

Hall of the House of Representatives
84th General Assembly - Regular Session, 2003
Amendment Form

Subtitle of House Bill No. 2528

"AN ACT TO BE KNOWN AS THE "ARKANSAS STUDENT ASSESSMENT AND
EDUCATIONAL ACCOUNTABILITY ACT OF 2003"."

Amendment No. 1 to House Bill No. 2528.

Amend House Bill No. 2528 as originally introduced:

Delete everything following the enacting clause and substitute the following:

SECTION 1. Arkansas Code § 6-15-403 is amended to read as follows:
6-15-403. Authority of State Board of Education.

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

~~(1) Develop a comprehensive testing, assessment, and accountability program which utilizes the most current and effective testing, evaluation, and assessment research information designed to achieve the following purposes set forth in this subchapter:~~

- ~~(A) Set clear academic standards;~~
- ~~(B) Establish professional development;~~
- ~~(C) Establish expected achievement levels;~~
- ~~(D) Report on student achievement;~~
- ~~(E) Provide evaluation data;~~
- ~~(F) Recognize excellence; and~~
- ~~(G) Apply sanctions;~~

~~(2) Promulgate such rules and regulations as may be necessary to develop and implement the comprehensive testing, assessment and academic accountability program; and~~

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

(1) Review periodically and approve the student performance standards known as the Arkansas State Standards in key academic subject areas and grade levels;

(2) Classify school services, designate the certification subject areas, establish competencies, including the use of technology to enhance student learning, and certification requirements for all school-based personnel, and prescribe rules in accordance with which the professional, temporary, and part-time certificates shall be issued by the Department of Education to applicants who meet the standards prescribed by rules and regulations for their class of service;

(3) Identify critical teacher shortage areas;

(4) Enforce compliance with law and state board rule by all school



districts;

(5) Collect and maintain the management information databases for all components of the public kindergarten through grade twelve (K-12) education system;

(6) Promulgate such rules and regulations as may be necessary to develop and implement the comprehensive testing, assessment and academic accountability program; and

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

SECTION 2. Arkansas Code § 6-15-404 is repealed.

~~6-15-404. Program implementation.~~

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

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

~~(3) The board shall establish expected levels of achievement on the criterion-referenced examinations.~~

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

~~(b) Any student failing to achieve the established standard on the criterion-referenced examinations shall be evaluated by school personnel, who shall jointly develop an academic improvement plan to assist the student in achieving the expected standard in subject areas where performance is deficient.~~

~~(c)(1) Each school shall develop one (1) comprehensive, long range school improvement plan focused on student achievement.~~

~~(2)(A) Any school that fails to achieve expected levels of student performance on criterion-referenced tests, norm-referenced tests, and related indicators, as defined in this subchapter, shall participate in a school improvement plan accepted by the department. This improvement plan shall assist those students performing below grade level in achieving the expected standard.~~

~~(B) This plan shall be part of each school's long range comprehensive school improvement plan and shall be reported to the public.~~

~~(C) Progress on improved achievement shall be included as part of the school's and school district's annual report to the public.~~

~~(d) The department and the local school districts shall annually compile and disseminate to the public results of administering all required examinations. The results of the end-of-course testing shall become a part of each student's transcript or permanent record and shall be recorded on these documents in a manner prescribed by the state board.~~

SECTION 3. Arkansas Code § 6-15-406 is repealed.

~~6-15-406. Assessment of basic skills.~~

~~The comprehensive testing, assessment, and accountability program to be developed by the Department of Education and approved by the State Board of~~

~~Education shall include, but is not limited to, the following components or characteristics:~~

~~(1) Assessment of academic achievement at grade levels selected to be tested by the department;~~

~~(2) Longitudinal data collection;~~

~~(3) A variety of assessment methods;~~

~~(4) Construction of a database composed of academic performance indicators that shall apply to every school and school district in the state that will allow the department, over time, to identify those schools and school districts that are performing at or below proficient levels established under this subchapter; and~~

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

SECTION 4. Arkansas Code § 6-15-414 is repealed.

~~6-15-414. Testing additional grade levels.~~

~~At the direction of the State Board of Education, the Department of Education shall cause assessment instruments to be administered at additional grade levels as may be necessary to measure educational achievement in the public schools of this state.~~

SECTION 5. Arkansas Code §§ 6-15-421 through 6-15-422 are repealed.

~~6-15-421. Awards and sanctions.~~

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

~~(b)(1) Each school that does not attain the expected levels of student performance on state mandated indicators and individual school improvement indicators shall be designated by one (1) of several levels of sanction.~~

~~(2) Each level of sanction shall determine specific interventions to be provided to the school by the department. The levels of sanction developed under this subchapter shall be incorporated into the existing academic distress policy.~~

~~(c) The State Board of Education through the department is hereby authorized to promulgate such rules and regulations as may be necessary to carry out the provisions of this subchapter.~~

~~6-15-422. Comprehensive Testing, Assessment, and Accountability Program progress report.~~

~~The Department of Education shall report to the members of the House and Senate Interim Committees on Education on the progress of the Arkansas Comprehensive Testing, Assessment, and Accountability Program. The report shall be due on September 1, 1999, and annually thereafter.~~

SECTION 6. Arkansas Code § 6-16-203 is amended to read as follows:

~~6-16-203. Readiness testing.~~

~~(a) The Department of Education shall develop guidelines for school districts to perform readiness testing for children who are entering kindergarten.~~

~~(b)(1) After the department develops guidelines under subsection (a) of this section, each school district in the state shall conduct individual readiness testing on each child entering kindergarten and provide the results of the testing to the child's parents in a timely manner prior to the child's first day of school.~~

~~(2) The results of the testing that are provided to parents shall indicate in clear, understandable terminology the child's readiness for entering kindergarten.~~

(a) The Department of Education, with approval of the State Board of Education, shall develop and implement uniform school readiness screening and shall require that all school districts administer uniform school readiness screening to each kindergarten student in the district school system upon the student's entry into kindergarten.

(b)(1) The State Board of Education shall develop and the Department of Education shall implement uniform school readiness screening to assess a child's school readiness as part of a comprehensive evaluation design. Beginning with the 2004-2005 school year, the Department of Education shall require that all school districts administer the uniform school readiness screening to each kindergarten student in the district's school system upon the student's entry into kindergarten. Children who enter public school for the first time in first grade must be administered the uniform school readiness screening developed for use in first grade. The Department of Education shall incorporate school readiness data into the kindergarten through grade twelve (K-12) data warehouse for longitudinal tracking.

(2) "Uniform school readiness screening" means uniform, objective evaluation procedures specifically formulated for children entering public school for the first time which are geared to either kindergarten or first grade, as developmentally appropriate, and developed by the Department of Education, with the approval of the State Board of Education, which shall provide objective data regarding expectations for school readiness.

SECTION 7. Arkansas Code §§ 6-15-402 is amended as follows:
6-15-402. Purpose.

(a)(1) The purpose of this subchapter is to provide the statutory framework necessary to ensure that all students in the public schools of this state demonstrate grade-level academic proficiency through the application of knowledge and skills in the core academic subjects consistent with state curriculum frameworks, performance standards, and assessments. The State of Arkansas recognizes and declares that students who are not performing at grade-level standards of academic proficiency are especially harmed by social promotion because they are not equipped with the necessary academic skills to be successful and productive members of society. ~~The State Department of Education~~ The State Department of Education is committed to ~~having~~ performing all students ~~performing~~ performing at their age appropriate grade level and beyond. ~~For this reason, the Arkansas Comprehensive Testing, Assessment, and Accountability Program will emphasize point in time intervention and remediation upon the discovery that any student is not performing at grade level.~~

~~(2) This subchapter is constructed around a system that includes statewide indicators, individual school improvement indicators, and a locally generated school accountability narrative. The total program shall be applied to each school in the state public school system.~~

(2) It shall also be the purpose of this subchapter to provide

information needed to improve the public schools by measuring annual learning gains of all students through longitudinal tracking, to inform parents of the educational progress of their public school children, and to inform the public of the performance of schools and their faculties. The program must be designed to:

(A) Assess the annual learning gains of each student toward achieving the Arkansas State Standards appropriate for the student's grade level;

(B) Provide data for evaluating teacher effectiveness and school accountability and recognition;

(C) Identify the educational strengths and weaknesses of students and the readiness of students to be promoted to the next grade level or to graduate from high school with a standard high school diploma;

(D) Assess how well academic goals and performance standards are met at the classroom, school, school district, and state levels;

(E) Provide information to aid in the evaluation and development of educational programs and policies;

(F) Provide information on the performance of Arkansas students compared with other students from across the United States; and

(G) Identify best practices and schools that are in need of improving their practices.

(3) This subchapter is designed to be a multiyear commitment to assess the academic progress and performance of Arkansas' public school students, classrooms, schools, and school districts.

(b) The purposes of the assessment and accountability program developed pursuant to the provisions of this subchapter shall be to:

(1) Improve student learning and classroom instruction;

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

(3) Provide evaluation data of student, classroom, school, and school district performance in order to assist policymakers at all levels in decision making.

(c)(1) It is the General Assembly' intent that Arkansas participate in the measurement of national educational goals.

(2) The State Board of Education shall direct Arkansas school districts to participate in the administration of the National Assessment of Educational Progress, or a similar national assessment program, both for the national sample and for any state-by-state comparison programs which may be initiated.

(3) The Department of Education shall enforce and monitor school districts' participation in the National Assessment of Educational Progress program.

(4) The assessments must be conducted using the data collection procedures, the student surveys, the educator surveys, and other instruments included in the National Assessment of Educational Progress or similar program being administered in Arkansas.

(5) The results of these assessments shall be included in the annual report of the Department of Education specified in this subchapter.

(6) The administration of the National Assessment of Educational Progress or similar program shall be in addition to and separate from the

administration of the Statewide Assessment Program.

(d) The priorities of the assessment and accountability program developed pursuant to the provisions of this subchapter shall include:

(1) All students demonstrate increased learning and completion at all levels, graduate from high school, and are prepared to enter postsecondary education or the workforce without remediation;

(2) Students demonstrate that they meet the expected academic standards consistently at all levels of their education;

(3) Academic standards for every level of the kindergarten through grade twelve (K-12) education system are aligned, and education financial resources are aligned with student performance expectations at each level of the kindergarten through grade twelve (K-12) education system;

(4) The quality of educational leadership at all levels of kindergarten through grade twelve (K-12) education is improved; and

(5) Parents, students, families, educational institutions, and communities are collaborative partners in education, and each plays an important role in the success of individual students. Therefore, the State of Arkansas cannot be the guarantor of each individual student's success. The goals of Arkansas's kindergarten through grade twelve (K-12) education system are not guarantees that each individual student will succeed or that each individual school will perform at the level indicated in the goals.

SECTION 8. Arkansas Code Title 6, Chapter 15, Subchapter 4 is amended to add additional sections to read as follows:

6-15-424. Statewide assessment program.

(a) The Department of Education shall implement a statewide program of educational assessment that provides information for the improvement of the operation and management of the public schools, including schools operating for the purpose of providing educational services to youth in Division of Youth Services of the Department of Human Services programs.

(b) Pursuant to the statewide assessment program, the Department of Education shall:

(1) Establish an Office of Assessment, Evaluation, and Accountability within the Department of Education which shall report to the State Board of Education and shall be responsible for determining the school performance grade categories pursuant to § 6-15-1701 et seq. School performance grades shall include consideration of the annual percentile ranking by grade and value-added measurement of student gains from year to year;

(2) Submit to the State Board of Education for adoption a list that specifies student skills and competencies to which the goals for education specified in the state plan apply, including, but not limited to, reading, writing, science, and mathematics. The list of content knowledge, skills, and competencies shall be known as the Arkansas State Standards as defined in § 6-15-419. The Department of Education shall select such skills and competencies after receiving recommendations from educators, citizens, and members of the business community. The Department of Education shall submit to the State Board of Education revisions to the list of student skills and competencies in order to maintain continuous progress toward improvements in student proficiency;

(3) Develop and implement a uniform system of indicators to describe the performance of public school students and the characteristics of

the public school districts and the public schools. These indicators shall include, without limitation, the components of an adequate education as defined by the Arkansas General Assembly;

(4)(A) Implement a student achievement testing program known as the Arkansas Comprehensive Assessment Test as part of the statewide assessment program, to be administered annually in grades one (1) through ten (10) to measure reading, writing, and mathematics. Science and U.S. history shall be measured on a schedule as determined by the State Board of Education. In addition, end of course exams shall be administered for Algebra I, geometry, literacy, U.S. history and Biology I. Other content areas may be included as directed by the State Board of Education.

(c) The testing program must be designed so that:

(1) The tests measure student skills and competencies adopted by the State Board of Education as specified in paragraph (b). The tests must measure and report student achievement levels in reading, writing, and mathematics in yearly percentile categories and longitudinally tracking of the same students.

(A) The Department of Education shall provide for the tests to be obtained, developed or augmented, as appropriate, through contracts and project agreements with a commercial testing company.

(B) The Department of Education shall obtain input with respect to the augmentation of a nationally norm-referenced test with items that are aligned to the Arkansas State Standards of the testing program from state educators and the public.

(2) The testing program shall consist of a blueprint that incorporates a test which includes norm-referenced and criterion-referenced items augmented for Arkansas State Standards determined by the State Board of Education. Questions shall require the student to produce information or perform tasks in such a way that the skills and competencies he or she uses can be measured in a statistically reliable and valid manner.

(3) Each testing program, whether at the elementary, middle, or high school level, shall include a test of writing in which students are required to produce writings that are then scored by appropriate analytic methods that ensure overall test validity and reliability, including inter-rater reliability. Writing test results shall be scored and returned for district and school use no later than June 1 of each year.

(4) A score shall be designated for each subject area tested which will be the required level of proficiency, below which score a student's performance is deemed inadequate.

(5) Beginning in the 2004-2005 school year, students in grades 1-8 must demonstrate proficiency in the Arkansas Comprehensive Assessment Test in reading, writing and mathematics to qualify for promotion to the next grade level. Students in grades 9-12 must demonstrate proficiency on the state required end of course exams required pursuant to (6) below in order to receive credit for those corresponding courses.

