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**ARKANSAS DIVISION OF ELEMENTARY AND SECONDARY EDUCATION RULES
GOVERNING DATA REPORTING, THE ARKANSAS PUBLIC SCHOOL COMPUTER
NETWORK, AND INFORMATION SYSTEMS**

1.00 REGULATORY AUTHORITY

1.01 These rules are promulgated pursuant to Ark. Code Ann. §§ 6-11-105, 6-11-128, 6-13-620, 6-15-2918, 6-17-410, 6-18-213, 6-20-1805, 6-20-1904, 6-20-2001 et seq., 6-20-2101 et seq., 6-20-2201 et seq., 6-23-105, 6-80-107, 25-6-107, 25-15-204, 26-26-1907, and 26-80-101.

1.02 These rules shall apply to all public school districts, open enrollment public charter schools, and education service cooperatives.

2.00 PURPOSE

2.01 The purpose of these rules is to identify and define the rules, procedures, and practices regarding the Arkansas Public School Computer Network (APSCN) and other related systems relating to the Arkansas Division of Elementary and Secondary Education ("Division"), public school districts, open enrollment public charter schools, and education service cooperatives.

3.00 DEFINITIONS – For purposes of these rules, the following mean:

3.01 "Annual Financial Budget (AFB)" means the annual budget of expenditures and receipts required by Ark. Const. Art. 14, § 3, and Ark. Code Ann. §§ 6-11-128, 6-13-620 and 6-20-2202.

3.02 "Annual Financial Report (AFR)" means the fiscal year annual report of financial information as required by Ark. Code Ann. § 6-20-2202.

3.03 "Approved Budget" means an AFB that has received the required written notification from the Division that the AFB presented was not identified as deficient as of February 15 of the current year.

3.04 "Arkansas Financial Accounting Handbook" means the uniform chart of accounts and related codes which are established by the Division and incorporated into these rules as the "Arkansas Handbook", and used for accounting and financial reporting of all public schools, school districts, open enrollment charter schools, and education service cooperatives as referenced in Ark. Code Ann. § 6-20-2202.3.

3.05 "Athletic Expenditures" means all direct and indirect expenses related to interschool athletic programs, prorated if necessary.

- 3.06 “Authorized Entity” means an entity recognized by the Division to accept data with an executed Memorandum of Understanding (MOU), a Data Sharing Agreement (DSA), or both, and that meets all applicable federal and state laws and rules of the Division.
- 3.07 “Cycle Reports” are mandatory reports that summarize financial and student information and that are certified and submitted to the state. The purpose of these reports is to ensure that every school district has access to comparable administrative computing systems and services with which to meet all local and state requirements, to promote increased compatibility of the administrative records and data maintained by each school district, to reduce the paperwork and reporting burden of school sites and districts, and to increase the accuracy and timeliness of data submitted by school districts. These reports are used for reporting to state and federal agencies, as well as legislative committees. These reports are also used for purposes of calculating funding for school districts.
- 3.08 “Deficient” or “Deficiency” means:
- 3.08.1 A finding by the Division auditors that budget or financial accountability reports do not meet the mandated expenditure requirements in effect for the appropriate year;
- 3.08.2 The budget or financial accountability reports contain one or more material misstatements of financial information; or
- 3.08.3 Budgeted revenue, expenditures, and fund balances are not in compliance with law or Division rules.
- 3.09 “Electronic Transcripts” means a student transcript that is formatted and transmitted electronically in the uniform method prescribed by the Division of Higher Education and the Division for use by public schools and institutions of higher education in this state.
- 3.10 “Financial Management Systems Applications” means the computer software used primarily to process and record financial transactions.
- 3.11 “Full-time Equivalent (FTE)” means the amount of time an employee works during a school year (July 1 through June 30 of the following calendar year) as a percentage of the amount of time a full-time employee in the same position would work during a school year.
- 3.12 “Local Educational Agency (LEA)” means all Arkansas public school districts, open-enrollment public charter schools, and education service cooperatives.

3.13 “Special Needs Categories” means the state funding categories of Alternative Learning Environments (ALE), English Language Learners (ELL), Enhanced Student Achievement Funding (ESA funding), and Professional Development (PD).

3.14 “State Board of Education (SBE)” means the Arkansas State Board of Education.

3.15 “State Funds” means all money derived from state revenues, specifically including but not limited to, distributions from the Department of Education Public School Fund Account and uniform rate of tax ad valorem property taxes distributed to a public school or school district.

3.16 “Student Management Systems Applications” means the computer software used primarily to process and maintain student records.

4.00 COMPREHENSIVE INFORMATION SYSTEMS

4.01 The Division shall:

4.01.1 Establish and maintain comprehensive information systems that allow reporting, analysis, and data-driven decision-making by LEAs;

4.01.2 Provide technical assistance to LEAs in the use of the data; and

4.01.2.1 Provide data access to any authorized entity for analyzing computations and posting public school, public school district, and state student achievement, if the disclosures are not in conflict with applicable federal and state law.

4.01.2.2 The Division shall provide electronic resources for educators to support and augment student achievement, efficiency, and educational initiatives.

4.01.2.3 The Division may contract with providers to collect, maintain, and analyze data and prepare reports.

4.01.3 Implement the use of policies, procedures, and personnel to provide for data quality and security of all data transmitted over APSCN.

5.00 REQUIRED USE OF THE STUDENT MANAGEMENT SYSTEM APPLICATIONS

5.01 All LEAs must use the following student management systems applications of the Arkansas Public School Computer Network (APSCN):

5.01.1 Demographics;

5.01.2 Attendance;

5.01.3 Scheduling;

5.01.4 Mark Reporting;

5.01.5 Discipline;

5.01.6 Medical; and

5.01.7 Other applications as required by the Division.

6.00 LOCAL EDUCATION AGENCY (LEA) NUMBERS

6.01 The Division is the sole and official issuer of LEA numbers to educational entities in the State of Arkansas.

6.02 These numbers shall be issued, activated, deactivated, or changed according to the annual schedule and in a format established by the Division.

6.03 An educational entity shall not be recognized as a public school district or entitled to the rights and privileges of a school district solely because the educational entity has been assigned an LEA number.

6.04 All requests for an LEA number assignment or change must be submitted on a form supplied by the Division by June 1 in order for the assignment or change to be effective for the following school year.

7.00 TRANSCRIPTS

7.01 An Arkansas public school shall use an electronic transcript in lieu of a paper transcript to:

7.01.01 Provide to the Division of Higher Education as necessary to process state financial aid applications for students in grades nine through twelve (9-12); and

7.01.02 Transmit a transcript between public schools to correctly enroll and place students in grades kindergarten through twelve (K-12) transferring between public schools.

8.00 FINANCIAL INFORMATION REQUIRED BY APSCN

8.01 APSCN shall be the official financial record of all LEAs. All LEAs shall, at a minimum, use the following financial management systems applications of APSCN as described in Ark. Code Ann. § 6-11-128(a)(2):

8.01.1 Fund Accounting (including all activity funds);

8.01.2 Budget Preparation;

8.01.3 Human Resources;

8.01.4 Fixed Assets;

8.01.5 Attendance;

8.01.6 Discipline;

8.01.7 Mark reporting;

8.01.8 Medical; and

8.01.9 Scheduling.

8.02 The ex officio financial secretary of each LEA shall keep a record of the following information in a format required by the Division:

8.02.1 The daily expenditures and receipts of the LEA;

8.02.2 Information on fund balances maintained by the LEA, including, but not limited to:

8.02.2.1 Sources of the funds maintained as fund balances, to the extent practicable; and

8.02.2.2 Reasons for maintaining, instead of spending, the fund balances; and

8.02.3 The amount of funds transferred between various funds during the past year.

8.03 The LEA shall identify the funds transferred between and the amount of funds transferred, including, but not limited to:

8.03.1 The amount of fund balances dedicated for the construction, maintenance, or repair of academic or athletic facilities.

8.03.2 Any information necessary for the Division to verify whether funds allocated for educational purposes, including, but not limited to, student academic needs and the maintenance and operation of public school district facilities, are used for their intended purposes or retained by the school district in its fund balances.

8.04 FTEs and Average Salaries, Annual Financial Report (AFR) and Annual Financial Budget (AFB).

8.04.1 Information regarding FTEs and average salaries, and the AFR and AFB shall be electronically submitted to the Division by LEAs in the format required by the Division.

8.04.2 The official date of filing with the Division shall be the date and time received by APSCN.

8.04.3 The Board of Directors of each LEA shall:

8.04.3.1 Electronically file the AFR in the required format with the Division by August 31 of each year.

8.04.3.1.1 The data to be reported in the AFR is outlined in Ark. Code Ann. § 6-20-2202(d)(1)(A) and includes, but is not limited to, daily expenditures and receipts of the LEA.

8.04.3.1.2 If material errors are discovered in the AFR by either the LEA or the Division, a corrected AFR must be resubmitted by September 10. Otherwise, no changes shall be made to the LEA's financial data after it has been submitted to the Division as part of the AFR.

8.04.3.1.3 Each LEA shall perform a final close of its fiscal year immediately following submission of the AFR. Closing activities would include any entry adjusting applicable to the previous year, balancing the bank statements, all reconciliations, and journal entries required. If a final close has been performed before errors are discovered, APSCN should be contacted to reopen the fiscal year.

8.04.3.2 Approve, by board resolution (signed by the-ex-officio financial secretary and board president), and electronically file the AFB in the required format with the Division by September 30 of each year.

8.04.3.2.1 If the approved AFB and board resolution are not filed by September 30, all warrants or checks issued after

September 30 are invalid and the superintendent and the superintendent's surety shall be liable.

8.04.3.3 State Funds may be withheld if the AFB and AFR have not been received by the Division.

8.04.3.3.1 State aid may only be withheld if the Division met all deadlines for providing pertinent information to school districts, open-enrollment charter schools, or education service cooperatives.

8.04.3.3.2 The Division may only withhold funds until the reporting requirements of Ark. Code Ann. § 6-20-2202 et seq. and these Rules are met.

8.04.4 Annually, by February 15, the financial accountability office of the Division shall review the LEAs' most currently submitted AFR, AFB, FTEs, and average salaries for deficiencies in the financial records. Any errors related to the coding and reporting of financial information that causes a material misstatement of financial information will be cause for determining a deficiency. A material misstatement occurs whenever the submitted data has more than a ten percent (10%) variance from the correct data or when corrective action is not taken after the Division has sent written notification to the LEA regarding specific errors discovered in the financial records.

8.04.4.1 The Division review will include, but not be limited to, the items listed in Ark. Code Ann. § 6-20-2203(c).

8.04.4.2 If deficiencies are found in any of the financial records, the Division shall notify in writing, via certified mail, the superintendent or director of the LEA the specific deficiencies found.

8.04.4.2.1 The LEA will have thirty (30) days to respond to the notification of deficiency. The response must include:

8.04.4.2.1.1 A proposed corrective action plan;

8.04.4.2.1.2 A training schedule to educate all pertinent personnel, if necessary;

8.04.4.2.1.3 A procedure to prevent a repeat of the deficiency; and

8.04.4.2.1.4 Any other information necessary to explain and correct the deficiency.

8.04.4.3 The response shall not be considered a right of appeal.

8.05 If the review determines the financial records are not properly maintained, submitted, or administered by the LEA in accordance with state or federal laws, State Board SBE and Division rules, or the Arkansas Financial Accounting Handbook, then eligible State Funds shall be withheld until the financial issues have been resolved.

8.06 The SBE may require the superintendent or director and board members to provide a written explanation, appear before the SBE, or both, to explain why the district is not complying with state laws or rules.

8.07 It is the duty of the Division to monitor LEA financial records and other pertinent records.

8.08 The Division shall have the authority to review, analyze, and inspect the financial records of any LEA in order to verify that an LEA is correctly and accurately reporting revenues and expenditures in accordance with the Arkansas Financial Accounting Handbook.

8.09 Recording audit adjustments will be the only adjustments made to previous year data after the September 30 deadline.

8.10 APSCN will document the LEAs that are allowed to make audit adjustments to the previous year data.

9.00 ARKANSAS FINANCIAL ACCOUNTING HANDBOOK

9.01 The Division shall establish and implement a uniform chart of accounts and related codes known as the Arkansas Financial Accounting Handbook (Arkansas Handbook) which all LEAs shall use for reporting actual and budgeted revenues and expenditures.

9.01.1 The amendments, annual revisions, and financial accounting updates to the Arkansas Handbook shall be developed with representatives from the Arkansas Association of School Business Officials, the Education Service Cooperatives, and other school district officials as designated by the Division.

9.01.2 Prior to amending the Arkansas Handbook, the Division shall provide written notice via a Commissioner's Memo to the LEAs.

9.01.3 Amendments, annual revisions, and financial accounting updates shall be effective on July 1 of the next fiscal year or 90 days from the date of the issuance of the Commissioner's Memo, whichever is later, unless:

9.01.3.1 The Commissioner declares an emergency, at which time the change shall be effective immediately upon the date specified in the Commissioners Memo;

9.01.3.2 A new program or revenue source requires new accounting codes, at which time the change shall be effective immediately upon the date specified in the Commissioner's Memo; or

9.01.3.3 Upon mutual agreement between the affected districts, at which time the change shall be effective immediately upon the date specified in the Commissioner's Memo.

10.00 CYCLE SUBMISSIONS

10.01 All LEAs shall use ~~the Arkansas Public School Computer Network (APSCN)~~ APSCN to submit cycle reports to the Division using the Statewide Information System (SIS).

10.02 The SIS Handbook shall be published annually by the Division containing the required data elements and dates for cycle submissions.

10.03 All data submitted to the Division by cycle submission (Cycle Data) is considered to be certified. The superintendent or director of each LEA shall review and ensure the accuracy of all data submitted.

10.04 Failure to submit Cycle Data by the prescribed date or the submission of inaccurate or incomplete data may result in one or more of the following:

10.04.1 Withholding of State Funds;

10.04.2 An increased risk factor in determining whether additional auditing or an increased level of support is needed;

10.04.3 Referral to the Division for consideration of a violation of the Standards for Accreditation;

10.04.4 Referral to the Division for consideration of fiscal distress;

10.04.5 Referral to the Professional Licensure Standards Board;

10.04.6 Possible reporting to the appropriate authorities;

10.04.7 The Division may require the LEA superintendent, director, and/or other school personnel identified by the Division, to attend additional training on proper data submission to address any deficiencies. Failure to attend

the required training may result in any of the actions listed in Section 10.04.

10.05 Any district that fails to file the attendance record reports required by Ark. Code Ann. § 6-18-213 shall have the remainder of its state foundation funding withheld, placed in escrow, and released when the reports are received.

10.06 The Division may withhold State Funds from any LEA that fails to file its budget or any other required report with the Division by the deadline established on the list of all required financial accountability reports, provided that the Division has met the deadline for providing information pertinent to meeting the deadlines.

11.00 TIER I AND II TRAINING

11.01 The Division shall establish two (2) tiers of required training that apply to all LEAs in accordance with Ark. Code Ann. § 6-20-2204.

11.02 Failure to complete the required trainings may result in sanctions in accordance with Ark. Code Ann. § 6-20-2204.

11.03 *A minimum of Two two (2) persons per LEA are required to attend the initial and annual Tier I trainings by December 31 of each year, including the superintendent, or education service cooperative director, and a person whose job responsibilities include preparing the budget or overall accounting responsibility.*

11.03.1 The trainings may be provided by an institution of higher education in this state, the Division, the Arkansas Association of School Business Officials, or from another provider approved by the Division.

11.03.2 All providers of Tier I training, except for the Division, shall apply and receive preapproval from the Division prior to offering the training.

11.03.2.1 The provider must submit a request for approval which shall include the form and content of the training.

11.03.2.2 The Division will review the request and issue an approval or denial of the training.

11.03.2.3 If additional information is requested, the provider will be responsible for providing an immediate response in order to gain approval in a timely manner.

11.03.2.4 If the provider is granted approval to offer the training, Division staff shall be allowed to attend all training sessions, without being required to pay for registration, in order to monitor for quality and completeness.

