

1 State of Arkansas

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Call Item 4

2 84th General Assembly

A Bill

3 Second Extraordinary Session, 2003

SENATE BILL 33

4

5 By: Senators Bryles, Argue, Baker, Bisbee, B. Johnson, Faris, Salmon, Trusty, Whitaker, Womack,

6 Wooldridge, Wilkinson, *Altes, Broadway, Gullett, Higginbothom, Horn, G. Jeffress, J. Jeffress*

7 By: Representatives Hardwick, Cleveland, Agee, Anderson, Bledsoe, Borhauer, Bennett, Bright,

8 Dickinson, L. Evans, Harris, House, Hutchinson, Kenney, Key, Martin, Matayo, Mathis, Pace, Parks,

9 Pritchard, Rosenbaum, Schulte, R. Smith, *Blair, Bolin, Bond, Bradford, Childers, Clemons, Creekmore,*

10 *Dees, Eason, Edwards, D. Evans, Ferguson, Fite, Green, Haak, Hathorn, Jackson, Jacobs, C. Johnson, J.*

11 *Johnson, Judy, King, Medley, Moore, Nichols, Norton, Oglesby, Penix, Petrus, Seawel, Sullivan, Sumpter,*

12 *C. Taylor, Thomas, Thyer, White, Wood*

13

14

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For An Act To Be Entitled

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AN ACT TO ESTABLISH A COMPREHENSIVE SYSTEM OF

17

TESTING FOR ARKANSAS STUDENTS; TO ESTABLISH A

18

PROGRAM OF SCHOOL AND SCHOOL DISTRICT

19

ACCOUNTABILITY FOR STUDENT PERFORMANCE AND TO

20

ESTABLISH A SYSTEM OF REWARDS AND SANCTIONS; TO

21

GIVE STUDENTS ATTENDING UNDERPERFORMING SCHOOLS

22

CERTAIN CHOICES, KNOWN AS THE ARKANSAS

23

OPPORTUNITY PUBLIC SCHOOL CHOICE ACT; TO

24

ESTABLISH A FINANCIAL MANAGEMENT PRACTICES SYSTEM

25

FOR ARKANSAS SCHOOL DISTRICTS; AND FOR OTHER

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PURPOSES.

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Subtitle

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AN ACT TO BE KNOWN AS THE ARKANSAS

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STUDENT ASSESSMENT AND EDUCATIONAL

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ACCOUNTABILITY ACT OF 2004.

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

35

36

SECTION 1. Arkansas Code § 6-15-404 is amended to read as follows:



1 6-15-404. Program implementation.

2 (a) The State Board of Education ~~will~~ shall establish clear, specific,
3 and challenging academic content standards which define what students shall
4 know and be able to do in each content area. Instruction in all public
5 schools shall be based on these academic content standards.

6 (b) The state board shall establish a schedule for periodic review and
7 revision of academic content standards to ensure that Arkansas academic
8 content standards are rigorous and equip students to compete in the global
9 work force.

10 (c) The state board shall include the following elements in the
11 periodic review and revision of Arkansas academic content standards:

12 (1) External review by outside content standards experts;

13 (2) Review and input by higher education, workforce education,
14 and community members;

15 (3) Study and consideration of academic content standards from
16 across the nation and the international level as appropriate;

17 (4) Study and consideration of evaluation from national groups
18 or organizations as appropriate;

19 (5) Revisions by committees of Arkansas teachers and
20 instructional supervisor personnel from public schools, assisted by teachers
21 from institutions of higher education; and

22 (6) Public dissemination of revised academic content standards
23 at the state board meeting and Department of Education website.

24 (d) The state board shall establish a clear concise system of
25 reporting the academic performance of each school on the state-mandated
26 criterion-referenced exam which conforms with the requirements of the No
27 Child Left Behind Act of 2001.

28 (e) The state board shall develop and the department shall implement a
29 developmentally appropriate uniform school readiness screening to validate a
30 child's school readiness as part of a comprehensive evaluation design.
31 Beginning with the 2004-2005 school year, the department shall require that
32 all school districts administer the uniform school readiness screening to
33 each kindergarten student in the district school system upon the student's
34 entry into kindergarten. Children who enter public school for the first time
35 in first grade must be administered the uniform school readiness screening
36 developed for use in the first grade.

1 (f)(1) The department shall select a developmentally appropriate
2 assessment to be administered to all students in first grade and second grade
3 in reading and mathematics.

4 (2) Professional development activities shall be tied to the
5 comprehensive school improvement plan and designed to increase student
6 learning and achievement.

7 (3) Longitudinal and trend data collection shall be maintained
8 for the purposes of improving student and school performance.

9 (4) A public school or public school district classified as in
10 "school improvement" shall develop and file with the department a
11 comprehensive school improvement plan designed to ensure that all students
12 demonstrate proficiency on all portions of state-mandated criterion-
13 referenced assessment. The comprehensive school improvement plan shall
14 include strategies to address the achievement gap existing for any
15 identifiable group or subgroup as identified in the Arkansas Comprehensive
16 Testing, Assessment, and Accountability Program and the gap of that subgroup
17 from the academic standard.

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

23 ~~(2) The department shall test public school students in a manner~~
24 ~~and with a nationally norm-referenced test to be selected by the state board.~~

25 ~~(3) The state board shall establish expected levels of~~
26 ~~achievement on the criterion-referenced examinations for all areas of~~
27 ~~assessment and accountability.~~

28 ~~(4) The State of Arkansas shall participate in the~~
29 ~~administration of the National Assessment of Educational Progress~~
30 Examinations. By July 1, 2006, the department shall develop and implement a
31 criteria-referenced testing program which is valid, reliable, externally
32 linked to a national norm and vertically scaled for public school students
33 grades three through eight (3-8), which measures application of knowledge and
34 skills in reading and writing literacy, and mathematics. Science, civics,
35 and government shall be measured on a schedule as determined by the state
36 board.

1 (2) The testing program shall be adopted by the state board and
2 shall be known as the Arkansas Comprehensive Assessment Program exams. These
3 exams shall be used as the assessment portion of the Arkansas Comprehensive
4 Testing, Assessment, and Accountability Program to determine school and
5 district performance awards and sanctions.

6 (3) The board shall establish expected levels of achievement on
7 the Arkansas Comprehensive Assessment Program exams.

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

11 ~~(h) Any student failing to achieve the established standard on the~~
12 ~~critierion referenced examinations shall be evaluated by school personnel, who~~
13 ~~shall jointly develop an academic improvement plan to assist the student in~~
14 ~~achieving the expected standard in subject areas where performance is~~
15 ~~deficient. Any student failing to achieve the established standard on the~~
16 Arkansas Comprehensive Assessment Program exams shall be evaluated by school
17 personnel, who shall jointly develop with the student's parents an academic
18 improvement plan to assist the student in achieving the expected standard in
19 subject areas where performance is deficient. The academic improvement plan
20 shall describe the parent's role and responsibilities as well as the
21 consequences for the student's failure to participate in the plan.

22 (i)(1) Each school shall develop one (1) comprehensive, long-range
23 school improvement plan focused on student achievement which shall be
24 reported to the public.

25 (2)(A) ~~Any school that fails to achieve established levels of~~
26 ~~student performance on critierion referenced tests and related indicators, as~~
27 ~~defined by rule and regulation, shall implement a comprehensive school~~
28 ~~improvement plan accepted by the department. This improvement plan shall~~
29 ~~assist those students performing below grade level in achieving the~~
30 ~~established standard. Any school that fails to achieve expected levels of~~
31 student performance on the Arkansas Comprehensive Assessment Program exams
32 and related indicators, as defined in this subchapter, shall participate in a
33 school improvement plan accepted by the department. This improvement plan
34 shall assist those students performing below-grade level in achieving the
35 expected standard.

36 ~~(B) This plan shall be part of each~~
~~school's long range comprehensive school improvement plan and shall be~~

1 ~~reported to the public.~~

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

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

9 (k)(1) Parents, students, families, educational institutions, and
10 communities are collaborative partners in education and each plays an
11 important role in the success of individual students. Therefore, the State
12 of Arkansas cannot be the guarantor of each individual student's success.