(6) Students must demonstrate proficiency on the grade 10 Arkansas Comprehensive Assessment Test described in this paragraph in reading, writing, and mathematics, meet proficiency levels for the State-required end of course exams, and have earned the appropriate number of credits as required by the State Board of Education to qualify for a regular high school diploma. The State Board of Education shall designate, based on valid and reliable statistical models submitted by the Office of Assessment,

Evaluation and Accountability, the proficiency levels for each part of the Arkansas Comprehensive Assessment Test. In establishing proficiency levels, the State Board of Education shall consider value added measurements of student achievement. All students who take the grade 10 Arkansas Comprehensive Assessment Test during the 2004-2005 school year shall be required to earn the proficiency levels in reading, writing, and mathematics established by the State Board of Education for the Spring 2005 test administration. Such students who do not earn the established proficiency levels and must repeat the grade 10 Arkansas Comprehensive Assessment Test are required to earn the proficiency levels established for the Spring 2005 test administration. All students who take the grade 10 Arkansas Comprehensive Assessment Test for the first time in Spring 2005 and thereafter shall be required to earn the proficiency levels in reading, writing and mathematics established by the State Board of Education for the Spring 2005 test administration. The State Board of Education shall adopt rules, based on the recommendation of the Office of Assessment, Evaluation, and Accountability, which specify the passing scores for the grade 10 Arkansas Comprehensive Assessment Test. Any such rules, which have the effect of raising the required passing scores, shall only apply to students taking the grade 10 Arkansas Comprehensive Assessment Test at least one school year after such rules are adopted by the State Board of Education.

(7) Participation in the testing program is mandatory for all students attending public school, including students served by programs of the Division of Youth Services programs or its successor, except as otherwise prescribed by the State Board of Education. If a student does not participate in the Arkansas Comprehensive Assessment Test, the district must notify the student's parent and provide the parent with information regarding the reasons for and implications of such nonparticipation. The State Board of Education shall adopt rules, based upon recommendations of the Department of Education, for the provision of test accommodations and modifications of procedures as necessary for students in exceptional education programs and for Limited English proficient students. Accommodations that negate the validity of a statewide assessment or interpretations or implementations which result in less than ninety-five percent (95%) of all students attending public school participating in the testing program are not allowable.

(8) The Department of Education shall implement student testing programs for any grade level and subject area necessary to effectively monitor educational achievement in the state.

(9) District school boards must ensure that educators in their district provide instruction to prepare students to demonstrate proficiency in the skills and competencies necessary for successful grade-to-grade progression and high school graduation. The Department of Education shall conduct studies as necessary to verify that the required skills and competencies are part of the district instructional programs.

(d) Conduct ongoing research to develop improved statistically reliable and valid methods of assessing student performance, including, without limitation:

(1) the use of technology to administer, score, or report the results of tests, (ii) the use of electronic transfer of data, and (iii) the development of work-product and the process assessments, if appropriate.

(e) Conduct ongoing research and analysis of individual student, school, district, and state achievement data, including, without limitation,

monitoring trends in individual student, school, district, and state achievement, identifying school programs that are successful, and analyzing correlates of school achievement.

(f) Provide technical assistance to school districts in the implementation of state and district testing programs and the use of the data produced pursuant to such programs, including longitudinal tracking data.

6-15-425. District testing programs.

Each district school board shall annually provide a written evaluation of student performance and achievement within each school of the district. This evaluation and suggested measures to improve performance shall be presented in a public hearing in the same locality as the school district and then submitted with comments made at the public hearing to the Arkansas Department of Education.

6-15-426. School testing programs.

Student performance data shall be analyzed and reported to parents, the community, and the state. Student performance data shall be used in developing objectives of the school improvement plan, evaluation of instructional personnel, evaluation of administrative personnel, assignment of staff, allocation of resources, acquisition of instructional materials and technology, performance-based budgeting, and promotion and assignment of students into educational programs.

6-15-427. Required analyses.

The Department of Education shall provide, at a minimum, for the following analyses of data produced by the student achievement testing program:

(1) The statistical system for the annual assessments shall use the Arkansas Comprehensive Assessment Test and other valid and reliable measures of student learning, to determine classroom, school, and school district statistical distributions, which shall be determined using available data from the Arkansas Comprehensive Assessment Test, and other data collection as deemed appropriate by the State Board of Education, to measure the differences in student prior year achievement compared to the current year achievement for the purposes of accountability and recognition;

(2)(A) The statistical system shall provide the best estimates of classroom, school, and school district effects on student progress based on established longitudinal, value-added calculations.

(B) The approach used by the Department of Education shall be approved by the State Board of Education before implementation; and

(3)(A) The annual testing program shall be administered to provide for valid statewide and national comparisons of learning gains to be made for purposes of accountability and recognition.

(B) The Department of Education shall establish a schedule for the administration of the statewide assessments.

(C) In establishing such schedule, the Department of Education is charged with the duty to accomplish the latest possible spring administration of the statewide assessments and the earliest possible provision, but no later than July 1, of the results to the school districts.

(D) District school boards shall not establish school calendars that jeopardize or limit the valid testing and comparison of student learning

gains.

6-15-428. Local assessments.

School districts may elect to measure the learning gains of students in subjects and at grade levels in addition to those required for the State Student Achievement Testing Program. Measurement of the learning gains of students in all subjects and grade levels other than subjects and grade levels required for the State Student Achievement Testing Program is the responsibility of the school districts.

6-15-429. Applicability of testing standards.

A student must meet the testing requirements for high school graduation that were in effect at the time the student entered grade nine (9), provided the student's enrollment was continuous.

6-15-430. Rules.

The State Board of Education shall adopt any rules necessary to implement Arkansas Comprehensive, Testing, Assessment and Accountability Program under § 6-15-401 et seq. pursuant to the Arkansas Administrative Procedures Act, codified at § 25-15-201 et seq.

6-15-431. Test security.

(a) It is unlawful for anyone knowingly and willfully to violate test security rules adopted by the State Board of Education for mandatory tests administered by or through the State Board of Education or the Department of Education to students, educators, or applicants for certification or administered by school districts pursuant to § 6-15-424, or with respect to any such test, knowingly and willfully to:

- (1) Give examinees access to test questions prior to testing;
- (2) Copy, reproduce, or use in any manner inconsistent with test security rules all or any portion of any secure test booklet;
- (3) Coach examinees during testing or alter or interfere with examinees' responses in any way;
- (4) Make answer keys available to examinees;
- (5) Fail to follow security rules for distribution and return of secure test as directed, or fail to account for all secure test materials before, during, and after testing;
- (6) Fail to follow test administration directions specified in the test administration manuals; or
- (7) Participate in, direct, aid, counsel, assist in, or encourage any of the acts prohibited in this section.

(b) Any person who violates this section commits a Class A misdemeanor of the first degree, punishable as provided in § 5-4-201.

(c) A district school superintendent and the district school board shall cooperate with the Department of Education in any investigation concerning the administration of a test administered pursuant to state statute or rule.

SECTION 9. Arkansas Code Title 6, Chapter 15, is amended to add an additional subchapter to read as follows:

6-15-1601. Public school student progression; remedial instruction; reporting requirements – Intent.

It is the intent of the General Assembly that:

- (1) Each student's progression from one grade to another be determined, in part, upon proficiency in reading, writing, and mathematics;
- (2) That district school board policies facilitate such proficiency; and
- (3) That each student and his or her parent be informed of that student's academic progress.

6-15-1602. Public school student progression; remedial instruction; reporting requirements – Comprehensive Program.

The State Board of Education shall establish a comprehensive program for student progression which must include:

- (1) Standards for evaluating each student's performance, including the student's mastery level with respect to the Arkansas State Standards;
- (2) Specific levels of performance in reading, writing, and mathematics for each grade level and specific proficiency levels of performance on statewide assessments at selected grade levels, below which a student must be retained and remediated within an intensive program that is different from the previous year's program and that takes into account the student's learning style; and
- (3) Appropriate alternative placement as developed by for a student who has been retained two (2) or more years.

6-15-1603. Public school student progression; remedial instruction; reporting requirements – Allocation of resources.

District school boards shall allocate remedial and supplemental instruction resources to students in the following priority:

- (a) Students who are deficient in reading by the end of grade three (3); and
- (b) Students who fail to meet performance levels required for promotion consistent with the state's plan for student progression required in § 6-15-1602(b).

6-15-1604. Public school student progression; remedial instruction; reporting requirements – Assessment and remediation.

(a)(1) Each student must participate in the statewide program of educational assessment required by § 6-15-424.

(2) For each student who does not meet specific levels of performance as determined by the State Board of Education in reading, writing, and mathematics for each grade level, or who does not meet specific proficiency levels of performance as determined by the State Board of Education on statewide assessments at selected grade levels, the school district must administer additional diagnostic assessments to determine the nature of the student's difficulty and areas of academic need.

(b)(1) The school in which the student who did not meet the specific levels of performance or specific proficiency level is enrolled must develop and implement, after notification pursuant to § 6-15-1605(b) and in consultation with the student's parent, an academic improvement plan designed to assist the student in meeting state expectations for proficiency.

(2) Beginning with the 2005-2006 school year, if the student has been identified as having a deficiency in reading, the academic improvement plan shall identify the student's specific areas of deficiency in

phonemic awareness, phonics, fluency, comprehension, and vocabulary; the desired levels of performance in these areas; and the instructional and support services to be provided to meet the desired levels of performance.

(3) Schools shall also provide for the frequent monitoring of the student's progress in meeting the desired levels of performance. Remedial instruction provided during high school may not be in lieu of English, mathematics, science, or history credits required for graduation.

(c)(1) Upon subsequent evaluation established in the academic improvement plan and prior to the next school year, if the documented deficiency has not been remediated in accordance with the academic improvement plan, the student shall be retained.

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

6-15-1605. Public school student progression; remedial instruction; reporting requirements – Reading deficiency and parental notification.

(a) It is the ultimate goal of the General Assembly that every student read at or above his or her grade level. Any student who exhibits a substantial deficiency in reading, based upon statewide assessments conducted in kindergarten, grade one (1), grade two (2), or grade three (3), or through teacher observations, must be given intensive reading instruction utilizing a reading program approved by the State Board of Education immediately following the identification of the reading deficiency. The student's reading proficiency must be reassessed by utilizing assessments within the State Board of Education approved reading program. The student must continue to be provided with intensive reading instruction until the reading deficiency is remedied.

(b) Beginning with the 2005-2006 school year, the parent of any student who exhibits a substantial deficiency in reading, as described in subsection (a) of this section, must be notified in writing of the following:

(1) That his or her child has been identified as having a substantial deficiency in reading;

(2) A description of the current services that are provided to the child; and

(3) A description of the proposed supplemental instructional services and supports that will be provided to the child that are designed to remediate the identified area of reading deficiency.

6-15-1606. Public school student progression; remedial instruction; reporting requirements – Elimination of social promotion.

(a) No student may be assigned to a grade level based solely on age or other factors that constitute social promotion.

(b) The Department of Education shall only exempt students from mandatory retention, as provided in § 6-15-1604(c), for good cause. Good cause exemptions shall be limited to the following:

(1) Limited English proficient students who have had less than two (2) years of instruction in an English for Speakers of Other Languages program;

(2) Students with disabilities whose individual education plan

indicates that participation in the statewide assessment program is not appropriate, consistent with any requirements of State Board of Education rules or regulations;

(3) Students who demonstrate an acceptable level of performance on an alternative standardized reading assessment approved by the State Board of Education;

(4) Students with disabilities who participate in the Arkansas Comprehensive Assessment Test and who have an individual education plan or a Section 504 plan that reflects that the student has received the intensive remediation in reading, as required by §§ 6-15-1604(b) and 6-15-1605(a), for more than two (2) years but still demonstrates a deficiency in reading and was previously retained in kindergarten, grade one (1), or grade two (2); and

(5) Students who have received the intensive remediation in reading as required by §§ 6-15-1604(b) and 6-15-1605(a) for 2 or more years but still demonstrate a deficiency in reading and who were previously retained in kindergarten, grade one (1), or grade two (2) for a total of two (2) years. Intensive reading instruction for students so promoted must include an altered instructional day based upon an academic improvement plan that includes specialized diagnostic information and specific reading strategies for each student. The Department of Education shall assist schools and teachers to implement reading strategies that scientifically-based research has shown to be successful in improving reading among low performing readers.

(c) Requests for good cause exemptions for students from the mandatory retention requirement as described in §§ 6-15-1606(b)(3) and (4) shall be made consistent with the following:

(1) Documentation shall be submitted from the student's teacher to the school principal that indicates that the promotion of the student is appropriate and is based upon the student's academic record. In order to minimize paperwork requirements, such documentation shall consist only of the existing academic improvement plan, individual education plan or Section 504 plan, if applicable, report card, and student portfolio; and

(2) The school principal shall review and discuss such recommendation with the teacher and make the recommendation as to whether the student should be promoted or retained. If the school principal determines that the student should be promoted, the school principal shall make such recommendation in writing to the district school superintendent. The district school superintendent shall accept or reject the school principal's recommendation in writing.

6-15-1607. Public school student progression; remedial instruction; reporting requirements – Annual report.

(a) In addition to the requirements in § 6-15-1605(b), each district school board must annually report to the parent of each student the progress of the student toward achieving state expectations for proficiency in reading, writing, and mathematics. The district school board must report to the parent the student's results on each statewide assessment test. The evaluation of each student's progress must be based upon the student's classroom work, observations, tests, state assessments, and other relevant information. Progress reporting must be provided to the parent in writing in a format adopted by the district school board which is consistent with § 6-15-1701(b).

(b) Beginning with the 2004-2005 school year, each district school board must annually publish in the local newspaper and report in writing to the State Board of Education by September 1 of each year, the following information on the prior school year:

(1) The provisions of this section relating to public school student progression and the State Board of Education's policies and procedures on student retention and promotion;

(2) By grade, the number and percentage of all students in grades one (1) through twelve (12) performing at proficiency levels on the Arkansas Comprehensive Assessment Test and on end of course exams;

(3) By grade, the number and percentage of all students retained in grades one (1) through eight (8);

(4) The graduation rate, grade inflation rate, drop-out rate. for grades nine (9) through twelve (12) and college remediation rate;

(5) Information on the total number of students who were promoted for good cause, by each category of good cause as specified in § 6-15-1606(b); and

(6) Any revisions to the state's policy on student retention and promotion from the prior year.

6-15-1608. Public school student progression; remedial instruction; reporting requirements – State Board of Education authority and responsibilities.

(a) The State Board of Education may, as provided in §§ 6-15-1901 through 6-15-1902 to enforce this section.

(b) The State Board of Education shall adopt rules for the administration of this subchapter.

6-15-1609. Public school student progression; remedial instruction; reporting requirements – Technical Assistance.

The Department of Education shall provide technical assistance as needed to aid district school boards in administering this section.

SECTION 10. Arkansas Code Title 6, Chapter 15, is amended to add an additional subchapter to read as follows:

6-15-1701. School grading system; district performance grade –Annual reports.

