agencies conducting
13 related studies.

14 (b) School Use of Records:

15 (1) All records reflecting an individual student's
16 identification, screening, intervention services, and progress shall be
17 maintained in the student's individual student record folder;

18 (2) Each teacher shall be provided with the student record
19 folders, containing the above referenced information, for students with whom
20 the teacher will have interaction, in advance of the scheduled beginning of
21 the semester in which such interaction will occur. Where the student/teacher
22 relationship was not anticipated, the teacher shall receive such information
23 no later than the end of the first week after the student has been placed in
24 the teacher's class or has been assigned to the teacher.

25 (c) Transfer of School Records:

26 (1) Consistent with the Family Educational Rights and Privacy
27 Act, any school, public, private, parochial or home school, is hereby
28 prohibited from withholding a student's records from another school to which
29 the student or the student's parent has requested those records be forwarded
30 for the purpose of enrolling the student. All schools must forward requested
31 records and comply with the notice provisions of the Family Educational Rights
32 and Privacy Act;

33 (2) Information collected for the purposes of this act on an
34 individual student must be forwarded as a part of the student's educational
35 records to requesting schools.

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2 SECTION 11. (a) A school district that implements intervention
3 services pursuant to this Act shall be eligible for "add-on" weights in the
4 computation of state aid under § 6-20-301 et seq. for average daily membership
5 (ADM). Add-on weights listed in this Act shall be supplemental to those
6 listed at § 6-20-302.

7 (b) Students receiving intervention services pursuant to this Act shall
8 be given add-on weights in the following amounts for the setting in which the
9 services are provided:

10 (1) A separate alternative classroom in the school during the
11 regular school day - .25;

12 (2) A separate alternative classroom in the school outside the
13 regular school day - .25;

14 (3) A separate alternative school during or outside the regular
15 school day - .50.

16 (c) A school district shall also explore non-traditional funding
17 sources for use in implementing intervention services for students. These
18 include, but are not limited to, the following:

19 (1) Vocational education funds and grants from the federal
20 government, such as Carl Perkins, adult education, and apprenticeship grants;

21 (2) General education funds and grants from the federal
22 government, such as Chapter 1, Chapter 2, drug education, and compensatory
23 education;

24 (3) Private funds and grants, such as United Way, Llaner
25 Foundation, and Altrusa Club; and

26 (4) Sale of merchandise and services generated by alternative
27 education programs.

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29 SECTION 12. Schools that do not comply with the identification,
30 screening, and reporting requirements of this Act shall be identified each
31 year in the Arkansas Department of Education Annual School District Report
32 Card.

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34 SECTION 13. (a) Beginning in January 1996, no person will be eligible
35 for initial certification or for certifications in additional areas unless the

1 person has completed a college level course designed to enhance a teacher or
2 administrator's ability to develop and implement interventions that will meet
3 the needs of students identified in Section 1.

4 (b) Beginning in January 1996, no person will be eligible for graduation
5 from a teacher education program approved by the Arkansas Department of
6 Education unless the person has completed a college level course designed to
7 enhance a teacher or administrator's ability to develop and implement
8 interventions that will meet the needs of students identified in Section 1.

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/s/Carolyn Pollan, et al

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