- 11.03.3 Approved training sessions may be held throughout the state, via distance learning, or from an online course.
- 11.03.4 The provider shall submit a list of all persons who have attended the Tier I training to the Division. The Division shall maintain a record of the Tier I instructional hours obtained for each individual.
- 11.03.5 Persons failing to obtain required Tier I training by the end of the calendar year and who fail to cure the deficiency by March 1 of the following calendar year without filing a request for an extension shall not be able to continue in their position in accordance with Ark. Code Ann. § 6-20-2204.
- 11.03.5.1 The request for an extension must be sent to the Division by certified mail, return receipt requested.
- 11.03.5.2 The request for an extension must be received by the Division prior to March 1.
- 11.03.5.3 The request shall include the reason why the required training was not obtained and a corrective action plan for obtaining the required training in a timely manner.
- 11.03.5.4 Unless an extension has been granted, for each person failing to obtain the required training by March 1, ***the Division shall immediately:***
- 11.03.5.4.1 ***The Division shall Notify notify*** the superintendent or director of the employing LEA and the board president ***by certified mail, return receipt requested.***
- 11.03.5.4.2 ***The superintendent or director of the employing LEA shall notify the person Notification shall be sent*** by certified mail, return receipt requested.
- 11.03.5.4.3 Any person who has failed to obtain the required training shall be unable to continue in their position from the date of receipt of notification by the superintendent or director of the employing school district, open enrollment charter school, or education service cooperative.
- 11.03.5.4.4 Any person receiving notification that they are unable to continue in their position solely because of the failure to obtain the required training may request a

hearing before the State Board SBE prior to his or her permanent dismissal.

11.04 If the person fails to obtain all required training by December 31, the failure shall constitute one (1) citation under the Standards for Accreditation against the LEA, or shall constitute an admonishment to the education service cooperative.

11.04.1 If the person is unable to obtain the required training because of military service or illness as verified by a written sworn statement of the person's attending physician, the Division shall grant an extension permitting additional time to obtain the required training.

11.04.2 The issuance of an extension shall not constitute a citation under the Standards for Accreditation to the LEA or an admonishment to the education service cooperative, and shall not operate as a removal of the person from their position.

11.05 Persons employed as of July 1 must obtain the required training by December 31 of that year.

11.06 Persons employed after July 1 must obtain the required training by December 31 of the following year.

**ARKANSAS DEPARTMENT OF EDUCATION RULES GOVERNING
THE ISSUANCE OF LOCAL EDUCATION AGENCY NUMBERS**

January 2016

1.00 REGULATORY AUTHORITY

- 1.01—These rules shall be known as the Arkansas Department of Education Rules Governing the Issuance of Local Education Agency Numbers.
- 1.02—The State Board of Education enacted these rules pursuant to its authority as set forth in Ark. Code Ann. §§ 6-11-105, 25-6-107, and 25-15-204.

2.00 REQUIRED REPORTS

- 2.01—The Department of Education is the sole and official issuer of local education agency numbers to educational entities in the State of Arkansas.
- 2.02—These numbers shall be issued, activated, deactivated, or changed according to the annual schedule and in a format established by the Arkansas Department of Education.
- 2.03—An educational entity shall not be recognized as a public school district or entitled to the rights and privileges of a school district solely because the educational entity has been assigned a local education agency number.
- 2.04—All requests for a local education agency number assignment or change must be submitted on a form supplied by the Arkansas Department of Education. School districts must submit such requests by August 1 prior to the beginning of the school year for which the request is made.

— *Note: For instance, if a school district requests an assignment of, or change to, a local education agency number for the 2016-2017 school year, such a request must be submitted to the Arkansas Department of Education by August 1, 2016.*

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Arkansas Department of Education
Rules Governing the Final Close of Public School Financial Records
September 2007

1.00—Authority

1.01—The Arkansas State Board of Education’s authority for promulgating these rules is pursuant to A.C.A. §§ ~~6-11-105 and 6-20-2202 (d)(1)(B)~~ as amended by Act 858 of the 2007 regular session.

1.02—These Rules shall be known as the Arkansas Department of Education Rules Governing the Final Close of Public School Financial Records.

2.00—Purpose

2.01—The purpose of these rules is to establish the deadline for any changes made to a district’s general ledger database for the immediate previous year.

3.00—Definitions—For the purposes of these Rules, the following terms mean:

3.01—“APSCN” means the Arkansas Public School Computer Network.

3.02—“Final Close” means the last date on which changes to the APSCN general ledger database can be made on previous year data.

4.00—Procedures

4.01—For the 2006-2007 annual report, the final date on which all revenues and expenditures must be completed is September 30, 2007.

4.02—Closing activities would include any adjusting entries applicable to the previous year, balancing the bank statements, all reconciliations, and journal entries required.

4.03—All closing activities for the 2006-2007 school year must be completed by September 30, 2007 and September 15 for each school year thereafter.

4.04—APSCN shall ensure that proper controls and edits are in place to prohibit changes to the district’s databases after the final close has been performed.

4.05—A final close must be performed in each school district, open enrollment charter school, or education service cooperative.

5.00 — Audit Adjustments

- ~~5.01 — After the fiscal year end audit has been completed and errors are identified which require adjusting entries for the previous year data, the district, charter school, or education cooperative will be required to contact APSCN to obtain the appropriate permission to correctly record the audit adjustment required by audit.~~
- ~~5.02 — Recording audit adjustments will be the only adjustments made to previous year data after the September 30 deadline.~~
- ~~5.03 — A report will be maintained by APSCN of all districts granted permission to make audit adjustments to the previous year data as described in Section 5.01 of this rule.~~

DRAFT

Arkansas Department of Education
Rules Governing the Arkansas Educational Financial Accounting and
Reporting System and Annual Training Requirements

January 2017

1.00 — Regulatory Authority

1.01 — These rules are promulgated pursuant to Ark. Code Ann. §§ 6-11-105, 6-11-128, 6-13-620, 6-17-410, 6-20-1805, 6-20-2002, 6-20-2004, 6-20-2104, 6-20-2201 et seq., 6-23-105, 26-26-1907, and 26-80-101.

2.00 — Purpose

2.01 — These rules shall be applied to all school districts, open enrollment public charter schools, and education service cooperatives for the purposes of accounting and reporting revenues and expenditures and for providing required training.

3.00 — Definitions

For purposes of these rules, the following terms shall be defined to mean:

3.01 — Annual Financial Budget (AFB) — the annual budget of expenditures and receipts required in Ark. Const. Art. 14, § 3, and Ark. Code Ann. §§ 6-11-128, 6-13-620 and 6-20-2202.

3.02 — Annual Financial Report (AFR) — the fiscal year annual report of financial information as required by Ark. Code Ann. §6-20-2202.

3.03 — Approved Budget — an AFB that has received the required written notification from the Department that the AFB presented was not identified as deficient as of February 15 of the current year.

3.04 — Arkansas Public School Computer Network (APSCN).

3.05 — Arkansas Financial Accounting Handbook — the uniform chart of accounts and related codes which are established by the Department and incorporated into these rules as the “Arkansas Handbook, and used for accounting and financial reporting of all public schools, school districts, open enrollment charter schools, and education service cooperatives.

3.06 — Athletic Expenditures — all direct and indirect expenses related to interschool athletic programs, prorated if necessary.

3.07 — Budget Review — the process of determining if the AFB submitted to the Department meets the mandated expenditure requirements in effect for the

- appropriate year and that budgeted revenue, expenditures and fund balances are reasonable and in compliance with law.
- ~~3.08—Court Ordered Desegregation Funding—state funds received by an LEA under a federal court order or a settlement agreement in desegregation litigation.~~
- ~~3.09—Deficient—a finding by the Department auditors that budget or financial accountability reports do not meet the mandated expenditure requirements in effect for the appropriate year; that budget or financial accountability reports contain one or more material misstatements of financial information; or that budgeted revenue, expenditures and fund balances are not in compliance with law or Department rules.~~
- ~~3.10—Arkansas Department of Education (Department).~~
- ~~3.11—Full-time Equivalent (FTE)—The amount of time an employee works during a school year (July 1 through June 30 of following calendar year) as a percentage of the amount of time a full-time employee in the same position would work during a school year.~~
- ~~3.12—Interschool Athletic Program—any athletic program which is organized primarily for the purpose of competing with other schools, public or private; or any athletic program which is subject to regulation by the Arkansas Activities Association.~~
- ~~3.13—Interschool Scholastic Activities—any interschool activity program that is outside the regular curriculum, excluding interschool athletic programs as defined by Ark. Code Ann. § 6-20-2002(3), which is organized primarily for the purpose of competing with other schools, public or private; or any program or activity, excluding interschool athletic programs as defined by Ark. Code Ann. § 6-20-2002(3), which is subject to regulation by the Arkansas Activities Association.~~
- ~~3.14—Interschool Scholastic Activity Expenditures—all direct and indirect expenses related to interschool scholastic activities, prorated if necessary.~~
- ~~3.15—Local Educational Agency (LEA)—all Arkansas public school districts, open-enrollment public charter schools and education service cooperatives.~~
- ~~3.16—Material Findings—a financial condition that jeopardizes the fiscal integrity of the school district.~~
- ~~3.17—Arkansas State Board of Education (SBE)~~

- 3.18 ~~Special Needs Categories~~—the state funding categories of ~~Alternative Learning Environments, English Language Learners, National School Lunch Act funding, and Professional Development.~~
- 3.19 ~~State Funds~~—all money derived from state revenues, specifically including but not limited to, distributions from the Department of Education Public School Fund Account and uniform rate of tax ad valorem property taxes distributed to a public school or school district.
- 3.20 ~~Tier I & II Employees~~—those employees described as Tier I or Tier II employees in §10 of this rule.
- 3.21 ~~Tier I & Tier II Training~~—that training described as Tier I or Tier II training in §10 of this rule.
- 3.22 ~~Valid Comparisons~~—comparisons deemed to be relevant to the subject material in substance and scope.

4.00 Annual Financial Report (AFR)

- 4.01 ~~The AFR shall be electronically submitted to the Department by LEAs in the format required by the Department.~~
- 4.02 ~~At least fifteen (15) calendar days before the date required to submit the AFR, APSCN shall make available to the LEAs the programs needed to collect the AFR data.~~
- 4.03 ~~The AFR shall be filed electronically with the Department by August 31 of each year. If August 31 is on a weekend or state holiday, the AFR electronic submission shall be on the first work day for state employees following the weekend or state holiday.~~
 - 4.03.1 ~~For purposes of compliance with these rules, the official date of filing with the Department shall be the date and time the AFR is recorded as received by APSCN.~~
 - 4.03.2 ~~If errors are discovered in the AFR by either the LEA or the Department, a corrected AFR may be resubmitted by September 15 of the same calendar year it was originally due. If September 15 is on a weekend or state holiday, the resubmission shall be on the first work day for state employees following the weekend or state holiday.~~
- 4.04 ~~No changes shall be made to the LEA's financial data after it has been submitted to the Department as a part of the AFR, unless the AFR is resubmitted by the deadline specified in 4.03.2 of this rule.~~

~~4.05~~ Each LEA shall perform a final close of its fiscal year immediately following its submission of the AFR. If a resubmission is necessary and within the timeframe allowed by 4.03.2 of this rule, APSCN shall be contacted in order to re-open the fiscal year.

~~4.06~~ The data to be reported in the AFR includes, but is not limited to:

~~4.06.1~~ The daily expenditures and receipts of the LEA;

~~4.06.2~~ Information on fund balances maintained by the LEA, including without limitation, the:

~~4.06.2.1~~ Sources of funds maintained as fund balances, to the extent practicable;

~~4.06.2.2~~ Reasons for maintaining, instead of spending, the fund balances;

~~4.06.2.3~~ Amount and identification of funds transferred between various funds during the past year;

~~4.06.2.4~~ Amount of fund balances dedicated for the construction, maintenance, or repair of academic or athletic facilities.

~~4.06.2.5~~ Information sufficient to verify whether funds allocated for educational purposes, including, but not limited to, student academic needs and the maintenance and operation of public school district facilities, are used for their intended purposes or retained by the school district in its fund balances.

5.00 Annual Financial Budget (AFB)

~~5.01~~ The AFB shall be electronically submitted to the Department by LEAs in the format required by the Department.

~~5.02~~ The AFB shall be filed electronically with the Department by September 30 of each year. If September 30 is on a weekend or state holiday, the AFB electronic submission shall be on the first work day for state employees following the weekend or state holiday.

~~5.02.1~~ For purposes of compliance with these rules, the official date of filing with the Department shall be the date and time the AFB is recorded as received by APSCN.

~~5.02.2 At least fifteen (15) calendar days before the date required to submit the AFB, APSCN shall make available to the LEAs the programs needed to collect the AFB data.~~

~~5.03 The AFB shall be approved by the board of directors of each LEA at a legally held meeting and shall be signed by the president of the board of directors and the ex-officio financial secretary of each LEA.~~

~~5.03.1 The order or resolution of the local board approving the AFB shall be signed by the president of the local board and the superintendent or director of each LEA.~~

~~5.03.2 If the AFB and the order or resolution approving the AFB are not filed with the Department on or before September 30 and as required by these rules, then all warrants or checks issued by the LEA after September 30 shall be declared invalid and the Superintendent and his or her surety shall be liable for any warrants or checks countersigned after the September 30 deadline.~~

~~5.03.3 If the AFB and the order or resolution approving the AFB are not filed with the Department on or before September 30 and as required by these rules, the Department may withhold state aid for which an LEA is eligible until the reporting requirements of these rules are met in full compliance.~~

~~5.03.3.1 State aid may only be withheld provided that the Department of Education has met all deadlines for providing pertinent information to school districts, open-enrollment charter schools, or education service cooperatives.~~

~~5.03.3.2 The Department of Education shall submit a list of all required financial accountability reports along with due dates to each school district, open-enrollment public charter school, or educational service cooperative by July 1 of each year.~~

6.00 — Full-time Equivalents (FTEs) and Average Salaries

~~6.01 Information regarding FTEs and Average Salaries shall be electronically submitted to the Department by LEAs in the format required by the Department.~~

~~6.02 Information regarding FTEs and Average Salaries shall be filed electronically with the Department by July 31 of each year. If July 31 is~~

~~on a weekend or state holiday, the electronic submission shall be on the first work day for state employees following the weekend or state holiday.~~

~~6.02.1 For purposes of compliance with these rules, the official date of filing with the Department shall be the date and time the electronic submission is recorded as received by APSCN.~~

~~6.02.2 At least fifteen (15) calendar days before the date required for submission to the Department, APSCN shall make available to the LEAs the programs needed to collect the FTEs and Average Salaries data.~~

7.00 — Arkansas Handbook

~~7.01 — The Department shall establish and implement a uniform chart of accounts and related codes known as the Arkansas Financial Accounting Handbook (Arkansas Handbook) which shall be the uniform chart of accounts and codes utilized in reporting revenues and expenditures.~~

~~7.01.1 The Arkansas Handbook is hereby incorporated by reference into these rules. However, the Arkansas Handbook is exempt from the rule-making process and may be amended, revised or updated as provided in these rules or law.~~

~~7.01.2 The amendments, annual revisions, and financial accounting updates to the Arkansas Handbook shall be developed with representatives from the Arkansas Association of School Business Officials, the Education Service Cooperatives, and other school district officials as designated by the Department.~~

~~7.01.3 Prior to amending the Arkansas Handbook, the Department shall provide written notice via a Commissioner's Memo to the school districts, open enrollment charter schools and education cooperatives. Amendments, annual revisions, and financial accounting updates shall be effective on July 1 of the next fiscal year or 90 days from the date of the issuance of the Commissioner's Memo, whichever is later, unless:~~

~~7.01.3.1 The Commissioner declares that there is an emergency, at which time the change shall be effective immediately upon the date specified in the Commissioners Memo; or,~~

~~7.01.3.2 A new program or revenue source requires new accounting codes, at which time the change shall be effective immediately upon the date specified in the Commissioner's Memo; or,~~

~~7.01.3.3 The change affects only a few school districts and the school districts have mutually agreed to make the change. The change shall be effective immediately upon the date specified in the Commissioner's Memo.~~

~~7.02 The Arkansas Handbook shall be the chart of accounts and codes utilized by LEAs in making the record of actual revenues and expenditures and the annual budget of revenues and expenditures required by these rules.~~

