

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas  
2 82nd General Assembly  
3 Regular Session, 1999  
4

*As Engrossed: S3/11/99*

## A Bill

Act 999 of 1999  
SENATE BILL 751

5 By: Senators D. Malone, Mahony, Argue, Riggs, Roebuck  
6  
7

### For An Act To Be Entitled

9 "AN ACT TO AMEND VARIOUS SECTIONS OF THE ARKANSAS CODE  
10 ANNOTATED RELATED TO ASSESSMENT AND ACCOUNTABILITY IN  
11 THE PUBLIC SCHOOLS; TO REPEAL ARKANSAS CODE ANNOTATED  
12 6-15-405; TO AMEND ARKANSAS CODE ANNOTATED 6-15-  
13 1003(c); AND FOR OTHER PURPOSES. "  
14

### Subtitle

15 "AN ACT TO AMEND VARIOUS SECTIONS OF THE  
16 ARKANSAS CODE RELATED TO ASSESSMENT AND  
17 ACCOUNTABILITY IN THE PUBLIC SCHOOLS. "  
18  
19  
20

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

23 SECTION 1. Arkansas Code 6-15-401 is amended to read as follows:  
24 "6-15-401. Title.

25 The title of this subchapter shall be the 'Arkansas Comprehensive  
26 Testing, ~~and~~ Assessment, and Accountability Program Act'."  
27

28 SECTION 2. Arkansas Code 6-15-402 is amended to read as follows:  
29 "6-15-402. Purpose.

30 (a) The purpose of Arkansas Comprehensive Testing, ~~and~~ Assessment, and  
31 Accountability Program Act is to provide the statutory framework necessary to  
32 ensure that all students in the public schools of this state demonstrate  
33 ~~academic achievement~~ grade-level academic proficiency through the application  
34 of knowledge and skills in the core academic subjects consistent with state  
35 ~~content and curriculum frameworks,~~ performance standards, and assessments. The  
36 State of Arkansas recognizes and declares that students who are not performing

1 at grade-level standards of academic proficiency are especially harmed by  
 2 social promotion because they are not equipped with the necessary academic  
 3 skills to be successful and productive members of society. The Department of  
 4 Education is committed to having all students perform at grade level and  
 5 beyond. For this reason, the Arkansas Comprehensive Testing, Assessment and  
 6 Accountability Program will emphasize point-in-time intervention and  
 7 remediation upon the discovery that any student is not performing at grade  
 8 level. The Arkansas Comprehensive Testing, Assessment and Accountability  
 9 Program Act is constructed around a system that includes statewide indicators,  
 10 individual school improvement indicators and a locally generated school  
 11 accountability narrative. The total program shall be applied to each school  
 12 in the state public school system. The Arkansas Comprehensive Testing,  
 13 Assessment and Accountability Program Act is designed to be a multi-year  
 14 commitment to assess the academic progress and performance of Arkansas' public  
 15 school students.

16 (b) The purposes of the assessment and accountability program developed  
 17 pursuant to the provisions of the Arkansas Comprehensive Testing, ~~and~~  
 18 Assessment, and Accountability Program Act shall be to:

19 (1) ~~Improve classroom instruction and learning~~ student learning  
 20 and classroom instruction;

21 (2) Provide public accountability by exemplifying expected  
 22 achievement levels and reporting on ~~student,~~ school, and school district  
 23 performance;

24 (3) Provide ~~program~~ evaluation data of school and school district  
 25 performance; and

26 (4) Assist policymakers at all levels in decision making."  
 27

28 SECTION 3. Definitions. The following definitions shall apply, unless  
 29 the context otherwise requires:

30 (1) "Academic Improvement Plan" means a plan detailing supplemental  
 31 and/or intervention and remedial instruction in deficient academic areas for  
 32 any student who is not proficient on a portion or portions of the state-  
 33 mandated criterion referenced assessments. Such a plan shall be created and  
 34 implemented by appropriate teachers, counselors, and any other pertinent  
 35 school personnel. All academic improvement plans shall be annually reviewed  
 36 and revised to ensure effectiveness and to ensure student demonstration of

