

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017

A Bill

HOUSE BILL 1646

4
5 By: Representative Cozart

For An Act To Be Entitled

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

Subtitle

11
12
13
14 TO AMEND VARIOUS PROVISIONS OF THE
15 ARKANSAS CODE CONCERNING PUBLIC
16 EDUCATION.

17
18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

20
21 SECTION 1. Arkansas Code Title 6, Chapter 5, Subchapter, 1 is
22 repealed.

23 ~~Subchapter 1 — Early Childhood Development Projects~~

24
25 ~~6-5-101. Authorization.~~

26 ~~(a) Any school district or any combination of school districts of this~~
27 ~~state is authorized to join with a state-supported junior college, college,~~
28 ~~or university, or any combination of state-supported junior colleges,~~
29 ~~colleges, or universities in this state and develop a pilot or demonstration~~
30 ~~project for early childhood development and teaching and to apply to the~~
31 ~~Department of Education for approval and funding of the project.~~

32 ~~(b) Any project to be approved must be a program combining both~~
33 ~~childhood development for the children involved in the project and training~~
34 ~~for teachers in the area of early childhood development.~~

35
36 ~~6-5-102. Project guidelines.~~



1 ~~(a) The Department of Education shall develop guidelines to assist~~
 2 ~~school districts and colleges and universities in developing projects to be~~
 3 ~~submitted for approval and funding pursuant to this subchapter.~~

4 ~~(b) These guidelines will include, but will not be restricted to,~~
 5 ~~eriteria for:~~

- 6 ~~(1) Instructional objectives;~~
- 7 ~~(2) Classroom characteristics;~~
- 8 ~~(3) Competence of the classroom workers;~~
- 9 ~~(4) Evaluation of the program;~~
- 10 ~~(5) Dissemination of program ideas and training procedures;~~
- 11 ~~(6) Reports of progress and findings; and~~
- 12 ~~(7) Age of children to be eligible for participation.~~

13
 14 ~~6-5-103. College role.~~

15 ~~The Arkansas Higher Education Coordinating Board will be apprised of~~
 16 ~~the role of the colleges in these projects and will advise the Department of~~
 17 ~~Education with respect to the efficient coordination of the college portions~~
 18 ~~of the program.~~

19
 20 ~~6-5-104. Funding.~~

21 ~~After approval, a program shall then be funded out of the funds~~
 22 ~~appropriated in this subchapter in an amount as shall be approved by the~~
 23 ~~Department of Education in consultation with the Arkansas Higher Education~~
 24 ~~Coordinating Board.~~

25
 26 SECTION 2. Arkansas Code § 6-10-119 is amended to read as follows:

27 6-10-119. Medicaid billing.

28 ~~(a)(1) By May 1 of each year, the Special Education Section of the~~
 29 ~~Department of Education shall determine which~~ identify ~~school districts that~~
 30 ~~are underperforming in the area of direct-service Medicaid billing.~~

31 ~~(2) Based on this determination, underperforming~~ The department
 32 shall direct identified ~~school districts shall be directed by the section to~~
 33 increase direct-service Medicaid billing by district staff or enter into an
 34 agreement ~~associate~~ with an education service cooperative or other public or
 35 private entity ~~for the provision of direct-service Medicaid billing services.~~

36 (b) The school district for which billing services are rendered shall

1 pay the education service cooperative providing the billing services an
 2 amount necessary to compensate the education service cooperative for costs
 3 associated with providing the services, ~~subject to the review and approval of~~
 4 ~~the section.~~

5 (c) Nothing in this section shall be construed to restrict qualified
 6 public or private providers from developing, maintaining, or expanding
 7 service relationships with school districts.

8
 9 SECTION 3. Arkansas Code § 6-10-121(a)(1), concerning tornado safety
 10 drills, is amended to read as follows:

11 (a)(1) As used in this section, "public school" means:

12 (A) a school that is part of a public school district
 13 under the control and management of a local school district board of
 14 directors; or

15 (B) An open enrollment public charter school.

16
 17 SECTION 4. Arkansas Code § 6-11-104(b), concerning meetings of the
 18 State Board of Education, is amended to read as follows:

19 (b) ~~The state board will meet each December to~~ In any of its meetings
 20 before the end of the calendar year, the state board shall determine the
 21 meeting dates for the following year.