13 (2) The goals of Arkansas's grades kindergarten through twelve
14 (K-12) education system are not guarantees that each individual student will
15 succeed or that each individual school will perform at the level indicated in
16 the goals.

17
18 SECTION 2. Arkansas Code § 6-15-421 is amended to read as follows:
19 6-15-421. Awards and sanctions.

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

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

29 (2) Each level of sanction shall determine specific
30 interventions to be provided to the students of public schools or public
31 school districts by the department. The levels of sanction developed under
32 ~~this subchapter~~ Act 1467 of 2003 shall be incorporated into the existing
33 comprehensive school improvement plan.

34 (c) The State Board of Education shall develop a clear, concise system
35 of reporting the academic performance of each public school on the state-
36 mandated, criterion-referenced tests, developmentally appropriate assessments

1 for grades kindergarten through one and two (K-2), Benchmark exams, and End
2 of Course exams, which conforms with current state and federal law.

3 (d) The state board, through the department, is hereby authorized to
4 promulgate rules and regulations as may be necessary to carry out the
5 provisions of this subchapter.

6
7 SECTION 3. Arkansas Code § 6-15-402 is amended as follows:
8 6-15-402. Purpose.

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

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

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

30 (4) It shall also be the purpose of this subchapter to provide
31 information needed to improve the public schools by measuring annual learning
32 gains of all students through longitudinal tracking and analysis of value-
33 added computations of student gains against a national cohort to inform
34 parents of the educational progress of their public school children, and to
35 inform the public of the performance of schools. The program shall be
36 designed to:

1 (A) Assess the annual learning gains of each student
2 toward achieving the academic content standards appropriate for the student's
3 grade level;

4 (B) Provide data for building effective staff development
5 programs and school accountability and recognition;

6 (C) Identify the educational strengths and weaknesses of
7 students and to help the teacher tailor instruction to the needs of the
8 individual student;

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

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

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

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

18 (b) The purposes of the assessment and accountability program
19 developed under this subchapter shall be to:

20 (1) Improve student learning and classroom instruction;

21 (2) Provide public accountability by ~~exemplifying~~ mandating
22 expected achievement levels, by reporting on school and school district
23 performance, and applying a framework for state action for a school or school
24 district that fails expected achievement levels as defined in the ~~program~~
25 Arkansas Comprehensive Testing, Assessment, and Accountability program rules
26 and regulations; and

27 (3) Provide evaluation data of school and school district
28 performance in order to assist policymakers at all levels in decision
29 making.

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

32 (1) All students have an opportunity to demonstrate increased
33 learning and completion at all levels, graduate from high school, and enter
34 postsecondary education or the workforce without remediation;

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

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

5 (4) The quality of educational leadership at all levels of
6 grades kindergarten through twelve (K-12) education is improved.

7
8 SECTION 4. Arkansas Code Title 6, Chapter 15, Subchapter 4 is amended
9 to add additional sections to read as follows:

10 6-15-433. Statewide assessment program.

11 (a) Upon approval by the State Board of Education, the Department of
12 Education shall implement a statewide program of educational assessment that
13 provides information for the improvement of the operation and management of
14 the public schools.

15 (b) Pursuant to the statewide assessment program, the department
16 shall:

17 (1) Determine and designate the appropriate offices within the
18 department which shall report to the state board and shall be responsible for
19 determining each school's improvement and performance levels;

20 (2) Develop and implement a uniform system of indicators to
21 describe the performance of public school students and the characteristics of
22 the public school districts and the public schools; and

23 (3)(A) Implement student achievement testing as part of the
24 statewide assessment program, to be administered annually to measure reading,
25 writing, and mathematics and that includes:

26 (i) Developmentally appropriate testing for grades
27 kindergarten through two (K-2);

28 (ii)(a) Norm-referenced tests using nationally
29 normed metrics in grades three through nine (3-9), and criterion-referenced
30 tests, as defined in § 6-15-404(g)(1) known as the Benchmark exams, in
31 grades three through eight (3-8); or

32 (b) Other assessments which are based on
33 researched best practices as determined by qualified experts which would be
34 in compliance with federal and state law;

35 (iii) Any other tests required by the State Board of
36 Education; and

1 (iv) End of Course exams shall be administered for
2 Algebra I, geometry, literacy, and other content areas as directed by the
3 state board.

4 (B) Science, civics, and government shall be measured on a
5 schedule as determined by the state board.

6 (c) The testing program shall be designed so that:

7 (1)(A) The tests measure student skills and competencies adopted
8 by the state board as specified in § 6-15-404(a). The tests shall measure
9 and report student achievement levels in reading, writing, and mathematics
10 including longitudinal tracking of the same students, as well as an analysis
11 of value-added computations of student achievement gains against a national
12 cohort.

13 (B) The department shall provide for the tests to be
14 obtained or developed, as appropriate, through contracts and project
15 agreements;

16 (2) The testing program, as determined by the state board, shall
17 consist of norm-referenced and criterion-referenced testing or other
18 assessments as defined in § 6-15-433(b)(3)(A)(ii)(b). Questions shall
19 require the student to produce information and perform tasks in such a way
20 that the skills and competencies he or she uses can be measured in a
21 statistically reliable and valid manner;

22 (3) Each testing program, whether at the elementary beginning at
23 grade three (3), middle school, or high school level, shall include to the
24 fullest extent possible, a test of writing in which students are required to
25 produce writings that are then scored by appropriate analytic methods that
26 ensure overall test validity and reliability, including inter-rater
27 reliability. Writing test results shall be scored and returned for district
28 and school use no later than July 1 of each year beginning in 2005-2006 and
29 each year thereafter;

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

33 (5) Beginning in the 2004-2005 school year, students in grades
34 kindergarten through twelve (K-12) who do not demonstrate proficiency on the
35 Arkansas Comprehensive Assessment Program exams shall participate in an
36 intense remediation program specific to identified deficiencies;

1 (6) The state board shall designate, based on valid and reliable
2 statistical models, the proficiency levels for each part of the Arkansas
3 Comprehensive Assessment Program exams;

4 (7) Participation in the testing program is mandatory for all
5 students attending public school except as otherwise prescribed by the state
6 board. If a student does not participate in the Arkansas Comprehensive
7 Assessment Program exams, the district shall notify the student's parent or
8 guardian and provide the parent or guardian with information regarding the
9 reasons for and implications of such nonparticipation. The state board shall
10 adopt rules in compliance with federal and state law, based upon
11 recommendations of the department, for the provision of test accommodations
12 and modifications of procedures as necessary for students in exceptional
13 education programs and for limited-English proficient students. The State
14 Board of Education shall not make accommodations that negate the validity of
15 a statewide assessment or interpretations or implementations which result in
16 less than ninety-five percent (95%) of all students attending public school
17 participating in the testing program;

18 (8) The department shall implement student testing programs for
19 any grade level and subject area necessary to effectively monitor educational
20 achievement in the state and shall provide data access to any unit within the
21 department or contracted firm or firms for the purpose of analyzing value-
22 added computations and posting school, district, and state student
23 achievement, provided such disclosures are in not in conflict with applicable
24 federal and state law;

25 (9) Each district shall ensure that educators in their district
26 provide instruction to prepare students to demonstrate proficiency in the
27 skills and competencies necessary for successful grade-to-grade progression
28 and high school graduation. The department shall verify that the required
29 skills and competencies are part of the district instructional programs;

30 (10) Conduct ongoing research to develop improved statistically
31 reliable and valid methods of assessing student performance, including,
32 without limitation, the:

33 (A) Use of technology to administer, score, or report the
34 results of tests; and

35 (B) Use of electronic transfer of data;

36 (11) Conduct or contract with a provider to conduct ongoing

1 research and analysis of individual student, classroom, school, district, and
2 state achievement data, including, without limitation, monitoring value-added
3 trends in individual student, school, district, and state achievement,
4 identifying school programs that are successful, and analyzing correlates of
5 school achievement; and

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

9
10 6-15-434. School testing programs.

