

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997  
4

As Engrossed: S3/5/97 S3/7/97 S3/18/97 S3/27/97

## A Bill

ACT 1172 OF 1997  
SENATE BILL 550

5 *By: Senators Malone and Mahony*  
6  
7

### For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED §§ 6-15-401 ET  
10 SEQ. TO PROVIDE A COMPREHENSIVE TESTING AND ASSESSMENT  
11 PROGRAM FOR MEASURING ACADEMIC ACHIEVEMENT OF PUBLIC  
12 SCHOOL STUDENTS AND FOR EVALUATING PERFORMANCE IN PUBLIC  
13 SCHOOLS; AND FOR OTHER PURPOSES."

### Subtitle

15 "TO AMEND A.C.A. §§ 6-15-401 ET SEQ. TO  
16 PROVIDE A COMPREHENSIVE TESTING AND  
17 ASSESSMENT PROGRAM FOR MEASURING  
18 ACADEMIC ACHIEVEMENT OF PUBLIC SCHOOL  
19 STUDENTS."  
20  
21

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

24 SECTION 1. Arkansas Code Annotated § 6-15-401 is amended to read as  
25 follows:

26 "6-15-401. Title.

27 The title of this subchapter shall be the ~~Competency and Outcome-Based~~  
28 ~~Assessment Act~~ Arkansas Comprehensive Testing and Assessment Program Act."

29

30 SECTION 2. Arkansas Code Annotated § 6-15-402 is amended to read as  
31 follows:

32 "6-15-402. Purpose.

33 (a) The purpose of ~~this subchapter~~ the Arkansas Comprehensive Testing  
34 and Assessment Program Act is to provide the statutory framework necessary to  
35 ensure that all students in the public schools of this state demonstrate ~~their~~  
36 ~~competency in academic subjects and higher-order thinking skills consistent~~

1 ~~with state and national goals for the year 2000~~ academic achievement through  
2 the application of knowledge and skills in academic subjects consistent with  
3 State content and performance standards.

4 (b) The purposes of the assessment program developed pursuant to the  
5 provisions of ~~this subchapter~~ the Arkansas Comprehensive Testing and  
6 Assessment Program Act shall be to:

7 (1) Improve classroom instruction and learning;

8 (2) Provide public accountability by exemplifying expected  
9 achievement levels and reporting on student, school, and school district  
10 performance;

11 (3) Provide program evaluation data; and

12 (4) Assist policymakers in decision making."  
13

14 SECTION 3. Arkansas Code Annotated § 6-15-403 is amended to read as  
15 follows:

16 "6-15-403. Authority of State Board of Education.

17 The State Board of Education through the Department of Education is  
18 hereby authorized to:

19 (1) Develop a comprehensive testing and assessment program which  
20 utilizes the most current and effective testing, evaluation, and assessment  
21 research information designed to achieve the purposes set forth in ~~this~~  
22 ~~subchapter~~ the Arkansas Comprehensive Testing and Assessment Program Act.

23 (2) Promulgate such rules and regulations as may be necessary to  
24 ~~administer the testing program during the transition period and to~~ develop and  
25 implement the comprehensive testing and assessment program.

26 (3) Employ staff and enter into contracts as may be necessary to carry  
27 out the provisions of this ~~subchapter~~ act."  
28

29 SECTION 4. Arkansas Code Annotated § 6-15-404 is amended to read as  
30 follows:

31 "6-15-404. Transition period Program implementation.

32 ~~— (a)(1) During a transition period, to be determined by the State Board~~  
33 ~~of Education and to end no later than June 30, 1996, the Department of~~  
34 ~~Education shall continue to test public school students at grades three (3),~~  
35 ~~six (6), and eight (8) using the Arkansas Minimum Performance Test, or similar~~  
36 ~~criterion-referenced, basic skills tests in areas to include reading, language~~

1 arts, and mathematics.