22
 23 SECTION 5. Arkansas Code § 6-11-105(a)(3), concerning the powers and
 24 duties of the State Board of Education, is repealed.

25 ~~(3) Prescribe rules for the examination of pupils to detect~~
 26 ~~contagious and infectious diseases and physical defects;~~

27
 28 SECTION 6. Arkansas Code § 6-11-112 is amended to read as follows:

29 6-11-112. Power to make plans coordinating state and federal laws.

30 The State Board of Education is empowered to make plans, promulgate
 31 rules, and seek waivers for flexibility as necessary for this state to meet
 32 the requirements of a law enacted by Congress for general education,
 33 including without limitation the Elementary and Secondary Education Act of
 34 1965, Pub. L. No. 89-10, as reauthorized by the ~~No Child Left Behind Act of~~
 35 ~~2001, Pub. L. No. 107-110,~~ Every Student Succeeds Act, Pub. L. No. 114-95, or
 36 any supplementary federal regulations, directives, or decisions of the United

1 States Department of Education pertaining to that legislation.

2
3 SECTION 7. Arkansas Code § 6-11-119 is repealed.

4 ~~6-11-119. Correspondence courses.~~

5 ~~(a) The State Board of Education shall promulgate reasonable rules,~~
6 ~~regulations, and standards for the accreditation of persons, firms, schools,~~
7 ~~or educational institutions offering correspondence courses to the people of~~
8 ~~this state and may grant certificates of approval to those persons, firms,~~
9 ~~schools, or educational institutions offering correspondence courses that~~
10 ~~meet the approval of its rules, regulations, and standards.~~

11 ~~(b) It shall be unlawful for any person, firm, school, or educational~~
12 ~~institution to advertise by newspaper, magazine, pamphlet, handbill, or other~~
13 ~~printed method published in this state or by radio or by television in this~~
14 ~~state the offering of any correspondence courses unless that person, firm,~~
15 ~~school, or educational institution shall have first registered with the State~~
16 ~~Board of Education and shall have been approved by the State Board of~~
17 ~~Education as an accredited correspondence school.~~

18 ~~(c)(1) The provisions of this section shall be applicable to all~~
19 ~~schools or educational institutions offering correspondence courses whether~~
20 ~~the schools are located in this state or in some other state.~~

21 ~~(2) However, these provisions shall not apply to those schools~~
22 ~~or educational institutions regulated by the State Board of Private Career~~
23 ~~Education or by the Arkansas Higher Education Coordinating Board.~~

24 ~~(d) Any person violating this section shall be guilty of a violation~~
25 ~~and upon conviction shall be fined in the sum of not less than two hundred~~
26 ~~fifty dollars (\$250) and not more than five hundred dollars (\$500).~~

27
28 SECTION 8. Arkansas Code § 6-11-128(b), concerning school district use
29 of a software system other than the Arkansas Public School Computer Network,
30 is repealed.

31 ~~(b) After approval by the Department of Education, a school district~~
32 ~~may use a different software system at the school district level if:~~

33 ~~(1) The Department of Education determines that the school~~
34 ~~district's software meets the minimum reporting requirements provided by the~~
35 ~~Arkansas Public School Computer Network; and~~

36 ~~(2) The school district supplies all school district transaction~~

1 ~~information to the Arkansas Public School Computer Network in a compatible~~
 2 ~~format and in sufficient detail as required by the Department of Education.~~

3
 4 SECTION 9. Arkansas Code § 6-11-128(c)(6), concerning a certification
 5 program for the Arkansas Public School Computer Network, is repealed.

6 ~~(6)(A) Developing a certification program to certify:~~

7 ~~(i) At least one (1) person in each school district~~
 8 ~~as a certified APSCN financials user and trainer; and~~

9 ~~(ii) At least one (1) person in each school district~~
 10 ~~as a certified APSCN student management user and trainer.~~

11 ~~(B) The certification process shall require an applicant~~
 12 ~~for certification to successfully complete the following components,~~
 13 ~~including without limitation:~~

14 ~~(i) Courses in the application area;~~

15 ~~(ii) Training in using the network's reporting~~
 16 ~~tools; and~~

17 ~~(iii) An examination that tests the applicant's~~
 18 ~~knowledge and skills in the application area and the Arkansas Public School~~
 19 ~~Computer Network's reporting tools.~~

20 ~~(C) In a school district of five hundred (500) or fewer~~
 21 ~~students, one (1) person may be certified in both financials and student~~
 22 ~~management; and~~

23
 24 SECTION 10. Arkansas Code § 6-11-131 is repealed.

