

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

As Engrossed: S4/8/13
A Bill

SENATE BILL 1100

5 By: Senator J. Key
6

7 **For An Act To Be Entitled**

8 AN ACT TO AMEND PROVISIONS OF ARKANSAS LAW CONCERNING
9 THE ARKANSAS SCHOOL RECOGNITION AND REWARD PROGRAM
10 AND OTHER PROVISIONS CONCERNING THE SCHOOL RATING
11 SYSTEM; TO AMEND THE ARKANSAS CODE CONCERNING SCHOOL
12 IMPROVEMENT AND ACADEMIC DISTRESS; AND FOR OTHER
13 PURPOSES.
14

15
16 **Subtitle**

17 TO AMEND PROVISIONS OF ARKANSAS LAW
18 CONCERNING THE ARKANSAS SCHOOL
19 RECOGNITION AND REWARD PROGRAM, SCHOOL
20 IMPROVEMENT, AND ACADEMIC DISTRESS.
21

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

24
25 SECTION 1. Arkansas Code § 6-11-112 is amended to read as follows:
26 6-11-112. Power to make plans coordinating state and federal laws.

27 The State Board of Education is empowered to make plans, promulgate
28 rules, and ~~regulations~~ seek waivers for flexibility as are necessary in order
29 for this state to meet the requirements of any a law enacted by Congress for
30 general education, including without limitation the Elementary and Secondary
31 Education Act of 1965, Publ. L. No. 89-10, as reauthorized by the No Child
32 Left Behind Act of 2001, Pub. L. No. 107-110, or any supplementary federal
33 regulations, directives, or decisions of the United States Department of
34 Education pertaining to that legislation.
35

36 SECTION 2. Arkansas Code § 6-15-419(7), concerning the definition of



1 "annual improvement gains," is repealed.

2 ~~(7) "Annual improvement gains" or "student learning gains"~~
 3 ~~means calculating a student's academic progress from one (1) year to the~~
 4 ~~next, based on a same series nationally normed assessment given in the same~~
 5 ~~time frame from one (1) year to the next, used as a pre post measure of~~
 6 ~~learning for the content areas tested;~~

7
 8 SECTION 3. Arkansas Code § 6-15-419(8), concerning the definition of
 9 "annual performance," is amended to read as follows:

10 (8) "Annual performance" means the level of academic
 11 achievement required of public schools or school districts ~~on the state-~~
 12 ~~mandated augmented, criterion-referenced, or norm-referenced assessments as~~
 13 ~~measured by assessments and other criteria required under the rules of the~~
 14 State Board of Education;

15
 16 SECTION 4. Arkansas Code § 6-15-430(b), concerning choice for students
 17 in academically distressed districts, is amended to read as follows:

18 (b)(1) ~~Any~~ A student attending a public school or public school
 19 district classified as being in academic distress ~~shall is~~ automatically ~~be~~
 20 eligible and entitled ~~pursuant to the Arkansas Public School Choice Act of~~
 21 ~~1989, § 6-18-206,~~ under the Arkansas Opportunity Public School Choice Act of
 22 2004, § 6-18-227, to transfer to another geographically contiguous public
 23 school or public school district not in academic distress during the time
 24 period that a the resident public school or public school district is
 25 classified as being in academic distress ~~and, therefore, not be required to~~
 26 ~~file a petition by July 1 but shall meet all other requirements and~~
 27 ~~conditions of the Arkansas Public School Choice Act of 1989, § 6-18-206.~~

28 (2) The cost of transporting the student from the resident
 29 district to the nonresident district shall be the cost of the resident
 30 district under the Arkansas Opportunity Public School Choice Act of 2004, §
 31 6-18-227.

32 ~~(3) The nonresident district shall count the student for average~~
 33 ~~daily membership purposes.~~

34
 35 SECTION 5. Arkansas Code § 6-15-2101 is amended to read as follows:
 36 6-15-2101. School rating system – Annual reports.

1 (a)(1) The Department of Education shall prepare annual reports of the
 2 results of the statewide assessment program ~~which~~ that describe student
 3 achievement in each school district and each school in the state, ~~as well as~~
 4 and the school performance category levels ~~pursuant to §§ 6-15-2102 and~~ under
 5 § 6-15-2103.

6 (2) The department shall prescribe the design and content of
 7 these reports that shall include without limitation descriptions of
 8 achievement of all schools participating in any assessment program and all of
 9 their major student populations as determined by the department, provided
 10 that the provisions of § 6-15-415 pertaining to student records apply to this
 11 section.