(a) The Department of Education shall prepare annual reports of the results of the statewide assessment program which describe student achievement in the state, each district, and each school, as well as the school performance grades pursuant to § 6-15-1702. The Department of Education shall prescribe the design and content of these reports, which must include, without limitation, descriptions of the performance of all schools participating in the assessment program and all of their major student populations as determined by the Department of Education, and must also include the median scores of all eligible students who scored at or in the lowest 25th percentile of the state in the previous school year; provided, however, that the provisions of § 6-18-902 pertaining to student records apply to this section. Annual school reports shall be sent to all parents and posted on the State Department of Education website.

(b) The Department of Education shall provide information regarding performance of students and educational programs as required pursuant to §§

6-15-424 and 6-15-2301 and implement a system of school reports as required by statute and State Board of Education rule that shall include schools operating for the purpose of providing educational services to youth in Division of Youth Services of the Department of Human Services programs, and for those schools, report on any additional educational elements required by § 9-28-201 et seq. Annual public disclosure reports shall be in an easy-to-read report card format and shall include the school's student and school performance grade category designation and performance data as specified in state board rule.

6-15-1702. School grading system; district performance grade – School performance grade categories

(a) The annual report shall identify schools as being in one of the following grade categories defined according to rules of the State Board of Education:

- (1) "A", schools with excellent student performance;
- (2) "B", schools with above adequate student performance;
- (3) "C", schools with adequate student performance;
- (4) "D", schools with less than adequate student performance;

and

(5) "F", schools with significantly less than adequate student performance.

(b) Each school designated in performance grade category "A", with excellent student performance, or having improved at least two (2) performance grade categories, shall have greater authority over the allocation of the school's total budget generated from the federal funds, state categoricals, grants, and local funds, as specified in State Board of Education rule. The rule must provide that the increased budget authority shall remain in effect until the school's performance grade declines.

6-15-1703. School grading system; district performance grade– Designation of school performance grade categories.

(a) School performance grade category designations itemized in § 6-15-1702 shall be based on the following:

(1) School performance grade category designations shall be based on the school's current year performance.

(2) School performance grade category designation shall be based on a combination of student achievement scores as measured by annual Arkansas Comprehensive Assessment Test assessments and end-of-course exams in grades one (1) through twelve (12).

(b) Student assessment data used in determining school performance grade categories shall include the aggregate scores of all eligible students enrolled in the school who have been assessed on the Arkansas Comprehensive Assessment Test.

(c) The Department of Education shall study the effects of mobility on the performance of highly mobile students and recommend programs to improve the performance of such students. The State Board of Education shall adopt appropriate criteria for each school performance grade category and shall assure that rankings correspond with measurement provisions of the No Child Left Behind Act. The criteria must also give added weight to student achievement in reading. Schools designated as performance grade category "C," making adequate yearly progress, shall be required to demonstrate that

adequate yearly progress has been made by students in the school who are in the lowest 25th percentile in reading, math, or writing on the Arkansas Comprehensive Assessment Test unless these students are performing above the adequate yearly progress performance level.

(c) School that receive a school performance grade category of "A" or "B" are eligible for school recognition awards and performance-based funding pursuant to § 6-15-1802.

6-15-1704. School grading system; district improvement grade—School improvement grade categories.

(a) The annual report shall identify schools as being in one of the following grade categories defined according to rules of the State Board of Education:

- (1) "A", schools providing excellent adequate yearly progress;
- (2) "B", schools providing above adequate yearly progress;
- (3) "C", schools providing adequate yearly progress;
- (4) "D", schools providing less than adequate yearly progress;

and

(5) "F", schools providing significantly less than adequate yearly progress.

(b) Each school designated in performance grade category "A", remarkably improving student performance, or having improved at least two (2) improvement grade categories, shall have greater authority over the allocation of the school's total budget generated from the federal funds, state categoricals, grants, and local funds, as specified in State Board of Education rule. The rule must provide that the increased budget authority shall remain in effect until the school's improvement grade declines.

6-15-1705. School grading system; district improvement grade—Designation of school improvement grade categories.

(a) The annual report shall identify each school's improvement grade. The school improvement grade category designations itemized in § 6-15-1704 shall be based on the following:

(1) Comparison of the current year's and previous year's student and school performance data based in part on the longitudinal tracking of student progress;

(2) Comparison of the current year's and previous year's student performance data for the lowest twenty-fifth (25th) percentile of students in the school in reading, math, or writing on the Arkansas Comprehensive Assessment Test, unless these students are performing above satisfactory performance; and

(3) Comparison of current year's and previous year's student performance data for each of the student subclasses as defined in the Arkansas State Accountability Plan, filed in compliance with the No Child Left Behind Act's requirements.

6-15-1706. School grading system; district performance grade—School performance grade category and improvement rating reports.

School performance grade category designations and improvement ratings shall apply to each school's performance for the year in which performance is measured. Each school's designation and rating shall be published annually by the Department of Education and the school district and shall be available

on the Department of Education's website. Parents shall be entitled to an easy-to-read written report card describing the designation and rating of the school in which their child is enrolled.

6-15-1707. School grading system; district performance grade –Annual
The State Board of Education shall adopt rules necessary to implement §
6-15-1701 et seq. pursuant to the Arkansas Administrative Procedures Act,
codified at § 25-15-201 et seq.

6-15-1708. School grading system; district performance grade –District
performance grade.

(a) The annual report required by § 6-15-1701 shall include district
performance grades, which shall consist of weighted district average grades,
by level, for all elementary schools, middle schools, and high schools in the
district.

(b) A district's weighted average grade shall be calculated by
weighting individual school grades determined pursuant to § 6-15-1702 by
school enrollment.

SECTION 11. Arkansas Code Title 6, Chapter 15, is amended to add an additional subchapter to read as follows:

6-15-1801. Kindergarten through grade twelve (K-12) education
performance accountability system – Legislative intent.

(a) It is the intent of the General Assembly that the performance
accountability system shall be implemented to assess the effectiveness of
Arkansas's seamless kindergarten through grade twelve (K-12) education
delivery system and mission and goals to:

(1) Determine what the public is receiving in return for the
funds invested in education;

(2) Determine the effectiveness of Arkansas's kindergarten
through grade twelve (K-12) education system in educating its students;

(3) Determine the effectiveness of the major delivery sectors
promoting student achievement;

(4) Determine how are individual schools are performing with
respect to their responsibility to educate their students as measured by how
students are performing and how much they are learning;

(5) Determine how Arkansas performing compared to other states,
especially the states of the Board of Control for Southern Regional
Education.

(b)(1) The State Board of Education shall establish and report to the
Governor and the General Assembly systemwide performance standards.

(2) The State Board of Education shall establish systemwide
performance measures and standards, and the systemwide measures and standards
shall provide Arkansans with information on what the public is receiving in
return for the funds it invests in education and how well the kindergarten
through grade twelve (K-12) system educates its students.

(c) The State Board of Education shall establish performance measures
and shall set performance standards for individual components of the public
education system, including individual schools and districts, with measures
and standards based primarily on student achievement.

6-15-1802. Arkansas School Recognition Program.

(a) The General Assembly finds that there is a need for a performance incentive program for outstanding faculty and staff in highly productive schools. The General Assembly further finds that performance-based incentives are commonplace in the private sector and should be infused into the public sector as a reward for productivity.

(b) The Arkansas School Recognition Program is created to provide financial awards to public schools that:

(1) Receives a grade of "A" or "B" for its academic performance pursuant to § 6-15-1702 and at least a "C" for school improvement pursuant to § 6-15-1704; or

(2) Receives a grade of "A" or "B" for its school improvement pursuant to § 6-15-1704.

(c) Each school meeting the requirements set out in subdivisions (b)(1) or (b)(2) of this section below shall receive performance-based funding in the amount of one hundred dollars (\$100) per student, who participated in the school's assessment program. A school that receives a grade of "A" or "B" for its academic performance under § 6-15-1702 and that receives a grade of "A" or "B" for its school improvement under § 6-15-1704 shall receive performance-based funding based on both its academic performance and its school improvement. Each school that receives performance-based funding must submit a proposal for its spending of the performance-based funding to the Department of Education. The Department of Education shall review and approve or reject each proposal. The Department of Education shall approve spending of performance-based funding for academic expenses only as set forth in subsection (f) of this section.

(d) All public schools, including charter schools, that receive school grades pursuant to §§ 6-15-1702 and 6-15-1704 are eligible to participate in the program.

(e) All eligible schools shall receive performance-based funding. Funds must be distributed to the school's fiscal agent and placed in the school's account and must be used for purposes listed in subsection (f) of this section as determined by a committee which shall include the principal, a teacher elected by the faculty, and a representative selected by the Parent Advisory Council. The committee must make its determination by November 1 of each applicable year.

(f) School recognition awards must be used for the following:

(1) Nonrecurring bonuses to the faculty and staff;

(2) Nonrecurring expenditures for educational equipment or materials to assist in maintaining and improving student performance; or

(3) Temporary personnel for the school to assist in maintaining and improving student performance.

6-15-1803. Kindergarten through grade twelve (K-12) education Performance Accountability System – Mission Goals and Systemwide Measures.

(a) The mission of Arkansas's kindergarten through grade twelve (K-12) education system shall be to increase the proficiency of all students within one (1) seamless, efficient system, by allowing them the opportunity to expand their knowledge and skills through learning opportunities and research valued by students, parents, taxpayers, and communities, and to maintain an accountability system that measures student progress toward the following goals:

(1) Highest student achievement, as measured by:

(A) Student Arkansas Comprehensive Assessment Test performance and annual learning gains;

(B) The number and percentage of schools that improve at least one school performance grade designation or maintain a school performance grade designation of "A" pursuant to § 6-15-1702; and

(C) Graduation or completion rates at all learning levels; and other measures identified in law or rule; and

(2) Seamless articulation and maximum access, as measured by:

(A) The percentage of students who demonstrate readiness for the educational level they are entering, from kindergarten through twelfth grade, into the workforce and into higher education, adjusted for the number of freshman that graduated from Arkansas high schools that need remediation in reading and math;

(B) The number and percentage of students needing remediation; the extent to which each set of exit-point requirements matches the next set of entrance-point requirements; and

(C) Other measures identified by law or State Board of Education rule.

6-15-1804. Kindergarten through grade twelve (K-12) education performance accountability system – Systemwide data collection.

School districts and the Department of Education shall maintain information systems that will provide the State Board of Education and the General Assembly with information and reports at a level of comprehensiveness and quality no less than that which will be available as of June 30, 2005.

SECTION 12. Arkansas Code Title 6, Chapter 15, is amended to add an additional subchapter to read as follows:

6-15-1901. State board of education oversight and enforcement authority.

(a) The State Board of Education shall oversee the performance of school districts in enforcement of all laws and rules. District school boards shall be primarily responsible for compliance with law and State Board of Education rule.

(1) In order to ensure compliance with law or State Board of Education rule, the State Board of Education shall have the authority to request and receive information, data, and reports from school districts. District school superintendents are responsible for the accuracy of the information and data reported to the State Board of Education.

(2) The Department of Education may investigate allegations of noncompliance with law or State Board of Education rule and determine probable cause. The Department of Education shall report to the State Board of Education which shall require the district school board to document compliance with law or State Board of Education rule.

(3) If the district school board cannot satisfactorily document compliance, the State Board of Education shall order compliance within a specified timeframe.

(4) If the State Board of Education determines that a district school board is unwilling or unable to comply with law or State Board of Education rule within the specified time a report shall be made to the Legislative Council stating that the school district has been unwilling or unable to comply with law or State Board of Education rule and such report shall contain a detailed plan of action by the State Board of Education that

has been taken or will be taken to remedy the situation. Once such report has been filed, the State Board of Education shall have the authority to initiate any of the following actions:

(A) Withhold the transfer of discretionary grant funds or any other funds specified as eligible for this purpose by the General Assembly until the school district complies with the law or State Board of Education rule;

(B) Declare the school district ineligible for competitive grants or performance based funding;

(C) Require monthly or periodic reporting on the situation related to noncompliance until it is remedied; and

(D) Conduct hearings regarding whether each effected school district should be consolidated with another school district or each effected school district, or school should be subject to reconstitution, as defined herein, or both.

(2) Nothing in this section shall be construed to create a private cause of action or create any rights for individuals or entities in addition to those provided elsewhere in law or rule.

6-15-1902. Authority to enforce public school improvement.

(a) It is the intent of the General Assembly that all public schools be held accountable for students performing at proficient or better levels. A system of school improvement and accountability that assesses student performance by school, identifies schools in which students are not making adequate yearly progress toward state standards, institutes appropriate measures for enforcing improvement, and provides rewards and sanctions based on performance shall be the responsibility of the State Board of Education and shall be consistent with the provisions of the No Child Left Behind Act, in existence on January 1, 2003.

(b) For purposes of determining when a school is eligible for State Board of Education action and the Public School Choice Option is available for its students, Arkansas' school performance grading system calculations shall correspond with the definition for school improvement in the No Child Left Behind Act. The State Board of Education shall assure that:

(1) For all schools which have received a school performance grade of "D" or "F" in one (1) year, the State Department of Education shall provide technical assistance pursuant to § 6-15-2001(f).

(2) For all schools which have received a school performance grade of "D" or "F" in one year, each school shall develop a two-year school improvement plan, with notification of and in consultation with parents, school staff, the local education agency, and other experts. The district school board shall provide technical assistance as the school develops and implements the plan;

(3) For all schools which have received a school performance grade of "D" or "F" for two (2) consecutive years or for any two (2) years in a four (4) year period, all students in these schools shall be offered the Public School Choice Option and transportation shall be provided by the resident school district, pursuant to § 6-18-206(c), to either (A) the closest adequately performing or better than adequately performing school within the district, or (B) if there is not an adequately performing or better than adequately performing school within the district, the closest adequately performing or better than adequately performing school. In

addition, the school district board shall provide supplemental educational services, approved by the State Board of Education, to disadvantaged students;

(4) For all schools which have received a school performance grade of "D" or "F" for three (3) consecutive years, in addition to offering students the Public School Choice Option, providing technical assistance and supplemental services, the district school board shall take at least one of the following corrective actions:

(A) Replace the principal and staff, or if appropriate, the superintendent, or both;

(B) Recommend to the State Board of Education that it conduct hearings regarding whether each responsible district employee shall have his or her certification suspended or revoked;

(C) Implement a new curriculum based on scientifically based research, including professional development;

(D) Significantly decrease management authority at the school level;

(E) Extend the school day or school year;

(F) Appoint an outside expert to advise the school on its progress toward making adequate Yearly Progress in accordance with its school plan; or

(G) Reconstitute the school internally.