2 ~~— (2) However, the State Board of Education may grant a waiver of this~~  
3 ~~requirement to any school or district participating in a Department of~~  
4 ~~Education-sponsored pilot program and using any new curricula or alternative~~  
5 ~~assessment.~~

6 ~~— (b) For any school or district receiving a waiver pursuant to subsection~~  
7 ~~(a) of this section, the Department of Education shall select the type of~~  
8 ~~assessment method that the school or district will administer.~~

9 ~~— (c) During the transition period, the State Board of Education shall~~  
10 ~~continue to establish expected levels of mastery on the Arkansas Minimum~~  
11 ~~Performance Test, or its successor.~~

12 ~~— (d) During the transition period, a student failing to achieve expected~~  
13 ~~levels of mastery on the Arkansas Minimum Performance Test, or its successor,~~  
14 ~~shall be evaluated by the student's school principal, teachers, and counselor,~~  
15 ~~who shall jointly develop an academic skills plan to assist the student in~~  
16 ~~achieving mastery in subject areas in which performance is deficient.~~

17 ~~— (e) During the transition period, any school or school district that has~~  
18 ~~a definable group of students failing to achieve mastery levels on the~~  
19 ~~Arkansas Minimum Performance Test, or its successor, at a rate significantly~~  
20 ~~different from that of the general student population in Arkansas shall~~  
21 ~~develop and implement a plan, reviewed and approved by the Department of~~  
22 ~~Education, to assist the identifiable group to achieve mastery.~~

23 ~~— (f) During the transition period, performance on the Arkansas Minimum~~  
24 ~~Performance Test, or its successor, may not be used as the sole criterion for~~  
25 ~~promotion or retention of a student.~~

26 ~~— (g) During the transition period, any school or school district that has~~  
27 ~~less than eighty-five percent (85%) of its students achieving mastery on the~~  
28 ~~Arkansas Minimum Performance Test, or its successor, shall participate in a~~  
29 ~~school improvement program approved by the Department of Education.~~

30 ~~— (h) During the transition period, the State Board of Education is hereby~~  
31 ~~authorized to promulgate regulations regarding the appropriate use of the~~  
32 ~~Arkansas Minimum Performance Test for students with disabilities and under~~  
33 ~~what circumstances the scores of those students shall be included in~~  
34 ~~calculating a school's or school district's mastery percentages.~~

35 ~~— (i) During the transition period, the Department of Education shall~~  
36 ~~continue to test public school students at grades four (4), seven (7), and ten~~

1 ~~(10) with a nationally norm-referenced test to be selected by the State Board~~  
2 ~~of Education.~~

3 ~~— (j) During the transition period, any school or district that has more~~  
4 ~~than twenty-five percent (25%) of its students in the lowest quartile of the~~  
5 ~~norm-referenced test shall participate in a school improvement plan approved~~  
6 ~~by the Department of Education.~~

7 ~~— (k) During the transition period, the Department of Education and the~~  
8 ~~local school districts shall annually compile and disseminate to the general~~  
9 ~~public results of administrating the Arkansas Minimum Performance Test, or its~~  
10 ~~successor, and the nationally norm-referenced test.~~

11 (a)(1) The Department of Education shall develop and implement testing  
12 for public school students at grades four (4), eight (8), and eleven (11) or  
13 twelve (12) which is criterion-referenced and measures application of  
14 knowledge and skills in reading, writing, and mathematics and, as funds are  
15 available, in science and social studies.

16 (2) The State Board of Education shall establish expected levels  
17 of achievement on the criterion-referenced examinations.

18 (b)(1) The Department of Education shall develop and implement end-of-  
19 level testing for public school students in grades nine (9) and ten (10),  
20 which is criterion-referenced and measures the application of knowledge and  
21 skills in reading, writing, mathematics, science, and social studies.

22 (2) The State Board of Education shall establish expected  
23 achievement standards for end-of-level testing.

24 (c) Any student failing to achieve the established standard on the  
25 criterion-referenced examinations or the end-of-level testing shall be  
26 evaluated by school personnel who shall jointly develop an academic skills  
27 plan to assist the student in achieving the expected standard in subject areas  
28 where performance is deficient.

29 (d)(1) A school or school district shall develop one (1) comprehensive,  
30 long-range school improvement plan focused on student achievement; provided,  
31 however, that nothing in this act shall be interpreted as requiring the  
32 development of separate school and school district improvement plans.

33 (2) Any school or school district that has a definable group of  
34 students failing to achieve the established achievement level on the  
35 criterion-referenced examinations or failing to achieve the established  
36 standard on end-of-level testing shall develop and implement a plan, reviewed

1 and approved by the Department of Education, to assist the identifiable group  
2 achieve the expected standard. This plan shall be part of the school or  
3 school district long-range comprehensive school improvement plan and shall be  
4 reported to the public. Progress on improved achievement shall be included as  
5 part of the school and school district annual report to the public.