25 ~~6-11-131. Divisions of the Department of Education.~~

26 ~~(a)(1) Effective July 1, 2005, the Department of Education shall~~
 27 ~~consist of a central administration and the following divisions:~~

28 ~~(A) The Division of Fiscal and Administrative Services;~~

29 ~~(B) The Division of Human Resources;~~

30 ~~(C) The Division of Learning Services; and~~

31 ~~(D) The Division of Research and Technology.~~

32 ~~(2) Effective April 11, 2006, the Division of Public School~~
 33 ~~Academic Facilities and Transportation, established under § 6-21-112, shall~~
 34 ~~be under the department.~~

35 ~~(3) Effective July 1, 2007, the Division of Public School~~
 36 ~~Accountability, established under § 6-15-102, shall be under the department.~~

1 ~~(b)(1) The Division of Public School Accountability shall have such~~
 2 ~~duties as provided by law.~~

3 ~~(2) The Division of Public School Academic Facilities and~~
 4 ~~Transportation shall have duties as provided by law and such responsibility~~
 5 ~~and programs as may be assigned by the Commission for Arkansas Public School~~
 6 ~~Academic Facilities and Transportation.~~

7 ~~(3) The remaining divisions shall have such responsibility and~~
 8 ~~programs as may be assigned to them by the Commissioner of Education.~~

9 ~~(c)(1) Except as provided in subdivision (c)(2) of this section, each~~
 10 ~~division of the department shall be under the direction, control, and~~
 11 ~~supervision of the Commissioner of Education.~~

12 ~~(2) The Division of Public School Academic Facilities and~~
 13 ~~Transportation shall be under the direction, control, and supervision of the~~
 14 ~~Commission for Arkansas Public School Academic Facilities and Transportation.~~

15
 16 SECTION 11. Arkansas Code § 6-13-1505(d)(1), concerning creation of a
 17 school district, is amended to read as follows:

18 (d)(1) The ad ~~valorum~~ valorem tax rate of the new school district
 19 shall remain the same as that of the original school district until an
 20 election is held in the new school district and a rate of tax is approved and
 21 shall be allocated in the same proportion between maintenance and operation
 22 and debt service as was allocated by the original school district.

23
 24 SECTION 12. Arkansas Code § 6-13-1505(e)(2), concerning creation of a
 25 school district, is amended to read as follows:

26 (2) Enter into ~~lease with purchase~~ lease-purchase agreements,
 27 revolving loans under 6-20-801 et seq., ~~term loans, post-date~~ post-dated
 28 warrants, or installment contracts;

29
 30 SECTION 13. Arkansas Code § 6-13-1505(h)(2), concerning creation of a
 31 school district, is amended to read as follows:

32 (2) At the school election or any subsequent school election, a
 33 new school district may present to the qualified electors of the new school
 34 district a proposed ad ~~valorum~~ valorem tax for the maintenance and operation
 35 of schools and the retirement of indebtedness.

1 SECTION 14. Arkansas Code § 6-13-1606 is repealed.

2 ~~6-13-1606. Development of plan to track student progress.~~

3 ~~(a) Following the administrative consolidation or administrative~~
4 ~~annexation under §§ 6-13-1601—6-13-1603, 6-13-1604 [repealed], and 6-13-~~
5 ~~1605 [repealed] effective before December 1, 2004, and before any~~
6 ~~consolidation, annexation, detachment, approval of a conversion charter, or~~
7 ~~any other type of reclassification or reorganization of a school district~~
8 ~~after December 1, 2004, each receiving district or resulting district and the~~
9 ~~Department of Education shall develop a plan to track the educational~~
10 ~~progress of all students from the affected district and the following~~
11 ~~subgroups of those students:~~

12 ~~(1) Students who have been placed at risk of academic failure as~~
13 ~~required under § 6-15-1602;~~

14 ~~(2) Economically disadvantaged students;~~

15 ~~(3) Students from major racial and ethnic groups; and~~

16 ~~(4) Specific population groups as identified by the State Board~~
17 ~~of Education, the department, the affected district, or the receiving~~
18 ~~district as target groups for closing the achievement gaps.~~