(5) For all schools which have received a school performance grade of "D" or "F" for four consecutive years, all students are offered the Public School Choice Option, the district school board shall offer supplemental services, and shall prepare a plan and make necessary arrangements to carry out one of the following options:

(A) Reopen the school as a charter school;

(B) Replace the principal and staff, or if appropriate, the superintendent, or both;

(C) Conduct hearings regarding whether each responsible district employee shall have his or her certification suspended or revoked.

(D) Contract with a private management company which has displayed school management effectiveness;

(E) Relinquish school management to the State Department of Education; or

(F) Any other significant restructuring of school governance approved by the State Board of Education;

(6) For all schools which have received a school performance grade of "D" or "F" for five (5) consecutive years, the State Board of Education shall implement an alternative governance plan no later than the first day of the school year following year four (4) described in subdivision (b)(4).

(7) With State Board of Education approval, a district school board may delay, for up to one (1) year, the implementation of supplemental services, corrective action, or restructuring if:

(A) The school makes adequate yearly progress for one year, or

(B) The school's inability to make adequate yearly progress is due to exceptional or uncontrollable circumstances, including, but not limited to, force majeure.

(8) The Department of Education shall develop rules and

regulations which provide for the transition from prior law concerning districts and schools in academic distress as of the date of implementation and effect of this subchapter. It is the intent of the General Assembly that with respect to a school or district previously found to be in academic distress that the requirements of prior law and this subchapter shall be melded so as not to waive any of the consequences of such designation merely as a result of the enactment of this subchapter.

SECTION 13. Arkansas Code § 6-18-206, concerning public school choice is amended to read as follows:

(a)(1) This section may be referred to and cited as the "Arkansas Public School Choice Act of ~~1989~~ 2003".

~~(2) The General Assembly hereby finds that the students in Arkansas' public schools and their parents will become more informed about and involved in the public educational system if students and their parents or guardians are provided greater freedom to determine the most effective school for meeting their individual educational needs. There is no right school for every student, and permitting students to choose from among different schools with differing assets will increase the likelihood that some marginal students will stay in school and that other, more motivated students will find their full academic potential. The purpose of this section is to provide enhanced opportunity for students in this state to gain the knowledge and skills necessary for postsecondary education, a technical education, or the world of work. The General Assembly recognizes that the Arkansas Constitution, as interpreted by the Arkansas Supreme Court in Lake View School District No. 25 v. Mike Huckabee, 351 Ark. 31 (2002), makes education a paramount duty of the state. The General Assembly finds that the State Constitution requires the state to provide an adequate education. The General Assembly further finds that a student should not be compelled, against the wishes of the student's parent, to remain in a school found by the state to be failing for two (2) or more consecutive years or any two (2) years of a four (4) year period with a grade of "D" or "F" pursuant to § 6-15-1702. The General Assembly shall make available a public school choice option in order to give parents the opportunity for their children to attend a public school that is performing satisfactorily.~~

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

~~(4) The General Assembly therefore finds that these benefits of enhanced quality and effectiveness in our public schools justify permitting a student to apply for admission to a school in any district beyond the one in which the student resides, provided that the transfer by this student would not adversely affect the desegregation of either district.~~

~~(5)(4) A public school choice program is hereby established to enable any student to attend a school in a district in which the student does not reside transfer from a failing or underperforming school to any other public school in the state, subject to the restrictions contained in this section.~~

~~(b)(1)(A) Before a student may attend a school in a nonresident~~

~~district, the student's parent or guardian must submit an application on a form approved by the Department of Education to the nonresident district. This application must be postmarked not later than July 1 of the year in which the student would begin the fall semester at the nonresident district.~~

~~(B)(i) Within thirty (30) days of the receipt of an application from a nonresident student seeking admission under the terms of this section, a participating district shall notify the parent or guardian and the resident district in writing as to whether the student's application has been accepted or rejected.~~

~~(ii) If the application is rejected, the nonresident district must state in the notification letter the reason for rejection.~~

~~(iii) If the application is accepted, the nonresident district shall state in the notification letter:~~

~~(a) An absolute deadline for the student to enroll in the district, or the acceptance notification is null; and~~

~~(b) Any instructions for the renewal procedures established by the district.~~

~~(2)(A) The school board of any participating district must adopt by resolution specific standards for acceptance and rejection of applications. Standards may include the capacity of a program, class, grade level, or school building. Nothing in this section requires a school district to add teachers or classrooms or in any way to exceed the requirements and standards established by existing law. Standards shall include a statement that priority will be given to applications from siblings or stepsiblings residing in the same residence or household of students already attending the district by choice. Standards may not include an applicant's previous academic achievement, athletic or other extracurricular ability, handicapping conditions, English proficiency level, or previous disciplinary proceedings, except that an expulsion from another district may be included pursuant to [§ 6-18-510](#).~~

~~(B)(i) Any student who applies for a transfer under this section and is denied a transfer by the nonresident district may request a hearing before the State Board of Education to reconsider the transfer.~~

~~(ii) A request for a hearing before the state board shall be in writing and shall be postmarked no later than ten (10) days after notice of rejection of the application under subdivision (b)(1)(B) is received by the student.~~

~~(3) A school board may by resolution determine that it will not admit any nonresident pupil to its schools pursuant to this section.~~

~~(b)(1) A public school student's parent may request and shall receive from the Department of Education a transfer option for the student to enroll in and attend another public school in accordance with the provisions of this section if:~~

~~(A)(i) By assigned school attendance area or by special assignment, the student has spent the prior school year in attendance at a public school that has been designated pursuant to § 6-15-1702 as performance grade category "F" and that has had 2 or more consecutive school years of such low performance, and the student's attendance occurred during a school year in which such designation was in effect;~~

~~(ii) The student has been in attendance elsewhere in the public school system and has been assigned to such school for the next school year; or~~

(iii) The student is entering kindergarten or first grade and has been notified that the student has been assigned to such school for the next school year.

(B) The parent has notified the Department of Education and both the sending and receiving school districts of the request for a transfer no later than July 1 of the first year in which the student intends to transfer.

(2) The provisions of this section shall not apply to a student who is enrolled in a school operating for the purpose of providing educational services to youth in Division of Youth Services of the Department of Human Services commitment programs. For purposes of continuity of educational choice, the transfer shall remain in force until the student completes high school or the parent notifies the Department of Education and both the sending and receiving school districts, no later than July 1 following the current school year, of his or her desire to transfer back to the child's resident school district at the end of the current school year.

(3)(A) A school district shall, for each student enrolled in or assigned to a school that has been designated as performance grade category "F" for two (2) or more consecutive school years:

(i) Timely notify the parent of the student as soon as such designation is made of all options available pursuant to this section; and

(ii) Offer that student's parent an opportunity to enroll the student in any public school that has been designated by the state pursuant to § 6-15-1702 as a school performing higher than that in which the student is currently enrolled or to which the student has been assigned, but not less than performance grade category "C." The opportunity to continue attending the higher performing public school shall remain in force until the student graduates from high school.

(B) The parent of a student enrolled in or assigned to a school that has been designated performance grade category "F" for two (2) or more consecutive school years may choose as an alternative to enroll the student in a higher-performing public school in any school district, and that school district shall accept the student and report the student for purposes of the district's funding pursuant to the Equitable School Finance System Act of 1995.

(C) Students with disabilities who are eligible to receive services from the school district under federal or state law, and who participate in this program, remain eligible to receive services from the school district as provided by federal or state law, and any funding for such student shall be transferred to the district to which the student transfers.

~~(e) The responsibility for transportation of a student from the student's resident school district to nonresident school district shall be borne by the student or the student's parents. The resident school district and the nonresident school district may enter into a written agreement with the student or student's parents to provide transportation to or from the nonresident district, or both.~~

(c) If the parent chooses to request that the student be enrolled in a higher performing public school, transportation costs to the to either (A) the closest adequately performing or better than adequately performing school within the district, or (B) if there is not an adequately performing or better than adequately performing school within the district, the closest

adequately performing or better than adequately performing school shall be the responsibility of the transferring school district. The transferring district may utilize state categorical transportation funds or federal funds as permitted by federal law.

(d)(1) Each district school board shall offer the Public School Choice Option within the public schools. The Public School Choice Option shall be offered in addition to the existing choice programs such as magnet schools, alternative schools, special programs, and dual enrollment.

(2) Each district school board shall develop a Public School Choice Option plan which describes the implementation of subdivision (d)(1) of this section. In the event that the Public School Choice Option results in a receiving district requiring temporary facilities or faculty as a result of and to accommodate the additional students, expenses related thereto in excess of that received for each student electing the Public School Choice Option shall be borne by the State.

(3) School districts shall adhere to federal desegregation requirements. No Public School Choice Option plan that conflicts with federal desegregation orders shall be implemented.

(4) The Department of Education shall develop an annual report on the status of school choice and deliver the report to the State Board of Education, the Governor, and the Legislative Council at least ninety (90) days prior to the convening of the regular session of the General Assembly.

(5) Each district school board shall annually report the number of students applying for and attending the various types of public schools of choice in the district, including schools such as magnet schools, according to rules adopted by the State Board of Education.

(e)(1) A ~~nonresident~~ receiving district shall accept credits toward graduation that were awarded by another district.

(2) The ~~nonresident~~ receiving district shall award a diploma to a nonresident student if the student meets the ~~nonresident~~ receiving district's graduation requirements.

(f) For purposes of determining a school district's state equalization aid, the nonresident student shall be counted as a part of the average daily membership of the district to which the student has transferred.

~~(f) The provisions of this section and all student choice options created in this section are subject to the following limitations:~~

~~(1) No student may transfer to a nonresident district where the percentage of enrollment for the student's race exceeds that percentage in the student's resident district except in the circumstances set forth in subdivisions (2) and (4) of this subsection;~~

~~(2) A transfer to a district is exempt from the restriction set forth in subdivision (f)(1) of this section if all districts within a county have voted to participate in choice, if the transfer is between two (2) districts within a county, and if the minority percentage in the student's race and majority percentages of school enrollment in both the resident and nonresident district remain within an acceptable range of the county's overall minority percentage in the student's race and majority percentages of school population as set forth by the department;~~

~~(3) The department shall by the filing deadline each year compute the minority percentage in the student's race and majority percentages of each county's public school population from the October Annual School Report and shall then compute the acceptable range of variance from~~

~~those percentages for school districts within each county. In establishing the acceptable range of variance, the department is directed to use the remedial guideline established in Little Rock School District v. Pulaski County Special School District of allowing an overrepresentation or underrepresentation of black or white students of one fourth (1/4) or twenty-five percent (25%) of the county's racial balance. In establishing the acceptable range of variance for school choice, the department is directed to use the remedial guideline of allowing an overrepresentation or underrepresentation of minority or majority students of one fourth (1/4) or twenty-five percent (25%) of the county's racial balance;~~

~~(4) A transfer is exempt from the restriction set forth in subdivision (f)(1) of this section if each school district within the county does not have a critical mass of minority percentage in the student's race of more than ten percent (10%) of any single race;~~

~~(5) In any instance where the foregoing provisions would result in a conflict with a desegregation court order or a district's court approved desegregation plan, the terms of the order or plan shall govern;~~

~~(6) The department shall adopt appropriate rules and regulations to implement the provisions of this section; and~~

~~(7) The department shall monitor school districts for compliance with this section.~~

~~(g) The state board shall be authorized to resolve disputes arising under subsections (b) (f) of this section.~~

~~(h) A district participating under this program shall cause public announcements to be made over the broadcast media and in the print media at such times and in such manner as to inform parents or guardians of students in adjoining districts of the availability of the program, the application deadline, and the requirements and procedure for nonresident students to participate in the program.~~

~~(i)(g) (1) All school districts shall report to the Equity Assistance Center on an annual basis the race, gender, and other pertinent information needed to properly monitor compliance with the provisions of this section.~~

~~(2) The reports may be on those forms that are prescribed by the department, or the data may be submitted electronically by the district using a format authorized by the department.~~

~~(3) The department may withhold state aid from any school district that fails to file its report each year or fails to file any other information with a published deadline requested from school districts by the center so long as thirty (30) calendar days are given between the request for the information and the published deadline except when the request comes from a member or committee of the General Assembly.~~

~~(4) A copy of the report shall be provided to the Joint Interim Committee on Educational Reform.~~

(h)(1) Any student participating in the Public School Choice Option must remain in attendance throughout the school year, unless excused by the school for illness or other good cause, and must comply fully with the school's code of conduct.

(2) The parent of each student participating in the Public School Choice Option must comply fully with the receiving public school's parental involvement requirements, unless excused by the school for illness or other good cause.

(3) The parent shall ensure that the student participating in

the Public School Choice Option takes all statewide assessments, including, but not limited to Arkansas Comprehensive Assessment Test, required pursuant to § 6-15-424.

(4) A participant who fails to comply with this subsection shall forfeit the Public School Choice Option.

(i)(1) The maximum Public School Choice funds granted for an eligible student shall be a calculated amount equivalent to the base student allocation for the receiving district. In addition, the calculated amount shall include the per-student share of instructional materials funds, technology funds, and other categorical funds as provided for this purpose in the General Appropriations Act.

(2) The receiving school district shall report all students who transfer from another public school under this program. The students attending public schools pursuant to the Public School Choice Option shall be reported separately from those students reported for purposes of compliance with the Equitable School Finance System Act of 1995.

(3) The public school that provides services to students with disabilities shall receive the weighted funding for such services at the appropriate funding level consistent with the provisions of § 6-20-323.

(4) Following annual notification on July 1 of the number of participants, the Department of Education shall transfer from each school district's appropriated funds the amount calculated pursuant to the Equitable School Finance System Act of 1995 and authorized categorical accounts to a separate account for quarterly disbursement to receiving district or charter schools.

(5) Upon proper documentation reviewed and approved by the Department of Education, the Comptroller shall make school transfer fund payments in four equal amounts no later than September 1, November 1, February 1, and April 1 of each academic year in which the Public School Choice Option is in force. The initial payment shall be made after Department of Education verification of admission acceptance, and subsequent payments shall be made upon verification of continued enrollment and attendance at the receiving school.

(j) No liability shall arise on the part of the state based on any grant or use of fund for the Public School Choice Option.

(k) The State Board of Education shall adopt any rules necessary for the implementation of the Arkansas Public School Choice Act of 1989, § 6-18-206 et seq. pursuant to the Arkansas Administrative Procedures Act, codified at § 25-15-201 et seq.