12 (3) Annual school performance reports shall be: ~~sent~~

13 (A) Made available in hard copy to all parents or
 14 guardians;

15 (B) ~~posted~~ Posted on the department's website;

16 (C) Posted on the local school district's website; and

17 (D) ~~published~~ Published by the local school district in
 18 the local newspaper.

19 (b)(1) The department shall provide information regarding performance
 20 of students and educational programs as required ~~pursuant to~~ under §§ 6-15-
 21 433 and 6-15-2301 and implement a system of school reports as required by
 22 statute and State Board of Education rule.

23 (2) Annual school performance reports shall be in an easy-to-
 24 read format and shall include both the school improvement and performance
 25 level designations.

26 (c) The annual report shall designate ~~two (2) category levels for each~~
 27 ~~school:~~

28 ~~(1) One (1) for the school's improvement gains, tracked~~
 29 ~~longitudinally and using value-added calculations on the augmented,~~
 30 ~~critterion-referenced, or norm-referenced assessments as defined in § 6-15-~~
 31 ~~404(g), in the latest available test results, known as the annual improvement~~
 32 ~~category level; and~~

33 ~~(2)(A) One~~ one (1) school performance category level for each
 34 school based on:

35 (1) Student academic performance on state-mandated assessments
 36 as required by law or by rule of the state board;

1 (2) Student growth based on state-mandated assessments as
 2 required by law or by rule of the state board; and

3 (3) For a secondary school, the school's graduation rate from
 4 the prior year on the augmented, criterion-referenced, or norm-referenced
 5 assessments as defined in § 6-15-404(g) and end-of-course examinations,
 6 hereafter referred to as annual performance pursuant to § 6-15-2103.

7 ~~(B) If the augmented, criterion-referenced, or norm-~~
 8 ~~referenced assessments are not in compliance with § 6-15-404(g), then the~~
 9 ~~department shall rely on other assessments as defined in § 6-15-404(g) for~~
 10 ~~the calculation of the improvement level.~~

11 (d) In addition to the designation of one (1) overall school
 12 performance category for each school required by subsection (c) of this
 13 section, the annual report shall separately list the following measures by
 14 school:

15 (1) Student performance on state-mandated assessments as
 16 required by law or rule of the state board;

17 (2) Student academic growth based on state-mandated assessments
 18 as required by law or rule of the state board;

19 (3) For a secondary school, the school's graduation rate; and

20 (4) Any other criteria required by law or by rule of the state
 21 board.

22
 23 SECTION 6. Arkansas Code § 6-15-2102 is repealed.

24 ~~6-15-2102. School rating system—Annual improvement category levels.~~

25 ~~(a) For the designation determined by annual improvement, annual~~
 26 ~~improvement gains on augmented, criterion-referenced, or norm-referenced~~
 27 ~~assessments, as defined in § 6-15-404(g), shall identify schools as being in~~
 28 ~~one (1) of the following category levels defined according to rules of the~~
 29 ~~State Board of Education:~~

30 ~~(1) "Level 5", schools of excellence for improvement;~~

31 ~~(2) "Level 4", schools exceeding improvement standards;~~

32 ~~(3) "Level 3", schools meeting improvement standards;~~

33 ~~(4) "Level 2", schools on alert; or~~

34 ~~(5) "Level 1", schools in need of immediate improvement.~~

35 ~~(b) The base year for improvement gains shall be established in the~~
 36 ~~2006-2007 school year, with annual improvement category levels assigned in~~

1 ~~the 2007-2008 school year and each school year thereafter.~~

2 ~~(c) School annual improvement category level designations shall be~~
 3 ~~based on the following:~~

4 ~~(1) A combination of student achievement scores as measured by~~
 5 ~~annual academic gain scores on augmented, criterion-referenced, or norm-~~
 6 ~~referenced assessments, as defined in § 6-15-404(g), or assessments in grades~~
 7 ~~kindergarten through twelve (K-12); and (2) Student assessment data~~
 8 ~~used to determine annual improvement category levels shall include the~~
 9 ~~aggregate scores of the combined population.~~

10 ~~(d) The state board shall adopt appropriate criteria for each school~~
 11 ~~improvement category level.~~

12 ~~(e) Schools that receive an annual improvement category level of level~~
 13 ~~5 or level 4 are eligible for school recognition awards and performance-based~~
 14 ~~funding pursuant to § 6-15-2107.~~

15
 16 SECTION 7. Arkansas Code § 6-15-2103 is amended to read as follows:

17 6-15-2103. School rating system - ~~Annual performance goals~~ - School
 18 annual performance category levels.