8.00 Department Review of LEA Financial Records

~~8.01 By February 15 of each year, the Financial Accountability Unit of the Department shall review the LEAs' most currently submitted AFR, AFB, FTEs and Average Salaries to determine if the financial records are deficient. Any error related to the coding and reporting of financial information that causes a material misstatement of financial information will be cause for determining a deficiency. A material misstatement occurs whenever the submitted data has more than a ten percent (10%) variance from the correct data or when corrective action is not taken after the Department has sent written notification to an LEA regarding specific errors discovered in the financial records.~~

~~8.01.1 Any error related to the coding and reporting of court-ordered desegregation funding that causes a material misstatement of financial information will be cause for determining a deficiency. A material misstatement occurs whenever the submitted data has more than a ten percent (10%) variance from the correct data or when corrective action is not taken after the Department has sent written notification to an LEA regarding specific errors discovered in the financial records.~~

~~8.02 The Department review will include, but is not limited to:~~

~~8.02.1 State Revenues;~~

~~8.02.2 Student Special Needs Expenditures;~~

~~8.02.3 Total Expenditures;~~

~~8.02.4 Instructional Expenditures;~~

~~8.02.5 Extracurricular Expenditures;~~

~~8.02.6 Capital Expenditures;~~

- ~~8.02.7—Debt Service Expenditures;~~
 - ~~8.02.8—Expenditures of court-ordered desegregation funding;~~
 - ~~8.02.9—Teacher Full Time Equivalency data;~~
 - ~~8.02.10—Certified salary amounts;~~
 - ~~8.02.11—Compliance with the Minimum Teacher Salary schedule;~~
 - ~~8.02.12—Compliance with gifted and talented programs expenditure requirements in accordance with Ark. Code Ann. § 6-20-2208(e)(6);~~
 - ~~8.02.13—Interschool Athletic Expenditures, including salaries with fringe benefits, travel, equipment, supplies and facilities maintenance;~~
 - ~~8.02.14—Interschool Scholastic Expenditures, including salaries with fringe benefits, travel, equipment, supplies and facilities maintenance;~~
 - ~~8.02.15—The district's Total Athletic Expenditures budgeted for interschool athletic programs that are to be paid from state funds;~~
 - ~~8.02.16—The district's Total Scholastic Expenditures budgeted for interschool scholastic programs that are to be paid from state funds;~~
 - ~~8.02.17—Expenditure of Federal funds, including school lunch reimbursement;~~
 - ~~8.02.18—Verification that fiscal year expenditures did not exceed legal revenues for the same fiscal year;~~
 - ~~8.02.19—Verification that proper financial records have been maintained in accordance with the Education Accounting and Reporting System and the Arkansas Handbook.~~
 - ~~8.02.20—Verification that fund balances are sufficient to ensure the continuation of educational services and are within parameters set by state and federal law and Department rules.~~
- ~~8.03—The Department shall notify in writing, via certified mail, the superintendent or director of the LEA whose financial records are found to be deficient.~~

- ~~8.03.1—The notification shall state the deficiency.~~
- ~~8.04—The LEA will have thirty (30) days to respond to the Department’s notification. The response may include, but is not limited to:~~
- ~~8.04.1—A proposed corrective action plan;~~
 - ~~8.04.2—A training schedule to educate all pertinent personnel; and~~
 - ~~8.04.3—A procedure to prevent a repeat of the deficiency.~~
- ~~8.05—The response shall not be considered a right of appeal.~~
- ~~8.06—If the review determines the financial records of any LEA are deficient as defined in Section 8.01 or otherwise not properly maintained or submitted by the LEA or are not administered in accordance with state or federal laws, SBE rules, or the Arkansas Handbook, then state-funded grants and/or aid that the district would be eligible to receive shall be withheld until the financial issues have been resolved.~~
- ~~8.07—The SBE may require the superintendent or director and board members explain and/or appear before the SBE to explain why the district is not complying with state laws or rules.~~
- ~~8.08—Upon written notice of approval by the auditors of the Financial Accountability Unit of the Department of Education, the Department shall file copies of the approved budget with the LEA and the county treasurer, if serving as school treasurer.~~
- ~~8.09—It is the duty of the State to monitor LEA financial records, Arkansas Comprehensive School Improvement Plan, or any other pertinent records, to ensure the following:~~
- ~~8.09.1—District expenditures meet the minimum teacher salary schedule;~~
 - ~~8.09.2—District expenditures benefit students in special needs categories;~~
 - ~~8.09.3—District expenditures are used to improve the educational opportunity of each child;~~
 - ~~8.09.4—District expenditures are used to provide an equal opportunity for each child;~~
 - ~~8.09.5—District expenditures are used to meet the Standards of Accreditation;~~

~~8.09.6—The District has provided the SBE and the Department with a report of the school district’s total athletic expenditures paid from state funds for the previous year;~~

~~8.09.7—The district has provided the SBE and the Department with a budget for the school district’s total athletic expenditures to be paid from state funds for the upcoming year; and~~

~~8.09.8—The district has provided the SBE and the Department with any additional information or documentation requested for the purpose of showing compliance with state laws, including but not limited to Ark. Code Ann. § 6-20-2208, federal laws and Department rules.~~

~~8.10—The Department shall have the authority to review, analyze and inspect the financial records of any LEA in order to verify that an LEA is correctly and accurately reporting revenues and expenditures in accordance with the Arkansas Handbook.~~

~~8.11—The Department shall submit a report titled “Annual Statistical Report (ASR) to the Governor, the Senate Interim Committee on Education, and the House Interim Committee on Education by February 15 of each year concerning LEA revenue, expenditures, legal balances (total and unrestricted), FTEs, average salaries and any other financial information required by law.~~

~~8.11.1—The revenue and expenditures will reflect the prior year actual (ended June 30) and the current year budget (beginning July 1).~~

~~8.11.2—The total legal balance will be as of June 30 of the prior year and will contain the total balances of the Salary, Operating and Debt Service Funds.~~

~~8.11.3—The unrestricted legal balance will be the total legal balance less restricted funds.~~

~~8.11.4—The FTEs and average salaries will be for the prior year ended June 30.~~

9.00—Required Reports

~~9.01—The Department shall publish by July 1 of each year, via Commissioner’s Memo, a list of all required financial accountability reports, that are not a part of a cycle report submitted through APSCN, with due dates.~~

~~9.02 The Department shall submit a written notice via certified mail on or before February 15 of each year to those school districts, open enrollment charter schools and education service cooperatives whose budget or financial reports are identified as deficient. Likewise, the Department will issue a Commissioner's Memo on or before February 15 of each year indicating which school districts, open enrollment charter schools or education service cooperatives budgets are identified as approved.~~

~~9.03 Each county clerk is required to provide to the Department an annual Abstract of Assessment by March 15 of each year.~~

~~9.03.1 The treasurer of the state shall withhold the monthly distribution of county aid from any county that fails to provide the annual Abstract of Assessment by March 15 for each school district located wholly or in part in the county.~~

~~9.03.2 The Department shall establish the required format for the Abstract of Assessment, to include:~~

~~9.03.2.1 The previous calendar year's property assessment that will be used for ad valorem tax collections in the current year.~~

~~9.03.2.2 The millage rates, which shall be listed by the type of millage, levied against that property assessment.~~

~~9.03.2.3 In cases that administratively consolidated school districts do not have a unified millage rate, the county clerk shall submit the assessment data in a form specified by the Department.~~

~~9.03.3 To consider a county in compliance with this filing requirement, the Department must receive all data no later than March 15 of each year.~~

~~9.04 By January 31, 2012, and by January 31 of each year thereafter, each county treasurer shall provide an annual summary report of all proceeds generated from ad valorem tax and distributed by the county to a school district for the period beginning January 1 and ending on December 31 of the preceding calendar year to the:~~

~~9.04.1 Treasurer of State;~~

~~9.04.2 Department of Education; and~~

- ~~9.04.3 Superintendent of the school district to which the proceeds from the uniform rate of tax are distributed by the county.~~
- ~~9.04.4 Failure of the county treasurer to report the annual summary required by 9.04 of this rule shall result in the withholding of all reappraisal funding provided under Ark. Code Ann. § 26-26-1907 until the county treasurer provides the annual summary report. Funds withheld are forfeited as follows:~~
- ~~9.04.4.1 Twenty percent (20%) of withheld reappraisal funds are forfeited every two (2) months of noncompliance; and~~
- ~~9.04.4.2 After ten (10) months of noncompliance, the total amount of withheld reappraisal funds are forfeited.~~
- ~~9.04.4.3 A county is not relieved of the requirement to reappraise property and funding for reappraisal shall be by local taxing unit sources until the county provides the required annual summary report.~~
- ~~9.04.4.4 The Department shall notify the Assessment Coordination Department if a county treasurer fails to comply with 9.04 of this rule. Withholding of reappraisal funding for failure to comply is authorized under Ark. Code Ann. § 26-80-101.~~
- ~~9.05 By September 1 of each year, any school district that received court-ordered desegregation funding for the prior school year shall report to the Department the following:~~
- ~~9.05.1 The total amount of state funding received under the federal court order or settlement agreement in the prior school year;~~
- ~~9.05.2 A detailed statement outlining the school district's obligations under the federal court order, settlement agreement, or court-approved remedial plan, including without limitation:~~
- ~~9.05.2.1 Programs that the school district is required to administer;~~
- ~~9.05.2.2 Specific goals that the school district is required to reach;~~
- ~~9.05.2.3 Actions that the school district is required to take or are prohibited from taking;~~

- ~~9.05.2.4~~ — Problems that the school district is required to remedy;
- ~~9.05.2.5~~ — Overall purposes of the federal court order, settlement agreement, or court-approved remedial plan; and
- ~~9.05.2.6~~ — Any other pertinent information as determined by the department;
- ~~9.05.3~~ — An itemized accounting of all expenditures made during the prior school year from state funds identified under section 9.05.1 and expended to comply with the school district's obligations identified under section 9.05.2;
- ~~9.05.3.1~~ — The accounting shall be specific and detailed and include an explanation of how each expenditure was necessary in order to comply with the school district's obligations under the federal court order, settlement agreement, or court-approved remedial plan;
- ~~9.05.3.2~~ — It is not sufficient to provide general statements, such as stating that the funds were used in magnet schools;
- ~~9.05.3.3~~ — As part of the explanation for each expenditure, the accounting shall identify the program, goal, action, problem, and/or purpose listed in response to Section 9.05.2 to which the expenditure is related;
- ~~9.05.4~~ — The total amount of all state funds identified in response to section 9.05.1 and remaining in the school district's fund balances as of July 1; and
- ~~9.05.5~~ — A statement that the sum total of all expenditures identified in response to sections 9.05.3 and 9.05.4 is equal to the sum total of state funding identified in response to section 9.05.1, or alternatively, an explanation of the discrepancy.
- ~~9.06~~ — Unless the Department approves otherwise, any data to be reported under sections 9.05.1, 9.05.3, and 9.05.4 shall be submitted to the Department in electronic format as a Microsoft Excel file utilizing a template to be furnished by the Department no later than August 1.

~~9.06.1 Unless the Department approves otherwise, any data to be reported under section 9.05.2 shall be submitted to the Department in electronic format as a Microsoft Word or Adobe Portable Document Format (PDF) file.~~

~~9.07 The Department may withhold state aid from any LEA that fails to file its budget or any other required report with the Department by the deadline established on the list of all required financial accountability reports, provided that the Department has met the deadline for providing information pertinent to meeting the deadlines.~~

~~10.00 Required Training~~

~~10.01 The Department shall establish two (2) tiers of required training.~~

~~10.01.1 Both tiers of required training shall apply to all LEAs.~~

~~10.01.2 A minimum of two (2) persons per LEA are required to attend an Initial and an Annual Tier I Training. The two persons shall include:~~

~~10.01.2.1 The district superintendent or the education service cooperative director or the open enrollment charter school director; and~~

~~10.01.2.2 A person whose job responsibilities include preparing the budget or overall accounting responsibility.~~

~~10.02 The two (2) persons per LEA required to attend shall each obtain twelve (12) hours of Initial Training and instruction necessary to demonstrate basic proficiency as determined by the Department, including but not limited to:~~

~~10.02.1 School laws of Arkansas;~~

~~10.02.2 Laws and rules governing expenditures, fiscal accountability, and school finance;~~

~~10.02.3 Ethics; and~~

~~10.02.4 Financial accounting and reporting of LEAs.~~

~~10.03 After obtaining the Initial Training, the two (2) persons required to attend shall obtain a minimum of two (2) hours of Tier I annual training and instruction in order to maintain basic proficiency in the topics described in~~

~~Section 10.02 of these rules. Additional annual training may be required by the department for the school district superintendent, the education service cooperative executive director, or the open-enrollment public charter school director and the person whose job responsibilities include preparing the budget or overall accounting responsibility based on repetitive or flagrant audit findings or the identification of multiple indicators of fiscal distress.~~

~~10.03.1—The two (2) persons per LEA are required to attend the training under Section 10.01 of these rules by December 31 of each year.~~

~~10.03.1.1—The training may be provided by a higher education institution, the Department, the Arkansas Association of School Business Officials or from another provider.~~

~~10.03.1.2—The training sessions may be held throughout the State, via distance learning, or from an online course.~~

~~10.03.1.3—All providers for training shall apply for and receive approval from the Department prior to providing the training.~~

~~10.03.1.3.1—The provider shall submit a complete request for approval prior to the scheduled training.~~

~~10.03.1.3.2—The Department shall establish the request form.~~

~~10.03.1.3.3—The provider shall provide the Department with a list of persons who attended the training sessions.~~

~~10.03.1.3.4—The Department's administrative staff will review the request.~~

~~10.03.1.3.5—If additional information is requested, the provider will be responsible for providing an immediate response in order to gain approval in a timely manner.~~

~~10.03.1.3.6—Department staff will be allowed to attend all training sessions in order to monitor for quality and completeness.~~

~~10.03.1.3.6.1—Department staff will not be required to pay to attend the training~~

~~10.03.2—Persons failing to obtain required training by the end of the calendar year and failing to receive training by March 1 of the following calendar year without filing a request for an extension shall be sanctioned by the State.~~

~~10.03.2.1—The request for an extension must be sent to the Department by certified mail, return receipt requested.~~

~~10.03.2.2—The request for an extension must be received by the Department prior to March 1.~~

~~10.03.2.3—The Department shall establish a form to be used in requesting an extension.~~

~~10.03.2.4—The request shall include a corrective action plan for obtaining the required training in a timely manner.~~

~~10.03.2.4.1—For each person failing to obtain the required training by March 1, the Department shall immediately notify the superintendent or director of the employing school district, open enrollment charter school, or education service cooperative.~~

~~10.03.2.4.2—Notification will be sent by certified mail, return receipt requested.~~

~~10.03.2.4.3—The Department will also notify the school board president.~~

~~10.03.3—The superintendent or director of the LEA shall notify the person who failed to receive the required training, and the person shall be unable to continue in his or her position from the date of receipt of notification.~~

~~10.03.3.1 Notification will be by certified mail, return receipt requested.~~

~~10.03.3.2 Any person receiving notice that he or she shall be unable to continue in his or her position solely because of his or her failure to obtain the required training may request a hearing before the SBE prior to his or her permanent dismissal.~~

~~10.03.4 If the person fails to obtain all required training by December 31 following the March 1 extension deadline, this failure shall constitute one (1) citation against the school district, or the open enrollment charter school, as measured by the Standards for Accreditation of Arkansas Public Schools issued by the Department or an admonishment to the education service cooperative by the Department.~~

~~10.03.5 If the person is unable to obtain the required training because of military service or illness as verified by a written sworn statement of the person's attending physician, the Department shall grant an extension permitting the person additional time to obtain the required training.~~

~~10.03.5.1 The person shall submit the appropriate documentation of military service or illness to the Department.~~

~~10.03.5.2 The documentation must be sent by certified mail, return receipt requested.~~

~~10.03.5.3 The length of time of the extension will be determined on an individual basis at the discretion of the Department.~~

~~10.03.5.4 The issuance of an extension shall not constitute a citation against the school district or the open enrollment charter school as measured by the Standards for Accreditation of Arkansas Public Schools issued by the Department or an admonishment to the education service cooperative by the department. Also the Department shall not operate to remove the person from his or her job if an extension has been granted by the Department.~~

