

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 2243 of the Regular Session

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

As Engrossed: H4/5/05

A Bill

HOUSE BILL 2824

5 By: Representative Mahony
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8 **For An Act To Be Entitled**

9 AN ACT PERTAINING TO PUBLIC SCHOOL ASSESSMENTS
10 AND REMEDIATION; AND FOR OTHER PURPOSES.
11

12 **Subtitle**

13 AN ACT PERTAINING TO PUBLIC SCHOOL
14 ASSESSMENTS AND REMEDIATION.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

19 SECTION 1. Arkansas Code Title 6, Chapter 15, Subchapter 20 is amended
20 to add an additional sections to read as follows:

21 6-15-2009. Public School Assessments and Remediation.

22 (a)(1) Each student shall participate in the statewide program of
23 educational assessment required in §§ 6-15-419 and 6-15-433 by the State
24 Board of Education.

25 (2) Students in grades three through eight (3-8) shall
26 participate in those benchmark assessments required in §§ 6-15-419 and 6-15-
27 433 as established by the State Board of Education.

28 (3) Students in appropriate grades shall participate in those
29 end-of-course assessments required by §§ 6-15-419 and 6-15-433 as established
30 by the State Board of Education.

31 (4) The State Board of Education shall determine a satisfactory
32 passing level score of student performance on each assessment required in
33 (a)(1), (2), and (3).

34 (5) The State Board of Education shall promulgate the passing
35 levels of student performance in rules and regulations.



1 (b)(1) Each student identified as not meeting the satisfactory pass
2 levels in the immediate previously administered benchmark assessment shall
3 participate in his or her remediation activities as required in his or her
4 individualized academic improvement plan beginning in the school year the
5 assessment results are reported.

6 (2) If a student with disabilities identified under the
7 Individuals with Disabilities Education Act, 20 U.S.C. 1400, et seq., has an
8 individualized education program that addresses any academic area or areas in
9 which the student is not proficient on state-mandated criterion-referenced
10 assessments, the individualized education program meets the requirements of
11 an academic improvement plan under this section.

12 (3) School districts shall notify the student's parent,
13 guardian, or caregiver of the parent's role and responsibilities as well as
14 the consequences for the student's failure to participate in the plan. This
15 notice may be provided via student handbooks issued to students.

16 (4) Beginning with the 2005-2006 school year, students in grades
17 three through eight (3-8) identified as not passing a benchmark assessment
18 and who fail to participate in the subsequent academic improvement plan shall
19 be retained and shall not be promoted to the next appropriate grade until:

20 (A) The student is deemed to have participated in an
21 academic improvement plan; or

22 (B) The student passes the benchmark assessment for the
23 current grade level in which the student is retained.

24 (c)(1) Beginning with the 2005-2006 school year, any student required
25 to take an end-of-course assessment that is identified as not meeting the
26 satisfactory pass levels for a particular assessment shall participate in his
27 or her remediation activities as required in his or her individualized
28 academic improvement plan in the school year the assessment results are
29 reported in order to receive credit on his or her transcript for the course
30 related to the end-of-course assessment.

31 (2) The individualized academic improvement plan shall include
32 remediation activities focused on those areas in which a student failed to
33 pass an end-of-course assessment.

34 (3) Until the 2009-2010 school year, students that are
35 identified as not meeting the satisfactory pass levels for an end-of-course
36 assessment shall not receive credit on their transcript for the course

1 related to the end-of-course assessment until the students are identified as
2 having participated in remediation through an individualized academic
3 improvement plan. Prior to the 2009-2010 school year, remediation does not
4 require that a student must pass a subsequent end-of-course assessment in
5 order to receive credit for a course.

6 (d)(1)(A) Beginning with the 2009-2010 school year, all initial end-
7 of-course assessments shall be administered by grade ten (10) for each
8 student or as allowed in subsection (f) of this section.