11 (a) Student performance data shall be analyzed and reported to
12 parents, the community, and the state, provided such disclosures are not in
13 conflict with applicable federal and state law.

14 (b) Student performance trend data shall be one (1) of the components
15 used in developing objectives of the school improvement plan, internal
16 evaluations of instructional and administrative personnel, assignment of
17 staff, allocation of resources, acquisition of instructional materials and
18 technology, performance-based budgeting, and assignment of students into
19 educational programs of the local school district.

20
21 6-15-435. Required analyses.

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

25 (1) The statistical system for the annual assessments shall use
26 the Arkansas Comprehensive Assessment Program exams and other valid and
27 reliable measures of student learning deemed appropriate by the State Board
28 of Education to determine classroom, school, and school district statistical
29 distributions that shall measure the differences in a student's previous
30 year's achievement compared to the current year achievement for the purposes
31 of improving student achievement, accountability, and recognition;

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

35 (B) The approach used by the department shall be approved
36 by the state board before implementation; and

1 (3)(A)(i) The approach used by the department shall be in
2 alignment with federal statutes and be piloted in 2004-2005 to collect data
3 to allow research and evaluation of student achievement growth models.

4 (ii) The approach shall include the following:

5 (a) Value-added longitudinal calculations;

6 (b) Sufficient transparency in the models'
7 conception and operation to allow others in the field to validate or
8 replicate the results; and

9 (c) An assessment of the models' accurateness
10 in relation to other models.

11 (iii) A team of relevant technical experts in
12 student assessment and the State Board shall review and approve the cost
13 effectiveness of the model in terms of actual and in kind costs before
14 implementation.

15 (B) The department shall establish a schedule for the
16 administration of the statewide assessments.

17 (C) Beginning in the 2005-2006 school year and each
18 subsequent year thereafter, in establishing such schedule, the department is
19 charged with the duty to accomplish the latest possible administration of the
20 statewide assessments and the earliest possible provision, but no later than
21 July 1, of the results to the school districts.

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

25
26 6-15-436. Local assessments.

27 (a) School districts may elect to measure the learning gains of
28 students in subjects and at grade levels in addition to those required for
29 the Arkansas Comprehensive Assessment Program exams.

30 (b) Measurement of the learning gains of students in all subjects and
31 grade levels other than subjects and grade levels required for the Arkansas
32 Comprehensive Assessment Program is the responsibility of the school
33 districts.

34 (c) The results of these assessments shall be provided to the
35 Department of Education upon request of the Director of the Department of
36 Education.

1
2 6-15-437. Rules.

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

7
8 6-15-438. Test security and confidentiality

9 (a) Violation of the security or confidential integrity of any test or
10 assessment is prohibited.

11 (b)(1) The State Board of Education shall sanction a person who
12 engages in conduct prohibited by this section, as provided under Arkansas
13 Code § 6-17-405 and following the Process for Certificate Invalidation as
14 approved by the Board.

15 (2) Additionally, the state board may sanction a school district
16 or school, or both in which conduct prohibited in this section occurs.

17 (c)(1) Procedures for maintaining the security and confidential
18 integrity of all testing and assessment instruments and procedures shall be
19 specified in the appropriate test or assessment administration instructions.

20 (2) Conduct that violates the security or confidential integrity
21 of a test or assessment is defined as any departure from either the
22 requirements established by the Director of the Department for the
23 administration of the assessment or from the procedures specified in the
24 applicable test administration materials.

25 (3) Conduct that violates the security or confidential integrity
26 of a test or assessment may include, but is not limited to the following acts
27 and omissions:

28 (A) Viewing secure assessment materials;

29 (B) Duplicating secure assessment materials;

30 (C) Disclosing the contents of any portion of secure
31 assessment materials;

32 (D) Providing, suggesting, or indicating to an examinee a
33 response or answer to any secure assessment items;

34 (E) Aiding or assisting an examinee with a response or
35 answer to any secure assessment item;

36 (F) Changing or altering any response or answer of an

1 examinee to a secure assessment item;

2 (G) Failing to follow the specified testing procedures or
3 to proctor students;

4 (H) Failing to administer the assessment on the designated
5 testing dates;

6 (I) Encouraging or assisting an individual to engage in
7 the conduct described in this subsection;

8 (J) Failing to report to appropriate authority that an
9 individual has engaged in conduct set forth in this section;

10 (K) Failing to follow the specified procedures and
11 required criteria for alternate assessments; or

12 (L) Failing to return the secured test booklets back to
13 the testing company in a timely manner.

14
15 SECTION 5. Arkansas Code Title 6, Chapter 15, is amended to add an
16 additional subchapter to read as follows:

17 6-15-1801. Public school student progression – Remedial instruction –
18 Reporting requirements – Intent.

19 It is the intent of the General Assembly subsequent to §§ 6-15-1804
20 that:

21 (1) Each student’s progression from one (1) grade to another be
22 determined, in part, upon proficiency in reading, writing, and mathematics;

23 (2) District school board policies facilitate such proficiency;
24 and

25 (3) Each student and his or her parent be informed of the
26 student’s academic progress.

27
28 6-15-1802. Public school student progression – Remedial instruction –
29 Reporting requirements – Comprehensive program.

30 The State Board of Education shall establish a comprehensive program
31 for student progression that shall include:

32 (1) Standards for evaluating each student’s performance,
33 including the student’s mastery level with respect to the academic content
34 standards;

35 (2) Specific levels of performance in reading, writing, and
36 mathematics for each grade level and specific proficiency levels of

1 performance on statewide assessments including End of Course exams, below
2 which a student shall be remediated within an intensive program that is
3 different from the previous year's program and that takes into account the
4 student's learning style; and

5 (3) Appropriate alternative education intervention programs as
6 developed by the local school district in compliance with state and federal
7 law and approved by the Department of Education for a student who has been
8 retained two (2) consecutive years.

9
10 6-15-1803. Public school student progression – Remedial instruction –
11 Reporting requirements – Assessment and remediation.

12 (a)(1) Each student shall participate in the statewide program of
13 educational assessment required by § 6-15-433 and shall participate in an
14 academic improvement plan when required as a result of the assessments. The
15 Department of Education shall determine satisfactory proficiency levels and
16 shall promulgate rules and regulations of the student's academic improvement
17 plan.

18 (2) After the development of the plan, each student identified
19 as not meeting satisfactory proficiency levels in the previous spring test
20 shall participate in his or her activities outlined in his or her academic
21 improvement plan. The district shall notify the student's parent of the
22 parent's role and responsibilities as well as the consequences for the
23 student's failure to participate in the plan. Beginning with the 2005-2006
24 school year, students in grades one through six (1-6) identified for an
25 academic improvement plan who do not participate in the program shall be
26 retained. Retention for failure to participate in the academic improvement
27 plan shall expand by at least one (1) grade level for each subsequent
28 academic year after implementation. The Department of Education shall submit
29 a report to the House Interim Committee on Education and the Senate Interim
30 Committee on Education prior to September 2004 of the established additional
31 course requirements for failure to achieve proficiency on End of Course
32 exams. These requirements shall become effective beginning with the 2009-
33 2010 school year. Multiple opportunities to pass End of Course exams shall
34 be provided as defined by the Department of Education. Prior to the 2009-
35 2010 school year, students who are not proficient on the End of Course exams
36 shall participate in a remediation program to receive credit for the

1 corresponding course.

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

7 (4) Schools shall also provide for the frequent monitoring of
8 the student's progress in meeting the desired levels of performance.
9 Remedial instruction provided during high school may not be in lieu of
10 English, mathematics, science, or history core courses required for
11 graduation.

12 (b) Each student who does not meet the minimum performance
13 expectations defined by the state board for the statewide assessment tests in
14 reading, writing, and mathematics shall continue to be provided with remedial
15 or supplemental instruction until the expectations are met or the student is
16 not subject to compulsory school attendance.