- ~~10.03.6—The Department shall maintain records of instructional hours of Tier I Training obtained by any individual covered under this section.~~
- ~~10.03.6.1—Each district shall provide a list of the names and positions of the persons covered by these rules, to the Department by December 31 of each year. The information shall be provided in a format approved by the Department.~~
- ~~10.03.6.2—Separate lists will be provided for persons obtaining the initial training to demonstrate basic proficiency and for those obtaining additional hours.~~
- ~~10.03.6.3—The trainer or the institution providing the training will provide verification of instructional hours.~~
- ~~10.03.6.4—The Department may publish a list identifying the persons required to receive training and the compliance status.~~
- ~~10.03.6.5—Persons employed as of July 1 shall be required to obtain training by December 31 of that year.~~
- ~~10.03.6.6—Persons employed after July 1 shall be required to obtain training by December 31 of the next year.~~
- ~~10.03.6.7—Persons changing employment will have their training history accepted by the new employer.~~
- ~~10.03.7—Any school district or open enrollment charter school that does not follow the provisions of Ark. Code Ann. Title 6, Chapter 20, subchapter 22 shall be placed in fiscal distress.~~
- ~~10.03.8—Any education service cooperative that does not follow the provisions of Ark. Code Ann. Title 6, Chapter 20, subchapter 22 shall be sanctioned by the SBE.~~
- ~~10.04—Tier II training shall include, but is not limited to, employees who make decisions about selecting codes or who have a limited number of codes that they can use.~~
- ~~10.04.1—Tier II training shall be developed by the Department in cooperation with representatives from the Arkansas Association of School Administrators, the Arkansas Association of School Business Officials, the Arkansas~~

~~Education Association, the Legislative Joint Auditing Committee and education service cooperatives.~~

~~10.04.1.1 The training shall be annual and shall be a minimum of two (2) hours.~~

~~10.04.1.2 LEAs shall be responsible for providing the training to these employees.~~

~~10.04.1.3 LEAs' trainers are required to attend Initial and annual Tier I training.~~

~~10.04.1.4 Each LEA shall maintain files and records indicating all employees required to obtain and who have completed Tier II training.~~

~~10.04.1.5 Each district superintendent, open enrollment charter school director or education service cooperative director shall provide the Department an assurance statement regarding the completion of Tier II training by the required individuals by the end of the fiscal year.~~

~~10.04.1.6 Additional annual training may be required by the department for employees who do not make decisions about selecting codes or who have a limited number of codes that they can use based on repetitive or flagrant audit findings or the identification of multiple indicators of fiscal distress.~~

~~11.00 Sanctions~~

~~11.01 Any school district that does not comply with and meet the requirements of these rules, shall, after receiving notice as required by law, be identified by the Department as being in fiscal distress.~~

~~11.01.1 Any open enrollment charter school that does not comply with and meet the requirements of these rules may be referred to the SBE for possible modification, revocation, or denial of renewal of its charter pursuant to Ark. Code Ann. § 6-23-105 and the Department's Rules Governing Public Charter Schools.~~

~~11.02 Any education service cooperative that does not comply with and meet the requirements of these rules shall be sanctioned by the SBE.~~

- ~~11.03—Any licensed classroom teacher or administrator of a school, school district, open enrollment charter school or education service cooperative that provides false expenditure information may have his or her license placed on probation, suspended or revoked pursuant to procedures utilized in accord with Ark. Code Ann. § 6-17-410.~~
- ~~11.04—Persons failing to obtain required training by December 31 of the calendar year and who fails to cure any training deficiency by March 1 of the following year without filing a request for extension of time and after receiving proper notice shall be unable to continue in his or her position of employment effective on the date of receipt of notification from the superintendent of the school district, open enrollment charter school or education service cooperative.~~
- ~~11.05—If a person fails to obtain all required training by December 31, this failure shall constitute one (1) citation against the school district, the open enrollment charter school or an admonishment to the education service cooperative.~~

DRAFT

Arkansas Department of Education
Rules Governing the Processes to Ensure the Quality, Security, Validation and
Timeliness of Public School Data in the Arkansas Public School Computer Network
October 2007

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BUREAU OF
LEGISLATIVE RESEARCH

1.00 — Regulatory Authority

These rules are promulgated pursuant to Ark. Code Ann. §§ 6-11-105, 6-11-128 and Act 723 of the 86th Arkansas General Assembly.

2.00 — Purpose

These rules shall be applied to all school districts, open enrollment charter schools, and education service cooperatives for the purposes of ensuring the quality, security, validation and timeliness of data in the Arkansas Public School Computer Network.

3.00 — Definitions

For purposes of these rules, the following terms shall be defined to mean:

3.01 — Arkansas Public School Computer Network (APSCN) — the Department of Education's computer network system for public school district, open enrollment charter school and education service cooperative reporting of financial management data and student management data to the Department of Education.

3.02 — Financial Management Systems Applications — Computer software used primarily to process and record financial transactions. The SunGard Pentamation financial management systems applications provided by APSCN include the following integrated modules: Fund Accounting, Human Resources, Fixed Assets, Budget Preparation, Personnel Budgeting, Purchasing and Warehouse.

3.03 — Student Management Systems Applications — Computer software used primarily to process and maintain student records. The SunGard Pentamation student management systems applications provided by APSCN include: Demographics, Attendance, Scheduling, Report Cards, Discipline and Medical.

3.04 — Data Quality Metrics — Specified data that have a high degree of relevance to the measurement of performance and that are scored based on accuracy indicators. They are used for the purpose of measuring and tracking the quality of the data.

4.00 — Required of the Arkansas Public School Computer Network

~~4.01 — All school districts, open enrollment charter schools, and educational cooperatives shall, at a minimum, use the following financial management systems applications of the Arkansas Public School Computer Network:~~

~~4.01.1 Fund Accounting (including all activity funds)~~

~~4.01.2 Budget Preparation~~

~~4.01.3 Human Resources~~

~~4.01.4 Fixed Assets~~

~~4.02 — After approval by the Department of Education, a school district, open enrollment charter school or educational cooperative may use a different software system if:~~

~~4.02.1 The Department determines that the proposed software meets the minimum reporting requirements provided by the network;~~

~~4.02.2 The software selected enables the school district, open enrollment charter school or educational cooperative to provide all district transaction information to the Department in a compatible format and in sufficient detail as required by the Department; and~~

~~4.02.3 The Department approves the use of the software system.~~

5.00 — Data Quality and Security

~~5.01 — The Department shall implement the use of policies, procedures, and personnel to provide for data quality and security of all data transmitted over APSCN. The Department shall:~~

~~5.01.1 Periodically conduct a thorough security review and security risk assessment for all information, including without limitation personally identifiable employee and student information that originates in the school districts, open enrollment charter schools and educational cooperatives and terminates on Department of Information Systems and APSCN servers.~~

~~5.01.2 Create security policies and procedures.~~

~~5.01.3 Monitor the mechanism for the network's end-to-end, enterprise-wide financial and student information systems.~~

- ~~5.01.4 Create and maintain a process for documenting and monitoring the quality of data from its source of entry into the network to any educational data repository in the Department.~~
- ~~5.01.5 Establish standards and monitor compliance with standards for all software and data testing in the network.~~
- 5.02 By June 30, 2008, the Department shall develop a certification program for each school district, open enrollment charter school and educational cooperative to have a least one (1) Certified APSCN Financial User and Trainer certified in the following financial application areas: Systems Administration, Fund Accounting, Human Resources, Fixed Assets, Budget Preparation, Personnel Budgeting, Purchasing, Warehouse, Cognos Reporting, SIS (Statewide Information System). The certification program will include the following components:
- 5.02.1 Courses in the application areas.
- 5.02.2 Training in using the network's reporting tools.
- 5.02.3 An examination developed and/or approved by the Department that tests the applicant's knowledge and skills in all the application areas and reporting tools.
- ~~5.02.4 A three year plan developed by each school district, open enrollment charter school, and educational cooperative that specifies the name of each person who is to receive certification in each application area. This plan must be originally submitted to the Department by September 30, 2008, and updated by September 30 of each subsequent year.~~
- ~~5.02.5 Each applicant for certification will have a maximum of three (3) years to obtain certification.~~
- ~~5.02.6 In a school district of five hundred (500) or fewer students, one (1) person may be certified in both financial and student management.~~
- 5.03 By June 30, 2008, the Department shall develop a certification program for each school district, open enrollment charter school and educational cooperative to have a least one (1) Certified APSCN Student Management User and Trainer certified in the following student management application areas: Systems Administration, Demographics, Attendance, Scheduling, Report Cards, Discipline, Medical, Cognos Reporting, SIS (Statewide Information System). The certification program will include the following components:

~~5.03.1 Courses in the application areas.~~

~~5.03.2 Training in using the network's reporting tools.~~

~~5.03.3 An examination developed and /or approved by the Department that tests the applicant's knowledge and skills in the application areas.~~

~~5.03.4 A three-year plan developed by each school district, open enrollment charter school and educational cooperative that specifies the name of each person who is to receive certification in each application area. This plan must be originally submitted to the Department by September 30, 2008, and updated by September 30 of each subsequent year.~~

~~5.03.5 Each applicant for certification will have a maximum of three (3) years to obtain certification.~~

~~5.03.6 In a school district of five hundred (500) or fewer students, one (1) person may be certified in both financial and student management.~~

~~5.04 Data Quality Metrics Program—The Department shall develop a data quality metrics program designed to significantly reduce the number of data errors within the network's applications and data warehouse and provide reports on code changes and time availability of information, including:~~

~~5.04.1 The number of code changes made by school districts, open enrollment charter schools and educational cooperatives in mid-year.~~

~~5.04.2 The percent of prime time availability of all applications that feed data into the network and data warehouse.~~

~~5.04.3 The percent of time availability of each school district, open enrollment charter school and educational cooperative server and local area network for use with the network's availability.~~

~~5.04.4 Corrective actions taken on the network's applications and data warehouse.~~

~~5.04.5 Preventive actions taken to avoid downtime and data errors.~~

~~5.04.6 Cycle data tardiness.~~

~~5.04.7 Number of data corrections made during each cycle submission.~~

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

As Engrossed: H3/29/19

A Bill

HOUSE BILL 1498

5 By: Representative Speaks
6 By: Senator J. Sturch
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING THE ARKANSAS
10 PUBLIC SCHOOL COMPUTER NETWORK; AND FOR OTHER
11 PURPOSES.
12
13

Subtitle

15 TO AMEND THE LAW CONCERNING THE ARKANSAS
16 PUBLIC SCHOOL COMPUTER NETWORK.
17
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 *SECTION 1. Arkansas Code § 6-11-128(a), concerning the definition of*
22 *the Arkansas Public School Computer Network, Inc. and its required financial*
23 *management systems applications, is amended to read as follows:*

24 (a)(1) *As used in this section:*

25 (A) *“Arkansas Public School Computer Network” or “APSCN”*
26 *means the Department of Education’s computer network system for public school*
27 *district reporting of financial management data and student management data*
28 *to the Department of Education; and*

29 (B) *“Public school district” means a public school*
30 *district, education service cooperative, or open-enrollment public charter*
31 *school.*

32 (2) *All public school districts and education service*
33 *cooperatives shall, as a minimum, use the following financial management*
34 *systems applications of the Arkansas Public School Computer Network, Inc.:*

35 (A) *Fund accounting, including all activity funds;*

36 (B) *Budget preparation;*



- 1 (C) Human resources; and
- 2 (D) Fixed assets;
- 3 (E) Attendance;
- 4 (F) Discipline;
- 5 (G) Mark reporting;
- 6 (H) Medical; and
- 7 (I) Scheduling.

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/s/Speaks

APPROVED: 4/9/19

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019

A Bill

SENATE BILL 605

4
5 By: Senator A. Clark
6

For An Act To Be Entitled

8 AN ACT CONCERNING NATIONAL SCHOOL LUNCH STATE
9 CATEGORICAL FUNDING; TO AMEND THE NAME OF NATIONAL
10 SCHOOL LUNCH STATE CATEGORICAL FUNDING; AND FOR OTHER
11 PURPOSES.
12
13

Subtitle

14 TO AMEND THE NAME OF NATIONAL SCHOOL
15 LUNCH STATE CATEGORICAL FUNDING.
16
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18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code § 6-15-2701(b) and (c), concerning the
22 closing the achievement gap program, are amended to read as follows:

23 (b)(1) A school district that has a chronically underperforming school
24 shall use its ~~national school lunch state categorical funding~~ Enhanced
25 Student Achievement Funding under § 6-20-2305(b)(4) to evaluate the impact of
26 educational strategies used by the chronically underperforming school to
27 address the achievement gaps among students in the chronically
28 underperforming school.

29 (2) The evaluation shall:

30 (A) Identify the categories of programs and intervention
31 strategies used with ~~national school lunch state categorical funding~~ Enhanced
32 Student Achievement Funding; and

33 (B) Report the benchmark assessment scores for the end of
34 the immediately preceding school year and for the end of the current school
35 year of students involved in the programs and intervention strategies
36 identified under this subdivision (b)(2).



1 (c) The Department of Education shall:

2 (1) Promulgate rules necessary to implement this section,
 3 including without limitation establishing the categories by which a
 4 chronically underperforming school shall identify programs and intervention
 5 strategies under subsection (b) of this section;

6 (2) In a chronically underperforming school's comprehensive
 7 school improvement plan, direct the use of ~~national school lunch state~~
 8 ~~categorical funding~~ Enhanced Student Achievement Funding for strategies to
 9 close gaps in academic achievement, including without limitation:

10 (A) Using an Arkansas Scholastic Audit;

11 (B) Using disaggregated school data to set academic
 12 improvement targets in reading, writing, mathematics, and science;

13 (C) Using improvement targets to define professional
 14 development needs related to content, instruction, differentiation, and best
 15 practices in educating special education students, gifted and talented
 16 students, English language learners, and other student subgroups as needed;

17 (D) Developing interim building-level assessments to
 18 monitor student progress toward proficiency on the state benchmark
 19 assessments;

20 (E) Developing a plan to immediately address gaps in
 21 learning;

22 (F) Examining and realigning, as needed, school
 23 scheduling, academic support systems, and assignments of personnel; and

24 (G) Designing a plan for increasing parental knowledge and
 25 skill to support academic objectives; and

26 (3) By August 1 of each year, report to the House Committee on
 27 Education and the Senate Committee on Education on:

28 (A) The use of ~~national school lunch state categorical~~
 29 ~~funding~~ Enhanced Student Achievement Funding by chronically underperforming
 30 schools in the state; and

31 (B) The status of the achievement gaps at chronically
 32 underperforming schools in the state.

33
 34 SECTION 2. Arkansas Code § 6-15-2907(a)(4)(C), concerning the
 35 statewide student assessment system, is amended to read as follows:

36 (C) Public school districts may offer additional college

1 and career readiness assessments for students in grades ten through twelve
 2 (10-12) at no cost to the student by using public school district funding,
 3 including without limitation ~~national school lunch state categorical funding~~
 4 Enhanced Student Achievement Funding under § 6-20-2305.

5
 6 SECTION 3. Arkansas Code § 6-20-2305(b)(4)(A) and (B), concerning the
 7 calculation of national school lunch state categorical funding, are amended
 8 to read as follows:

9 (4)(A) ~~National school lunch state categorical funding~~ Enhanced
 10 Student Achievement Funding for each identified national school lunch student
 11 shall be as follows:

12 (i) For a public school district in which ninety
 13 percent (90%) or greater of the previous school year's enrolled students are
 14 national school lunch students, the amount of per-student ~~national school~~
 15 ~~lunch state categorical funding~~ Enhanced Student Achievement Funding is for
 16 each school year, one thousand five hundred seventy-six dollars (\$1,576);

17 (ii) For a public school district in which at least
 18 seventy percent (70%) but less than ninety percent (90%) of the previous
 19 school year's enrolled students are national school lunch students, the
 20 amount of per-student ~~national school lunch state categorical funding~~
 21 Enhanced Student Achievement Funding is for each school year, one thousand
 22 fifty-one dollars (\$1,051); and

23 (iii) For a public school district in which less
 24 than seventy percent (70%) of the previous school year's enrolled students
 25 are national school lunch students, the amount of per-student ~~national school~~
 26 ~~lunch state categorical funding~~ Enhanced Student Achievement Funding is for
 27 each school year, five hundred twenty-six dollars (\$526).