1 proficiency in the targeted academic areas on the next state-mandated  
2 criterion referenced assessments. All academic improvement plans shall be  
3 subject to review by the Department of Education. A cumulative review of all  
4 academic improvement plans shall be part of the data used by the school in  
5 creating and revising its comprehensive school plan. In any instance where a  
6 student with disabilities identified under the Individuals with Disabilities  
7 Education Act (IDEA) has an individualized education program (IEP) that  
8 already addresses any academic area or areas in which the student is not  
9 proficient on state-mandated criterion referenced assessments, the IEP shall  
10 serve to meet the requirement of an academic improvement plan;

11 (2) "District improvement plan" means a district-wide plan coordinating  
12 the actions of the various school improvement plans within a district. The  
13 main focus of the district improvement plan shall be to ensure that all  
14 students demonstrate proficiency on all portions of state-mandated criterion  
15 referenced assessments;

16 (3) "Early intervention" means short-term, intensive, focused,  
17 individualized instruction developed from ongoing, daily, systematic diagnosis  
18 that occurs while a child is in the initial, kindergarten (K) through grade  
19 one (1), stages of learning early reading, writing and mathematical strategies  
20 to ensure acquisition of the basic skills and to prevent the child from  
21 developing poor problem solving habits which become difficult to change. The  
22 goal is to maintain a student's ability to function proficiently at grade  
23 level;

24 (4) "End of course" means an examination taken at the completion of a  
25 course of study to determine whether a student demonstrates attainment of the  
26 knowledge and skills necessary to mastery of that subject;

27 (5) "Grade level" means performing at the proficient or advanced level  
28 on state-mandated criterion referenced tests;

29 (6) "High school" means the grade span grade nine (9) through grade  
30 twelve (12);

31 (7) "Middle level" means the grade span grade five (5) through grade  
32 eight (8);

33 (8) "Point-in-time intervention and remediation" means intervention and  
34 remediation applied during the academic year upon the discovery that a student  
35 is not performing at grade level;

36 (9) "Primary" means the grade span Kindergarten (K) through grade four

1 (4);

2 (10) "Remediation" means a process of using diagnostic instruments to  
 3 provide corrective, specialized, supplemental instruction to help a student in  
 4 grades two (2) through four (4) overcome academic deficiencies. For students  
 5 in grades five (5) through twelve (12), remediation shall be a detailed,  
 6 sequential set of instructional strategies implemented to remedy any academic  
 7 deficiencies indicated by below basic or basic performance on the state-  
 8 mandated criterion referenced assessments. Remediation shall not interfere  
 9 with or inhibit student mastery of current grade level academic learning  
 10 expectations;

11 (11) "School Improvement Plan" means the individual school's  
 12 comprehensive plan based on priorities indicated by assessment and other  
 13 pertinent data and designed to ensure that all students demonstrate  
 14 proficiency on all portions of state-mandated criterion referenced  
 15 assessments; and

16 (12) "Social promotion" means the passage or promotion of a student  
 17 from one grade to the next who has not demonstrated knowledge or skills  
 18 required for grade-level academic proficiency.

19  
 20 SECTION 4. Arkansas Code 6-15-403 is amended to read as follows:

21 "6-15-403. Authority of State Board of Education.

22 The State Board of Education through the Department of Education is hereby  
 23 authorized to:

24 (1) Develop a comprehensive testing, ~~and~~ assessment and accountability  
 25 program which utilizes the most current and effective testing, evaluation, and  
 26 assessment research information designed to achieve the following purposes set  
 27 forth in the Arkansas Comprehensive Testing, ~~and~~ Assessment, and  
 28 Accountability Program Act--;

29 (A) Set clear academic standards;

30 (B) Establish professional development;

31 (C) Establish expected achievement levels;

32 (D) Report on student achievement;

33 (E) Provide evaluation data;

34 (F) Recognize excellence; and

35 (G) Apply sanctions.

36 (2) Promulgate such rules and regulations as may be necessary to

1 develop and implement the comprehensive testing, ~~and~~ assessment and  
2 accountability program.

3 (3) Employ staff and enter into contracts as may be necessary to carry  
4 out the provisions of this subchapter."

5  
6 SECTION 5. Arkansas Code 6-15-404 is amended to read as follows:

7 "6-15-404. Program implementation.