(l) Losses in revenue to a district directly related to the transfer of students pursuant to this section shall not be considered when determining a district's eligibility for funding pursuant to § 6-20-326.

SECTION 14. Arkansas Code Title 6, Chapter 15, is amended to add an additional subchapter to read as follows:

6-15-2001. Implementation of state system of school improvement and education accountability.

(a) The Department of Education is responsible for implementing and maintaining a system of intensive school improvement and stringent education accountability, which shall include policies and programs to implement the following:

(1) A system of data collection and analysis that will improve

information about the educational success of individual students and schools, including schools operating for the purpose of providing educational services to youth in Division of Youth Services programs. The information and analyses must be capable of identifying educational programs or activities in need of improvement, and reports prepared pursuant to this section shall be distributed to the appropriate district school boards prior to distribution to the general public. This provision shall not preclude access to public records as provided in Freedom of Information Act, § 25-19-101 et seq.;

(2) A program of school improvement that will analyze information to identify schools, including schools operating for the purpose of providing educational services to youth in Division of Youth Services of the Department of Human Services programs, educational programs, or educational activities in need of improvement;

(3) A method of delivering services to assist school districts and schools to improve, including schools operating for the purpose of providing educational services to youth in Division of Youth Services programs; and

(4) A method of coordinating the state educational goals and school improvement plans with any other state program that creates incentives for school improvement.

(b) The Department of Education shall be held responsible for the implementation and maintenance of the system of school improvement and education accountability outlined in this section. There shall be an annual determination of whether adequate yearly progress is being made toward implementing and maintaining a system of school improvement and education accountability.

(c) The annual feedback report shall be developed by the Department of Education.

(d) The Department of Education shall review each district school board's feedback report and submit findings to the State Board of Education and the Legislative Council. If adequate yearly progress is not being made toward implementing and maintaining a system of school improvement and education accountability, the State Board of Education shall direct the Department of Education to prepare and implement a corrective action plan. The Department of Education and State Board of Education shall monitor the development and implementation of the corrective action plan.

(e) The Department of Education shall report to the Legislative Council and recommend changes in state policy necessary to foster school improvement and education accountability. Included in the report shall be a list of the schools, including schools operating for the purpose of providing educational services to youth in Division of Youth Services programs, for which district school boards have developed assistance and intervention plans and an analysis of the various strategies used by the school boards. School reports shall be distributed pursuant to this subsection and § 6-15-1701 and according to rules adopted by the State Board of Education.

(f)(1) The Department of Education shall implement a training program to develop among state and district educators a cadre of facilitators of school improvement. These facilitators shall assist schools and districts to conduct needs assessments and develop and implement school improvement plans to meet state goals.

(2) Upon request, the Department of Education shall provide technical assistance and training to any school, including any school

operating for the purpose of providing educational services to youth in Division of Youth Services programs, school advisory council, district, or district school board for conducting needs assessments, developing and implementing school improvement plans, developing and implementing assistance and intervention plans, or implementing other components of school improvement and accountability. Priority for these services shall be given to schools designated as performance grade category "D" or "F" and school districts in rural and sparsely populated areas of the state.

(3) The Department of Education shall send a technical assistance team to each school without an approved school improvement plan to develop such school improvement plan or to develop a strategy for corrective action. Notice shall be given to the public of the Department of Education's intervention and shall identify each school without a plan.

(4) The Department of Education shall assign a community assessment team to each school district with a school designated as performance grade category "D" or "F" to review the school performance data and determine causes for the low performance. The team shall make recommendations to the school board, to the Department of Education, and to the State Board of Education for implementing an assistance and intervention plan that will address the causes of the school's low performance. The assessment team shall include, but not be limited to, a Department of Education representative, parents, business representatives, educators, and community activists, and shall represent the demographics of the community from which they are appointed. Each assessment team shall receive training prior to deployment, including, but not limited to, data disaggregation.

(g)(1) Schools designated in performance grade category "A," making excellent progress, shall, if requested by the school, be given deregulated status as specified in §§ 6-15-2401 through 6-15-2409.

(2) Schools that have improved at least two (2) performance grade categories and that meet the criteria of the Arkansas School Recognition Program under § 6-15-1803 may be given deregulated status as specified in § 6-15-2401 et seq.

(h) As a part of the system of educational accountability, the Department of Education shall:

(1) Develop minimum performance standards for various grades and subject areas, as required in §§ 6-15-1701 et seq., 6-15-424, and 6-15-403;

(2) Administer the statewide assessment testing program created by § 6-15-424;

(3) Conduct the program assessments required by § 6-15-403; and

(4) Perform any other functions that may be involved in educational planning, research, and evaluation or that may be required by the State Board of Education or law.

SECTION 15. Arkansas Code Title 6, Chapter 15 is amended to add the following new subchapter.

6-15-2101. Best financial management practices for school districts - Standards - Reviews - Designation of school districts.

(a) The purpose of best financial management practices reviews are to improve Arkansas school district management's use of resources and to identify cost savings. The Department of Education and the Division of Legislative Audit of the Legislative Joint Auditing Committee of the General Assembly are directed to develop a system for reviewing the financial

management practices of school districts. In this system, the Division of Legislative Audit shall assist the Department of Education in examining district operations to determine whether they meet "best financial management practices."

(b)(1) The best financial management practices adopted by the State Board of Education may be updated periodically after consultation with the Legislative Council, the Governor, the Department of Education, school districts, and the Division of Legislative Audit. The Department of Education shall submit to the State Board of Education for review and adoption proposed revisions to the best financial management practices adopted by the Board of Education and reviewed by the Legislative Council. The best financial management practices, at a minimum, must instill public confidence by addressing the school district's use of resources, identifying ways that the district could save funds, and improving districts' performance accountability systems, including public accountability. To achieve these objectives, best practices shall be developed for, but need not be limited to, the following areas:

- (A) Management structures;
- (B) Performance accountability;
- (C) Efficient delivery of educational services, including instructional materials;
- (D) Administrative and instructional technology;
- (E) Personnel systems and benefits management;
- (F) Facilities construction;
- (G) Facilities maintenance;
- (H) Student transportation;
- (I) Food service operations;
- (J) Cost control systems, including asset management, risk management, financial management, purchasing, internal auditing, and financial auditing;
- (K) Athletics; and
- (L) Other extra-curricular activities.

(2) In areas for which the Board of Education has not adopted best practices, the Department of Education may develop additional best financial management practices, with input from a broad range of stakeholders. The Department of Education shall present any additional best practices to the State Board of Education for review and adoption. Revised best financial management practices adopted by the State Board of Education must be used in the next year's scheduled school district reviews conducted according to this section.

(c) The State Board of Education shall contract with a private firm selected through a formal request for proposal process to perform the review, to the extent that funds are provided for this purpose in the General Appropriations Act biannually. When sufficient funds are not provided to contract for all the scheduled best financial management practices reviews, the Department of Education shall conduct the remaining reviews scheduled for that year, except as otherwise provided in this subsection. At least one member of the private firm review team shall have expertise in school district finance. The scope of the review shall focus on the best practices adopted by the State Board of Education, pursuant to subsection (b) of this section. The State Board of Education may include additional items in the scope of the review after seeking input from the school district and the

Department of Education.

(d) The State Board of Education shall consult with the Department of Education throughout the best practices review process to ensure that the technical expertise of the Department of Education benefits the review process and supports the school districts before, during, and after the review.

(e)(1) It is the intent of the General Assembly that each school district shall be subject to a best financial management practices review. The General Assembly also intends that all school districts shall be reviewed annually and shall be given one of the following designations:

(A) "A", schools comprehensively complying with best financial practices;

(B) "B", schools complying with best financial practices at significant levels;

(C) "C", schools adequately complying with best financial practices;

(D) "D", schools less than adequately complying with best financial practices;

(E) "F", schools failing to comply with best financial practices.

(2) The State Department of Education shall prepare annual reports of the results of the best financial management practices reviews and shall post to its website the school and district financial grades pursuant to subsection (b) of this section. The report, which shall be part of the overall school and district report card requirement pursuant to § 6-15-1701, shall include both revenue sources and expenditures. The reporting of expenditures shall include breakdowns of administrative, instructional, support, and operations expenditures, as well as any other financial commitments of the school and district.

(f) The Legislative Council may adjust the schedule of districts to be reviewed when unforeseen circumstances prevent initiation of reviews scheduled.

(g) The Department of Education, subject to funding by the General Assembly, may conduct, or contract with a private firm to conduct, up to two (2) additional best financial management practices reviews.

(h) Reviews shall be conducted by the Division of Legislative Audit and the consultant to the extent specifically funded by the General Assembly in the General Appropriations Act for this purpose. Such funds may be used for the cost of reviews by the Division of Legislative Audit and private consultants contracted by the State Board of Education. Costs may include professional services, travel expenses of Department of Education and staff of the Division of Legislative Audit, and any other necessary expenses incurred as part of a best financial management practices review.

(i) Districts must complete a self-assessment instrument provided by the Department of Education which indicates the school district's evaluation of its performance on each best practice. The district must begin the self-assessment not later than sixty (60) days prior to the commencement of the review. The completed self-assessment instrument and supporting documentation must be submitted to the Department of Education not later than the date of commencement of the review as notified by the Department of Education. The best practices review team will use this self-assessment information during their review of the district.

(j) During the review, the Department of Education and the consultant conducting the review, if any, shall hold at least one (1) advertised public forum as part of the review in order to explain the best financial management practices review process and obtain input from students, parents, the business community, and other district residents regarding their concerns about the operations and management of the school district.

(k) District reviews conducted under this section must be completed within six (6) months after commencement. The Department of Education shall issue a final report to the Legislative Council regarding the district's use of best financial management practices and cost savings recommendations within sixty (60) days after completing the reviews. Copies of the final report shall be provided to the Governor, the State Board of Education, the district superintendent and the districts' school board members. The district superintendent shall notify the press that the final report has been delivered. The notification shall state the Department of Education website address at which an electronic copy of the report is available.

(l) After receipt of the final report, or if no action plan was required because the district was found to be using the best practices, the district school board shall hold an advertised public forum to accept public input and review the findings and recommendations of the report. The district school board shall advertise and promote this forum in a manner appropriate to inform parents, school district employees, the business community, and other district residents of the opportunity to attend this meeting. The Department of Education and the consultant, if any, shall also be represented at this forum.

(m)(1) If the district is found not to conform to best financial management practices, the report must contain an action plan detailing how the district could meet the best practices within two (2) years. The district school board must develop and approve the implementation schedule within sixty (60) days after receipt of the final report. If a district fails to vote on the action plan within sixty (60) days, the district superintendent and school board members shall be required to appear and present testimony before the State Board of Education and/or the Legislative Council.

(2) Within sixty (60) days after the receipt of the final report, the district school board must notify the State Board of Education and the Department of Education in writing of the implementation schedule for the action plan. The Department of Education may contact the school district, assess the situation, and offer technical assistance, if needed.

(n) After a district school board votes to implement the action plan:

(1) No later than one (1) year after receipt of the final report, the district school board must submit an initial status report to the Governor, the State Board of Education, the Division of Legislative Audit, the Department of Education, and the Legislative Council on progress made toward implementing the action plan and whether changes have occurred in other areas of operation that would affect compliance with the best practices; and

(2)(A) A second status report must be submitted by the school district to the Governor, the State Board of Education, the Division of Legislative Audit, the Department of Education, and the Legislative Council no later than one (1) year after submission of the initial report.

(B) Status reports are not required once the State Board

of Education concludes that the district is using best financial management practices and the district is designated a grade category "C" for its financial practices.

(o) After receipt of each of a district's two (2) status reports required by subsection (n) of this section, the Department of Education shall assess the district's implementation of the action plan and progress toward implementing the best financial management practices in areas covered by the plan. Following each assessment, the Department of Education shall issue a report to the Governor, the State Board of Education, the Division of Legislative Audit, the district, and the Education Committees of the Senate and the House of Representatives indicating whether the district has successfully implemented the best financial management practices. If a district has failed to implement an action plan adopted pursuant to subsection (m) of this section, district school board members and the district school superintendent may be required to appear before the State Board of Education and the Legislative Council to present testimony regarding the district's failure to implement such action plan.

(p) School districts that successfully implement the best financial management practices within two (2) years, or are determined in their review to be using the best practices and are graded a category "A" pursuant to subsection (e) of this section, are eligible to receive a "Seal of Best Financial Management." Upon notification to the Department of Education and the State Board of Education by the Division of Legislative Audit that a district has been found to be using the best financial management practices, the State Board of Education shall award that district a "Seal of Best Financial Management" certifying that the district is adhering to the state's best financial management practices. The State Board of Education designation shall be effective until a district's financial accountability grade decreases. During the designation period, the district school board shall annually, not later than the anniversary date of the certification, notify the Governor, the State Board of Education, the Division of Legislative Audit, the Department of Education, and the press of any changes in policies or operations or any other situations that would not conform to the state's best financial management practices. The State Board of Education shall revoke the designation of a district school board at any time if it determines that a district is no longer complying with the state's best financial management practices. If no such changes have occurred and the district school board determines that the school district continues to conform to the best financial management practices, the district school board shall annually report that information to the State Board of Education, with copies to the Division of Legislative Audit.

(q)(1) A district school board that has been awarded a "Seal of Best Financial Management" by the State Board of Education and has annually reported to the State Board of Education that the district is still conforming to the best financial management practices may request a waiver from undergoing its next scheduled best financial management practices review so long as its financial accountability grade has not decreased.

(2) To apply for such waiver, not later than September 1 of the fiscal year prior to the fiscal year in which the district is next scheduled for review, the district school board shall certify to the Division of Legislative Audit and the Department of Education the district school board's determination that the school district is still conforming to the best

financial management practices.

(3) After consultation with the Division of Legislative Audit and review of the district school board's determination, the Department of Education may recommend to the Legislative Council that the district be granted a waiver for the next scheduled best financial management practices review. If approved for waiver, the Department of Education shall notify the school district that no review of that district will be conducted during the next scheduled review cycle. In that event, the district school board must continue annual reporting to the State Board of Education as required in subsection (p) of this section.

(r) District school boards that receive a best financial management practices review must maintain records that will enable independent verification of the implementation of the action plan and any related fiscal impacts.

(s) Unrestricted cost savings resulting from implementation of the best financial management practices must be spent at the school and classroom levels for teacher salaries, teacher training, improved classroom facilities, student supplies, textbooks, classroom technology, and other direct student instruction activities. Cost savings identified for a program that has restrictive expenditure requirements shall be used for the enhancement of the specific program.