28 (B)(i)(a) Except as provided under subdivision
 29 (b)(4)(B)(i)(c) of this section, ~~national school lunch state categorical~~
 30 ~~funding~~ Enhanced Student Achievement Funding under this subdivision (b)(4)
 31 shall be based on the number of national school lunch students for the
 32 immediately preceding school year determined under § 6-20-2303(13)(A).

33 (b) If the public school district is
 34 participating under 42 U.S.C. § 1759a, funding under this subdivision (b)(4)
 35 is based on the percentage determined in § 6-20-2303(13)(B) multiplied by the
 36 number of enrolled students for the immediately preceding school year.

1 (c) The per-student ~~national school lunch~~
2 ~~state categorical funding~~ Enhanced Student Achievement Funding for an open-
3 enrollment public charter school shall be based upon the current school year
4 enrollment:

5 (1) In the initial year of operation for
6 an open-enrollment public charter school; or

7 (2) In a year in which an open-
8 enrollment public charter school adds a grade.

9 (ii)(a) If a public school district will receive in
10 the current school year ~~national school lunch state categorical funding~~
11 Enhanced Student Achievement Funding under subdivision (b)(4)(A) of this
12 section that is based on a different per-student amount of ~~national school~~
13 ~~lunch state categorical funding~~ Enhanced Student Achievement Funding than the
14 public school district received in the immediately preceding school year, due
15 to a percentage change in national school lunch students, the ~~department~~
16 Department of Education shall adjust the funding to the public school
17 district in a transitional three-year period.

18 (b) The amount of ~~national school lunch state~~
19 ~~categorical funding~~ Enhanced Student Achievement Funding under this
20 subdivision (b)(4)(B)(ii) shall be increased or decreased in each year of a
21 three-year transition period by one-third (1/3) of the difference between the
22 amount of ~~national school lunch state categorical funding~~ Enhanced Student
23 Achievement Funding per student for the current year and the amount of
24 ~~national school lunch state categorical funding~~ Enhanced Student Achievement
25 Funding per student for the immediately preceding year, adjusted for changes
26 to the funding rates in subdivision (b)(4)(A) of this section.

27 (iii)(a) The Department of Education shall establish
28 rules to implement the transitional ~~national school lunch state categorical~~
29 ~~funding~~ Enhanced Student Achievement Funding provided in subdivision
30 (b)(4)(B)(ii) of this section.

31 (b) The rules shall include the methods of
32 transition for a school district that:

33 (1) Experiences a decrease in the amount
34 of ~~national school lunch state categorical funding~~ Enhanced Student
35 Achievement Funding per student under subdivision (b)(4)(A) of this section;

36 (2) Experiences an increase in the

1 amount of ~~national school lunch state categorical funding~~ Enhanced Student
2 Achievement Funding per student under subdivision (b)(4)(A) of this section;
3 or

4 (3) Within a three-year transition
5 period, experiences both a decrease and an increase in the amount of ~~national~~
6 ~~school lunch state categorical funding~~ Enhanced Student Achievement Funding
7 per student under subdivision (b)(4)(A) of this section.

8 (iv) Under no circumstances shall a public school
9 district be entitled to receive more or less ~~funding~~ Enhanced Student
10 Achievement Funding as a result of the transitional process than the public
11 school district is otherwise entitled to receive under this subdivision
12 (b)(4) based on the school district's national school lunch student
13 population as a percentage of the public school district's entire student
14 population.

15 (v)(a) A public school district that has experienced
16 a significant growth in enrolled students in the previous three (3) years
17 shall receive funding for the expected increase in the number of national
18 school lunch students based on the expected increase in enrolled students
19 based on the levels of funding provided in this section for national school
20 lunch students.

21 (b) The State Board of Education shall
22 establish rules to be used by the Department of Education to determine:

23 (1) The amount of growth necessary to
24 qualify as significant growth;

25 (2) The expected increase in the number
26 of national school lunch students based on the expected increase in enrolled
27 students; and

28 (3) Which public school districts have
29 experienced a significant growth in enrolled students as necessary to qualify
30 for funding under this subdivision (b)(4)(B)(v).

31 (c) The Department of Education shall not be
32 required to adjust or fund a public school district's national school lunch
33 students based on the current year's number of national school lunch students
34 enrolled in the public school district or the average growth of students in
35 the public school district.

36

1 SECTION 4. Arkansas Code § 6-23-501(a)(3), concerning the distribution
2 of national school lunch state categorical funding to an open-enrollment
3 public charter school, is amended to read as follows:

4 (3) ~~National school lunch state categorical funding~~ Enhanced
5 Student Achievement Funding under § 6-20-2305(b)(4) shall be provided to an
6 open-enrollment public charter school as follows:

7 (A) For the first year of operation, the first year
8 operating under a new license, the first year adding a new campus, and in any
9 year when a grade is added at any campus, free or reduced-price meal
10 eligibility data as reported by October 1 of the current school year will be
11 used to calculate the ~~national school lunch state categorical funding~~
12 Enhanced Student Achievement Funding under the state board rules governing
13 special needs funding; and

14 (B) For the second year and each school year of operation
15 thereafter, the previous year's October 1 national school lunch student count
16 as specified in state board rules governing special needs funding will be
17 used to calculate ~~national school lunch state categorical funding~~ Enhanced
18 Student Achievement Funding for the open-enrollment public charter school.

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21 **APPROVED: 4/17/19**
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1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: H3/15/17

A Bill

HOUSE BILL 1689

5 By: Representative Cozart
6

7 For An Act To Be Entitled

8 AN ACT TO AMEND PROVISIONS OF THE ARKANSAS CODE
9 CONCERNING PUBLIC SCHOOL FUNDING AND INDEBTEDNESS; TO
10 AMEND FUNDING PROVISIONS AND DEFINITIONS FOR PUBLIC
11 EMPLOYEE HEALTH INSURANCE; TO AMEND PROVISIONS
12 CONCERNING EDUCATION SERVICE COOPERATIVE FINANCING;
13 AND FOR OTHER PURPOSES.
14

15 Subtitle

16 TO AMEND PROVISIONS CONCERNING PUBLIC
17 SCHOOL FUNDING AND INDEBTEDNESS; TO AMEND
18 FUNDING PROVISIONS CONCERNING PUBLIC
19 EMPLOYEE HEALTH INSURANCE; AND TO AMEND
20 PROVISIONS CONCERNING EDUCATION SERVICE
21 COOPERATIVE FINANCING.
22

23
24
25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
26

27 SECTION 1. Arkansas Code § 6-13-1006(d)(9), concerning the authority
28 of a board of directors of education services cooperatives, is amended to
29 read as follows:

30 ~~(9) Renting, leasing, purchasing, constructing, or receiving by~~
31 ~~gift such~~ For facilities and buildings as may be required to provide
32 authorized programs and services;

33 (A) Renting, leasing, purchasing, constructing, or
34 receiving by gift;

35 (B) Borrowing from the revolving loan fund under § 6-20-
36 818; or



1 (C) Borrowing from other sources for limited or unusual
2 circumstances upon approval of the Commissioner of Education and Director of
3 the Department of Finance and Administration; and
4

5 SECTION 2. Arkansas Code § 6-17-1117(a)(3)(B), concerning public
6 school employees' health insurance programs, is amended to read as follows:

7 (B) As used in this section, "local contribution rate"
8 means the minimum contribution amount a school district provides for health
9 insurance above the minimum contribution rate required under subdivision
10 (a)(1) of this section in addition to the contribution amount a school
11 district provides for health insurance above that minimum contribution rate.
12

13 SECTION 3. The introductory language of Arkansas Code § 6-17-
14 1117(a)(5), concerning public school employees' health insurance programs, is
15 amended to read as follows:

16 (5) A school district is not required to increase the local
17 contribution rate as directed under subdivision (a)(3) of this section if the
18 school district:
19

20 SECTION 4. Arkansas Code § 6-20-402(d), concerning limitations on
21 school district indebtedness, is amended to add an additional subdivision to
22 read as follows:

23 (6) Upon incurring current indebtedness, the school district
24 shall notify the department of the indebtedness, on forms provided by the
25 department, showing the:

- 26 (A) Payee and any assignee;
- 27 (B) School district;
- 28 (C) Purpose of the indebtedness;
- 29 (D) Maturity date of the indebtedness;
- 30 (E) Amount borrowed and interest rate of indebtedness; and
- 31 (F) Amortization schedule showing installments, if
32 applicable.
- 33

34 SECTION 5. Arkansas Code § 6-20-2202(d)(1)(B)(ii), concerning budget
35 and expenditure reports, is amended to read as follows:

36 (ii) A final close must be performed in each school

1 district's or open-enrollment public charter school's or education service
2 cooperative's applicable general ledger database no later than ~~September 30,~~
3 ~~2007, for the 2006-2007 school year and September 15 for each school year~~
4 ~~thereafter~~ September 10 of each year.

5
6 SECTION 6. Arkansas Code § 6-20-2305(a)(1)(B), concerning school
7 district foundation funding, is amended to read as follows:

8 (B) The Department of Education shall distribute state
9 foundation funding aid to each school district in ~~eleven-(11)~~ twelve (12)
10 ~~equal~~ monthly payments.

11
12 SECTION 7. Arkansas Code § 6-20-2305(c)(2), concerning student growth
13 funding, is amended to read as follows:

14 (2)(A) Student growth funding is calculated as the sum of the
15 following amounts:

16 (i)(A) One quarter ($\frac{1}{4}$) of the per student foundation
17 funding for the school district under subdivision (a)(2) of this section
18 multiplied by the increase, if any, of each of the following:

19 (a)(i) The school district's quarterly average daily
20 membership for the fourth quarter of the previous school year over the
21 average daily membership of the previous school year;

22 (ii) The school district's quarterly average daily
23 membership for the first quarter of the current school year over average
24 daily membership of the previous school year;

25 (b)(iii) The school district's quarterly average
26 daily membership for the second quarter of the current year over the average
27 daily membership of the previous school year; and

28 (e)(iv) The school district's quarterly average
29 daily membership for the third quarter of the current school year over the
30 average daily membership of the previous school year; and

31 ~~(d) The school district's quarterly average~~
32 ~~daily membership for the fourth quarter of the current school year over the~~
33 ~~average daily membership of the previous school year; and~~

34 (ii)(B) Excluding any increase resulting solely from
35 consolidation or annexation with another school district; and

36 (C) If net revenues minus any recoupment under subdivision

1 (a)(4)(B) of this section plus miscellaneous funds calculated under § 6-20-
2 2308(b)(1)(A) exceed the foundation funding amount, a school district shall
3 be eligible to receive the amount of calculated student growth funding that
4 exceeds net revenues minus any recoupment under subdivision (a)(4)(B) of this
5 section plus miscellaneous funds calculated under § 6-20-2308(b)(1)(A).

6 ~~(B) The Department of Education shall:~~

7 ~~(i) By January 31 of each year:~~

8 ~~(a) Calculate an amount of student growth~~
9 ~~funding under subdivision (c)(2)(A) of this section using the quarterly~~
10 ~~average daily membership for the first quarter and an estimation of the~~
11 ~~average daily membership for the second, third, and fourth quarters; and~~

12 ~~(b) Distribute to the school district not less~~
13 ~~than sixty percent (60%) of the amount calculated under subdivision~~
14 ~~(c)(2)(B)(i)(a) of this section;~~

15 ~~(ii) By April 30 of each year, distribute to the~~
16 ~~school district forty percent (40%) of the amount calculated under~~
17 ~~subdivision (c)(2)(B)(i)(a) of this section; and~~

18 ~~(iii)(a) By July 31 of each year, calculate the~~
19 ~~amount of student growth funding under subdivision (c)(2)(A) of this section~~
20 ~~using the actual quarterly average daily membership for all four (4) quarters~~
21 ~~of the applicable school year.~~

22 ~~(C) By August 31 of the fiscal year in which the student~~
23 ~~growth funding is received, if the amount under subdivision (c)(2)(B)(iii)(a)~~
24 ~~of this section is:~~

25 ~~(1) More than the amount under subdivision~~
26 ~~(c)(2)(B)(i)(a) of this section, the Department of Education shall~~
27 ~~distribute the difference to the school district; or~~

28 ~~(2) Less than the amount under subdivision~~
29 ~~(c)(2)(B)(i)(a), the school district shall refund the difference to the~~
30 ~~Department of Education.~~

31
32 /s/Cozart

33
34
35 **APPROVED: 03/29/2017**

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017

A Bill

HOUSE BILL 1646

4
5 By: Representative Cozart

For An Act To Be Entitled

8 AN ACT TO AMEND VARIOUS PROVISIONS OF THE ARKANSAS
9 CODE CONCERNING PUBLIC EDUCATION; AND FOR OTHER
10 PURPOSES.

Subtitle

11
12
13 TO AMEND VARIOUS PROVISIONS OF THE
14 ARKANSAS CODE CONCERNING PUBLIC
15 EDUCATION.
16

17
18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

20
21 SECTION 1. Arkansas Code Title 6, Chapter 5, Subchapter, 1 is
22 repealed.

23 ~~Subchapter 1 — Early Childhood Development Projects~~

24
25 ~~6-5-101. Authorization.~~

26 ~~(a) Any school district or any combination of school districts of this~~
27 ~~state is authorized to join with a state-supported junior college, college,~~
28 ~~or university, or any combination of state-supported junior colleges,~~
29 ~~colleges, or universities in this state and develop a pilot or demonstration~~
30 ~~project for early childhood development and teaching and to apply to the~~
31 ~~Department of Education for approval and funding of the project.~~

32 ~~(b) Any project to be approved must be a program combining both~~
33 ~~childhood development for the children involved in the project and training~~
34 ~~for teachers in the area of early childhood development.~~

35
36 ~~6-5-102. Project guidelines.~~



1 ~~(a) The Department of Education shall develop guidelines to assist~~
 2 ~~school districts and colleges and universities in developing projects to be~~
 3 ~~submitted for approval and funding pursuant to this subchapter.~~

4 ~~(b) These guidelines will include, but will not be restricted to,~~
 5 ~~criteria for:~~

- 6 ~~(1) Instructional objectives;~~
- 7 ~~(2) Classroom characteristics;~~
- 8 ~~(3) Competence of the classroom workers;~~
- 9 ~~(4) Evaluation of the program;~~
- 10 ~~(5) Dissemination of program ideas and training procedures;~~
- 11 ~~(6) Reports of progress and findings; and~~
- 12 ~~(7) Age of children to be eligible for participation.~~

13
 14 ~~6-5-103. College role.~~

15 ~~The Arkansas Higher Education Coordinating Board will be apprised of~~
 16 ~~the role of the colleges in these projects and will advise the Department of~~
 17 ~~Education with respect to the efficient coordination of the college portions~~
 18 ~~of the program.~~

19
 20 ~~6-5-104. Funding.~~

21 ~~After approval, a program shall then be funded out of the funds~~
 22 ~~appropriated in this subchapter in an amount as shall be approved by the~~
 23 ~~Department of Education in consultation with the Arkansas Higher Education~~
 24 ~~Coordinating Board.~~

25
 26 SECTION 2. Arkansas Code § 6-10-119 is amended to read as follows:

27 6-10-119. Medicaid billing.

28 (a)(1) By May 1 of each year, the ~~Special Education Section of the~~
 29 ~~Department of Education shall determine which~~ identify ~~school districts that~~
 30 ~~are underperforming in the area of direct-service Medicaid billing.~~

31 (2) ~~Based on this determination, underperforming~~ The department
 32 shall direct identified ~~school districts shall be directed by the section to~~
 33 increase direct-service Medicaid billing by district staff or enter into an
 34 agreement associate ~~with an education service cooperative or other public or~~
 35 private entity ~~for the provision of direct-service Medicaid billing services.~~

36 (b) The school district for which billing services are rendered shall

1 pay the education service cooperative providing the billing services an
 2 amount necessary to compensate the education service cooperative for costs
 3 associated with providing the services, ~~subject to the review and approval of~~
 4 ~~the section.~~

5 (c) Nothing in this section shall be construed to restrict qualified
 6 public or private providers from developing, maintaining, or expanding
 7 service relationships with school districts.