6 (3) Any school or school district that has less than ninety  
7 percent (90%) of its students achieving the established standard on the  
8 criterion-referenced examinations or less than ninety percent (90%) of its  
9 students achieving the established standard on end-of-level testing shall  
10 participate in a school improvement program approved by the Department of  
11 Education. This improvement plan shall be part of the school or school  
12 district long-range comprehensive school improvement plan and shall be  
13 reported to the public. Progress on improved achievement shall be included as  
14 part of the school and school district annual report to the public.

15 (e)(1) The Department of Education shall test public school students at  
16 grades five (5), seven (7), and ten (10) with a nationally norm-referenced  
17 test to be selected by the State Board of Education.

18 (2) Any school or school district that has more than thirty  
19 percent (30%) of its students in the lowest quartile of the norm-referenced  
20 test shall participate in a school improvement plan approved by the Department  
21 of Education. This improvement plan shall be part of the school or school  
22 district long-range comprehensive school improvement plan and shall be  
23 reported to the public. Progress on improved achievement shall be included as  
24 part of the school and school district annual report to the public.

25 (f) The Department of Education and the local school districts shall  
26 annually compile and disseminate to the public results of administering all  
27 required examinations. The results of the end-of-level testing shall become a  
28 part of each student's transcript or permanent record and shall be recorded  
29 on these documents in a manner prescribed by the State Board of Education."

30

31 SECTION 5. Arkansas Code Annotated § 6-15-405 is amended to read as  
32 follows:

33 "~~6-15-405. Competency-based testing and assessment program - Minimum~~  
34 ~~achievement levels Reports.~~

35 (a)(1) As a part of the comprehensive testing and assessment program,  
36 the Department of Education shall ~~institute a comprehensive competency-based~~

1 ~~testing and assessment program that includes teacher observations and~~  
2 ~~classroom evaluations in grades one (1), two (2), and three (3) in reading and~~  
3 ~~mathematics, beginning in the 1993-94 school year~~ ensure that each local  
4 school district establishes a plan to assess whether children in kindergarten  
5 and grades one through four (K-4) are performing at grade level in reading and  
6 mathematics.

7           (2) Each local school district shall use a combination of  
8 assessment measures, which may include teacher observation, teacher-made  
9 tests, performance-based assessments, and performance on other appropriate  
10 screening or assessment instruments.

11 ~~(b) The State Board of Education shall establish a minimum expected level~~  
12 ~~of achievement for the grades one (1), two (2), and three (3) reading and~~  
13 ~~mathematics test.~~

14 ~~——(c)(b) Any student who fails to achieve the minimum expected level on~~  
15 ~~any of the tests shall participate in a program specifically designed to~~  
16 ~~achieve competency~~ demonstrate grade-level achievement in reading and  
17 mathematics shall participate in a program specifically designed to achieve  
18 grade-level performance standards in these areas."

19

20           SECTION 6. Arkansas Code Annotated § 6-15-406 is amended to read as  
21 follows:

22           "6-15-406. ~~Competency-based testing and assessment program — Student~~  
23 ~~performance assessment and data collection~~ Assessment of basic skills.

24           The comprehensive testing and assessment program to be developed by the  
25 State Board of Education shall include, but is not limited to, the following  
26 components or characteristics:

27           (1) ~~Performance assessments~~ Assessment of academic achievement at grade  
28 levels selected to be tested by the Department of Education;

29           (2) ~~Performance assessments of the core concepts, abilities, thinking,~~  
30 ~~and problem-solving skills defined in the Arkansas Learner Outcomes and the~~  
31 ~~Arkansas Curriculum Frameworks;~~

32           ~~——(3)(2)~~ Longitudinal data collection;

33           ~~——(4)(3)~~ A variety of testing and assessment methods; and

34           ~~——(5)(4)~~ Construction of a data base that will allow the Department of  
35 Education, over time, to identify those instructional strategies or programs  
36 that are particularly successful or unsuccessful; and

1 ~~——(6)(5)~~ Meaningful comparisons of Arkansas students with those of other  
2 states, regions, and the nation."  
3

4 SECTION 7. Arkansas Code Annotated § 6-15-407 is amended to read as  
5 follows:

6 "6-15-407. Basic competency tests generally.