19 ~~(a) The annual report shall identify schools as being in one (1) of~~
 20 ~~the following category levels, based on the augmented, criterion-referenced,~~
 21 ~~or norm-referenced assessments, as defined in § 6-15-404(g), and school~~
 22 ~~performance category level defined according to rules of the State Board of~~
 23 ~~Education.~~

24 ~~(1) "Level 5", schools of excellence;~~

25 ~~(2) "Level 4", schools exceeding standards;~~

26 ~~(3) "Level 3", schools meeting standards;~~

27 ~~(4) "Level 2", schools on alert; or~~

28 ~~(5) "Level 1", schools in need of immediate improvement.~~

29 ~~(b)(1) For the 2004-2005 through 2008-2009 school years, schools will~~
 30 ~~not be assigned annual performance category levels unless an annual~~
 31 ~~performance category level is requested by the school.~~

32 ~~(2) For schools that receive an improvement category level of~~
 33 ~~level 5 or level 4 in the 2009-2010 and 2010-2011 school years, the~~
 34 ~~performance category level may be waived.~~

35 ~~(c)(1) For all schools that have received an annual performance~~
 36 ~~category level of level 1 for two (2) consecutive years, the students in~~

1 ~~these schools shall be offered the opportunity public school choice option~~
 2 ~~with transportation provided pursuant to § 6-18-227 et seq.~~

3 ~~(2) In addition, the school district board of directors shall~~
 4 ~~provide supplemental educational services, approved by the state board, to~~
 5 ~~affected students.~~

6 ~~(d) The state board shall adopt appropriate criteria for each school~~
 7 ~~performance category level.~~

8 ~~(e) Schools that receive an annual performance category level of level~~
 9 ~~5 or level 4 are eligible for school recognition awards and performance based~~
 10 ~~funding pursuant to § 6-15-2107.~~

11
 12 SECTION 8. Arkansas Code § 6-15-2105 is amended to read as follows:

13 6-15-2105. School rating system – School ~~improvement and~~ ratings and
 14 performance category level measurement – ~~Improvement and performance rating~~
 15 ~~reports~~ Publication.

16 (a) School ~~annual improvement and~~ performance category level
 17 designations ~~and~~ or ratings shall apply to each school's achievement for the
 18 year in which the achievement is measured.

19 (b)(1) Each school's designation ~~and~~ or rating shall be published
 20 annually by the Department of Education and by the school district and shall
 21 be available on the department's website.

22 (2) Each parent and guardian shall be entitled to an easy-to-
 23 read written report describing the designation ~~and~~ or rating of the school in
 24 which his or her child is enrolled.

25
 26 SECTION 9. Arkansas Code § 6-15-2107(b)-(d), concerning the Arkansas
 27 School Recognition Program, is amended to read as follows:

28 (b) The Arkansas School Recognition Program is created to provide
 29 financial awards to public schools that ~~are at~~:

30 ~~(1) A category level of level 5 or level 4 pursuant to § 6-15-~~
 31 ~~2103 and at least a level 3 pursuant to § 6-15-2102; or~~

32 ~~(2) A category level of level 5 or level 4 school pursuant to §~~
 33 ~~6-15-2102~~ experience high student performance, student academic growth, and
 34 for a secondary school, a high graduation rate.

35 (c)(1)(A) If funds are available, a public school or public charter
 36 school ~~meeting the requirements set out in subdivision (b)(1) or (2) of this~~

1 ~~section shall receive performance-based funding in the amount of one hundred~~
2 ~~dollars (\$100) per student who participated in the school's assessment~~
3 ~~program of:~~

4 (i) One hundred dollars (\$100) per student who
5 attends the public school or public charter school if:

6 (a) The public school or public charter school
7 is in the top ten percent (10%) of all public schools in Arkansas in combined
8 student performance, student academic growth, and for a secondary school,
9 graduation rate under the criteria set forth by rule of the state board; or

10 (b) The public school or public charter school
11 meets the criteria established by the state board to be used in lieu of the
12 criteria set forth in subdivision (c)(1)(A)(i)(a) of this section to reward
13 top-performing public schools; or

14 (ii) Fifty dollars (\$50) per student who attends the
15 public school or public charter school if:

16 (a) The public school or public charter school
17 is between the top eleven percent (11%) and top twenty percent (20%) of all
18 public schools in Arkansas in combined student performance, student academic
19 growth, and for a secondary school, graduation rate, under the criteria set
20 forth by rule of the state board; or

21 (b) The public school or public charter school
22 meets the criteria established by the state board to be used in lieu of the
23 criteria set forth in subdivision (c)(1)(A)(ii)(a) of this section to reward
24 high-performing public schools that do not meet the eligibility criteria set
25 forth in subdivision (c)(1)(A)(i) of this section.