8
 9 SECTION 3. Arkansas Code § 6-10-121(a)(1), concerning tornado safety
 10 drills, is amended to read as follows:

11 (a)(1) As used in this section, "public school" means:

12 (A) a school that is part of a public school district
 13 under the control and management of a local school district board of
 14 directors; or

15 (B) An open enrollment public charter school.

16
 17 SECTION 4. Arkansas Code § 6-11-104(b), concerning meetings of the
 18 State Board of Education, is amended to read as follows:

19 (b) ~~The state board will meet each December to~~ In any of its meetings
 20 before the end of the calendar year, the state board shall determine the
 21 meeting dates for the following year.

22
 23 SECTION 5. Arkansas Code § 6-11-105(a)(3), concerning the powers and
 24 duties of the State Board of Education, is repealed.

25 ~~(3) Prescribe rules for the examination of pupils to detect~~
 26 ~~contagious and infectious diseases and physical defects;~~

27
 28 SECTION 6. Arkansas Code § 6-11-112 is amended to read as follows:
 29 6-11-112. Power to make plans coordinating state and federal laws.

30 The State Board of Education is empowered to make plans, promulgate
 31 rules, and seek waivers for flexibility as necessary for this state to meet
 32 the requirements of a law enacted by Congress for general education,
 33 including without limitation the Elementary and Secondary Education Act of
 34 1965, Pub. L. No. 89-10, as reauthorized by the ~~No Child Left Behind Act of~~
 35 ~~2001, Pub. L. No. 107-110, Every Student Succeeds Act, Pub. L. No. 114-95,~~ or
 36 any supplementary federal regulations, directives, or decisions of the United

1 States Department of Education pertaining to that legislation.

2
3 SECTION 7. Arkansas Code § 6-11-119 is repealed.

4 ~~6-11-119. Correspondence courses.~~

5 ~~(a) The State Board of Education shall promulgate reasonable rules,~~
6 ~~regulations, and standards for the accreditation of persons, firms, schools,~~
7 ~~or educational institutions offering correspondence courses to the people of~~
8 ~~this state and may grant certificates of approval to those persons, firms,~~
9 ~~schools, or educational institutions offering correspondence courses that~~
10 ~~meet the approval of its rules, regulations, and standards.~~

11 ~~(b) It shall be unlawful for any person, firm, school, or educational~~
12 ~~institution to advertise by newspaper, magazine, pamphlet, handbill, or other~~
13 ~~printed method published in this state or by radio or by television in this~~
14 ~~state the offering of any correspondence courses unless that person, firm,~~
15 ~~school, or educational institution shall have first registered with the State~~
16 ~~Board of Education and shall have been approved by the State Board of~~
17 ~~Education as an accredited correspondence school.~~

18 ~~(c)(1) The provisions of this section shall be applicable to all~~
19 ~~schools or educational institutions offering correspondence courses whether~~
20 ~~the schools are located in this state or in some other state.~~

21 ~~(2) However, these provisions shall not apply to those schools~~
22 ~~or educational institutions regulated by the State Board of Private Career~~
23 ~~Education or by the Arkansas Higher Education Coordinating Board.~~

24 ~~(d) Any person violating this section shall be guilty of a violation~~
25 ~~and upon conviction shall be fined in the sum of not less than two hundred~~
26 ~~fifty dollars (\$250) and not more than five hundred dollars (\$500).~~

27
28 SECTION 8. Arkansas Code § 6-11-128(b), concerning school district use
29 of a software system other than the Arkansas Public School Computer Network,
30 is repealed.

31 ~~(b) After approval by the Department of Education, a school district~~
32 ~~may use a different software system at the school district level if:~~

33 ~~(1) The Department of Education determines that the school~~
34 ~~district's software meets the minimum reporting requirements provided by the~~
35 ~~Arkansas Public School Computer Network; and~~

36 ~~(2) The school district supplies all school district transaction~~

1 ~~information to the Arkansas Public School Computer Network in a compatible~~
 2 ~~format and in sufficient detail as required by the Department of Education.~~

3
 4 SECTION 9. Arkansas Code § 6-11-128(c)(6), concerning a certification
 5 program for the Arkansas Public School Computer Network, is repealed.

6 ~~(6)(A) Developing a certification program to certify:~~

7 ~~(i) At least one (1) person in each school district~~
 8 ~~as a certified APSCN financials user and trainer; and~~

9 ~~(ii) At least one (1) person in each school district~~
 10 ~~as a certified APSCN student management user and trainer.~~

11 ~~(B) The certification process shall require an applicant~~
 12 ~~for certification to successfully complete the following components,~~
 13 ~~including without limitation:~~

14 ~~(i) Courses in the application area;~~

15 ~~(ii) Training in using the network's reporting~~
 16 ~~tools; and~~

17 ~~(iii) An examination that tests the applicant's~~
 18 ~~knowledge and skills in the application area and the Arkansas Public School~~
 19 ~~Computer Network's reporting tools.~~

20 ~~(C) In a school district of five hundred (500) or fewer~~
 21 ~~students, one (1) person may be certified in both financials and student~~
 22 ~~management; and~~

23
 24 SECTION 10. Arkansas Code § 6-11-131 is repealed.

25 ~~6-11-131. Divisions of the Department of Education.~~

26 ~~(a)(1) Effective July 1, 2005, the Department of Education shall~~
 27 ~~consist of a central administration and the following divisions:~~

28 ~~(A) The Division of Fiscal and Administrative Services;~~

29 ~~(B) The Division of Human Resources;~~

30 ~~(C) The Division of Learning Services; and~~

31 ~~(D) The Division of Research and Technology.~~

32 ~~(2) Effective April 11, 2006, the Division of Public School~~
 33 ~~Academic Facilities and Transportation, established under § 6-21-112, shall~~
 34 ~~be under the department.~~

35 ~~(3) Effective July 1, 2007, the Division of Public School~~
 36 ~~Accountability, established under § 6-15-102, shall be under the department.~~

1 ~~(b)(1) The Division of Public School Accountability shall have such~~
2 ~~duties as provided by law.~~

3 ~~(2) The Division of Public School Academic Facilities and~~
4 ~~Transportation shall have duties as provided by law and such responsibility~~
5 ~~and programs as may be assigned by the Commission for Arkansas Public School~~
6 ~~Academic Facilities and Transportation.~~

7 ~~(3) The remaining divisions shall have such responsibility and~~
8 ~~programs as may be assigned to them by the Commissioner of Education.~~

9 ~~(c)(1) Except as provided in subdivision (c)(2) of this section, each~~
10 ~~division of the department shall be under the direction, control, and~~
11 ~~supervision of the Commissioner of Education.~~

12 ~~(2) The Division of Public School Academic Facilities and~~
13 ~~Transportation shall be under the direction, control, and supervision of the~~
14 ~~Commission for Arkansas Public School Academic Facilities and Transportation.~~

15
16 SECTION 11. Arkansas Code § 6-13-1505(d)(1), concerning creation of a
17 school district, is amended to read as follows:

18 (d)(1) The ad valorem valorem tax rate of the new school district
19 shall remain the same as that of the original school district until an
20 election is held in the new school district and a rate of tax is approved and
21 shall be allocated in the same proportion between maintenance and operation
22 and debt service as was allocated by the original school district.

23
24 SECTION 12. Arkansas Code § 6-13-1505(e)(2), concerning creation of a
25 school district, is amended to read as follows:

26 (2) Enter into ~~lease with purchase~~ lease-purchase agreements,
27 revolving loans under 6-20-801 et seq., ~~term loans, post-date~~ post-dated
28 warrants, or installment contracts;

29
30 SECTION 13. Arkansas Code § 6-13-1505(h)(2), concerning creation of a
31 school district, is amended to read as follows:

32 (2) At the school election or any subsequent school election, a
33 new school district may present to the qualified electors of the new school
34 district a proposed ad valorem valorem tax for the maintenance and operation
35 of schools and the retirement of indebtedness.

36

1 SECTION 14. Arkansas Code § 6-13-1606 is repealed.

2 ~~6-13-1606. Development of plan to track student progress.~~

3 ~~(a) Following the administrative consolidation or administrative~~
4 ~~annexation under §§ 6-13-1601--6-13-1603, 6-13-1604 [repealed], and 6-13-~~
5 ~~1605 [repealed] effective before December 1, 2004, and before any~~
6 ~~consolidation, annexation, detachment, approval of a conversion charter, or~~
7 ~~any other type of reclassification or reorganization of a school district~~
8 ~~after December 1, 2004, each receiving district or resulting district and the~~
9 ~~Department of Education shall develop a plan to track the educational~~
10 ~~progress of all students from the affected district and the following~~
11 ~~subgroups of those students:~~

12 ~~(1) Students who have been placed at risk of academic failure as~~
13 ~~required under § 6-15-1602;~~

14 ~~(2) Economically disadvantaged students;~~

15 ~~(3) Students from major racial and ethnic groups; and~~

16 ~~(4) Specific population groups as identified by the State Board~~
17 ~~of Education, the department, the affected district, or the receiving~~
18 ~~district as target groups for closing the achievement gaps.~~

19 ~~(b) The receiving or resulting district shall obtain and retain all~~
20 ~~student records from the affected district for the five (5) years immediately~~
21 ~~preceding the administrative consolidation or administrative annexation,~~
22 ~~specifically including, but not limited to:~~

23 ~~(1) Individual student records;~~

24 ~~(2) Attendance records;~~

25 ~~(3) Enrollment records;~~

26 ~~(4) Assessment records for assessments required under the~~
27 ~~Arkansas Comprehensive Testing, Assessment, and Accountability Program Act, §~~
28 ~~6-15-401 et seq., specifically including benchmark assessments and end-of-~~
29 ~~course assessments; and~~

30 ~~(5) ACT and SAT results and records.~~

31 ~~(c) The school district shall report to the department information~~
32 ~~determined by the department as necessary to track the educational progress~~
33 ~~of all students from the affected district as a subgroup and the following~~
34 ~~subgroups of those transferred students:~~

35 ~~(1) Students who have been placed at risk of academic failure as~~
36 ~~required under § 6-15-1602;~~

1 ~~(2) Economically disadvantaged students; and~~

2 ~~(3) Students from major racial and ethnic groups.~~

3 ~~(d) By November 1, 2005, and by November 1 each year thereafter, the~~
4 ~~department shall file a written report with the Governor, the chair of the~~
5 ~~House Committee on Education, the chair of the Senate Committee on Education,~~
6 ~~and the secretary of the Legislative Council assessing the educational~~
7 ~~progress of all students from the affected district as a subgroup and the~~
8 ~~following subgroups of those transferred students:~~

9 ~~(1) Students who have been placed at risk of academic failure as~~
10 ~~required under § 6-15-1602;~~

11 ~~(2) Economically disadvantaged students; and~~

12 ~~(3) Students from major racial and ethnic groups.~~

13
14 SECTION 15. Arkansas Code § 6-15-902(c)(2)(C)(i), concerning grading
15 scales, is amended to add an additional subdivision to read as follows:

16 (c) Attends a College Board endorsed training
17 at intervals recommended by the College Board; or

18
19 SECTION 16. Arkansas Code § 6-15-1402(b)(4)(B), concerning the
20 contents of a school performance report, is amended to read as follows:
21 (B) Of that total, the number who meet each of the
22 following criteria:

23 ~~(i) Highly qualified teacher;~~

24 ~~(ii) Identified as proficient or above under the~~
25 ~~Teacher Excellence and Support System for the school; and~~

26 ~~(iii)~~(ii) Certified by the National Board for
27 Professional Teaching Standards.

28
29 SECTION 17. Arkansas Code § 6-15-1601(g)(2), concerning the duties of
30 the Commission on Closing the Achievement Gap in Arkansas, is amended to read
31 as follows:

32 (2) Monitor the Department of Education's efforts to comply with
33 federal guidelines on improving the academic achievement of the
34 disadvantaged, specifically ~~including, but not limited to,~~ including without
35 limitation the No Child Left Behind Act of 2001 Elementary and Secondary
36 Education Act of 1965, Pub. L. No. 80-10, as reauthorized by the Every

1 Student Succeeds Act, Pub. L. No. 114-95;
2

3 SECTION 18. Arkansas Code § 6-15-1601(h)(2), concerning the Commission
4 on Closing the Achievement Gap in Arkansas, is amended to read as follows:

5 (2) Relevant technical experts to assist in drafting and monitoring
6 the department's efforts to comply with federal guidelines on improving the
7 academic achievement of the disadvantaged, specifically including without
8 limitation the ~~No Child Left Behind Act of 2001, 20 U.S.C. § 6301 et seq.~~
9 Elementary and Secondary Education Act of 1965, Pub. L. No. 80-10, as
10 reauthorized by the Every Student Succeeds Act, Pub. L. No. 114-95;
11

12 SECTION 19. Arkansas Code § 6-15-2502(d)(3)(C)(iii), concerning the
13 criteria for designating education renewal zones and participating schools,
14 is repealed.

15 ~~(iii) The school demonstrates an inability to hire~~
16 ~~and retain highly qualified teachers as defined by the state plan for~~
17 ~~compliance with the federal No Child Left Behind Act of 2001, 20 U.S.C. §~~
18 ~~6301 et seq.;~~
19

20 SECTION 20. Arkansas Code § 6-16-1405(a)(4), concerning the approval
21 of digital learning providers, is amended to read as follows:

22 (4)(A) Utilizes ~~highly~~ highly qualified teachers to deliver digital
23 learning courses to public school students.

24 (B) A ~~highly~~ highly qualified teacher ~~that~~ who delivers digital
25 learning courses under this subchapter is not required to be licensed as a
26 teacher or administrator by the state board, but shall meet the minimum
27 qualifications for teaching in a core content area established by rules of
28 the state board.
29

30 SECTION 21. Arkansas Code § 6-17-704(d), concerning school district
31 professional development plans, is amended to read as follows:

32 (d) The professional development offerings may include approved
33 conferences, workshops, institutes, individual learning, mentoring, peer-
34 coaching, study groups, National Board for Professional Teaching Standards
35 certification, distance learning, micro-credentialing approved by the
36 department, internships, and college or university course work.

1
2 SECTION 22. Arkansas Code § 6-17-705(e), concerning professional
3 development credit, is amended to read as follows:

4 (e) A person who holds any license issued by the State Board of
5 Education may obtain credit for required professional development through a
6 micro-credentialing process approved by the department.

7 (f) ~~The State Board of Education~~ state board shall promulgate the
8 rules necessary for the proper implementation of this section.

9
10 SECTION 23. Arkansas Code § 6-17-707(e), concerning the Arkansas
11 Online Professional Development Initiative, is amended to read as follows:

12 (e)(1) The department shall determine the content of and preapprove
13 all professional development courses or programs delivered by the network
14 that qualify for professional development credit as required by the Standards
15 for Accreditation of Arkansas Public Schools and School Districts or teacher
16 licensure requirements.

17 (2) The department may approve professional development obtained
18 through a micro-credentialing process.

19
20 SECTION 24. Arkansas Code § 6-17-919(b), concerning the warrants
21 issued without a valid teaching license, is amended to read as follows:

22 (b)(1) The school district superintendent and the superintendent's
23 surety shall be liable for any warrants that he or she countersigns in
24 payment of teachers' salaries unless and until the state board has issued a
25 valid license or the ~~department~~ Department of Education has provided the
26 documentation required by subdivision (a)(1)(B) of this section.

27 (2) An online copy that is accessible on a website designated by
28 the department is sufficient evidence of the issuance of a valid license or
29 the documentation required by subdivision (a)(1)(B) of this section.

30
31 SECTION 25. Arkansas Code Title 6, Chapter 18, Subchapter 3, is
32 amended to add an additional section to read as follows:

33 6-18-320. Unsafe school choice program.

34 (a) Any student that becomes the victim of a violent criminal offense
35 while in or on the grounds of an Arkansas public elementary, secondary, or
36 public charter school or who is attending a persistently dangerous public

1 school shall be allowed to attend a safe public school within the local
 2 educational agency under rules established by the State Board of Education.