8 (a)(1) The Department of Education shall develop and implement testing  
9 for public school students ~~at grades four (4), eight (8), and eleven (11) or~~  
10 ~~twelve (12)~~ at the primary and middle-level grades, as well as end-of-course,  
11 which is criterion-referenced and measures application of knowledge and skills  
12 in reading, and writing, literacy and mathematics and, as funds are available,  
13 in science and social studies.

14 (2) The Department of Education shall test public school students  
15 with a nationally norm-referenced test to be selected by the State Board of  
16 Education at the middle-level and high school grades.

17 ~~(2)(3)~~ (3) The State Board of Education shall establish expected  
18 levels of achievement on the criterion-referenced examinations.

19 (4) The State of Arkansas shall participate in the administration  
20 of the National Assessment of Educational Progress (NAEP) examinations.

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

25 ~~(2) The State Board of Education shall establish expected~~  
26 ~~achievement standards for end-of-level testing.~~

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

32 ~~(d)(1)(c)(1)~~ (c)(1) ~~A school or school district~~ Each school shall develop one  
33 (1) comprehensive, long-range school improvement plan focused on student  
34 achievement; ~~provided, however, that nothing in this subchapter shall be~~  
35 ~~interpreted as requiring the development of separate school and school-~~  
36 ~~district improvement plans.~~

1           ~~(2) Any school or school district that has a definable group of~~  
2 ~~students failing to achieve the established achievement level on the~~  
3 ~~criterion-referenced examinations or failing to achieve the established~~  
4 ~~standard on end-of-level testing shall develop and implement a plan, reviewed~~  
5 ~~and approved by the Department of Education, to assist the identifiable group~~  
6 ~~achieve the expected standard. This plan shall be part of the school or school~~  
7 ~~districts long-range comprehensive school improvement plan and shall be~~  
8 ~~reported to the public. Progress on improved achievement shall be included as~~  
9 ~~part of the school and school district annual report to the public.~~

10           ~~(3)(2) Any school or school district that has less than ninety~~  
11 ~~percent (90%) of its students achieving the established standard on the~~  
12 ~~criterion-referenced examinations or less than ninety percent (90%) of its~~  
13 ~~students achieving the established standard on end-of-level testing~~ Any school  
14 that fails to achieve expected levels of student performance on criterion-  
15 referenced tests, norm-referenced tests, and related indicators, as defined in  
16 the Arkansas Comprehensive Testing, Assessment and Accountability Program,  
17 shall participate in a school improvement program approved plan accepted by  
18 the Department of Education. This improvement plan shall assist those students  
19 performing below grade level to achieve the expected standard. This plan  
20 shall be part of the school or school district each school's long-range  
21 comprehensive school improvement plan and shall be reported to the public.  
22 Progress on improved achievement shall be included as part of the school and  
23 school district annual report to the public.

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

27           ~~(2) Any school or school district that has more than thirty~~  
28 ~~percent (30%) of its students in the lowest quartile of the norm-referenced~~  
29 ~~test shall participate in a school improvement plan approved by the Department~~  
30 ~~of Education. This improvement plan shall be part of the school or school~~  
31 ~~district long-range comprehensive school improvement plan and shall be~~  
32 ~~reported to the public. Progress on improved achievement shall be included as~~  
33 ~~part of the school and school district annual report to the public.~~

34           ~~(f)(d)~~ The Department of Education and the local school districts shall  
35 annually compile and disseminate to the public results of administering all  
36 required examinations. The results of the end-of-level end-of-course testing

1 shall become a part of each student's transcript or permanent record and shall  
 2 be recorded on these documents in a manner prescribed by the State Board of  
 3 Education."