7 ~~——(a) Beginning with the 1996-97 school year, all public school students~~  
8 ~~must successfully complete an outcome-based assessment examination in order to~~  
9 ~~receive a high school diploma. The Director of General Education shall have~~  
10 ~~the authority, through rules and regulations, to extend the deadline by which~~  
11 ~~students must successfully complete such examination in order to receive a~~  
12 ~~high school diploma. However, all school districts must administer the~~  
13 ~~examination beginning with the 1996-97 school year~~

14 ~~——(b) Students may take this examination during the eleventh and/or~~  
15 ~~twelfth grades.~~

16 ~~——(c) School districts shall develop an academic improvement plan for~~  
17 ~~each student who fails to pass this examination.~~

18 ~~(d) However, students with disabilities, as defined by the Individuals~~  
19 ~~With Disabilities Education Act, must receive a high school diploma if they~~  
20 ~~fulfill the requirements of their individual educational program.~~

21 ~~——(e)(1) Students with disabilities, as defined by Section 504 of the~~  
22 ~~Rehabilitation Act of 1973, shall be required to take this test only if it~~  
23 ~~appropriately measures the student's abilities.~~

24 ~~——(2) The local school district shall determine whether the assessment tool~~  
25 ~~appropriately measures a student's abilities and whether a particular student~~  
26 ~~must successfully pass the outcome-based assessment before receiving a high~~  
27 ~~school diploma.~~

28 ~~——(f) The Department of Education is authorized to do any and all things~~  
29 ~~necessary to develop an outcome-based assessment test and to cooperate with~~  
30 ~~the General Educational Development Testing Service to fulfill the~~  
31 ~~requirements of this section.~~

32 ~~——(g) For purposes of determining whether a General Educational Development~~  
33 ~~test is an appropriate alternative to an outcome-based assessment, the State~~  
34 ~~Board of Education shall establish a pilot program during the 1994-95 school~~  
35 ~~year whereby General Educational Development tests will be administered to~~  
36 ~~public high school seniors in a maximum of ten (10) Arkansas school districts~~

1 ~~that differ in location and in size and which agree to participate in the~~  
2 ~~pilot program.~~

3 ~~— (h) The State Board of Education is authorized to promulgate rules and~~  
4 ~~regulations to implement this program.~~

5 ~~— (i)(a) Competency and outcome-based assessment~~ The Arkansas  
6 Comprehensive Testing and Assessment Program means an age-appropriate test or  
7 assessment of student ~~academic knowledge~~ achievement demonstrated through the  
8 application of knowledge and skills in science, English language arts,  
9 ~~humanities,~~ mathematics, history, and social studies, ~~language, communication,~~  
10 ~~foreign language, physical education, health, technology, or related academic~~  
11 ~~skills~~ consistent with the State content and performance standards.

12 ~~— (j)(b) Neither competency and outcome-based assessment~~ the Arkansas  
13 Comprehensive testing and Assessment Program nor any other assessment or  
14 testing procedure used in the public schools shall test or assess student  
15 religious beliefs, political beliefs, ethics, attitudes, or values.

16 ~~— (k)(c) Public school testing or assessment of student self-esteem,~~  
17 ~~mental health, emotional health, or home or family life shall not be permitted~~  
18 ~~for the purpose of determining academic grades or high school graduation.~~

19 ~~— (l)(d) The nonacademic assessment of student conduct for the purpose of~~  
20 ~~encouraging good behavior and decorum at school shall be permitted."~~

21

22 SECTION 8. All provisions of this act of a general and permanent nature  
23 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
24 Revision Commission shall incorporate the same in the Code.

25

26 SECTION 9. If any provision of this act or the application thereof to  
27 any person or circumstance is held invalid, such invalidity shall not affect  
28 other provisions or applications of the act which can be given effect without  
29 the invalid provision or application, and to this end the provisions of this  
30 act are declared to be severable.

31

32 SECTION 10. All laws and parts of laws in conflict with this act are  
33 hereby repealed.

34

35 /s/Malone et al

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APPROVED: 4-08-97