SECTION 16. Arkansas Code Title 6, Chapter 15 is amended to add the following new subchapter.

6-15-2201. Postsecondary feedback of information to high schools.

(a) The State Board of Education shall adopt rules that require the Department of Education to report to the State Board of Education, the General Assembly, and the district school boards on the performance of each first-time-in-post-secondary education student from each public high school in this state who is enrolled in a public postsecondary institution or public technical center. Such reports must be based on information databases maintained by the Department of Education. In addition, the public postsecondary educational institutions and technical centers shall provide district school boards access to information on student performance in regular and preparatory courses and shall indicate students referred for remediation.

(b) The Department of Education shall report, by high school, to the State Board of Education and the General Assembly, no later than November 30 of each year, on the number of prior year Arkansas high school graduates who enrolled for the first time in public post-secondary education in this state during the previous summer, fall, or spring term, indicating the number of students whose scores on the common placement test indicated the need for remediation through college-preparatory instruction.

(c) The Department of Education shall organize school summary reports and student-level records by school district and high school in which the postsecondary education students were enrolled and report the information to each school district no later than January 31 of each year.

(d) As a part of the school improvement plan pursuant to § 6-15-2001, the State Board of Education shall ensure that each school district and high school develops strategies to improve student readiness for the public postsecondary level based on annual analysis of the feedback report data.

(e) The Department of Education shall biannually recommend to the

General Assembly statutory changes to reduce the incidence of postsecondary remediation in mathematics, reading, and writing for first-time enrolled recent high school graduates.

SECTION 17. Arkansas Code Title 6, Chapter 15 is amended to add the following new subchapter:

6-15-2301. Educational planning and information systems – Educational planning.

(a) The Director of Education is responsible for all planning functions for the Department of Education, including collection, analysis, and interpretation of all data, information, test results, evaluations, and other indicators that are used to formulate policy, identify areas of concern and need, and serve as the basis for short-range and long-range planning. Such planning shall include assembling data, conducting appropriate studies and surveys, and sponsoring research and development activities designed to provide information about educational needs and the effect of alternative educational practices.

(b) Each district school board shall maintain a continuing system of planning and budgeting designed to aid in identifying and meeting the educational needs of students and the public. Provision shall be made for coordination between the Department of Education and the Department of Higher Education concerning the planning for career and technical education and adult educational programs. The major emphasis of the system shall be based upon the Adequacy Study as approved by the General Assembly and the Arkansas State Standards developed by the Department of Education and adopted by the State Board of Education. The Department of Education planning and budgeting system must include consideration of student achievement data and financial accountability data obtained pursuant to Title 6, Chapter 15, Subchapter 17, § 6-15-424, and § 6-15-2101.

6-15-2302. Educational planning and information systems – Comprehensive management information systems.

(a) The Department of Education shall develop and implement an integrated information system for educational management. The system must be designed to collect, via electronic transfer, all student and school performance data required to ascertain the degree to which schools and school districts are meeting state performance standards, and must be capable of producing data for a comprehensive annual report on school and district performance. In addition, the system shall support, as feasible, the management decisions to be made in each division of the Department of Education and at the individual school and district levels. Similar data elements among divisions and levels shall be compatible. The system shall be based on an overall conceptual design; the information needed for such decisions, including fiscal, student, program, personnel, facility, community, evaluation, and other relevant data; and the relationship between cost and effectiveness. The system shall be managed and administered by the Department of Education and shall include a district subsystem component to be administered at the district level. Each district school system with a unique management information system shall assure that compatibility exists between its unique system and the district component of the state system so that all data required as input to the state system is made available via electronic transfer and in the appropriate input format.

(b) The specific responsibilities of the Department of Education shall include:

(1) Consulting with school district representatives in the review of the state's management information system for public school education management;

(2) Providing operational definitions for the state's system;

(3) Determining the information and specific data elements required for the management decisions made at each educational level, recognizing that the primary unit for information input is the individual school and recognizing that time and effort of instructional personnel expended in collection and compilation of data should be minimized;

(4) Review and develop standardized terminology and procedures to be followed at all levels of the system;

(5) Review and develop a standard transmittal format to be used for collection of data from the various levels of the system;

(6) Review and develop appropriate computer programs to assure integration of the various information components dealing with students, personnel, facilities, fiscal, program, community, and evaluation data;

(7) Review and develop the necessary programs to provide statistical analysis of the integrated data provided in subdivision (b)(6) in such a way that required reports may be disseminated, comparisons may be made, and relationships may be determined in order to provide the necessary information for making management decisions at all levels;

(8) Review and develop output report formats which will provide district school systems with information for making management decisions at the various educational levels;

(9) Assisting the district school systems in establishing their subsystem components and assuring compatibility with current district systems;

(10) Establishing procedures for continuous evaluation of system efficiency and effectiveness;

(11) Initiating a reports-management and forms-management system to ascertain that duplication in collection of data does not exist and that forms and reports for reporting under state and federal requirements and other forms and reports are prepared in a logical and uncomplicated format, resulting in a reduction in the number and complexity of required reports, particularly at the school level; and

(12) Initiating other actions as are necessary to carry out the intent of the General Assembly that a management information system for public school management is essential for school district accountability. Other actions shall be based on criteria including, but not limited to:

(A) The purpose of the reporting requirement;

(B) The origination of the reporting requirement;

(C) The date of origin of the reporting requirement; and

(D) The date of repeal of the reporting requirement.

(c) The specific responsibilities of each district school system shall include:

(1) Establishing, at the district level, a reports-control and forms-control management system committee composed of school administrators and classroom teachers. The district school board shall appoint school administrator members and classroom teacher members. Teachers shall constitute a majority of the committee membership. The committee shall

periodically recommend procedures to the district school board for eliminating, reducing, revising, and consolidating paperwork and data collection requirements and shall submit to the district school board an annual report of its findings;

(2) With assistance from the Department of Education, developing systems compatibility between the state management information system and unique local systems;

(3) Providing, with the assistance of the Department of Education, in-service training dealing with management information system purposes and scope, a method of transmitting input data, and the use of output report information;

(4) Establishing a plan for continuous review and evaluation of local management information system needs and procedures;

(5) Advising the Department of Education of all district management information needs;

(6) Transmitting required data input elements to the appropriate processing locations in accordance with guidelines established by the Department of Education;

(7) Determining required reports, comparisons, and relationships to be provided to district school systems by the system output reports, continuously reviewing these reports for usefulness and meaningfulness, and submitting recommended additions, deletions, and change requirements in accordance with the guidelines established by the Department of Education; and

(8) Being responsible for the accuracy of all data elements transmitted to the Department of Education.

6-15-2303. Educational planning and information systems – Rules. The State Board of Education shall adopt any rules necessary to implement these sections pursuant to the Arkansas Administrative Procedures Act, § 25-15-201, et seq.

SECTION 18. Arkansas Code Title 6, Chapter 15 is amended to add the following new subchapter:

6-15-2401. Deregulated public schools program - Purpose.

The purpose of the deregulated public schools program shall be to:

(1) Improve student learning;

(2) Increase learning opportunities for all students, with special emphasis on expanded learning experiences for students who are identified as academically low achieving;

(3) Encourage the use of different and innovative learning methods;

(4) Increase choice of learning opportunities for students;

(5) Require the measurement of learning outcomes and create innovative measurement tools;

(6) Make the school the unit for improvement; and

(7) Relieve schools of paperwork and procedures that are required by the state and the district school board for purposes other than health, safety, equal opportunity, fiscal accountability and documentation of student achievement.

6-15-2402. Deregulated public schools program - Proposal.

(a) A proposal to be a deregulated school must be developed by the

school principal and the parent advisory council. A majority of the members of the parent advisory council must approve the proposal, and the principal and the parent advisory council chair must sign the proposal. At least seventy-five percent (75%) of the teachers employed at the school must approve the proposal. The school must conduct a survey to show parental support for the proposal.

(b) A district school board shall receive and review all proposals for a deregulated public school. A district school board must by a majority vote approve or deny a proposal no later than 30 days after the proposal is received. If a proposal is denied, the district school board must, within ten (10) calendar days, articulate in writing the specific reasons based upon good cause supporting its denial of the proposal.

(c) The Department of Education may provide technical assistance to an applicant upon written request.

(d) The terms and conditions for the operation of a deregulated public school shall be set forth in the proposal. The district school board shall not impose unreasonable rules or regulations that violate the intent of giving schools greater flexibility to meet educational goals.

6-15-2403. Deregulated public schools program – Eligible students. A deregulated school shall be open to all students residing in the school’s attendance boundaries as determined by the district school board and to all students who chose to attend the deregulated school pursuant to the Arkansas Public School Choice Option.

6-15-2404. Deregulated public schools program - Requirements. Like other public schools, a deregulated public school shall:

- (1) Be nonsectarian in its programs, admission policies, employment practices, and operations;
- (2) Not charge tuition or fees, except those fees normally charged by other public schools;
- (3) Meet all applicable state and local health, safety, and civil rights requirements;
- (4) Not violate the antidiscrimination provisions Arkansas law; and
- (5) Be subject to an annual financial audit in a manner similar to that of other public schools in the district.

6-15-2405. Deregulated public schools program – Elements of the proposal.

(a) The major issues involving the operation of a deregulated public school shall be considered in advance and written into the proposal.

(b) The proposal shall address, and criteria for approval of the proposal shall be based on:

- (1) The school’s mission and the students to be served;
- (2) The focus of the curriculum, the instructional methods to be used, and any distinctive instructional techniques to be employed;
- (3) The current baseline standard of achievement and the outcomes to be achieved and the method of measurement that will be used;
- (4)(A) The methods used to identify the educational strengths and needs of students and how well educational goals and performance standards are met by students attending the school.

(B) Students in deregulated public schools shall, at a

minimum, participate in the statewide assessment program;

(5) In secondary schools, a method for determining that a student has satisfied the requirements for graduation as set forth in the rules and regulations adopted by the Department of Education;

(6) A method for resolving conflicts between the school and the district;

(7) The admissions procedures and dismissal procedures, including the school's code of student conduct;

(8) The ways by which the school's racial and ethnic balance reflects the community it serves or reflects the racial and ethnic range of other public schools in the same school district;

(9) The financial and administrative management of the school including a statement of the areas in which the school will have administrative and fiscal autonomy and the areas in which the school will follow district school board fiscal and administrative policies;

(10) The manner in which the school will be insured, including whether or not the school will be required to have liability insurance, and, if so, the terms and conditions thereof and the amounts of coverage; and

(11) The qualifications to be required of the teachers.

(c) The school shall make annual progress reports to the district, which upon verification shall be forwarded to the Department of Education at the same time as other annual school accountability reports. The report shall contain at least the following information:

(1) The school's progress toward achieving the goals outlined in its proposal;

(2) The information required in the annual school report pursuant to § 6-15-1701;

(3) Financial records of the school, including revenues and expenditures; and

(4) Salary and benefit levels of school employees.

(d) A district school board shall ensure that the proposal is innovative and consistent with the state education goals established by § 6-15-402(d).

(e) Upon receipt of the annual report required by subsection (c) of this section, the Department of Education shall provide the State Board of Education and the Legislative Council with a copy of each report and an analysis and comparison of the overall performance of students, to include all students in deregulated public schools whose scores are counted as part of the statewide assessment tests, versus comparable public school students in the district as determined by Arkansas Comprehensive Assessment Test and district assessment tests and, as appropriate, and other assessments administered pursuant to § 6-15-424.

6-15-2406. Deregulated public schools program – Exemption from statutes.

(a)(1) A deregulated public school shall operate in accordance with its proposal and shall be exempt from Chapter 15 of the Arkansas Code, except those pertaining to civil rights and student health, safety, and welfare, or as otherwise required by this section.

(2) A deregulated public school shall not be exempt from the following statutes:

(A) Freedom of Information Act, § 25-19-101 et seq.,

relating to public records; and

(B) Administrative Procedures Act, § 25-15-201 et seq., relating to public meetings and records, public inspection, and penalties.

(3) The school district, upon request of a deregulated public school, may apply to the State Board of Education for a waiver of provisions of law applicable to deregulated public schools under this section, except that the provisions of Title 6, Chapter 20, Subchapter 4 or laws, rules, or regulations relating to school district budgets shall not be eligible for waiver if the waiver would affect funding allocations or create inequity in public school funding. The State Board of Education may grant the waiver if necessary to implement the school program.

(b) A deregulated public school may employ or contract with skilled selected noncertified personnel in an alternative certification program to provide instructional services or to assist instructional staff members as education paraprofessionals in the same manner as defined in Title 6, Chapter 17, Subchapter 4. A deregulated public school may not employ an individual to provide instructional services or to serve as an education paraprofessional if the individual's certification or licensure as an educator is suspended or revoked by this or any other state. The qualifications of teachers shall be disclosed to parents.

(c) A deregulated public school shall employ or contract with employees who have met the requirements of Title 6, Chapter 17, Subchapter 4.

6-15-2407. Deregulated public schools program - Revenue.

Students enrolled in a deregulated public school shall be funded in a basic program or a special program in the same manner as students enrolled in other public schools in the school district.

6-15-2408. Deregulated public schools program -Length of school year.

A deregulated public school shall provide instruction for at least the number of days required by law for other public schools, and may provide instruction for additional days.

6-15-2409. Deregulated public schools program - Facilities.

A deregulated public school shall utilize facilities which comply with the requirements of state and local law, rules, and regulations relating to school facilities, or with applicable state minimum building codes and state minimum fire protection codes pursuant to the requirements of state and local law, rules, and regulations relating to school facilities.

SECTION 19. Arkansas Code Title 6, Chapter 18, Subchapter 9 is amended to add the following section.

6-18-902. Student records and reports; rights of parents and students - Notification - Penalty.

(a) The purpose of this section is to protect the rights of students and their parents with respect to student records and reports as created, maintained, and used by public educational institutions in the state. The intent of the General Assembly is that students and their parents shall have rights of access, rights of challenge, and rights of privacy with respect to records and reports, and that rules shall be available for the exercise of these rights.