9 (B) Any student that does not meet the satisfactory pass
10 level on the initial assessment shall participate in an individualized
11 academic improvement plan that shall include remediation activities and
12 multiple opportunities for a student to take and pass subsequent end-of-
13 course assessments.

14 (2) For any student required to participate in an individualized
15 academic improvement plan in (d)(1)(B) of this section, the individualized
16 academic improvement plan shall identify the student's specific areas of
17 deficiency on the end-of-course exam, the desired levels of performance
18 necessary for the student to meet the satisfactory pass levels, and the
19 instructional and support services to be provided to meet the desired levels
20 of performance.

21 (3) Schools shall also provide for the frequent monitoring of
22 the student's progress in meeting the desired levels of performance.
23 Remedial activities and instruction provided during high school shall not be
24 in lieu of English, mathematics, science, history, or other core courses
25 required for graduation.

26 (e)(1) Beginning with the 2009-2010 school year, no student identified
27 as not passing an initial end-of-course assessment shall receive a credit on
28 his or her transcript for the course related to the end-of-course assessment
29 until:

30 (A) The student is identified as meeting a satisfactory
31 pass level on a subsequent end-of-course assessment; or

32 (B) The student is identified as having, by the end of
33 grade twelve (12), finished an appropriate Alternative exit course and is
34 identified as having met a satisfactory pass level on an Alternative
35 assessment directly related to the Alternative exit course pursuant to § 6-
36 15-2010.

1 (2) Any student identified as having not met the satisfactory
2 pass levels of an initial end-of-course assessment shall not receive credit
3 on his or her transcript for the related course until the student meets the
4 requirements of subsection (e)(1) of this section. If a student does not
5 meet the satisfactory pass levels on an initial end-of-course assessment or
6 does not satisfy the remedial requirements of subsections (d)(1)(B) and
7 (e)(1) of this section, that student shall not be entitled to graduate with a
8 high school diploma from an Arkansas high school or charter school.

9 (f)(1) The State Board of Education shall establish the transition
10 process from the current end-of-course assessment program to the end-of-
11 course assessment program required beginning in the 2009-2010 school year.
12 Throughout this process, the end-of-course assessment program shall ever be
13 maintained in such a manner as to meet the requirements of state and federal
14 law, including the full range of students with disabilities.

15 (2)(A) The superintendent of each school district shall be
16 responsible for the proper administration of this section and those rules
17 promulgated by the State Board of Education to implement the requirements of
18 this section.

19 (B) To the extent any school district is determined to
20 have knowingly failed to administer these provisions of law or rules, the
21 superintendent's license shall be subject to probation, suspension, or
22 revocation pursuant to the process set forth in accordance with § 6-17-410.

23 (3) Each year, the Department of Education shall make public at
24 least fifty percent (50%) of the test questions on the most recent initial
25 benchmark and end-of-course assessments.

26 (4) The State Board of Education shall promulgate any rules
27 necessary to administer the provisions of this subsection.

28
29 6-15-2010. Alternative Exit Course and Alternative Course Exam.

30 (a)(1) No student that is identified as having failed to meet the
31 satisfactory pass levels on an initial end-of-course assessment shall be
32 entitled to take more than three (3) additional subsequent end-of-course
33 assessments.

34 (2)(A) Any student that fails to be identified as meeting the
35 satisfactory pass levels after taking at least three (3) subsequent end-of-
36 course exams shall be required to take and pass an Alternative exit course

1 and meet a satisfactory Alternative level score on a subsequent Alternative
2 assessment prior to being entitled to graduate with a high school diploma
3 from an Arkansas high school or open-enrollment charter school.

4 (B) If a student with disabilities identified under the
5 Individuals with Disabilities Education Act, 20 U.S.C. 1400, et seq., is
6 unable to meet the requirements of subdivision (a)(2)(A) of this section
7 because of the nature of his or her disabilities, the student may graduate
8 from high school by demonstrating alternative competencies or alternative
9 levels of competency as contained in the student's individualized education
10 program.