4  
 5 SECTION 6. Arkansas Code 6-15-405 is repealed:

6 ~~6-15-405. Reports.~~

7 ~~(a)(1) As a part of the comprehensive testing and assessment program,~~  
 8 ~~the Department of Education shall ensure that each local school district~~  
 9 ~~establishes a plan to assess whether children in kindergarten and grades one~~  
 10 ~~through four (K-4) are performing at grade level in reading and mathematics.~~

11 ~~(2) Each local school district shall use a combination of~~  
 12 ~~assessment measures, which may include teacher observation, teacher-made~~  
 13 ~~tests, performance-based assessments, and performance on other appropriate~~  
 14 ~~screening or assessment instruments.~~

15 ~~(b) Any student who fails to demonstrate grade-level achievement in~~  
 16 ~~reading and mathematics shall participate in a program specifically designed~~  
 17 ~~to achieve grade-level performance standards in these areas.~~

18  
 19 SECTION 7. (a)(1) In order for students to be academically prepared to  
 20 achieve proficiency in reading and writing literacy, and mathematics, the  
 21 Department of Education shall require each public school serving students in  
 22 kindergarten through grade four (K-4) to develop, select and implement  
 23 ongoing, informal assessments linked to the Arkansas frameworks.

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

28 (b)(1) Any student in kindergarten (K) through grade one (1) failing to  
 29 perform at the proficient level in reading and writing literacy or mathematics  
 30 shall be evaluated as early as possible within each of the kindergarten (K)  
 31 through grade one (1) academic years. Those students shall be evaluated by  
 32 personnel with expertise in reading and writing literacy or mathematics who  
 33 shall develop and implement an academic improvement plan, using early  
 34 intervention strategies sanctioned by the Department of Education, to assist  
 35 the student in achieving the expected standard.

36 (2) Any student in grades two through four (2-4) failing to

1 perform at the proficient level in reading and writing literacy or mathematics  
2 shall be evaluated by personnel with expertise in reading and writing literacy  
3 or mathematics who shall develop and implement an academic improvement plan,  
4 using remediation strategies sanctioned by the Department of Education, to  
5 assist the student in achieving the expected standard.

6 (c) Upon completion of the intervention and remediation plans in  
7 sections (b)(1) and(b)(2), those schools that fail to achieve expected levels  
8 of student performance at the primary level on criterion-referenced tests, as  
9 defined in the Arkansas Comprehensive Testing, Assessment and Accountability  
10 Program, shall participate in a school improvement plan accepted by the  
11 Department of Education. This plan shall be part of each school's long-range  
12 comprehensive improvement plan and shall be reported to the public. Progress  
13 on improved achievement shall be included as part of the school and school  
14 district annual report to the public.

15 (d)(1) As part of the comprehensive testing, assessment and  
16 accountability program, the Department of Education shall ensure that each  
17 school and school district establishes a plan to assess whether children in  
18 the middle-level and high school grades are performing at proficient level in  
19 reading and writing literacy and mathematics, and, as funds are available,  
20 other core academic subjects.

21 (2) Each school and school district shall use a combination of  
22 assessment measures, which shall include, but not be limited to, state-  
23 mandated criterion-referenced and/or norm-referenced testing.

24 (e) Any student failing to demonstrate a proficient level achievement in  
25 reading and writing literacy or mathematics, and, as funds are available,  
26 other core academic subjects, shall participate in an academic improvement  
27 plan specifically designed to achieve proficient level performance standards  
28 in these areas.

29  
30 SECTION 8. Arkansas Code 6-15-406 is amended to read as follows:

31 "6-15-406. Assessment of basic skills.

32 The comprehensive testing, ~~and~~ assessment and accountability program to  
33 be developed by the Department of Education and approved by the State Board of  
34 Education shall include, but is not limited to, the following components or  
35 characteristics:

36 (1) Assessment of academic achievement at grade levels selected



1 to be tested by the Department of Education;

2 (2) Longitudinal data collection;

3 (3) A variety of assessment methods; and

4 (4) Construction of a database, composed of academic performance  
5 indicators that shall apply to every school and school district in the state,  
6 that will allow the Department of Education, over time, to identify those  
7 ~~instructional strategies or programs that are particularly successful or~~  
8 ~~unsuccessful schools and school districts that are performing at or below~~  
9 proficient levels established under this subchapter; and

10 (5) Meaningful comparisons of Arkansas students with those of  
11 other states, regions, and the nation."