26 (B) The rewards listed in subdivision (c)(1)(A) of this
27 section:

28 (i) Shall begin after the 2012-2013 state-mandated
29 assessments; and

30 (ii) Shall be based upon a comparison between the
31 results of the 2011-2012 state-mandated assessments and the 2012-2013 state-
32 mandated assessments.

33 (C) Needs Improvement-Focus schools and Needs Improvement-
34 Priority schools as defined in rules of the state board, are ineligible to
35 receive rewards under this section.

36 (2) The Department of Education may disburse available

1 performance-based funding appropriated by the General Assembly on a pro-rata
2 basis.

3 ~~(3) All schools meeting both criteria shall receive rewards for~~
4 ~~both categories.~~

5 ~~(4)(3) Each school that receives performance-based funding shall~~
6 ~~submit to the department a proposal for its spending of the performance-based~~
7 ~~funding to the department.~~

8 ~~(5)(4) The department shall:~~

9 (A) Review ~~and approve~~ each proposal received under this
10 section; and

11 (B) Approve spending of performance-based funding for
12 academic expenses only as ~~set forth in~~ provided under subsection (f) of this
13 section.

14 ~~(d) All public schools, including charter schools, that receive school~~
15 ~~category levels pursuant to §§ 6-15-2102 and 6-15-2103 are eligible to~~
16 ~~participate in the program.~~

17
18 SECTION 10. Arkansas Code § 6-15-2201(d)(3), concerning Department of
19 Education training programs for schools in school improvement, is repealed.

20 ~~(3) The department shall provide technical assistance to~~
21 ~~each school that is designated as a level 1 school or a level 2 school under~~
22 ~~§ 6-15-2103 to develop a revised school improvement plan.~~

23
24 SECTION 11. Arkansas Code § 6-18-227(a)-(c), concerning the Arkansas
25 Opportunity Public School Choice Act of 2004, is amended to read as follows:

26 (a)(1) This section may be referred to and cited as the "Arkansas
27 Opportunity Public School Choice Act of 2004".

28 (2)(A) The purpose of this section is to provide enhanced
29 opportunity for students in this state to gain the knowledge and skills
30 necessary for postsecondary education, a technical education, or the world of
31 work.

32 (B) The General Assembly:

33 (i) Recognizes that the Arkansas Constitution, as
34 interpreted by the Arkansas Supreme Court in *Lake View School District No. 25*
35 *v. Huckabee*, 351 Ark. 31 (2002), makes education a paramount duty of the
36 state;

1 (ii) Finds that the Arkansas Constitution requires
2 the state to provide an adequate education;

3 (iii) Further finds that a student should not be
4 compelled against the wishes of the parent, guardian, or the student, if the
5 student is over eighteen (18) years of age, to remain in a school or school
6 district designated as a level 1 school under § 6-15-2103 for two (2) or more
7 consecutive years classified by the State Board of Education as a school or
8 school district in academic distress under § 6-15-428; and

9 (iv) Shall make available a public school choice
10 option in order to give a child the opportunity to attend a public school or
11 school district that is performing satisfactorily not in academic distress.

12 ~~(C) This section shall take effect with the implementation~~
13 ~~of school performance category levels.~~

14 (3) The General Assembly further finds that giving more options
15 to parents and students with respect to where the students attend public
16 school will increase the responsiveness and effectiveness of the state's
17 schools, since teachers, administrators, and school board members will have
18 added incentives to satisfy the educational needs of the students who reside
19 in the district.

20 (4) A public school choice program is hereby established to
21 enable any student to transfer from a ~~failing school to another~~ public school
22 in the state or school district classified by the state board as a public
23 school or school district in academic distress to another public school or
24 school district in the state that is not in academic distress, subject to the
25 restrictions contained in this section.

26 (b)(1) Upon the request of a parent, guardian, or the student, if the
27 student is over eighteen (18) years of age, a student may transfer from his
28 or her resident district or public school to another school district or
29 public school in accordance with the provisions of under this section if:

30 (A) The resident public school or school district has been
31 designated pursuant to § 6-15-2103 as a level 1 school for two (2) or more
32 consecutive school years classified by the state board as a public school or
33 school district in academic distress; and

34 (B) The parent, guardian, or the student, if the student
35 is over eighteen (18) years of age, has notified the Department of Education
36 and both the sending and receiving school districts of the request for a

1 transfer no later than July 30 of the first year in which the student intends
2 to transfer.