19 ~~(b) The receiving or resulting district shall obtain and retain all~~
20 ~~student records from the affected district for the five (5) years immediately~~
21 ~~preceding the administrative consolidation or administrative annexation,~~
22 ~~specifically including, but not limited to:~~

23 ~~(1) Individual student records;~~

24 ~~(2) Attendance records;~~

25 ~~(3) Enrollment records;~~

26 ~~(4) Assessment records for assessments required under the~~
27 ~~Arkansas Comprehensive Testing, Assessment, and Accountability Program Act, §~~
28 ~~6-15-401 et seq., specifically including benchmark assessments and end-of-~~
29 ~~course assessments; and~~

30 ~~(5) ACT and SAT results and records.~~

31 ~~(c) The school district shall report to the department information~~
32 ~~determined by the department as necessary to track the educational progress~~
33 ~~of all students from the affected district as a subgroup and the following~~
34 ~~subgroups of those transferred students:~~

35 ~~(1) Students who have been placed at risk of academic failure as~~
36 ~~required under § 6-15-1602;~~

1 ~~(2) Economically disadvantaged students; and~~

2 ~~(3) Students from major racial and ethnic groups.~~

3 ~~(d) By November 1, 2005, and by November 1 each year thereafter, the~~
 4 ~~department shall file a written report with the Governor, the chair of the~~
 5 ~~House Committee on Education, the chair of the Senate Committee on Education,~~
 6 ~~and the secretary of the Legislative Council assessing the educational~~
 7 ~~progress of all students from the affected district as a subgroup and the~~
 8 ~~following subgroups of those transferred students:~~

9 ~~(1) Students who have been placed at risk of academic failure as~~
 10 ~~required under § 6-15-1602;~~

11 ~~(2) Economically disadvantaged students; and~~

12 ~~(3) Students from major racial and ethnic groups.~~

13
 14 SECTION 15. Arkansas Code § 6-15-902(c)(2)(C)(i), concerning grading
 15 scales, is amended to add an additional subdivision to read as follows:

16 (c) Attends a College Board endorsed training
 17 at intervals recommended by the College Board; or

18
 19 SECTION 16. Arkansas Code § 6-15-1402(b)(4)(B), concerning the
 20 contents of a school performance report, is amended to read as follows:

21 (B) Of that total, the number who meet each of the
 22 following criteria:

23 ~~(i) Highly qualified teacher;~~

24 ~~(ii)~~ Identified as proficient or above under the
 25 Teacher Excellence and Support System for the school; and

26 ~~(iii)~~(ii) Certified by the National Board for
 27 Professional Teaching Standards.

28
 29 SECTION 17. Arkansas Code § 6-15-1601(g)(2), concerning the duties of
 30 the Commission on Closing the Achievement Gap in Arkansas, is amended to read
 31 as follows:

32 (2) Monitor the Department of Education's efforts to comply with
 33 federal guidelines on improving the academic achievement of the
 34 disadvantaged, specifically ~~including, but not limited to,~~ including without
 35 limitation the No Child Left Behind Act of 2001 Elementary and Secondary
 36 Education Act of 1965, Pub. L. No. 80-10, as reauthorized by the Every

1 Student Succeeds Act, Pub. L. No. 114-95;
2

3 SECTION 18. Arkansas Code § 6-15-1601(h)(2), concerning the Commission
4 on Closing the Achievement Gap in Arkansas, is amended to read as follows:

5 (2) Relevant technical experts to assist in drafting and monitoring
6 the department's efforts to comply with federal guidelines on improving the
7 academic achievement of the disadvantaged, specifically including without
8 limitation the ~~No Child Left Behind Act of 2001, 20 U.S.C. § 6301 et seq.~~
9 Elementary and Secondary Education Act of 1965, Pub. L. No. 80-10, as
10 reauthorized by the Every Student Succeeds Act, Pub. L. No. 114-95;
11

12 SECTION 19. Arkansas Code § 6-15-2502(d)(3)(C)(iii), concerning the
13 criteria for designating education renewal zones and participating schools,
14 is repealed.