12  
13 SECTION 9. Arkansas Code 6-15-407(a) and (b) are amended to read as  
14 follows:

15 "(a) The 'Arkansas Comprehensive Testing, ~~and Assessment, and~~  
16 Accountability Program' means ~~an age-appropriate test or assessment of student~~  
17 ~~achievement demonstrated through the application of knowledge and skills in~~  
18 ~~science, English language arts, mathematics, history, and social studies,~~  
19 ~~consistent with the state content and performance standards~~ a system of  
20 measurement and reporting designed to ensure that all students in the public  
21 schools of this state demonstrate academic achievement through the application  
22 of knowledge and skills in core academic subjects consistent with state  
23 curriculum frameworks and performance standards.

24 (b) Neither the Arkansas Comprehensive Testing, ~~and Assessment, and~~  
25 Accountability Program nor any other assessment or testing procedure used in  
26 the public schools shall test or assess student religious beliefs, political  
27 beliefs, ethics, attitudes, or values."

28  
29 SECTION 10. (a)(1) The Department of Education is authorized to  
30 develop and implement, contingent upon appropriation and funding being  
31 provided by the General Assembly, a program of rewards to recognize individual  
32 schools that demonstrate exceptional performance in levels of student  
33 achievement and to recognize schools that demonstrate significant improvement  
34 in student achievement.

35 (2) Each school that does not attain the expected levels of  
36 student performance on state-mandated indicators and individual school

1 improvement indicators shall be designated by one of several levels of  
2 sanction. Each level of sanction shall determine specific interventions to be  
3 provided to the school by the Department of Education. The levels of sanction  
4 developed under this act shall be incorporated into the existing Academic  
5 Distress policy.

6 (b) The State Board of Education through the Department of Education is  
7 hereby authorized to promulgate such rules and regulations as may be necessary  
8 to carry out the provisions of this act.

9  
10 SECTION 11. Arkansas Code 6-15-1003(c)(1) is amended to read as  
11 follows:

12 "(c) Arkansas public school students will demonstrate achievement.

13 ~~(1) Students will~~ School districts, schools, and students shall  
14 participate in the state assessments in the basic core of knowledge and skills  
15 as defined by the ~~state~~ Department of Education in the Arkansas Comprehensive  
16 Testing, ~~and Assessment,~~ and Accountability Program.

17 ~~(2) The students' numerical and percentage scores on the High~~  
18 ~~School Proficiency Examination will be recorded on their transcripts, and the~~  
19 ~~examination will be a part of the local school grading system in a way to be~~  
20 ~~determined by the local school district.~~

21 ~~(3) Each local school district shall report to the state~~  
22 ~~Department of Education how it will incorporate the assessment system required~~  
23 ~~by this subsection into the district's grading system."~~

24  
25 SECTION 12. The Department of Education shall report to the members of  
26 the House and Senate Interim Committees on Education on the progress of the  
27 Arkansas Comprehensive Testing, Assessment and Accountability Program. The  
28 report shall be due on September 1, 1999 and annually thereafter.

29  
30 SECTION 13. All provisions of this act of a general and permanent  
31 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
32 Code Revision Commission shall incorporate the same in the Code.

33  
34 SECTION 14. If any provision of this act or the application thereof to  
35 any person or circumstance is held invalid, such invalidity shall not affect  
36 other provisions or applications of the act which can be given effect without

1 the invalid provision or application, and to this end the provisions of this  
2 act are declared to be severable.

3  
4 SECTION 15. All laws and parts of laws in conflict with this act are  
5 hereby repealed.

6  
7 SECTION 16. EMERGENCY CLAUSE. It is hereby found and determined by the  
8 Eighty-second General Assembly that the immediate effectiveness of this act is  
9 essential to the continuity of public school student assessments, which begin  
10 with an early fall testing cycle, and to the efficient operation of the  
11 Department of Education and the public schools of this state in making plans  
12 for the fall 1999 testing cycle, and that any delay could work irreparable  
13 harm to the department, to the local school districts, and to the students.  
14 Therefore, an emergency is declared to exist and this act being immediately  
15 necessary for the preservation of the public peace, health and safety shall  
16 become effective on the date of its approval by the Governor. If the bill is  
17 neither approved nor vetoed by the Governor, it shall become effective on the  
18 expiration of the period of time during which the Governor may veto the bill.  
19 If the bill is vetoed by the Governor and the veto is overridden, it shall  
20 become effective on the date the last house overrides the veto.

21 /s/ D. Malone

22  
23  
24 APPROVED: 3/31/1999