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

20
21 6-15-1804. Public school student progression – Remedial instruction –
22 Reporting requirements – Reading deficiency and parental notification.

23 (a) It is the ultimate goal of the General Assembly that every student
24 read at or above his or her grade level. Any student who exhibits a
25 substantial deficiency in reading, based upon statewide assessments conducted
26 in grades kindergarten through two (K-2), or through teacher observations,
27 shall be given intensive reading instruction utilizing a reading program
28 approved by the State Board of Education as soon as practicable following the
29 identification of the reading deficiency. The student's reading proficiency
30 shall be reassessed by utilizing assessments within the state board approved
31 reading program. The student shall continue to be provided with intensive
32 reading instruction until the reading deficiency is corrected.

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

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

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

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

8
9 6-15-1805. Public school student progression – Remedial instruction –
10 Reporting requirements – Elimination of social promotion.

11 No student may be assigned to a grade level based solely on age or
12 other factors that constitute social promotion, except as provided by
13 applicable federal and state law.

14
15 6-15-1806. Public school student progression – Remedial instruction –
16 Reporting requirements – Annual report.

17 (a) In addition to the requirements in § 6-15-1804(b), each district
18 school board shall annually report to the parent or guardian of each student
19 the progress of the student toward achieving state expectations for
20 proficiency in reading, writing, and mathematics. The district school board
21 shall report to the parent, guardian, or the student, if the student is
22 eighteen (18) years of age or older, the student's results on each statewide
23 assessment test. The evaluation of each student's progress shall be based
24 upon the student's classroom work, observations, tests, state assessments,
25 and other relevant information. Progress reporting shall be provided to the
26 parent, guardian, or the student, if the student is eighteen (18) years of
27 age or older, in writing in a format adopted by the district school board
28 which is consistent with § 6-15-1901(b).

29 (b) Beginning with the 2004-2005 school year, each district school
30 board shall annually publish in the local newspaper the school performance
31 report required by § 6-15-1402 and report in writing to the State Board of
32 Education by October 15 of each year, the following information on the prior
33 school year or the latest information available:

34 (1) By grade level, economic status, and ethnicity, the number
35 and percentage of all students in grades kindergarten through twelve (K-12)
36 performing at each category level on the Benchmark exams, on End of Course

1 exams, and the percentile rankings by school and grade level on norm-
 2 referenced exams, any other assessments as required by the State Board of
 3 Education, the number of students taking advanced placement courses, the
 4 number taking the advanced placement exams, and the percent of students
 5 making a 3.0, 4.0, or 5.0 on advanced placement exams;

6 (2) By grade level the number and percentage of all student
 7 retained in grades one through eight (1-8);

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

10 (4) Number of students transferring pursuant to the unsafe
 11 school provision of § 6-15-439; and

12 (5) Number of students transferring pursuant to the Arkansas
 13 Opportunity Public School Choice Act of 2003 § 6-18-227 et seq.

14 (c) This section shall apply to the extent that it is not in violation
 15 of applicable state or federal law.

16
 17 6-15-1807. Public school student progression – Remedial instruction –
 18 Reporting requirements – State Board of Education authority and
 19 responsibilities.

20 The state board shall adopt rules for the administration of this
 21 subchapter pursuant to the Arkansas Administrative Procedure Act, § 25-15-201
 22 et seq.

23
 24 6-15-1808. Public school student progression – Remedial instruction –
 25 Reporting requirements – Technical assistance.

26 (a) The Department of Education shall provide technical assistance as
 27 needed to aid school districts in administering this subchapter.

28 (b)(1) The Department of Education shall, at least semi-annually,
 29 provide a report to the House Interim Committee on Education and the Senate
 30 Interim Committee on Education setting forth the districts requesting
 31 assistance, the date of the requests, the dates and actions taken.

32 (2) The Department of Education shall further report the results
 33 of the action taken or assistance provided.

34
 35 SECTION 6. Arkansas Code Title 6, Chapter 15, is amended to add an
 36 additional subchapter to read as follows:

1 6-15-1901. School rating system – Annual reports.

2 (a) The Department of Education shall prepare annual reports of the
3 results of the statewide assessment program which describe student
4 achievement in the state, each district and each school, as well as the
5 school performance category levels pursuant to §§ 6-15-1902 and 6-15-1903.
6 The department shall prescribe the design and content of these reports that
7 shall include, without limitation, descriptions of achievement of all schools
8 participating in any assessment program and all of their major student
9 populations as determined by the department, provided that the provisions of
10 § 6-15-415 pertaining to student records apply to this section. Annual
11 school performance reports shall be sent to all parents or guardians, posted
12 on the department's website, and published by the local school district in
13 the local newspaper.

14 (b) The department shall provide information regarding performance of
15 students and educational programs as required pursuant to §§ 6-15-433 and 6-
16 15-2301 and implement a system of school reports as required by statute and
17 State Board of Education rule. Annual school performance reports shall be in
18 an easy-to-read format and shall include both the school improvement and
19 performance level designations.

20 (c) The annual report shall designate two (2) category levels for each
21 school, one (1) for the school's improvement gains, tracked longitudinally
22 and using value-added calculations on the criterion-referenced test as
23 defined in § 6-15-404(g)(1), in the latest available test results, known as
24 the annual improvement category level and one (1) based on performance from
25 the prior year on the criterion-referenced test as defined in § 6-15-
26 404(g)(1) and End of Course exams, hereafter referred to as annual
27 performance pursuant to § 6-15-1903. If the criterion-referenced test is not
28 in compliance with § 6-15-404(g)(1), then the Department of Education shall
29 rely on other assessments as defined in 6-15-404(g)(1) test for the
30 calculation of the improvement level.

31
32 6-15-1902. School rating system – Annual improvement category levels.

33 (a) For the designation determined by annual improvement, annual
34 improvement gains on criterion-referenced tests, as defined in § 6-15-
35 404(g)(1), shall identify schools as being in one (1) of the following
36 category levels defined according to rules of the State Board of Education:

- 1 (1) "Level 5", schools of excellence for improvement;
2 (2) "Level 4", schools exceeding improvement standards;
3 (3) "Level 3", schools meeting improvement standards;
4 (4) "Level 2", schools on alert; or
5 (5) "Level 1", schools in need of immediate improvement.

6 (b) The base year for improvement gains shall be established in the
7 2006-2007 school year, with annual improvement category levels assigned in
8 the 2007-2008 school year and each school year thereafter.

9 (c) School annual improvement category level designations shall be
10 based on the following:

11 (1) A combination of student achievement scores as measured by
12 annual academic gain scores on criterion-referenced tests, as defined in § 6-
13 15-404(g)(1), or assessments in grades kindergarten through twelve (K-12);

14 (2) Student assessment data used to determine annual improvement
15 category levels shall include the aggregate scores of the combined
16 population;

17 (d) The state board shall adopt appropriate criteria for each school
18 improvement category levels.

19 (e) Schools that receive an annual improvement category levels of
20 Level 5 or Level 4 are eligible for school recognition awards and
21 performance-based funding pursuant to § 6-15-1909.

22
23 6-15-1903. School rating system – Annual Performance Goals -School
24 annual performance category levels.

25 (a) The annual report shall identify schools as being in one (1) of
26 the following category levels, based on the criterion-referenced Benchmark
27 exams, as defined in 6-15-404(g)(1), and defined according to rules of the
28 State Board of Education:

- 29 (1) "Level 5", schools of excellence;
30 (2) "Level 4", schools exceeding standards;
31 (3) "Level 3", schools meeting standards;
32 (4) "Level 2", schools on alert; or
33 (5) "Level 1", schools in need of immediate improvement.

34 (b)(1) For the years 2004-2005 through 2008-2009, schools will not be
35 assigned annual performance category levels, unless an annual performance
36 category levels is requested by the school.

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

4 (c)(1) For all schools that have received an annual performance
5 category levels of Level 1 for two (2) consecutive years, the students in
6 these schools shall be offered the opportunity public school choice option
7 with transportation provided pursuant to § 6-18-227 et seq.