3 (b) The state board may promulgate rules to administer this section.
 4

5 SECTION 26. Arkansas Code Title 6, Chapter 18, Subchapter 8 is
 6 repealed.

7 Subchapter 8 — School Safety Patrols
 8

9 ~~6-18-801. Rules and regulations.~~

10 ~~The State Board of Education shall promulgate rules and regulations by~~
 11 ~~which every school district board of directors in this state may organize,~~
 12 ~~regulate, and supervise school safety patrols for the purpose of:~~

13 ~~(1) Influencing and encouraging the other pupils to refrain from~~
 14 ~~crossing public highways and streets at points other than at regular~~
 15 ~~crossings;~~

16 ~~(2) Influencing and encouraging pupils to refrain from crossing~~
 17 ~~at regular crossings when the presence of traffic would render such crossing~~
 18 ~~unsafe; and~~

19 ~~(3) Assisting drivers of school buses in maintaining safety~~
 20 ~~rules and in ascertaining that pupils are received and discharged from buses~~
 21 ~~in safety.~~

22
 23 ~~6-18-802. Liability.~~

24 ~~No liability shall attach either to the State Board of Education, the~~
 25 ~~school district, a superintendent, teacher, safety patrol member, or other~~
 26 ~~school authority by virtue of the organization, maintenance, or operation of~~
 27 ~~a school safety patrol organized, maintained, and operated under authority of~~
 28 ~~and in compliance with this subchapter.~~

29
 30 ~~6-18-803. Powers and duties.~~

31 ~~(a)(1) Nothing herein contained shall be construed to authorize or~~
 32 ~~permit the use of any safety patrol member for the purpose of directing~~
 33 ~~vehicular traffic.~~

34 ~~(2) However, this shall not prohibit the use of a flag or other~~
 35 ~~approved signal by a safety patrol member for the purpose of indicating to a~~
 36 ~~driver that school children are crossing the street.~~

1 ~~(b) No safety patrol member shall be stationed in that portion of the~~
2 ~~highway intended for the use of vehicular traffic but shall perform his or~~
3 ~~her duties from the curb and sidewalk areas.~~

4
5 ~~6-18-804. Age and consent requirements.~~

6 ~~(a) No pupil shall be designated a safety patrol member under this~~
7 ~~subchapter unless he or she is eleven (11) years of age or older and has the~~
8 ~~written permission of a parent or guardian.~~

9 ~~(b) Any teacher or board member using any pupil for safety patrol~~
10 ~~purposes without the written permission of a parent or guardian shall be~~
11 ~~guilty of a violation and upon conviction shall be fined not less than~~
12 ~~twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100) for~~
13 ~~each offense.~~

14
15 SECTION 27. Arkansas Code § 6-18-1005(a)(1)(L), concerning student
16 guidance services, is amended to read as follows:

17 (L) Classroom guidance, which shall be limited to forty-
18 minute class sessions, not to exceed three (3) per day ~~or~~ and not to exceed
19 ten (10) per week; and

20
21 SECTION 28. Arkansas Code § 6-20-1908(d), concerning the length of
22 fiscal distress status, is amended to read as follows:

23 (d) Except under ~~§ 6-20-1910(d)~~ § 6-20-1910(e), a school district
24 shall not be allowed to remain in fiscal distress status for more than five
25 (5) consecutive school years from the date that the school district was
26 classified as being in fiscal distress status.

27
28 SECTION 29. Arkansas Code § 6-20-1908(i), concerning State Board of
29 Education action regarding fiscal distress, is amended to read as follows:

30 (i) Except under ~~§ 6-20-1910(d)~~ § 6-20-1910(e), the state board shall
31 consolidate, annex, or reconstitute any school district that fails to remove
32 itself from the classification of a school district in fiscal distress within
33 five (5) consecutive school years of classification of fiscal distress status
34 unless the state board, at its discretion, issues a written finding supported
35 by a majority of the state board, explaining in detail that the school
36 district could not remove itself from fiscal distress due to impossibility

1 caused by external forces beyond the school district's control.

2
3 SECTION 30. Arkansas Code § 6-20-1910(d)(1), concerning state
4 assumption of authority of a school district in fiscal distress, is amended
5 to read as follows:

6 (d) If the Commissioner of Education assumes authority over a public
7 school district in fiscal distress under ~~subsection (a) of this section § 6-~~
8 20-1909, the state board may pursue the following process for returning a
9 public school district to the local control of its residents:

10 (1) During the second full school year following ~~a school~~
11 ~~district's classification as being in fiscal distress status~~ the assumption
12 of authority, the state board shall determine the extent of the school
13 district's progress toward correcting all issues that caused the
14 classification of fiscal distress;

15
16 SECTION 31. Arkansas Code § 6-41-407 is amended to read as follows:
17 6-41-407. Accommodation for students with sensory processing
18 difficulty.

19 When administering a state-mandated assessment or a state-mandated
20 test, the Department of Education and each school district shall allow a
21 student that has been evaluated through appropriate testing, including a
22 comprehensive eye examination by an optometrist or an ophthalmologist, and
23 identified as having difficulty with sensory processing in reaction to
24 oversensitivity to full spectrum light to use color overlays specific to the
25 student's oversensitivity that alter the contrast between the words and the
26 page so that the student can visually comprehend the words on a page of a
27 state mandated assessment or a state-mandated test, if made available by the
28 test developer.

29
30
31 **APPROVED: 03/29/2017**
32
33
34
35
36

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: S3/20/17

A Bill

SENATE BILL 647

5 By: Senator J. English
6 By: Representative Cozart
7

For An Act To Be Entitled

9 AN ACT TO AMEND PROVISIONS OF THE ARKANSAS CODE
10 CONCERNING THE PUBLIC SCHOOL STATE ACCOUNTABILITY
11 SYSTEM; AND FOR OTHER PURPOSES.
12
13

Subtitle

15 TO AMEND PROVISIONS OF THE ARKANSAS CODE
16 CONCERNING THE PUBLIC SCHOOL STATE
17 ACCOUNTABILITY SYSTEM.
18
19

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

22 *SECTION 1. Arkansas Code Title 6, Chapter 15, Subchapter 4, is*
23 *repealed.*

24 ~~*Subchapter 4—Arkansas Comprehensive Testing, Assessment, and Accountability*~~
25 ~~*Program Act*~~
26

27 ~~*6-15-401.—Title.*~~

28 ~~*This subchapter shall be known as and may be cited as the “Arkansas*~~
29 ~~*Comprehensive Testing, Assessment, and Accountability Program Act”.*~~
30

31 ~~*6-15-402.—Purpose.*~~

32 ~~*(a)(1)(A) The purpose of this subchapter is to provide the statutory*~~
33 ~~*framework necessary to ensure that all students in the public schools of this*~~
34 ~~*state have an equal opportunity to demonstrate grade-level academic*~~
35 ~~*proficiency through the application of knowledge and skills in core academic*~~
36 ~~*subjects consistent with state curriculum frameworks, performance standards,*~~



1 ~~and assessments.~~

2 ~~(B)(i) The State of Arkansas recognizes and declares that~~
3 ~~students who are not performing at grade level standards of academic~~
4 ~~proficiency are especially harmed by social promotion because they are not~~
5 ~~equipped with the necessary academic skills to be successful and productive~~
6 ~~members of society.~~

7 ~~(ii) For this reason, the Arkansas Comprehensive~~
8 ~~Testing, Assessment, and Accountability Program will emphasize point-in-time~~
9 ~~intervention and remediation upon the discovery that any student is not~~
10 ~~performing at grade level.~~

11 ~~(C) The state is committed to all students having the~~
12 ~~opportunity to perform at their age-appropriate grade level and beyond.~~

13 ~~(2)(A) This subchapter is constructed around a system that~~
14 ~~includes statewide indicators, individual school improvement indicators, and~~
15 ~~a locally generated school accountability narrative.~~

16 ~~(B) The total program shall be applied to each school in~~
17 ~~the state public school system.~~

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

21 ~~(4)(A) It shall also be the purpose of this subchapter to:~~

22 ~~(i) Provide information needed to improve the public~~
23 ~~schools by measuring annual learning gains of all students through~~
24 ~~longitudinal tracking and analysis of value-added computations of student~~
25 ~~gains against a national cohort to inform parents of the educational progress~~
26 ~~of their public school children; and~~

27 ~~(ii) Inform the public of the performance of~~
28 ~~schools.~~

29 ~~(B) The program shall be designed to:~~

30 ~~(i) Assess the annual learning gains of each student~~
31 ~~toward achieving the academic content standards appropriate for the student's~~
32 ~~grade level;~~

33 ~~(ii) Provide data for building effective staff~~
34 ~~development programs and school accountability and recognition;~~

35 ~~(iii) Identify the educational strengths and~~
36 ~~weaknesses of students and help the teacher tailor instruction to the needs~~

1 ~~of the individual student;~~

2 ~~(iv) Assess how well academic goals and performance~~
3 ~~standards are met at the classroom, school, school district, and state~~
4 ~~levels;~~

5 ~~(v) Provide information to aid in the evaluation and~~
6 ~~development of educational programs and policies;~~

7 ~~(vi) Provide information on the performance of~~
8 ~~Arkansas students compared with other students from across the United States;~~
9 ~~and~~

10 ~~(vii) Identify best practices and schools that are~~
11 ~~in need of improving their practices.~~

12 ~~(b) The purposes of the assessment and accountability program~~
13 ~~developed under this subchapter shall be to:~~

14 ~~(1) Improve student learning and classroom instruction;~~

15 ~~(2) Provide public accountability by:~~

16 ~~(A) Mandating expected achievement levels;~~

17 ~~(B) Reporting on school and school district performance;~~

18 ~~and~~

19 ~~(C) Applying a framework for state action for a school or~~
20 ~~school district that fails expected achievement levels as defined in the~~
21 ~~Arkansas Comprehensive Testing, Assessment, and Accountability Program rules~~
22 ~~and regulations; and~~

23 ~~(3) Provide evaluation data of school and school district~~
24 ~~performance in order to assist policymakers at all levels in decision making.~~

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

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

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

32 ~~(3) Academic standards for every level of the grades~~
33 ~~kindergarten through twelve (K-12) education system to be aligned and~~
34 ~~education financial resources to be aligned with student performance~~
35 ~~expectations at each level of the grades kindergarten through twelve (K-12)~~
36 ~~education system; and~~

1 ~~(4) The quality of educational leadership at all levels of~~
2 ~~grades kindergarten through twelve (K-12) education to be improved.~~

3
4 ~~6-15-403. Authority of State Board of Education.~~

5 ~~(a) The State Board of Education through the Department of Education~~
6 ~~shall:~~

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

11 ~~(A) Set clear academic standards that are periodically~~
12 ~~reviewed and revised;~~

13 ~~(B) Establish professional development;~~

14 ~~(C) Establish expected achievement levels;~~

15 ~~(D) Report on student achievement and other indicators;~~

16 ~~(E) Provide evaluation data;~~

17 ~~(F) Recognize academic excellence and failure;~~

18 ~~(G) Apply awards and sanctions; and~~

19 ~~(H) Comply with current federal and state law and state~~
20 ~~board rules and regulations;~~

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

24 ~~(3) Employ staff and enter into contracts as may be necessary to~~
25 ~~carry out the provisions of this subchapter;~~

26 ~~(4) Classify school services, designate the licensure subject~~
27 ~~areas, establish competencies, including the use of technology to enhance~~
28 ~~student learning and licensure requirements for all school-based personnel,~~
29 ~~and prescribe rules in accordance with initial, standard, and provisional~~
30 ~~licenses;~~

31 ~~(5) Identify critical teacher shortage areas; and~~

32 ~~(6) Collect and maintain the management information databases~~
33 ~~for all components of the public kindergarten through grade twelve (K-12)~~
34 ~~education system.~~

35 ~~(b) To transition to and implement the Common Core State Standards,~~
36 ~~the State Board of Education may:~~

1 ~~(1) Modify curriculum and assessment requirements;~~
2 ~~(2) Adopt new curriculum and assessment requirements; and~~
3 ~~(3) Direct the Department of Education to:~~
4 ~~(A) Propose to the state board rules and procedures; and~~
5 ~~(B) Develop the professional development needed to train~~
6 ~~educators on the transition and implementation.~~

7
8 ~~6-15-404. Program implementation.~~

9 ~~(a)(1) The State Board of Education shall establish clear, specific,~~
10 ~~and challenging academic content standards which define what students shall~~
11 ~~know and be able to do in each content area.~~

12 ~~(2) Instruction in all public schools shall be based on these~~
13 ~~academic content standards.~~

14 ~~(b) The state board shall establish a schedule for periodic review and~~
15 ~~revision of academic content standards to ensure that Arkansas academic~~
16 ~~content standards are rigorous and equip students to compete in the global~~
17 ~~workforce.~~

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

20 ~~(1) External review by outside content standards experts;~~

21 ~~(2) Review and input by higher education, workforce education,~~
22 ~~and community members;~~

23 ~~(3) Study and consideration of academic content standards from~~
24 ~~across the nation and the international level as appropriate;~~

25 ~~(4) Study and consideration of evaluation from national groups~~
26 ~~or organizations as appropriate;~~

27 ~~(5) Revisions by committees of Arkansas teachers and~~
28 ~~instructional supervisor personnel from public schools, assisted by teachers~~
29 ~~from institutions of higher education; and~~

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

32 ~~(d) The state board shall establish a clear, concise system of~~
33 ~~reporting the academic performance of each school on the state-mandated~~
34 ~~assessments that conforms with the requirements of the No Child Left Behind~~
35 ~~Act of 2001, 20 U.S.C. § 6301 et seq.~~

36 ~~(e)(1) The state board shall develop and the department shall~~

1 ~~implement a developmentally appropriate uniform school readiness screening to~~
2 ~~validate a child's school readiness as part of a comprehensive evaluation~~
3 ~~design.~~

4 ~~(2) Beginning with the 2004-2005 school year, the department~~
5 ~~shall require that all school districts administer the uniform school~~
6 ~~readiness screening to each kindergarten student in the school district~~
7 ~~school system upon the student's entry into kindergarten.~~

8 ~~(3) Children who enter public school for the first time in first~~
9 ~~grade must be administered the uniform school readiness screening developed~~
10 ~~for use in the first grade.~~

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

14 ~~(2) Professional development activities shall be tied to the~~
15 ~~comprehensive school improvement plan and designed to increase student~~
16 ~~learning and achievement.~~

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

19 ~~(4)(A) A public school or public school district classified as~~
20 ~~in "school improvement" shall develop and file with the department a~~
21 ~~comprehensive school improvement plan designed to ensure that all students~~
22 ~~demonstrate proficiency on all portions of state-mandated assessments.~~

23 ~~(B) The comprehensive school improvement plan shall~~
24 ~~include strategies to address the achievement gap existing for any~~
25 ~~identifiable group or subgroup as identified in the Arkansas Comprehensive~~
26 ~~Testing, Assessment, and Accountability Program and the gap of that subgroup~~
27 ~~from the academic standard.~~

28 ~~(g)(1) The department shall develop and implement an assessment~~
29 ~~program that is valid, reliable, and vertically scaled for public school~~
30 ~~students in grades three through eight (3-8), which measures application of~~
31 ~~knowledge and skills in reading and writing literacy and mathematics.~~

32 ~~(2) Science, civics, and government shall be measured on a~~
33 ~~schedule as determined by the state board.~~

34 ~~(h)(1) The State of Arkansas shall participate in the administration~~
35 ~~of the National Assessment of Educational Progress examinations.~~

36 ~~(2)(A) Any student failing to achieve the established standard~~

~~on the Arkansas Comprehensive Assessment Program examinations shall be evaluated by school personnel, who shall jointly develop with the student's parents an academic improvement plan to assist the student in achieving the expected standard in subject areas in which performance is deficient.~~

~~(B) The academic improvement plan shall describe the parent's role and responsibilities as well as the consequences for the student's failure to participate in the plan.~~

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

~~(2)(A)(i) Any school that fails to achieve expected levels of student performance on the Arkansas Comprehensive Assessment Program examinations and related indicators, as defined in this subchapter, shall participate in a school improvement plan accepted by the department.~~

~~(ii) This improvement plan shall assist those students performing below grade level in achieving the expected standard.~~

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

~~(j)(1) The department and the local school districts shall annually compile and disseminate to the public results of all required examinations.~~

