

# A Bill

4 By: *Representatives Thicksten and McGinnis*

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## For An Act To Be Entitled

8 "AN ACT TO AMEND ARK. CODE ANN. § 6-16-703 TO *PROVIDE*  
9 *SUMMER REMEDIAL INSTRUCTION PROGRAMS FOR STUDENTS IN*  
10 *KINDERGARTEN THROUGH GRADE THREE (K-3) WHO DID NOT PERFORM*  
11 *AT GRADE LEVEL DURING THE REGULAR SCHOOL YEAR AND*  
12 *INTENSIVE READING INSTRUCTION THROUGHOUT THE REGULAR*  
13 *SCHOOL YEAR FOR STUDENTS IN K-3 WHO ARE IDENTIFIED AS IN*  
14 *DANGER OF NOT BEING ABLE TO READ AT GRADE LEVEL BY THE END*  
15 *OF THE SCHOOL YEAR AND TO OFFER LOCAL DISTRICTS THE OPTION*  
16 *OF REQUIRING SUMMER REMEDIATION PROGRAMS FOR STUDENTS IN*  
17 *GRADES FOUR (4) AND FIVE (5); TO DECLARE AN EMERGENCY; AND*  
18 *FOR OTHER PURPOSES."*

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## Subtitle

21 "TO *PROVIDE* *SUMMER REMEDIAL INSTRUCTION*  
22 *PROGRAMS FOR STUDENTS IN K-3 WHO DID NOT*  
23 *PERFORM AT GRADE LEVEL DURING THE*  
24 *REGULAR SCHOOL YEAR."*

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

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28 SECTION 1. Arkansas Code Annotated § 6-16-703 is amended to read as  
29 follows:

30 "6-16-703. Legislative findings - Mandatory summer school - Rules and  
31 regulations - Funding programs.

32 (a)(1) The General Assembly hereby finds and acknowledges that if  
33 remediation is necessary, it should be provided when students are younger and  
34 before patterns of failure are established. The General Assembly further  
35 acknowledges that the expansion of summer remedial instruction programs during  
36 the summers of 1995 and 1996 did not generally prove to be as educationally

1 advantageous and as cost effective as anticipated, that the people of Arkansas  
2 would be better served if the State acted to ensure that all public school  
3 students were able to read at or above grade level upon exiting grade three  
4 (3), that local school districts are in the best position to determine if  
5 remediation is necessary for students in grades four (4) and five (5), and  
6 that the districts should have the option of providing summer school for such  
7 students and requiring attendance thereto to be eligible for promotion to the  
8 next grade.

9       (2) The General Assembly further finds that not all students are  
10 financially able to pay for summer school, nor do all school districts hold  
11 summer school. It is therefore the purpose of this section to allow the  
12 public school districts of Arkansas to either individually or cooperatively  
13 provide free summer school and summer school transportation to those students  
14 in kindergarten through grade three (K-3) who did not perform at grade level  
15 during the regular school year and to ensure that students in kindergarten  
16 through grade three (3) who are identified as in danger of not being able to  
17 read at grade level by the end of the school year receive intensive reading  
18 instruction during their regularly scheduled reading time throughout the  
19 regular school year.

20       (3) It is further the purpose of this section to allow the public  
21 school districts of Arkansas to either individually or cooperatively provide  
22 free summer school and summer school transportation to students in grades four  
23 (4) and five (5) who did not perform at grade level during the regular school  
24 year.

25       (b)(1) Each student in kindergarten through grade three (K-3) who did  
26 not perform at grade level during the regular school year shall attend summer  
27 school to be eligible for promotion to the next grade.

28       (2) Students in kindergarten through grade three (3) who are  
29 identified by the classroom teacher as in danger of not being able to read at  
30 grade level by the end of the school year ~~shall~~ should receive intensive  
31 reading instruction during their regularly scheduled reading time throughout  
32 the regular school year.

33       (3) Any local school district may, at the option of its board of  
34 directors, require a student in grade four (4) or five (5) who did not perform  
35 at grade level to attend summer school to be eligible for promotion to the  
36 next grade.

1 (c) The State Board of Education is hereby authorized to promulgate  
2 rules and regulations for the implementation of this section.

3 (d) The State Board of Education is authorized to fund, from any funds  
4 available for such purposes, the programs required by this section for  
5 students in kindergarten through grade three (K-3) and any programs required  
6 by State Board of Education regulations such as, but not limited to, the  
7 following:

8 (1) Tutoring;

9 (2) Summer school educational services;

10 (3) *Additional certified personnel to provide intensive*  
11 *instruction in reading throughout the school year;*

12 (4) *Staff development for teachers; and*

13 (5) Hot meal programs.

14 (e) *Any local school district may apply to the Director of the*  
15 *Department of Education for a waiver for use of in-school and summer school*  
16 *remediation funds.*

17 (f) *The savings from not providing free summer school and summer school*  
18 *transportation to students in grades four (4) and five (5) who did not perform*  
19 *at grade level during the regular school year should be expended in the*  
20 *intensive reading instruction program provided throughout the school year to*  
21 *students in kindergarten through grade three (3) who are identified by the*  
22 *classroom teacher as in danger of not being able to read at grade level by the*  
23 *end of the school year."*

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25 SECTION 2. All provisions of this act of a general and permanent nature  
26 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
27 Revision Commission shall incorporate the same in the Code.

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29 SECTION 3. If any provision of this act or the application thereof to  
30 any person or circumstance is held invalid, such invalidity shall not affect  
31 other provisions or applications of the act which can be given effect without  
32 the invalid provision or application, and to this end the provisions of this  
33 act are declared to be severable.

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35 SECTION 4. All laws and parts of laws in conflict with this act are  
36 hereby repealed.

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SECTION 5. EMERGENCY. It is found and determined by the Eighty First General Assembly of the State of Arkansas that the effective operation of Arkansas public schools is dependent upon immediate clarification of the grades in which students not performing at grade level during the regular school year will be required to attend summer school for promotion to the next grade and whether State or local monies will be used to fund summer school and that failure to implement this act immediately will result in confusion and cause undue hardships to local school districts. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto.

*/s/Rep. Thicksten et al*

APPROVED:4-03-97