8 (2) In addition, the school district board shall provide
9 supplemental educational services, approved by the State Board, to affected
10 students.

11 (d) The state board shall adopt appropriate criteria for each school
12 performance category levels.

13 (e) Schools that receive an annual performance category level of Level
14 5 or Level 4 are eligible for school recognition awards and performance-based
15 funding pursuant to § 6-15-1907.

16
17 6-15-1904. Mobility.

18 The Department of Education shall study the effects of mobility on the
19 performance of highly mobile students and recommend programs to improve the
20 performance of such students.

21
22 6-15-1905. School rating system – School improvement and performance
23 category level and improvement and performance rating reports.

24 (a) School annual improvement and performance category level
25 designations and ratings shall apply to each school's achievement for the
26 year in which the achievement is measured.

27 (b) Each school's designation and rating shall be published annually
28 by the Department of Education and the school district, and shall be
29 available on the department's website. Parents and guardians shall be
30 entitled to an easy-to-read written report describing the designation and
31 rating of the school in which their child is enrolled.

32
33 6-15-1906. School rating system – Improvement and performance category
34 levels - Annual.

35 The State Board of Education shall adopt rules necessary to implement §
36 6-15-1901 et seq. pursuant to the Arkansas Administrative Procedure Act, §

1 25-15-201 et seq.

2
3 6-15-1907. Arkansas School Recognition Program.

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

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

10 (1) A category level of Level 5 or Level 4 pursuant to § 6-15-
11 1903 and at least a Level 3 pursuant to § 6-15-1902; or

12 (2) A category level of Level 5 or Level 4 school pursuant to §
13 6-15-1902.

14 (c) Each school meeting the requirements set out in subdivisions
15 (b)(1) or (b)(2) of this section shall receive performance-based funding in
16 the amount of one hundred dollars (\$100) per student who participated in the
17 school's assessment program. All schools meeting both criteria shall receive
18 rewards for both categories. Each school that receives performance-based
19 funding shall submit a proposal for its spending of the performance-based
20 funding to the Department of Education. The department shall review and
21 approve each proposal. The department shall approve spending of performance-
22 based funding for academic expenses only as set forth in subsection (f) of
23 this section.

24 (d) All public schools, including charter schools, that receive school
25 category levels pursuant to §§ 6-15-1902 and 6-15-1903 are eligible to
26 participate in the program.

27 (e) All eligible schools shall receive performance-based funding.
28 Funds shall be distributed to the school's fiscal agent and placed in the
29 school's account and shall be used for purposes listed in subsection (f) of
30 this section as determined by a committee which shall include the principal,
31 a teacher elected by the faculty, and a parent representative selected by the
32 local Parent Teacher Association or some other local parental involvement
33 group. The committee shall make its determination by December 15 of each
34 applicable year.

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

36 (1) Nonrecurring bonuses to the faculty and staff;

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

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

5 (g) The General Assembly shall appropriate and fund sufficient funds
6 to implement this section.

7
8 SECTION 7. Arkansas Code Title 6, Chapter 18, Subchapter 2 is amended
9 to add an additional section to read as follows:

10 6-18-227. Title.

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

13 (2) The purpose of this section is to provide enhanced
14 opportunity for students in this state to gain the knowledge and skills
15 necessary for postsecondary education, a technical education, or the world of
16 work. The General Assembly recognizes that the Arkansas Constitution, as
17 interpreted by the Arkansas Supreme Court in Lake View School District No. 25
18 v. Mike Huckabee, 351 Ark. 31 (2002), makes education a paramount duty of the
19 state. The General Assembly finds that the State Constitution requires the
20 state to provide an adequate education. The General Assembly further finds
21 that a student should not be compelled, against the wishes of the parent,
22 guardian, or the student, if the student is over eighteen (18) years of age,
23 to remain in a school designated as a Level 1 school under § 6-15-1903 for
24 two (2) or more consecutive years. The General Assembly shall make available
25 a public school choice option in order to give a child the opportunity to
26 attend a public school that is performing satisfactorily. The Arkansas
27 Opportunity Public School Choice Act shall take effect with the
28 implementation of school performance category levels.

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

35 (4) A public school choice program is hereby established to
36 enable any student to transfer from a failing school to another public school

1 in the state, subject to the restrictions contained in this section.

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

6 (A) The resident public school has been designated pursuant to §
7 6-15-1903 as a Level 1 school for two (2) or more consecutive school years;
8 and

9 (B) The parent, guardian, or the student, if the student
10 is over eighteen (18) years of age, has notified the Department of Education
11 and both the sending and receiving school districts of the request for a
12 transfer no later than July 30 of the first year in which the student intends
13 to transfer.

14 (2)(A) For the purposes of continuity of educational choice, the
15 transfer shall operate as an irrevocable election for each subsequent entire
16 school year and shall remain in force until the student completes high school
17 or the parent, guardian, or the student, if the student is over eighteen (18)
18 years of age, makes application no later than July 30 for attendance or
19 transfer as provided for by §§6-18-202, 6-18-206, and 6-18-316. Such
20 transfer shall be effective at the beginning of the next academic year.

21 (B) Application for the Arkansas Opportunity Public School
22 Choice Act of 2004 shall be provided by the Department of Education and shall
23 contain a notice that a transfer under this subsection shall operate as an
24 irrevocable choice for at least one (1) entire school year, and shall remain
25 in force until the student completes high school as provided in this
26 subsection, and except as otherwise provided by law.

27 (3)(A) A school district shall, for each student enrolled in or
28 assigned to a school that has been designated as a Level 1 school for two (2)
29 or more consecutive school years:

30 (i) Timely notify the parent, guardian, or the
31 student, if the student is over eighteen (18) years of age, as soon as such
32 practicable after such designation is made of all options available pursuant
33 to this section; and

34 (ii) Offer the parent, guardian, or the student, if
35 the student is over eighteen (18) years of age, an opportunity to enroll the
36 student in any public school that has been designated by the state pursuant

1 to § 6-15-1903 as a school performing higher than that in which the student
2 is currently enrolled or to which the student has been assigned, but not less
3 than annual performance category Level 3. The opportunity to continue
4 attending the higher performing public school shall remain in force until the
5 student graduates from high school.

6 (B) The parent or guardian of a student enrolled in or
7 assigned to a school that has been designated as a school in Level 1 under §
8 6-15-1903 for two (2) or more consecutive years may choose as an alternative
9 to enroll the student in a legally allowable category Level 3 or higher
10 performing public school nearest to the student's legal residence. That
11 school or school district shall accept the student and report the student for
12 purposes of the funding pursuant to applicable state law.

13 (C) Students with disabilities who are eligible to receive
14 services from the school district under federal or state law, including
15 students receiving additional funding through Federal Title Programs specific
16 to the Elementary and Secondary Education Act, and who participate in this
17 program, remain eligible to receive services from the school district as
18 provided by federal or state law and any funding for such student shall be
19 transferred to the district to which the student transfers.

20 (c)(A) Transportation costs shall be the responsibility of the state,
21 and the State Board of Education shall establish rules pertaining to state
22 reimbursement of transportation costs.

23 (B) However, upon the transferring district receiving a category
24 Level 3 or higher for its annual performance, then the transportation costs
25 shall no longer be the responsibility of the state, and the student's
26 transportation and the costs thereof shall be the responsibility of the
27 parents.

28 (d)(1) Each district school board shall offer the opportunity public
29 school choice option within the public schools. The opportunity public
30 school choice option shall be offered in addition other to other existing
31 choice programs.

32 (2) In the event that the opportunity public school choice
33 option results in a receiving district requiring temporary facilities or
34 faculty as a result of and to accommodate the additional students, expenses
35 related thereto in excess of that received for each student electing the
36 opportunity public school choice option shall be borne by the state.