15 ~~(iii) The school demonstrates an inability to hire~~
16 ~~and retain highly qualified teachers as defined by the state plan for~~
17 ~~compliance with the federal No Child Left Behind Act of 2001, 20 U.S.C. §~~
18 ~~6301 et seq.;~~
19

20 SECTION 20. Arkansas Code § 6-16-1405(a)(4), concerning the approval
21 of digital learning providers, is amended to read as follows:

22 (4)(A) Utilizes ~~highly~~ qualified teachers to deliver digital
23 learning courses to public school students.

24 (B) A ~~highly~~ qualified teacher ~~that~~ who delivers digital
25 learning courses under this subchapter is not required to be licensed as a
26 teacher or administrator by the state board, but shall meet the minimum
27 qualifications for teaching in a core content area established by rules of
28 the state board.
29

30 SECTION 21. Arkansas Code § 6-17-704(d), concerning school district
31 professional development plans, is amended to read as follows:

32 (d) The professional development offerings may include approved
33 conferences, workshops, institutes, individual learning, mentoring, peer-
34 coaching, study groups, National Board for Professional Teaching Standards
35 certification, distance learning, micro-credentialing approved by the
36 department, internships, and college or university course work.

1
2 SECTION 22. Arkansas Code § 6-17-705(e), concerning professional
3 development credit, is amended to read as follows:

4 (e) A person who holds any license issued by the State Board of
5 Education may obtain credit for required professional development through a
6 micro-credentialing process approved by the department.

7 ~~(f) The State Board of Education~~ state board shall promulgate the
8 rules necessary for the proper implementation of this section.

9
10 SECTION 23. Arkansas Code § 6-17-707(e), concerning the Arkansas
11 Online Professional Development Initiative, is amended to read as follows:

12 (e)(1) The department shall determine the content of and preapprove
13 all professional development courses or programs delivered by the network
14 that qualify for professional development credit as required by the Standards
15 for Accreditation of Arkansas Public Schools and School Districts or teacher
16 licensure requirements.

17 (2) The department may approve professional development obtained
18 through a micro-credentialing process.

19
20 SECTION 24. Arkansas Code § 6-17-919(b), concerning the warrants
21 issued without a valid teaching license, is amended to read as follows:

22 (b)(1) The school district superintendent and the superintendent's
23 surety shall be liable for any warrants that he or she countersigns in
24 payment of teachers' salaries unless and until the state board has issued a
25 valid license or the ~~department~~ Department of Education has provided the
26 documentation required by subdivision (a)(1)(B) of this section.

27 (2) An online copy that is accessible on a website designated by
28 the department is sufficient evidence of the issuance of a valid license or
29 the documentation required by subdivision (a)(1)(B) of this section.

30
31 SECTION 25. Arkansas Code Title 6, Chapter 18, Subchapter 3, is
32 amended to add an additional section to read as follows:

33 6-18-320. Unsafe school choice program.

34 (a) Any student that becomes the victim of a violent criminal offense
35 while in or on the grounds of an Arkansas public elementary, secondary, or
36 public charter school or who is attending a persistently dangerous public

1 school shall be allowed to attend a safe public school within the local
 2 educational agency under rules established by the State Board of Education.

3 (b) The state board may promulgate rules to administer this section.
 4

5 SECTION 26. Arkansas Code Title 6, Chapter 18, Subchapter 8 is
 6 repealed.

7 ~~Subchapter 8 — School Safety Patrols~~
 8

9 ~~6-18-801. Rules and regulations.~~

10 ~~The State Board of Education shall promulgate rules and regulations by~~
 11 ~~which every school district board of directors in this state may organize,~~
 12 ~~regulate, and supervise school safety patrols for the purpose of:~~

13 ~~(1) Influencing and encouraging the other pupils to refrain from~~
 14 ~~crossing public highways and streets at points other than at regular~~
 15 ~~crossings;~~

16 ~~(2) Influencing and encouraging pupils to refrain from crossing~~
 17 ~~at regular crossings when the presence of traffic would render such crossing~~
 18 ~~unsafe; and~~

19 ~~(3) Assisting drivers of school buses in maintaining safety~~
 20 ~~rules and in ascertaining that pupils are received and discharged from buses~~
 21 ~~in safety.~~
 22