11 (3) Prior to the administration of any additional end-of-course
12 assessment as permitted under subdivision (d)(1)(B) of this section, a
13 student shall be given a sufficient opportunity and time for remediation.

14 (b) The Alternative exit course may be offered through a distance
15 learning class and may be offered by the district outside the course of the
16 normal school day.

17 (c) The State Board of Education shall promulgate any rules necessary
18 to administer the provisions of this subsection.

19
20 SECTION 2. Arkansas Code § 6-15-203 is repealed.

21 ~~§ 6-15-2003. Public school student progression Remedial instruction~~
22 ~~Reporting requirements Assessment and remediation.~~

23 ~~(a)(1) Each student shall participate in the statewide program of~~
24 ~~educational assessment required by § 6-15-433 and shall participate in an~~
25 ~~academic improvement plan when required as a result of the assessments. The~~
26 ~~Department of Education shall determine satisfactory proficiency levels and~~
27 ~~shall promulgate rules and regulations of the student's academic improvement~~
28 ~~plan.~~

29 ~~(2)(A)(i) After the development of the plan, each student~~
30 ~~identified as not meeting satisfactory proficiency levels in the previous~~
31 ~~spring's test shall participate in his or her activities outlined in his or~~
32 ~~her academic improvement plan.~~

33 ~~(ii) The district shall notify the student's parent~~
34 ~~of the parent's role and responsibilities as well as the consequences for the~~
35 ~~student's failure to participate in the plan.~~

36 ~~(B)(i) Beginning with the 2005-2006 school year, students~~

1 ~~in grades one through six (1-6) identified for an academic improvement plan~~
2 ~~who do not participate in the program shall be retained.~~

3 ~~(ii) Retention for failure to participate in the~~
4 ~~academic improvement plan shall expand by at least one (1) grade level for~~
5 ~~each subsequent academic year after implementation.~~

6 ~~(C)(i) The department shall submit a report to the House~~
7 ~~Interim Committee on Education and the Senate Interim Committee on Education~~
8 ~~prior to September 2004 of the established additional course requirements for~~
9 ~~failure to achieve proficiency on end-of-course examinations. These~~
10 ~~requirements shall become effective beginning with the 2009-2010 school year.~~

11 ~~(ii) Multiple opportunities to pass end-of-course~~
12 ~~examinations shall be provided as defined by the department.~~

13 ~~(iii) Prior to the 2009-2010 school year, students~~
14 ~~who are not proficient on the end-of-course examinations shall participate in~~
15 ~~a remediation program to receive credit for the corresponding course.~~

16 ~~(3) If the student has been identified as having a deficiency in~~
17 ~~literacy or mathematics, the academic improvement plan shall identify the~~
18 ~~student's specific areas of deficiency in these subjects, the desired levels~~
19 ~~of performance in these areas, and the instructional and support services to~~
20 ~~be provided to meet the desired levels of performance.~~

21 ~~(4) Schools shall also provide for the frequent monitoring of~~
22 ~~the student's progress in meeting the desired levels of performance.~~
23 ~~Remedial instruction provided during high school may not be in lieu of~~
24 ~~English, mathematics, science, or history core courses required for~~
25 ~~graduation.~~

26 ~~(b) Each student who does not meet the minimum performance~~
27 ~~expectations defined by the State Board of Education for the statewide~~
28 ~~assessment tests in reading, writing, and mathematics shall continue to be~~
29 ~~provided with remedial or supplemental instruction until the expectations are~~
30 ~~met or the student is not subject to compulsory school attendance.~~

31 ~~(c) In the event this section is construed to conflict with or violate~~
32 ~~any federal regulations or guidelines, its enforcement shall be suspended~~
33 ~~pending compliance with the federal regulations or guidelines.~~

34
35 /s/ Mahony
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APPROVED: 4/13/2005