1 (e) The provisions of this section and all student choice options
2 created in this section are subject to the limitations of § 6-18-206(d)
3 through (f):

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

8 (g) Each district school board shall annually report the number of
9 students applying for and attending the various types of public schools of
10 choice in the district, including schools such as magnet schools, according
11 to rules adopted by the state board.

12 (h)(1) A receiving district shall accept credits toward graduation
13 that were awarded by another district.

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

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

20 (j)(1) All school districts shall report to the department on an
21 annual basis the race, gender, and other pertinent information needed to
22 properly monitor compliance with the provisions of this section.

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

26 (3) The department may put on probation the superintendent of
27 any school district that fails to file its report each year or fails to file
28 any other information with a published deadline requested from school
29 districts by the department so long as thirty (30) calendar days are given
30 between the request for the information and the published deadline.

31 (4) A copy of the report shall be provided to the Joint Interim
32 Committee on Education.

33 (k)(1) Any student participating in the opportunity public school
34 choice option shall remain in attendance throughout the school year, unless
35 excused by the school for illness or other good cause, and shall comply fully
36 with the school's code of conduct.

1 (2) The parent or guardian of each student participating in the
2 opportunity public school choice option shall comply fully with the receiving
3 public school's parental involvement requirements, unless excused by the
4 school for illness or other good cause.

5 (3) The parent or guardian shall ensure that the student
6 participating in the opportunity public school choice option takes all
7 statewide assessments, including, but not limited to, Benchmark exams,
8 required pursuant to § 6-15-433.

9 (4) A participant who fails to comply with this section shall
10 forfeit the opportunity public school choice option.

11 (1)(1) The maximum opportunity public school choice funds granted for
12 an eligible student shall be calculated based on applicable state law.

13 (2) The receiving school district shall report all students who
14 transfer from another public school under this program. The students
15 attending public schools pursuant to the opportunity public school choice
16 option shall be reported separately from those students reported for purposes
17 of compliance with applicable state law.

18 (3) The public school that provides services to students with
19 disabilities shall receive funding as determined by applicable federal and
20 state law.

21 (m) The state board shall adopt any rules necessary for the
22 implementation of the Arkansas Opportunity Public School Choice Act of 2004,
23 § 6-18-227 et seq. pursuant to the Arkansas Administrative Procedure Act, §
24 25-15-201 et seq.

25 (n) Losses in revenue to a district directly related to the transfer
26 of students pursuant to this section shall not be considered when determining
27 a district's eligibility for funding pursuant to § 6-20-326 or other school
28 funding formulas as approved by the General Assembly.

29 (o) A district under this program shall request public service
30 announcements to be made over the broadcast media and in the print media at
31 such times and in such manner as to inform parents or guardians of students
32 in adjoining districts of the availability of the program, the application
33 deadline, and the requirements and procedure for nonresident students to
34 participate in the program.

35
36 SECTION 8. Arkansas Code Title 6, Chapter 15, is amended to add an

1 additional subchapter to read as follows:

2 6-15-2001. Implementation of state system of school improvement and
3 education accountability.

4 (a) The Department of Education is responsible for implementing and
5 maintaining a system of intensive school improvement and education
6 accountability that shall include policies and programs to implement the
7 following:

8 (1) A system of data collection and analysis that will improve
9 information about the educational success of individual students and schools.
10 The information and analyses shall be capable of identifying educational
11 programs or activities in need of improvement and reports prepared pursuant
12 to this section shall be distributed to the appropriate district school
13 boards prior to distribution to the general public. No disclosure shall be
14 made that is in violation of applicable federal or state law;

15 (2) A program of school improvement that will analyze
16 information to identify schools educational programs or educational
17 activities in need of improvement;

18 (3) A method of delivering services to assist school districts
19 and schools to improve; and

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

23 (b) The department shall be responsible for the implementation and
24 maintenance of the system of school improvement and education accountability
25 outlined in this section. There shall be an annual determination of whether
26 each school is progressing toward implementing and maintaining a system of
27 school improvement.

28 (c) If progress is not being made, the local school district shall
29 prepare and implement a revised school improvement plan. The department and
30 State Board of Education shall monitor the development and implementation of
31 the revised school improvement plan.

32 (d) The department shall report to the Legislative Council and
33 recommend changes in state policy necessary to foster school improvement and
34 education accountability. Included in the report shall be a list of the
35 schools for which district school boards have developed assistance and
36 intervention plans and an analysis of the various strategies used by the

1 school boards. School reports shall be distributed pursuant to this
2 subsection (d) and § 6-15-1901 and according to rules adopted by the state
3 board.

4 (e)(1) The department shall implement a training program to develop
5 among state and district educators a cadre of facilitators of school
6 improvement. These facilitators shall assist schools and districts to
7 conduct needs assessments and develop and implement school improvement plans
8 to meet state goals.

9 (2) Upon request, the department shall provide technical
10 assistance and training to any school, school district, or district school
11 board for conducting needs assessments, developing and implementing school
12 improvement plans, developing and implementing assistance and intervention
13 plans, or implementing other components of school improvement and
14 accountability. Priority for these services shall be given to schools
15 designated as school districts in academic distress or schools in need of
16 school improvement under state or federal law. The Department of Education
17 shall, no less than semi-annually, provide a report to the House Interim
18 Committee on Education and the Senate Interim Committee on Education setting
19 forth the districts requesting assistance, the state of each request, and the
20 dates and actions taken. The Department of Education shall further report
21 the results of the actions taken or assistance provided.

22 (3) The department shall provide technical assistance to each
23 school that is designated as a Level 1 school or a Level 2 school under § 6-
24 15-1903 to develop a revised school improvement plan.

25 (f) As a part of the system of educational accountability, the
26 department shall:

27 (1) Develop minimum performance standards for various grades and
28 subject areas, as required in §§ 6-15-404 and 6-15-433;

29 (2) Administer the statewide assessment testing program created
30 by § 6-15-433; and

31 (3) Conduct or contract with a provider to conduct the program
32 assessments required by § 6-15-403; and

33 (4) Conduct or contract with any provider for implementation for
34 any part or portion of this act; and

35 (5) Perform any other functions that may be involved in
36 educational planning, research, and evaluation or that may be required by the

1 state board rules and regulations or federal or state law.

2
3 SECTION 9. Arkansas Code Title 6, Chapter 15 is amended to add an
4 additional subchapter to read as follows:

5 6-15-2101. Best financial management practices for school districts –
6 Standards – Reviews – Designation of school districts.

7 (a) The purpose of best financial management practices reviews are to
8 improve Arkansas school district management's use of resources and to
9 identify cost savings. The Department of Education and the Division of
10 Legislative Audit of the Legislative Joint Auditing Committee of the General
11 Assembly are directed to develop a system for reviewing the financial
12 management practices of school districts. In this system, the division shall
13 assist the department in examining district operations to determine whether
14 they meet "best financial management code practices".

15 (b) The best financial management practices adopted by the State Board
16 of Education may be updated periodically after consultation with the
17 Legislative Council, the Governor, the department, school districts, and the
18 division. The department shall submit to the state board for review and
19 possible adoption proposed revisions to the best financial management
20 practices adopted by the state board and reviewed by the Legislative Council.
21 Revised best financial management practices adopted by the state board shall
22 be used in the next scheduled school district reviews conducted according to
23 this section. The best financial management practices, at a minimum, shall
24 be designed to instill public confidence by addressing the school district's
25 use of resources, identifying ways that the district could save funds, and
26 improving districts' performance accountability systems, including public
27 accountability. To achieve these objectives, best practices shall be
28 developed for, but need not be limited to, the following areas:

29 (1) Management structures;

30 (2) Performance accountability;

31 (3) Efficient delivery of educational services, including
32 instructional materials;

33 (4) Administrative and instructional technology;

34 (5) Personnel systems and benefits management;

35 (6) Facilities construction;

36 (7) Facilities maintenance;

1 (8) Student transportation;

2 (9) Food service operations;

3 (10) Cost control systems, including asset management,
4 risk management, financial management, purchasing, internal auditing, and
5 financial auditing;

6 (11) Athletics; and

7 (12) Other extra-curricular activities.