(b) As used in this section:

(1) "Chief executive officer" means that person, whether elected or appointed, who is responsible for the management and administration of any public educational body or unit, or the chief executive officer's designee for student records; that is, the district school superintendent, the director of an area technical center, the president of a public postsecondary educational institution, or their designees;

(2) "Directory information" means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. It includes, but is not limited to, the student's name, address, telephone listing, electronic mail address, photograph, date and place of birth, major field of study, dates of attendance, grade level, enrollment status (e.g., undergraduate or graduate; full-time or part-time), participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees, honors and awards received, and the most recent educational agency or institution attended;

(3)(A) "Records" and "reports" mean official records, files, and data directly related to students that are created, maintained, and used by public educational institutions, including all material that is incorporated into each student's cumulative record folder and intended for school use or to be available to parties outside the school or school system for legitimate educational or research purposes. Materials that shall be considered as part of a student's record include, but are not necessarily limited to:

(i) Identifying data, including a student's social security number;

(ii) Academic work completed, level of achievement records, including grades and standardized achievement test scores;

(iii) Attendance data;

(iv) Scores on standardized intelligence, aptitude, and psychological tests;

(v) Interest inventory results;

(vi) Health data;

(vii) Family background information;

(viii) Teacher or counselor ratings and observations;

(ix) Verified reports of serious or recurrent behavior patterns; and

(x) Any other evidence, knowledge, or information recorded in any medium, including, but not limited to, handwriting, typewriting, print, magnetic tapes, film, microfilm, and microfiche, and maintained and used by an educational agency or institution or by a person acting for such agency or institution.

(B) However, the terms "records" and "reports" do not include:

(i) Records of instructional, supervisory, and administrative personnel, and educational personnel ancillary to those persons, that are kept in the sole possession of the maker of the record and are not accessible or revealed to any other person except a substitute for any of such persons. An example of records of this type is instructor's grade books;

(ii) Records of law enforcement units of the institution that are maintained solely for law enforcement purposes and that

are not available to persons other than officials of the institution or law enforcement officials of the same jurisdiction in the exercise of that jurisdiction;

(iii) Records made and maintained by the institution in the normal course of business that relate exclusively to a student in his or her capacity as an employee and that are not available for use for any other purpose;

(iv)(a) Records created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional or paraprofessional capacity, or assisting in that capacity, that are created, maintained, or used only in connection with the provision of treatment to the student and that are not available to anyone other than persons providing such treatment.

(b) However, such records shall be open to a physician or other appropriate professional of the student's choice;

(v) Directory information as defined in this section;

(vi) Other information, files, or data that do not permit the personal identification of a student;

(vii) Letters or statements of recommendation or evaluation that were confidential under Arkansas law; and

(viii) Copies of the student's fingerprints.

(C) No public educational institution shall maintain any report or record relative to a student that includes a copy of the student's fingerprints.

(4) "Student" means any child or adult who is enrolled or who has been enrolled in any instructional program or activity conducted under the authority and direction of an institution comprising a part of the state system of public education and with respect to whom an educational institution maintains educational records and reports or personally identifiable information, but does not include a person who has not been in attendance as an enrollee at such institution.

(c) Rights of parent or student. The parent of any student who attends or has attended any public school shall have the following rights with respect to any records or reports created, maintained, and used by any public educational institution in the state. However, whenever a student has attained eighteen (18) years of age, or is attending a postsecondary educational institution, the permission or consent required of, and the rights accorded to, the parents of the student shall thereafter be required of and accorded to the student only, unless the student is a dependent student of such parents as defined in 26 U.S.C. s. 152 (s. 152 of the Internal Revenue Code of 1954). The State Board of Education shall adopt rules whereby parents or students may exercise these rights:

(1) Right of access.

(A) Such parent or student shall have the right, upon request directed to the appropriate school official, to be provided with a list of the types of records and reports, directly related to students, as maintained by the institution that the student attends or has attended.

(B) Such parent or student shall have the right, upon request, to be shown any record or report relating to such student maintained by any public educational institution. When the record or report includes information on more than one student, the parent or student shall be entitled

to receive, or be informed of, only that part of the record or report that pertains to the student who is the subject of the request. Upon a reasonable request therefore, the institution shall furnish such parent or student with an explanation or interpretation of any such record or report.

(C) Copies of any list, record, or report requested under the provisions of this paragraph shall be furnished to the parent or student upon request.

(D) The State Board of Education shall adopt rules to be followed by all public educational institutions in granting requests for lists, or for access to reports and records or for copies or explanations thereof under this subsection. However, access to any report or record requested under the provisions of subdivision (c)(2) of this section, shall be granted within thirty (30) days after receipt of such request by the institution. Fees may be charged for furnishing any copies of reports or records requested under subdivision (c)(3) of this section, but such fees shall not exceed the actual cost to the institution of producing such copies;

(2) Right of waiver of access to confidential letters or statements. A parent or student shall have the right to waive the right of access to letters or statements of recommendation or evaluation, except that such waiver shall apply to recommendations or evaluations only if:

(A) The parent or student is, upon request, notified of the names of all persons submitting confidential letters or statements; and

(B) Such recommendations or evaluations are used solely for the purpose for which they were specifically intended. Such waivers may not be required as a condition for admission to, receipt of financial aid from, or receipt of any other services or benefits from, any public agency or public educational institution in this state.

(3) Right to challenge and hearing. A parent or student shall have the right to challenge the content of any record or report to which such person is granted access under subdivision (c)(1) of this section, in order to ensure that the record or report is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student and to provide an opportunity for the correction, deletion, or expunction of any inaccurate, misleading, or otherwise inappropriate data or material contained therein. Any challenge arising under the provisions of this subsection may be settled through informal meetings or discussions between the parent or student and appropriate officials of the educational institution. If the parties at such a meeting agree to make corrections, to make deletions, to expunge material, or to add a statement of explanation or rebuttal to the file, such agreement shall be reduced to writing and signed by the parties; and the appropriate school officials shall take the necessary actions to implement the agreement. If the parties cannot reach an agreement, upon the request of either party, a hearing shall be held on such challenge under rules adopted by the State Board of Education. Upon the request of the parent or student, the hearing shall be exempt from the requirements of the Arkansas Administrative Procedures Act, § 25-15-201, et seq. Such rules shall include at least the following provisions:

(A) The hearing shall be conducted within a reasonable period of time following the request for the hearing;

(B) The hearing shall be conducted, and the decision rendered, by an official of the educational institution or other party who does not have a direct interest in the outcome of the hearing;

(C) The parent or student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised under this subdivision;

(D) The decision shall be rendered in writing within a reasonable period of time after the conclusion of the hearing; and

(E) The appropriate school officials shall take the necessary actions to implement the decision.

(4) Right of privacy.

(A) Every student shall have a right of privacy with respect to the educational records kept on him or her. Personally identifiable records or reports of a student, and any personal information contained therein, are confidential and exempt from the provisions of the Freedom of Information Act, § 25-19-101, et seq. No state or local educational agency, board, or public school shall permit the release of such records, reports, or information without the written consent of the student's parent, or of the student himself or herself if he or she is qualified as provided in this subsection, to any individual, agency, or organization. However, personally identifiable records or reports of a student may be released to the following persons or organizations without the consent of the student or the student's parent:

(i) Officials of schools, school systems, technical centers, or public postsecondary educational institutions in which the student seeks or intends to enroll; and a copy of such records or reports shall be furnished to the parent or student upon request;

(ii) Other school officials, including teachers within the educational institution or agency, who have legitimate educational interests in the information contained in the records;

(iii) The United States Secretary of Education, the Director of the National Institute of Education, the Assistant Secretary for Education, the Comptroller General of the United States, or state or local educational authorities who are authorized to receive such information subject to the conditions set forth in applicable federal statutes and regulations of the United States Department of Education, or in applicable state statutes and rules of the State Board of Education;

(iv) Other school officials, in connection with a student's application for or receipt of financial aid;

(v) Individuals or organizations conducting studies for or on behalf of an institution or a board of education for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students and their parents by persons other than representatives of such organizations and if such information will be destroyed when no longer needed for the purpose of conducting such studies;

(vi) Accrediting organizations, in order to carry out their accrediting functions;

(vii) School readiness coalitions and the Early Childhood Commission in order to carry out their assigned duties;

(viii) For use as evidence in student expulsion hearings conducted by a district school board pursuant to the provisions of the Arkansas Administrative Procedures Act, codified at § 25-15-201 et seq.;

(ix) Appropriate parties in connection with an

emergency, if knowledge of the information in the student's educational records is necessary to protect the health or safety of the student or other individuals;

(x) The Division of Legislative Audit and the Office of Assessment, Evaluation and Accountability in connection with their official functions. However, except when the collection of personally identifiable information is specifically authorized by law, any data collected by the Division of Legislative Audit and the Office of Assessment, Evaluation and Accountability is confidential and exempt from the provisions of the Arkansas Freedom of Information Act, § 25-19-101 et seq. and shall be protected in such a way as will not permit the personal identification of students and their parents by anyone other than the Division of Legislative Audit, the Office of Assessment, Evaluation and Accountability, and their staff, and such personally identifiable data shall be destroyed when no longer needed for the Division of Legislative Audit's and the Office of Assessment, Evaluation and Accountability's official use;

(xi)(a) A court of competent jurisdiction in compliance with an order of that court or the attorney of record pursuant to a lawfully issued subpoena, upon the condition that the student and the student's parent are notified of the order or subpoena in advance of compliance therewith by the educational institution or agency;

(b) A person or entity pursuant to a court of competent jurisdiction in compliance with an order of that court or the attorney of record pursuant to a lawfully issued subpoena, upon the condition that the student, or his or her parent if the student is either a minor and not attending a postsecondary educational institution or a dependent of such parent as defined in 26 U.S.C. s. 152 (s. 152 of the Internal Revenue Code of 1954), is notified of the order or subpoena in advance of compliance therewith by the educational institution or agency; or

(xii) Parties to an interagency agreement among the Division of Youth Services of the Department of Human Services, school and law enforcement authorities, and other signatory agencies for the purpose of reducing juvenile crime and especially motor vehicle theft by promoting cooperation and collaboration, and the sharing of appropriate information in a joint effort to improve school safety, to reduce truancy and in-school and out-of-school suspensions, and to support alternatives to in-school and out-of-school suspensions and expulsions that provide structured and well-supervised educational programs supplemented by a coordinated overlay of other appropriate services designed to correct behaviors that lead to truancy, suspensions, and expulsions, and that support students in successfully completing their education. Information provided in furtherance of such interagency agreements is intended solely for use in determining the appropriate programs and services for each juvenile or the juvenile's family, or for coordinating the delivery of such programs and services, and as such is inadmissible in any court proceedings prior to a dispositional hearing unless written consent is provided by a parent or other responsible adult on behalf of the juvenile.

(B) This subdivision does not prohibit any educational institution from publishing and releasing to the general public directory information relating to a student if the institution elects to do so. However, no educational institution shall release, to any individual, agency, or organization that is not listed in subdivision (c)(4)(A) of this section,

directory information relating to the student body in general or a portion thereof unless it is normally published for the purpose of release to the public in general. Any educational institution making directory information public shall give public notice of the categories of information that it has designated as directory information with respect to all students attending the institution and shall allow a reasonable period of time after such notice has been given for a parent or student to inform the institution in writing that any or all of the information designated should not be released.

(d) Notification. Every parent and student entitled to rights relating to student records and reports under the provisions of subsection (c) of this section shall be notified annually, in writing, of such rights and that the institution has a policy of supporting the law; the types of information and data generally entered in the student records as maintained by the institution; and the procedures to be followed in order to exercise such rights. The notification shall be general in form and in a manner to be determined by the State Board of Education and may be incorporated with other printed materials distributed to students, such as being printed on the back of school assignment forms or report cards for students attending kindergarten or grades one through twelve (1-12) in the public school system and being printed in college catalogs or in other program announcement bulletins for students attending postsecondary educational institutions.

(e) Penalty. In the event that any public school official or employee, district school board official or employee, technical center official or employee, or public postsecondary educational institution official or employee refuses to comply with any of the provisions of this section, the aggrieved parent or student shall have an immediate right to bring an action in the circuit court to enforce the violated right by injunction. Any aggrieved parent or student who brings such an action and whose rights are vindicated may be awarded attorney's fees and court costs.

(f) Applicability to records of defunct institutions. The provisions of this section also apply to student records that any nonpublic educational institution that is no longer operating has deposited with the district school superintendent in the county where the nonpublic educational institution was located.

SECTION 20. Arkansas Code § 6-15-419 is amended to read as follows:
6-15-419. Definitions.

The following definitions shall apply in this subchapter, unless the context otherwise requires:

(1)(A) "Academic improvement plan" means a plan detailing supplemental or intervention and remedial instruction, or both, in deficient academic areas for any student who is not proficient on a portion or portions of the state-mandated ~~riterion-referenced~~ assessments.

(B)(i) Such a plan shall be created and implemented by appropriate teachers, counselors, and any other pertinent school personnel.

(ii) All academic improvement plans shall be annually reviewed and revised to ensure effectiveness and to ensure student demonstration of proficiency in the targeted academic areas on the next state-mandated ~~riterion-referenced~~ assessments.

(iii) A cumulative review of all academic improvement plans shall be part of the data used by the school in creating and revising its comprehensive school plan.

(iv) All academic improvement plans shall be subject to review by the Department of Education.

(C) In any instance where a student with disabilities identified under the Individuals with Disabilities Education Act has an individualized education program that already addresses any academic area or areas in which the student is not proficient on state-mandated ~~riterion-referenced~~ assessments, the individualized education program shall serve to meet the requirement of an academic improvement plan;

(2) "District improvement plan" means a districtwide plan coordinating the actions of the various school improvement plans within a district. The main focus of the district improvement plan shall be to ensure that all students demonstrate proficiency on all portions of state-mandated ~~riterion-referenced~~ assessments;

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

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

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

(6) "High school" means grades nine through twelve (9-12);

(7) "Middle level" means grades five through eight (5-8);

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

(9) "Primary" means kindergarten through grade four (K-4);

(10)(A)(i) "Remediation" means a process of using diagnostic instruments to provide corrective, specialized, supplemental instruction to help a student in grades two through four (2-4) overcome academic deficiencies.

(ii) For students in grades five through twelve (5-12), remediation shall be a detailed, sequential set of instructional strategies implemented to remedy any academic deficiencies indicated by below-basic or basic performance on the state-mandated ~~riterion-referenced~~ assessments.