3 (2)(A)(i) For the purposes of continuity of educational choice,
4 the transfer shall operate as an irrevocable election for each subsequent
5 entire school year and shall remain in force until the student completes high
6 school or the parent, guardian, or the student, if the student is over
7 eighteen (18) years of age, timely makes application ~~no later than July 30~~
8 ~~for attendance or transfer as provided for by §§ 6-18-202, 6-18-206, and 6-~~
9 ~~18-316~~ under a provision of law governing attendance in or transfer to
10 another public school or school district other than the student's assigned
11 school or resident district.

12 (ii) ~~Such a~~ A transfer under this section is shall
13 ~~be~~ effective at the beginning of the next academic year.

14 (B) Application for the opportunity public school choice
15 option shall be provided by the department, shall contain a notice that a
16 transfer under this subsection shall operate as an irrevocable choice for at
17 least one (1) entire school year, and shall remain in force until the student
18 completes high school as provided in this subsection except as otherwise
19 provided by law.

20 (3)(A) For each student enrolled in or assigned to a public
21 school or school district that has been classified by the state board as a
22 public school or school district in academic distress ~~designated as a level 1~~
23 ~~school for two (2) or more consecutive school years~~, a school district shall:

24 (i) Timely notify the parent, guardian, or the
25 student, if the student is over eighteen (18) years of age, as soon as
26 practicable after the designation is made, of all options available ~~pursuant~~
27 ~~to~~ under this section; and

28 (ii)(a) Offer the parent, guardian, or the student,
29 if the student is over eighteen (18) years of age, an opportunity to enroll
30 the student in any public school or school district that has not been
31 ~~designated by the state pursuant to § 6-15-2103 as a school performing higher~~
32 ~~than that in which the student is currently enrolled or to which the student~~
33 ~~has been assigned, but not less than annual performance category level 3~~
34 classified by the state board as a public school or school district in
35 academic distress.

36 (b) The opportunity to continue attending the

1 ~~higher performing~~ public school or school district that is not classified as
2 a public school or school district in academic distress shall remain in force
3 until the student graduates from high school.

4 (B)(i) The parent or guardian of a student enrolled in or
5 assigned to a public school or school district that has been ~~designated as a~~
6 ~~school in level 1 under § 6-15-2103 for two (2) or more consecutive years~~
7 classified by the state board as a public school or school district in
8 academic distress may choose as an alternative to enroll the student in a
9 legally allowable ~~category level 3 or higher performing~~ public school or
10 school district that is not classified as a public school or school district
11 in academic distress and that is nearest to the student's legal residence.

12 (ii) That school or school district shall accept the
13 student and report the student for purposes of the funding ~~pursuant to~~ under
14 applicable state law.

15 (C)(i) Students with disabilities who are eligible to
16 receive services from the school district under federal or state law,
17 including students receiving additional funding through federal title
18 programs specific to the Elementary and Secondary Education Act of 1965, ~~20~~
19 ~~U.S.C. § 6301 et seq. Pub. L. No. 89-10,~~ and who participate in this program
20 remain eligible to receive services from the school district as provided by
21 federal or state law.

22 (ii) Any funding for ~~such a~~ the student shall be
23 transferred to the public school or school district to which the student
24 transfers.

25 (c)(1)(A) The receiving public school or school district ~~or charter~~
26 ~~school~~ may transport students to and from the transferring public school or
27 school district ~~or charter school~~, and the cost of transporting students
28 shall be the responsibility of the transferring public school or school
29 ~~district or charter school~~ except as provided under subdivisions (c)(1)(B)
30 and (c)(2) of this section.

31 (B) A transferring public school or school district ~~or~~
32 ~~charter school~~ shall not be required to spend more than four hundred dollars
33 (\$400) per student per school year for transportation required under
34 subdivision (c)(1)(A) of this section.

35 (2) Upon the transferring public school or school district's
36 removal from classification as a public school or school district in academic

1 ~~distress receiving a category level 3 or higher for its annual performance,~~
2 ~~the transportation costs shall no longer be the responsibility of the~~
3 ~~transferring public school or school district, and the student's~~
4 ~~transportation and the costs of the transportation shall be the~~
5 ~~responsibility of the parents parent or guardian or of the receiving public~~
6 ~~school or school district if the receiving public school or school district~~
7 ~~agrees to bear the transportation costs.~~

8
9 /s/J. Key

10
11
12 **APPROVED: 04/22/2013**
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36