8 (c) The department shall conduct the reviews or contract with a
9 private firm selected through a formal request for proposal process to
10 perform the review. At least one (1) member of the private firm review team
11 shall have expertise in school district finance. The scope of the review
12 shall focus on the best practices adopted by the state board pursuant to
13 subsection (b) of this section.

14 (d) The state board shall consult with the department throughout the
15 best practices review process to ensure that the technical expertise of the
16 department benefits the review process and supports the school districts
17 before, during, and after the review.

18 (e)(1) Each school district shall be subject to a best financial
19 management practices review. The General Assembly also intends that all
20 school districts shall be reviewed biennially by on-site visits and shall be
21 given one of the following designations:

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

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

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

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

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

32 (2) The department shall prepare annual reports of the results
33 of the best financial management practices reviews and shall post to its
34 website the school and the district financial grades. The report, which
35 shall be part of the overall school and district report card requirement
36 pursuant to § 6-15-1806, shall include both revenue sources and

1 expenditures. The reporting of expenditures shall include breakdowns of
2 administrative, instructional, support, and operations expenditures, as well
3 as any other financial commitments of the school and district.

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

7 (g) The department, subject to funding by the General Assembly, may
8 contract with a private firm to conduct best financial management practices
9 reviews.

10 (h) Reviews shall be conducted by the division, the department, or the
11 consultant. Funds may be used for the cost of reviews by the division and
12 private consultants contracted by the state board. Costs may include
13 professional services, travel expenses of the department and of the staff of
14 the division, and any other necessary expenses incurred as part of a best
15 financial management practices review and as preapproved by the department.

16 (i) Districts shall complete a self-assessment instrument provided by
17 the department that indicates the school district's evaluation of its
18 performance on each best practice. The district shall begin the self-
19 assessment no later than sixty (60) days prior to the commencement of the
20 review. The completed self-assessment instrument and supporting
21 documentation shall be submitted to the department no later than the date of
22 commencement of the review as notified by the department. The best practices
23 review team will use this self-assessment information during their review of
24 the district.

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

31 (k) District reviews conducted under this section shall be completed
32 within six (6) months after commencement. The department shall issue a final
33 report to the Legislative Council regarding the district's use of best
34 financial management practices and cost savings recommendations within sixty
35 (60) days after completing the reviews. Copies of the final report shall be
36 provided to the Governor, the state board, the district superintendent, and

1 the districts' school board members. The district superintendent shall
2 notify the press that the final report has been delivered. The notification
3 shall state the department's website address at which an electronic copy of
4 the report is available.

5 (1)(1) If the district is found not to conform to best financial
6 management practices, the report shall contain an action plan, taking public
7 input into consideration, detailing how the district could meet the best
8 practices within two (2) years. The district school board shall develop and
9 approve the implementation schedule within sixty (60) days after receipt of
10 the final report. If a district fails to vote on the action plan within
11 sixty (60) days, the district superintendent and school board members shall
12 be required to appear and present testimony before the state board and the
13 Legislative Council.

14 (2) Within sixty (60) days after the receipt of the final
15 report, the district school board shall notify the state board and the
16 department in writing of the implementation schedule for the action plan.
17 The department shall contact the school district, assess the situation, and
18 offer technical assistance, if needed.

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

20 (1) No later than six (6) months after receipt of the final best
21 financial practices report, the district school board shall submit an initial
22 status report to the Governor, the state board, the division, the department
23 and the Legislative Council on progress made toward implementing the action
24 plan and whether changes have occurred in other areas of operation that would
25 affect compliance with the best practices; and

26 (2)(A) A second status report shall be submitted by the school
27 district to the Governor, the state board, the division, the department, and
28 the Legislative Council no later than six (6) months after submission of the
29 initial report, and every six (6) months thereafter, until status reports are
30 not required.

31 (B) Status reports are not required once the state board
32 concludes that the district is using best financial management practices and
33 the district is designated a grade category "A" for its financial practices.

34 (n) School districts that are determined in their review to be using
35 the best practices and are graded a category "A" pursuant to subsection (e)
36 of this section, shall receive a "Seal of Best Financial Management". The

1 state board designation shall be effective until a district's financial
2 accountability grade decreases. The state board shall revoke the designation
3 of a district school board at any time if it determines that a district is no
4 longer complying with the state's best financial management practices.

5 (o) District school boards that receive a best financial management
6 practices review shall maintain records that will enable independent
7 verification of the implementation of the action plan and any related fiscal
8 impacts.

9 (p) Unrestricted cost savings resulting from implementation of the
10 best financial management practices shall be spent at the school and
11 classroom levels for teacher salaries, teacher professional development,
12 improved classroom and school facilities, student supplies, textbooks,
13 classroom technology, and other direct student instruction activities. Cost
14 savings identified for a program that has restrictive expenditure
15 requirements shall be used for the enhancement of the specific program. If
16 the district is in fiscal distress, the cost savings may be used in
17 accordance with the fiscal distress plan.

18
19 SECTION 10. Arkansas Code Title 6, Chapter 15 is amended to add an
20 additional subchapter to read as follows:

21 6-15-2201. Postsecondary feedback of information to high
22 schools.

23 (a) Representatives from the Arkansas Department of Higher Education
24 and the Arkansas Department of Education will meet with the chairmen of the
25 Senate and House Education Committees or their designees along with the
26 selected superintendents, high school principals, and high school counselors
27 once every biennium to review the Arkansas Placement Status Reports to
28 determine if any revisions in the format of the reports, the information that
29 is reported, or the reporting process need to be made. Agreed upon changes
30 would be reported to the Arkansas Higher Education Coordinating Board, the
31 Arkansas State Board of Education and the Senate and House Education
32 Committees.

33 (b) The department shall report, by high school, to the state board
34 and the General Assembly, no later than November 30 of each year, on the
35 number of prior-year Arkansas high school graduates who enrolled for the
36 first time in public postsecondary education in this state during the

1 previous summer, fall, or spring term indicating the number of students whose
 2 scores on the common placement test indicated the need for remediation
 3 through college-preparatory instruction, provided such disclosure is not in
 4 conflict with applicable federal or state law.

5 (c) The department shall organize school summary reports and student-
 6 level records by school district and high school in which the postsecondary
 7 education students were enrolled and report the information to each school
 8 district no later than January 31 of each year, provided such information is
 9 not in conflict with federal or state law.

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

14 (e) The department shall biennially recommend to the General Assembly
 15 statutory changes to reduce the incidence of postsecondary remediation in
 16 mathematics, reading, and writing for first-time-enrolled recent high school
 17 graduates.

18
 19 SECTION 11. Arkansas Code § 6-15-419 is amended to read as follows:
 20 6-15-419. Definitions.

21 The following definitions shall apply in this subchapter, 6-15-1801 et
 22 seq., 6-15-1901 et seq., 6-18-227, 6-15-2001, 5-15-2101, and 6-15-2201,
 23 unless the context otherwise requires:

24 (1) "Academic Content Standards" means standards which are
 25 approved by the State Board of Education and set the skills to be taught and
 26 mastery level for each grade and content area;

27 ~~(1)(A)~~ (2)(A) "Academic improvement plan" means a plan detailing
 28 supplemental or intervention and remedial instruction, or both, in deficient
 29 academic areas for any student who is not proficient on a portion or portions
 30 of the state-mandated ~~critierion-referenced assessments~~ Arkansas Comprehensive
 31 Assessment Program.

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

34 (ii) All academic improvement plans shall be
 35 annually reviewed and revised to ensure an opportunity for student
 36 demonstration of proficiency in the targeted academic areas on the next

1 ~~state-mandated criterion-referenced assessments~~ Arkansas Comprehensive
2 Assessment Program.