23 ~~6-18-802. Liability.~~

24 ~~No liability shall attach either to the State Board of Education, the~~
 25 ~~school district, a superintendent, teacher, safety patrol member, or other~~
 26 ~~school authority by virtue of the organization, maintenance, or operation of~~
 27 ~~a school safety patrol organized, maintained, and operated under authority of~~
 28 ~~and in compliance with this subchapter.~~
 29

30 ~~6-18-803. Powers and duties.~~

31 ~~(a)(1) Nothing herein contained shall be construed to authorize or~~
 32 ~~permit the use of any safety patrol member for the purpose of directing~~
 33 ~~vehicular traffic.~~

34 ~~(2) However, this shall not prohibit the use of a flag or other~~
 35 ~~approved signal by a safety patrol member for the purpose of indicating to a~~
 36 ~~driver that school children are crossing the street.~~

1 ~~(b) No safety patrol member shall be stationed in that portion of the~~
 2 ~~highway intended for the use of vehicular traffic but shall perform his or~~
 3 ~~her duties from the curb and sidewalk areas.~~

4
 5 ~~6-18-804. Age and consent requirements.~~

6 ~~(a) No pupil shall be designated a safety patrol member under this~~
 7 ~~subchapter unless he or she is eleven (11) years of age or older and has the~~
 8 ~~written permission of a parent or guardian.~~

9 ~~(b) Any teacher or board member using any pupil for safety patrol~~
 10 ~~purposes without the written permission of a parent or guardian shall be~~
 11 ~~guilty of a violation and upon conviction shall be fined not less than~~
 12 ~~twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100) for~~
 13 ~~each offense.~~

14
 15 SECTION 27. Arkansas Code § 6-18-1005(a)(1)(L), concerning student
 16 guidance services, is amended to read as follows:

17 (L) Classroom guidance, which shall be limited to forty-
 18 minute class sessions, not to exceed three (3) per day ~~or~~ and not to exceed
 19 ten (10) per week; and

20
 21 SECTION 28. Arkansas Code § 6-20-1908(d), concerning the length of
 22 fiscal distress status, is amended to read as follows:

23 (d) Except under ~~§ 6-20-1910(d)~~ § 6-20-1910(e), a school district
 24 shall not be allowed to remain in fiscal distress status for more than five
 25 (5) consecutive school years from the date that the school district was
 26 classified as being in fiscal distress status.

27
 28 SECTION 29. Arkansas Code § 6-20-1908(i), concerning State Board of
 29 Education action regarding fiscal distress, is amended to read as follows:

30 (i) Except under ~~§ 6-20-1910(d)~~ § 6-20-1910(e), the state board shall
 31 consolidate, annex, or reconstitute any school district that fails to remove
 32 itself from the classification of a school district in fiscal distress within
 33 five (5) consecutive school years of classification of fiscal distress status
 34 unless the state board, at its discretion, issues a written finding supported
 35 by a majority of the state board, explaining in detail that the school
 36 district could not remove itself from fiscal distress due to impossibility

1 caused by external forces beyond the school district's control.

2
 3 SECTION 30. Arkansas Code § 6-20-1910(d)(1), concerning state
 4 assumption of authority of a school district in fiscal distress, is amended
 5 to read as follows:

6 (d) If the Commissioner of Education assumes authority over a public
 7 school district in fiscal distress under ~~subsection (a) of this section § 6-~~
 8 20-1909, the state board may pursue the following process for returning a
 9 public school district to the local control of its residents:

10 (1) During the second full school year following ~~a school~~
 11 ~~district's classification as being in fiscal distress status~~ the assumption
 12 of authority, the state board shall determine the extent of the school
 13 district's progress toward correcting all issues that caused the
 14 classification of fiscal distress;

15
 16 SECTION 31. Arkansas Code § 6-41-407 is amended to read as follows:

17 6-41-407. Accommodation for students with sensory processing
 18 difficulty.

19 When administering a state-mandated assessment or a state-mandated
 20 test, the Department of Education and each school district shall allow a
 21 student that has been evaluated through appropriate testing, including a
 22 comprehensive eye examination by an optometrist or an ophthalmologist, and
 23 identified as having difficulty with sensory processing in reaction to
 24 oversensitivity to full spectrum light to use color overlays specific to the
 25 student's oversensitivity that alter the contrast between the words and the
 26 page so that the student can visually comprehend the words on a page of a
 27 state mandated assessment or a state-mandated test, if made available by the
 28 test developer.