(B) Remediation shall not interfere with or inhibit student mastery of current grade level academic learning expectations;

(11) "School improvement plan" means the individual school's comprehensive plan based on priorities indicated by assessment and other pertinent data and designed to ensure that all students demonstrate proficiency on all portions of state-mandated ~~riterion-referenced~~ assessments; ~~and~~

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

(13) "Kindergarten through grade twelve (K-12) data warehouse" means a technology-based tool used to gather, integrate, and store all the

information used to track and analyze student performance;

(14) "Longitudinal tracking" means based on scheduled and annual assessments, tracking individual student yearly academic achievement gains;

(15) "Arkansas State Standards" means standards which are approved by the State Board of Education and set the skills to be taught and mastery level for each grade and content area;

(16) "National Assessment of Educational Progress" means the national assessment program mandated by the No Child Left Behind Act, as such laws may be amended from time to time;

(17) "No Child Left Behind Act" means the No Child Left Behind Act of 2001 signed into federal law on January 8, 2002;

(18) "Statewide Assessment Standards" means the statewide program of educational assessment implemented pursuant to and described in § 6-15-424;

(19) "Limited English proficient students" means the student has sufficient difficulty speaking, reading, writing, or understanding the English language and whose difficulties may deny such individual the opportunity to learn successfully in classrooms where the language of instruction is English;

(20) "English for Speakers of Other Languages program" means that English is not a student's native language and he or she has sufficient difficulty speaking, reading, writing, or understanding the English language and whose difficulties may deny such individual the opportunity to learn successfully in classrooms where the language of instruction is English;

(21) "Individual education plan or a Section 504 plan" means that part of federal legislation which eliminates impediments to full participation by persons with disabilities and which is intended to prevent intentional or unintentional discrimination against persons with disabilities, persons who are believed to have disabilities, or family members with disabilities;

(22) "Grade inflation rate" means the statistical gap between actual grades assigned for core classes at the secondary level and student performance on corresponding subjects on nationally normed college entrance exams, such as the ACT;

(23) "Arkansas Comprehensive Assessment Test" or "Arkansas Comprehensive Assessment Test" means a nationally normed reference test that is augmented to include a measurement of proficiency with respect to Arkansas State Standards;

(24) "Value added measurements" means the statistical gain a student makes from one year to the next, based on the same series assessment, against the national student group which most closely matches his or her demographics and achievement level, to determine if he or she is making adequate yearly progress.

(25) "Adequate yearly progress" means the standards to be developed by the Arkansas Department of Education and approved by the United States Department of Education in compliance with No Child Left Behind Act, which must specify annual objectives to measure progress of schools and districts to ensure that all groups of students, including low-income students, students from major racial and ethnic groups, students with disabilities, and students with limited English proficiency, reach proficiency within twelve (12) years; must include intermediate goals that provide for annual adequate yearly progress targets, with the first increase to occur no later than 2004-05; and schools must test at least ninety-five percent (95%) of their students in each of the above groups.

(26) "Annual learning gains" or "student learning gains" means calculating a student's learning gains from one year to the next, based on a same series assessment given in the same time frame from one (1) year to the next, used as a pre-post measure of learning for the content areas tested;

(27) "Board of Control for Southern Regional Education" means the entity identified in the Southern Regional Education Compact, § 6-4-101, et seq.

(28) "Parent Advisory Council" means the entities established under Title 6, Chapter 13, Subchapter 17;

(29) "Reconstitution" means removing school district or school faculty, staff, administration, and, if appropriate, school board members, and replacing them; and

(30) "Parent" means a parent, legal guardian, or legal representative, as appropriate, of a student.

SECTION 21. Arkansas Code Title 6, Chapter 13 is amended to add the following new subchapter:

6-13-1701. Parent advisory council – Establishment.

Each school shall establish a Parent Advisory Council based on the following tenets:

(1) A student's education is a responsibility shared by the school and family during the entire time that he or she spends in school;

(2) Schools and parents must work as knowledgeable partners in order to support the goal of the schools to educate all students effectively;

(3) Parents are integral components of a school's ability to provide for the educational success of students, although parents and students are diverse in culture, language, and needs;

(4) The engagement of parents is essential to improve student achievement; and

(5) Schools should foster a safe and secure environment that supports active parental involvement.

6-13-1602. Parent advisory council – Membership.

The Parent Advisory Council shall consist of the school principal and no fewer than six (6) parents or legal guardian, representative of the grade levels, race, gender, and socio-economic status of the school's population. No parent or legal guardian representative on the Parent Advisory Council may be an employee of that school. Each school shall establish policies regarding individual members' length of service on the council and filling vacancies. Membership on the council shall be by nomination from the school principal and that school's organized parent group. The school district board of directors will confirm nominations.

16-13-1603. Parent advisory council – Meetings.

The Parent Advisory Council shall be convened at least quarterly during the school year.

16-13-1604. Parent advisory council – Roles and responsibilities.

The Parent Advisory Council shall recognize the principal as the chief academic and operational officer of the school. It also shall:

(1) Annually review the school improvement plan including the disaggregation of achievement data from each tested grade or course in the

school as well as the performance of the various student subgroups;

(2) Annually review the school's report card including the narrative of yearly progress based on current state and federal requirements;

(3) Make recommendations encouraging regular, two-way meaningful communication with parents and legal guardians such as publishing the school's process for resolving parental concerns, including whom to approach first and how to develop solutions;

(4) Make recommendations regarding the school's parental involvement program, including activities such as sponsoring seminars to inform parents or legal guardians of high school students about how to be involved in the decisions affecting course selection, career planning, and preparation for postsecondary opportunities, as well as other activities to promote parent participation;

(5) Provide input into the development of parental involvement activities as required in the School Improvement Plan;

(6) Make recommendations regarding appropriate professional development activities to be included as part of the required professional development for teachers and administrators. These professional activities shall enhance the understanding of effective parent involvement; and

(7) Make recommendations regarding the school's collaboration with community organizations for the purpose of enhancing student achievement.

16-13-1605. Parent advisory council – School roles and responsibilities.

(a) With input from the Parent Advisory Council, each school shall develop a written parent involvement policy to encourage parents or legal guardians to participate as full partners in the decisions that affect his or her child and family. The policy shall be distributed to all parents or guardians of students in that school.

(b) Each school shall annually disseminate through multi-media an explanation of the appropriate state or federal accreditation standards, curriculum standards, and assessment and accountability requirements. The school shall also report how the school complies with those established standards and requirements.

16-13-1606. Parent Advisory Council – Monitoring.

The organization of the Parent Advisory Council and its required activities shall be monitored by the Department of Education during the official scheduled compliance review of the school.

SECTION 21. Arkansas Code § 6-20-1601 through 6-20-1610 are repealed.

~~6-20-1601. Purpose.~~

~~The purpose of this subchapter shall be to improve the capacity of local school districts whose students are not achieving at academically desired levels and local school districts in fiscal distress through targeted assistance coordinated by the Department of Education.~~

~~6-20-1602. Definitions.~~

~~(a) For purposes of this subchapter, a "school district in academic distress" shall mean any school district whose students do not score at levels established by the Department of Education on:~~

~~(1) The Arkansas Writing Assessment;~~

- ~~(2) The Stanford 8 Achievement Test;~~
- ~~(3) The exit examination administered by the department; or~~
- ~~(4) Any other test approved by the department.~~

~~(b) For purposes of this subchapter, a "school district in fiscal distress" shall mean any school district that:~~

- ~~(1) Has a steadily declining balance;~~
- ~~(2) Has not complied with the audit requirements in § 6-20-301~~

~~et seq.;~~

~~(3) Has failed to comply with a statute that automatically places the school district in fiscal distress; or~~

~~(4) Has any other fiscal condition deemed to have a detrimental negative impact on continuation of educational services. All of these determinations for fiscal distress except for subdivision (b)(3) of this section shall be as defined by the department through rules and regulations promulgated by the State Board of Education.~~

~~6-20-1603. Rules and regulations — State Board of Education.~~

~~(a) By March 1, 1996, the State Board of Education shall promulgate rules and regulations to establish and implement a program for identifying, evaluating, assisting, and addressing school districts in fiscal or academic distress.~~

~~(b)(1) The state board shall further promulgate rules and regulations by which a school district shall be classified as a Phase I, Phase II, or Phase III district and by which a local school board may appeal to the state board any ruling by the Department of Education that is relative to classification under this subchapter.~~

~~(2) An appeal shall be made within thirty (30) days of the ruling, and the state board shall act on the appeal within sixty (60) days.~~

~~6-20-1604. Rules and regulations — Department of Education.~~

~~The Department of Education is hereby authorized to develop indicators of fiscal distress and academic distress in school districts and to promulgate the necessary rules and regulations so that the Director of the Department of Education shall provide technical assistance to school districts determined by the director to be in fiscal or academic distress and shall ensure, to the extent possible, that a fiscal crisis or an academic crisis will not interrupt the educational services provided to the students of a school district.~~

~~6-20-1605. Identification of districts in distress.~~

~~Prior to the beginning of the 1996-1997 school year and each school year thereafter, the Department of Education shall identify all school districts that are in academic or fiscal distress and shall further document any school districts that meet the criteria for academic or fiscal distress but which, after investigation, the department determines are not in academic or fiscal distress.~~

~~6-20-1606. School improvement plan.~~

~~(a) Those school districts identified by the Department of Education as being in academic or fiscal distress shall be classified as Phase I school districts.~~

~~(b)(1)(A) A district classified as a Phase I school district shall~~

~~develop and file with the department a school improvement plan to address any areas in which the school district is experiencing academic or fiscal distress as identified by the department.~~

~~(B) If a district does not file a school improvement plan with the department, the district shall be immediately classified as a Phase II school district.~~

~~(2) The department shall provide technical assistance to any district classified as a Phase I district.~~

~~(A) The department shall monitor the progress of school districts in Phase I.~~

~~(B) Districts that are implementing school improvement plans shall continue to be classified as Phase I school districts for the remainder of the school year.~~

~~(C) If the department determines that a district is not implementing its school improvement plan according to department regulations, the district shall be immediately classified as a Phase II school district.~~

~~6-20-1607. Classification of school districts in distress.~~

~~(a)(1) During the 1997-1998 school year and each school year thereafter, the Department of Education shall determine which school districts shall be classified as Phase I districts or Phase II districts.~~

~~(2) A school district may be classified a Phase I district for more than one (1) year.~~

~~(b) No Phase I or Phase II district shall incur additional debt without the approval of the department.~~

~~(c)(1) During the 1997-1998 school year and each school year thereafter, only those districts classified as Phase II districts by the Director of the Department of Education shall be required to receive on-site technical assistance by a team of educators assigned by the department to work directly with the districts.~~

~~(2) During the first six (6) months of the school year in which a district is classified as a Phase II district, the department team shall evaluate and make recommendations to the district superintendent regarding the staffing of the district and concerning fiscal or academic policies or practices of the district if necessary to address the fiscal or academic distress of the district as defined by the department.~~

~~(3)(A) The recommendations of the department shall be binding on the district, the superintendent, and the school board; provided, however, that it shall be the duty of the district to follow all Arkansas laws.~~

~~(B) A district classified as a Phase II school district that fails to follow recommendations of the department shall be immediately classified as a Phase III school district.~~

~~(d) At the conclusion of the 1997-98 school year, and each year thereafter, the department shall report the progress of all districts classified as Phase II school districts to the State Board of Education.~~

~~6-20-1608. Limitation on Department of Education's authority.~~

~~The Department of Education shall not take over the operation of a Phase I or Phase II school district.~~

~~6-20-1609. Phase III school districts.~~

~~(a) Those school districts that do not meet the Department of~~

~~Education's criteria for repeating procedures set forth for Phase II and those districts that did not follow the recommendations of the department for Phase II school districts shall be classified as Phase III school districts.~~

~~(b) During the 1998-1999 school year and each year thereafter until the school district is no longer classified as a Phase III district, the department shall have the following authority in dealing with any district classified as a Phase III school district:~~

~~(1) To require the superintendent to relinquish all authority with respect to the district, to appoint an individual to operate the district under the supervision of the Director of the Department of Education, and to compensate non department employees for operating the district using the salary formerly given to the district superintendent;~~

~~(2) To have all the powers and duties of the local school board under § 6-13-620;~~

~~(3) To determine that it is in the best interests of the students in the district to continue operation of the district or that annexation to an adjacent district or districts is necessary;~~

~~(4) To call for the election of a new school board for the district, in which case the district shall reimburse the county board of election commissioners for election costs as otherwise required by law;~~

~~(5) To allow the district to operate without a local school board under the supervision of the local school district administration;~~

~~(6) To turn the administration of the district over to the former board or to a newly elected school board; and~~

~~(7) To waive the application of Arkansas law, with the exception of §§ 6-17-1501 et seq. and 6-17-1701 et seq. or department rules and regulations.~~

~~6-20-1610. Annexation — Appeals.~~

~~(a) If it is in the best interests of students in a district classified as a Phase III school district to be annexed to another district or districts, as determined by the Department of Education, the department shall hold a public hearing to discuss the annexation of the district.~~

~~(b) After the public hearing, the State Board of Education may annex the district to another district or districts upon a majority vote of the members of the state board.~~

~~(c) If the state board annexes the district, the state board shall have exclusive authority to determine the boundary lines of the new district or districts and to allocate the assets and liabilities of the district.~~

~~(d) Any district that appeals the decision of the state board in regard to annexation shall file the appeal in Pulaski County Circuit Court. Jurisdiction and venue shall not lie in any other court or the circuit court in the county where the administrative office of the district is located.~~

SECTION 23. Arkansas Code § 6-20-1802 is amended to read as follows:
6-20-1802. ~~Fiscal distress~~ Non-Compliance for failure to file.

(a) Any school district failing to file an audit report required by § 6-20-1801 within the eighteen-month time period shall automatically be considered by the Department of Education to be in ~~fiscal distress~~ non-compliance and mandated consequences of § 6-15-1901 shall be enforced.

(b) By January 31 of each year, the department, by certified mail, shall notify school districts failing to file required audit reports that the

school district is considered in ~~fiscal distress~~ non-compliance.

SECTION 24. Effective Date.

Unless otherwise provided herein, this act shall be come effective on July 1, 2004.

SECTION 25. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the Arkansas Supreme Court in Lake View School District No. 25 v. Huckabee, 351 Ark. 31 (2002) has declared the now extant system of education to be unconstitutional because it is both inequitable and inadequate; that the Arkansas Supreme Court has set forth the test for a constitutional system to be one in which the State has an "absolute duty" to provide and "equal opportunity to an adequate education"; that the Arkansas Comprehensive Testing, Assessment and Accountability Program, as presently constituted, does not conform to the requirements of the No Child Left Behind Act of the United States and this act amends the Arkansas Comprehensive Testing, Assessment and Accountability Program to comply with the No Child Left Behind Act; that the Arkansas Supreme Court has instructed the General Assembly to define and provide what is necessary to provide an adequate and equitable education for the children of Arkansas, forthwith; and that the No Child Left Behind Act sets out deadlines regarding the educational plan and student improvement which the state is required to meet. 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:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill;
or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

The Amendment was read _____

By: Representative Hardwick
KAS/VJF - 032520030838
VJF749

Chief Clerk