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

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

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

14 ~~(2)~~(3) "Adequate yearly progress" means that level of academic
15 improvement required of public schools or school districts on the state-
16 mandated criterion-referenced examinations and other indicators as required
17 in the Arkansas Comprehensive Testing, Assessment, and Accountability
18 Program, which shall comply with The Elementary and Secondary Education Act
19 as reauthorized in The No Child Left Behind Act of 2001, 20 U.S.C. § 6301, et
20 seq. (2002);

21 ~~(3)~~(4) "Annexation" means the joining of an affected school
22 district or part of the school district with a receiving district under §§ 6-
23 13-1401 et seq.;

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

29 (6) "Annual performance" means that level of academic
30 achievement required of public schools or school districts on the state-
31 mandated criterion-referenced examinations;

32 (7) "Arkansas Comprehensive Assessment Program " means the
33 testing component of Arkansas Comprehensive, Testing, Assessment, and
34 Accountability Program which shall consist of developmentally appropriate
35 assessments for Kindergarten, grades one and two (K-2), national norm-
36 referenced tests in grades three through nine (3-9), any other assessments as

1 required by the State Board of Education, criterion-referenced tests for
 2 grades three through eight (3-8), or other assessments which are based on
 3 researched best practices as determined by qualified experts which would be
 4 in compliance with federal and state law, and End of Course exams for
 5 designated grades and content areas

6 (8) "Arkansas Comprehensive Testing, Assessment, and
 7 Accountability Program" means a comprehensive system that focuses on high
 8 academic standards, professional development, student assessment, and
 9 accountability for schools;

10 ~~(4)~~(9) "Comprehensive school improvement plan" means the
 11 individual school's comprehensive plan based on priorities indicated by
 12 assessment and other pertinent data and designed to provide an opportunity
 13 for all students to demonstrate proficiency on all portions of state-mandated
 14 ~~critierion-referenced assessments~~ Arkansas Comprehensive Assessment Program;

15 ~~(5)~~(10) "Consolidation" means the joining of two (2) or more
 16 school districts or parts of the school districts to create a new single
 17 school district under §§ 6-13-1401 et seq.;

18 ~~(6)~~(11) "Department" means the Department of Education;

19 ~~(7)~~(12) "District improvement plan" means a districtwide plan
 20 coordinating the actions of the various comprehensive school improvement
 21 plans within a district. The main focus of the district improvement plan
 22 shall be to ensure that all students demonstrate proficiency on all portions
 23 of state-mandated ~~critierion-referenced assessments~~ Arkansas Comprehensive
 24 Assessment Program;

25 ~~(8)~~(13) "Early intervention" means short-term, intensive,
 26 focused, individualized instruction developed from ongoing, daily, systematic
 27 diagnosis that occurs while a child is in the initial, kindergarten through
 28 grade one (K-1), stages of learning early reading, writing, and mathematical
 29 strategies to ensure acquisition of the basic skills and to prevent the child
 30 from developing poor problem-solving habits which become difficult to change.
 31 The goal is to maintain a student's ability to function proficiently at grade
 32 level;

33 ~~(9)~~(14) "End of Course" means an examination taken at the
 34 completion of a course of study to determine whether a student demonstrates
 35 attainment of the knowledge and skills necessary to mastery of that subject;

36 (15) "Grade inflation rate" means the statistical gap between

1 actual grades assigned for core classes at the secondary level and student
2 performance on corresponding subjects on nationally normed college entrance
3 exams, such as the American College Test;

4 ~~(10)~~(16) "Grade level" means performing at the proficient or
5 advanced level on state-mandated ~~criterion-referenced~~ Arkansas Comprehensive
6 Assessment Program tests;

7 ~~(11)~~(17) "High school" means grades nine through twelve (9-12);

8 (18) "Longitudinal tracking" means tracking individual student
9 yearly academic achievement gains based on scheduled and annual assessments;

10 ~~(12)~~(19) "Middle level" means grades five through eight (5-8);

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

13 (21)(A) "Parent" means a parent, parents, legal guardian, a
14 person standing in loco parentis, or legal representative, as appropriate, of
15 a student; or

16 (B) The student if the student is eighteen (18) years of
17 age or older;

18 ~~(13)~~(22) "Point-in-time intervention and remediation" means
19 intervention and remediation applied during the academic year upon the
20 discovery that a student is not performing at grade level;

21 ~~(14)~~(23) "Primary" means kindergarten through grade four (K-4);

22 ~~(15)~~(24) "Public school" means those schools or school districts
23 created pursuant to title 6 of the Arkansas Code and subject to the Arkansas
24 Comprehensive Testing, Assessment, and Accountability Program except
25 specifically excluding those schools or educational programs created by or
26 receiving authority to exist pursuant to § 6-15-501, § 9-28-205, §§ 12-29-301
27 et seq., or other provisions of Arkansas law;

28 ~~(16)~~(25) "Public school in school improvement" or "school
29 ~~district~~ in school in need of immediate improvement" means any public school
30 or public school district identified as failing to meet certain established
31 levels of academic achievement on the state-mandated criterion-referenced and
32 norm referenced tests as required by the State Board of Education in the
33 program;

34 ~~(17)~~(26) "Reconstitution" means a reorganization intervention in
35 the administrative unit or governing body of a public school district,
36 including, but not limited to, the suspension, reassignment, replacement, or

1 removal of a current superintendent or the suspension, removal, or
2 replacement of some or all of the current school board members, or both;

3 ~~(18)(A)(i)~~(27)(A)(i) "Remediation" means a process of using
4 diagnostic instruments to provide corrective, specialized, supplemental
5 instruction to help a student in grades two through four (2-4) overcome
6 academic deficiencies.

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

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

14 ~~(19)~~(28) "School district in academic distress" means any public
15 school district failing to meet the minimum level of academic achievement on
16 the state-mandated criterion-referenced examinations as required by the State
17 Board of Education in the program;

18 (29) "School improvement plan" means the individual school's
19 comprehensive plan based on priorities indicated by assessment and other
20 pertinent data and designed to ensure that all students demonstrate
21 proficiency on all portions of state-mandated Arkansas Comprehensive
22 Assessment Program exams;

23 ~~(20)~~(30) "Social promotion" means the passage or promotion from one
24 grade to the next of a student who has not demonstrated knowledge or skills
25 required for grade-level academic proficiency;

26 ~~(21)~~(31) "State board" means the State Board of Education; ~~and~~

27 ~~(22)~~(32) "Uniform school readiness screening" means uniform,
28 objective evaluation procedures which are geared to either kindergarten or
29 first grade, as appropriate, and developed by the state board and
30 specifically formulated for children entering public school for the first
31 time; and

32 (33) Value-added computations of student gains are statistical
33 analyses of the educational impact of the school's instructional delivery
34 system on individual student learning, using a comparison of previous and
35 post student achievement gains against a national cohort.

36

1 SECTION 12. Comprehensive Financial Impact Study.

2 The Department of Education shall conduct a comprehensive financial
3 impact study of the cost of implementing the requirements of this act. The
4 results of the study shall be presented to the House Committee on Education
5 and the Senate Committee on Education by February 1, 2005. If necessary, the
6 department shall supplement or modify its initial report . Any such
7 supplemental report shall be completed and presented to the committees by
8 February 1, 2007.

9
10 SECTION 13. Effective date.

11 Unless otherwise provided herein, this subchapter shall become
12 effective on July 1, 2004.

13
14 SECTION 14. EMERGENCY CLAUSE. It is found and determined by the
15 General Assembly of the State of Arkansas that the Arkansas Supreme Court in
16 Lake View School District No. 25 v. Huckabee, 351 Ark. 31 (2002) has declared
17 the now current system of education to be unconstitutional because it is both
18 inequitable and inadequate; that the Arkansas Supreme Court has set forth the
19 test for a constitutional system to be one in which the state has an
20 "absolute duty" to provide and "equal opportunity to an adequate education";
21 that the Arkansas Supreme Court has instructed the General Assembly to define
22 and provide what is necessary to provide an adequate and equitable education
23 for the children of Arkansas. Therefore, an emergency is declared to exist
24 and this act being immediately necessary for the preservation of the public
25 peace, health, and safety shall become effective on:

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

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

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

32
33 /s/ Bryles, et al
34
35
36