~~(2) The results of 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.~~

~~(k)(1) 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.~~

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

~~6-15-405. [Repealed.]~~

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

1 ~~The comprehensive testing, assessment, and accountability program to be~~
2 ~~developed by the Department of Education and approved by the State Board of~~
3 ~~Education shall include, but is not limited to, the following components or~~
4 ~~characteristics:~~

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

7 ~~(2) Longitudinal and trend data collection for the purposes of~~
8 ~~improving student and school performance;~~

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

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

15 ~~(5) Meaningful comparisons of Arkansas students with those of~~
16 ~~other states, regions, and the nation through the National Assessment of~~
17 ~~Educational Progress examination and other examinations; and~~

18 ~~(6) Review and assistance to the department in developing the~~
19 ~~comprehensive testing, assessment, and accountability program by a panel of~~
20 ~~external psychometric experts.~~

21
22 ~~6-15-407. Basic competency tests generally.~~

23 ~~(a) The “Arkansas Comprehensive Testing, Assessment, and~~
24 ~~Accountability Program” means a system of measurement and reporting designed~~
25 ~~to ensure that all students in the public schools of this state demonstrate~~
26 ~~academic achievement through the application of knowledge and skills in core~~
27 ~~academic subjects consistent with state curriculum frameworks and performance~~
28 ~~standards.~~

29 ~~(b) Neither the program nor any other assessment or testing procedure~~
30 ~~used in the public schools shall test or assess students’ religious beliefs,~~
31 ~~political beliefs, ethics, attitudes, or values.~~

32 ~~(c) Public school testing or assessment of student self-esteem, mental~~
33 ~~health, emotional health, or home or family life shall not be permitted.~~

34 ~~(d) The nonacademic assessment of student conduct for the purpose of~~
35 ~~encouraging good behavior and decorum at school shall be permitted.~~

36

1 ~~6-15-408 — 6-15-413. [Repealed.]~~

2
3 ~~6-15-414. — Testing additional grade levels.~~

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

8
9 ~~6-15-415. — Public availability of test instruments and scores.~~

10 ~~(a) Any material containing the identifiable scores of individual~~
11 ~~students on any test taken pursuant to the provisions of this subchapter~~
12 ~~shall not be considered a public record within the meaning of the Freedom of~~
13 ~~Information Act of 1967, § 25-19-101 et seq., and shall not be disseminated~~
14 ~~or otherwise made available to the public by any member of the State Board of~~
15 ~~Education, any employee of the Department of Education, any member of the~~
16 ~~board of directors of a school district, any employee of a school district,~~
17 ~~or any other person, except as permitted under the provisions of the Family~~
18 ~~Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g.~~

19 ~~(b) All analyses, reports, and compilations of test scores which do~~
20 ~~not contain personal and identifiable education information shall be~~
21 ~~considered a public record within the meaning of the Freedom of Information~~
22 ~~Act of 1967, § 25-19-101 et seq.~~

23 ~~(c) In order to protect the validity and reliability of the basic~~
24 ~~competency tests, the test instruments shall not be made available to the~~
25 ~~general public.~~

26
27 ~~6-15-416 — 6-15-418. [Repealed.]~~

28
29 ~~6-15-419. — Definitions.~~

30 ~~The following definitions shall apply in this subchapter and in § 6-15-~~
31 ~~2001 et seq., § 6-15-2101 et seq., §§ 6-15-2301, 6-15-2401, and 6-18-227:~~

32 ~~(1) “ACT” means the ACT assessment for college placement~~
33 ~~administered by ACT, Inc.;~~

34 ~~(2) “Academic content standards” means standards that are~~
35 ~~approved by the State Board of Education and that set the skills to be taught~~
36 ~~and mastery level for each grade and content area;~~

1 ~~(3)(A) “Academic improvement plan” means a plan detailing~~
2 ~~supplemental or intervention and remedial instruction, or both, in deficient~~
3 ~~academic areas for any student who is not proficient on a portion or portions~~
4 ~~of the state mandated Arkansas Comprehensive Assessment Program.~~

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

7 ~~(ii) All academic improvement plans shall be~~
8 ~~reviewed annually and revised to ensure an opportunity for student~~
9 ~~demonstration of proficiency in the targeted academic areas on the next~~
10 ~~state mandated Arkansas Comprehensive Assessment Program.~~

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

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

16 ~~(C) In any instance in which a student with disabilities~~
17 ~~identified under the Individuals with Disabilities Education Act, 20 U.S.C. §~~
18 ~~1400 et seq., has an individualized education program that already addresses~~
19 ~~any academic area or areas in which the student is not proficient on state-~~
20 ~~mandated assessments, the individualized education program shall serve to~~
21 ~~meet the requirement of an academic improvement plan.~~

22 ~~(4) “Adequate yearly progress” means the level of academic~~
23 ~~improvement required of public schools or school districts on the state-~~
24 ~~mandated assessments and other indicators as required in the Arkansas~~
25 ~~Comprehensive Testing, Assessment, and Accountability Program, which shall~~
26 ~~comply with the Elementary and Secondary Education Act of 1965, Pub. L. No.~~
27 ~~89-10, as reauthorized in the No Child Left Behind Act of 2001, 20 U.S.C. §~~
28 ~~6301 et seq.;~~

29 ~~(5) “Advanced placement test” means the test administered by the~~
30 ~~College Board for a high-school-level preparatory course that incorporates~~
31 ~~the topics specified by the College Board on its standard syllabus for a~~
32 ~~given subject area and is approved by the College Board.~~

33 ~~(6) “Annexation” means the joining of an affected school~~
34 ~~district or part of the school district with a receiving district under § 6-~~
35 ~~13-1401 et seq. or § 6-13-1601 et seq.;~~

36 ~~(7) “Annual performance” means the level of academic achievement~~

1 ~~required of public schools or school districts as measured by assessments and~~
2 ~~other criteria required under the rules of the State Board of Education;~~

3 ~~(8) "Annual student academic growth" means calculating a~~
4 ~~student's academic progress from one school year to the next, as measured by~~
5 ~~assessments and other criteria required by rule of the State Board of~~
6 ~~Education.~~

7 ~~(9) "Arkansas Comprehensive Assessment Program" means the~~
8 ~~testing component of the Arkansas Comprehensive Testing, Assessment, and~~
9 ~~Accountability Program, which shall consist of:~~

10 ~~(A) Developmentally appropriate assessments in~~
11 ~~kindergarten through grade twelve (K-12), as determined by the state board;~~

12 ~~(B) Any other assessments as required by the state board;~~

13 ~~(C) Other assessments that are based on researched best~~
14 ~~practices as determined by qualified experts that would be in compliance with~~
15 ~~federal and state law; and~~

16 ~~(D) End-of-course examinations for designated grades and~~
17 ~~content areas;~~

18 ~~(10) "Arkansas Comprehensive Testing, Assessment, and~~
19 ~~Accountability Program" means a system of measurement and reporting designed~~
20 ~~to ensure that all students in the public schools of this state demonstrate~~
21 ~~academic achievement through the application of knowledge and skills in core~~
22 ~~academic subjects consistent with state curriculum frameworks and performance~~
23 ~~standards;~~

24 ~~(11) "College and career readiness measurement" means a set of~~
25 ~~criterion-referenced measurements of a student's acquisition of the knowledge~~
26 ~~and skills the student needs to be successful in future endeavors, including~~
27 ~~credit-bearing, first-year courses at a postsecondary institution, such as a~~
28 ~~two-year or four-year college, trade school, or technical school, or to~~
29 ~~embark on a career;~~

30 ~~(12) "Comprehensive school improvement plan" means the~~
31 ~~individual school's comprehensive plan based on priorities indicated by~~
32 ~~assessment and other pertinent data and designed to provide an opportunity~~
33 ~~for all students to demonstrate proficiency on all portions of the state-~~
34 ~~mandated Arkansas Comprehensive Assessment Program;~~

35 ~~(13) "Consolidation" means the joining of two (2) or more school~~
36 ~~districts or parts of the school districts to create a new single school~~

~~district under § 6-13-1401 et seq. or § 6-13-1601 et seq.;~~

~~(14)(A) “District improvement plan” means a districtwide plan coordinating the actions of the various comprehensive school improvement plans within a school district.~~

~~(B) The main focus of the district improvement plan shall be to ensure that all students demonstrate proficiency on all portions of the state mandated Arkansas Comprehensive Assessment Program;~~

~~(15)(A) “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 that become difficult to change.~~

~~(B) The goal is to maintain a student’s ability to function proficiently at grade level;~~

~~(16) “End-of-course assessment” means a criterion-referenced assessment taken during a course of study set by the State Board of Education;~~

~~(A) To determine whether a student demonstrates, according to a requisite scale score established by rule of the state board, attainment of sufficient knowledge and skills to indicate a necessary and satisfactory mastery of the subject level content in that end-of-course assessment; and~~

~~(B) For which failure to meet that requisite scale score requires sufficient remediation before a student is entitled to receive full academic credit for the course;~~

~~(17) “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;~~

~~(18) “Grade level” means performing at the proficient or advanced level on state mandated Arkansas Comprehensive Assessment Program tests;~~

~~(19) “High school” means grades nine through twelve (9-12);~~

~~(20) “International Baccalaureate assessment” means an assessment administered by the International Baccalaureate Organization for a course offered under the International Baccalaureate Diploma Programme;~~

1 ~~(21) “Longitudinal tracking” means tracking individual student~~
2 ~~yearly academic achievement gains based on scheduled and annual assessments;~~

3 ~~(22) “Middle level” means grades five through eight (5-8);~~

4 ~~(23) “No Child Left Behind Act” means the No Child Left Behind~~
5 ~~Act of 2001, 20 U.S.C. § 6301 et seq., signed into federal law on January 8,~~
6 ~~2002;~~

7 ~~(24) “Parent” means:~~

8 ~~(A) A parent, parents, legal guardian, a person standing~~
9 ~~in loco parentis, or legal representative, as appropriate, of a student; or~~

10 ~~(B) The student if the student is eighteen (18) years of~~
11 ~~age or older;~~

12 ~~(25) “Point-in-time intervention and remediation” means~~
13 ~~intervention and remediation applied during the academic year upon the~~
14 ~~discovery that a student is not performing at grade level;~~

15 ~~(26) “Primary” means kindergarten through grade four (K-4);~~

16 ~~(27) “Public school” means those schools or school districts~~
17 ~~created pursuant to this title of the Arkansas Code and subject to the~~
18 ~~Arkansas Comprehensive Testing, Assessment, and Accountability Program except~~
19 ~~specifically excluding those schools or educational programs created by or~~
20 ~~receiving authority to exist under § 6-15-501, § 9-28-205, § 12-29-301 et~~
21 ~~seq., or other provisions of Arkansas law;~~

22 ~~(28) “Public school in school improvement” or “school in need of~~
23 ~~immediate improvement” means any public school or public school district~~
24 ~~identified as failing to meet certain established levels of academic~~
25 ~~achievement on the state-mandated augmented, criterion-referenced, or norm-~~
26 ~~referenced assessments as required by the state board in the program;~~

27 ~~(29) “Reconstitution” means a reorganization intervention in the~~
28 ~~administrative unit or governing body of a public school district, including~~
29 ~~without limitation the suspension, reassignment, replacement, or removal of a~~
30 ~~current superintendent or the suspension, removal, or replacement of some or~~
31 ~~all of the current school district board members, or both;~~

32 ~~(30)(A)(i) “Remediation” means a process of using diagnostic~~
33 ~~instruments to provide corrective, specialized, supplemental instruction to~~
34 ~~help a student in grades two through four (2-4) overcome academic~~
35 ~~deficiencies.~~

36 ~~(ii) For students in grades five through twelve (5-~~

1 ~~12), remediation shall be a detailed, sequential set of instructional~~
2 ~~strategies implemented to remedy any academic deficiencies indicated by~~
3 ~~below basic or basic performance on the state mandated augmented, criterion-~~
4 ~~referenced, or norm-referenced assessments.~~

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

7 ~~(31) "SAT" means the college entrance examination known as the~~
8 ~~"Scholastic Assessment Test" administered by the College Board;~~

9 ~~(32) "School or school district in academic distress" means a~~
10 ~~public school or school district failing to meet the minimum level of~~
11 ~~academic achievement on the state-mandated assessments as required by the~~
12 ~~state board in the program;~~

13 ~~(33) "School improvement plan" means the individual school's~~
14 ~~comprehensive plan based on priorities indicated by assessment and other~~
15 ~~pertinent data and designed to ensure that all students demonstrate~~
16 ~~proficiency on all portions of the state-mandated Arkansas Comprehensive~~
17 ~~Assessment Program examinations;~~

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

21 ~~(35) "Uniform school readiness screening" means uniform,~~
22 ~~objective evaluation procedures that are geared to either kindergarten or~~
23 ~~first grade, as appropriate, and developed by the state board and~~
24 ~~specifically formulated for children entering public school for the first~~
25 ~~time; and~~

26 ~~(36) "Value-added computations of student gains" means the~~
27 ~~statistical analyses of the educational impact of the school's instructional~~
28 ~~delivery system on individual student learning, using a comparison of~~
29 ~~previous and posttest student achievement gains against a national cohort.~~

30
31 ~~6-15-420. Remediation and intervention.~~

32 ~~(a) In order for students to be academically prepared to achieve~~
33 ~~proficiency in English language arts and mathematics, the Department of~~
34 ~~Education shall require each public school serving students in kindergarten~~
35 ~~through grade four (K-4) to develop, select, and implement ongoing, informal~~
36 ~~assessments corresponding to the Common Core State Standards.~~

1 ~~(b)(1)(A) Any student in kindergarten through grade one (K-1) failing~~
2 ~~to perform at the proficient level in reading and writing literacy or~~
3 ~~mathematics shall be evaluated as early as possible within each of the~~
4 ~~kindergarten through grade one (K-1) academic years.~~

5 ~~(B) Those students shall be evaluated by personnel with~~
6 ~~expertise in reading and writing literacy or mathematics who shall develop~~
7 ~~and implement an academic improvement plan, using early intervention~~
8 ~~strategies sanctioned by the department, to assist the student in achieving~~
9 ~~the expected standard.~~

10 ~~(2) Any student in grades two through four (2-4) failing to~~
11 ~~perform at the proficient level in reading and writing literacy or~~
12 ~~mathematics shall be evaluated by personnel with expertise in reading and~~
13 ~~writing literacy or mathematics who shall develop and implement an academic~~
14 ~~improvement plan, using remediation strategies sanctioned by the department,~~
15 ~~to assist the student in achieving the expected standard.~~

16 ~~(c)(1) Upon completion of the intervention and remediation plans in~~
17 ~~subdivisions (b)(1) and (2) of this section, those schools that fail to~~
18 ~~achieve expected levels of student performance at the primary level on~~
19 ~~augmented, criterion-referenced, or norm-referenced assessments, as defined~~
20 ~~in this subchapter, shall participate in a comprehensive school improvement~~
21 ~~plan accepted by the department.~~

22 ~~(2)(A) This plan shall be part of each school's long-range~~
23 ~~comprehensive school improvement plan and shall be reported to the public.~~

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

26 ~~(d)(1) As part of the Arkansas Comprehensive Testing, Assessment, and~~
27 ~~Accountability Program, the department shall ensure that each school and~~
28 ~~school district establishes a plan to assess whether children in the middle-~~
29 ~~level and high school grades are performing at proficient levels in reading~~
30 ~~and writing literacy, mathematics, and, as funds are available, other core~~
31 ~~academic subjects.~~

32 ~~(2) Each school and school district shall use multiple~~
33 ~~assessment measures, which shall include, but not be limited to, state-~~
34 ~~mandated assessments.~~

35 ~~(e) Any student failing to demonstrate a proficient level of~~
36 ~~achievement in reading and writing literacy, mathematics, or, as funds are~~

1 ~~available, other core academic subjects shall participate in an individual~~
2 ~~academic improvement plan specifically designed to achieve proficient-level~~
3 ~~performance standards in these areas.~~

4
5 ~~6-15-421. Awards and sanctions.~~

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

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

16 ~~(B) Each level of sanction shall determine specific~~
17 ~~interventions to be provided to the students of public schools or public~~
18 ~~school districts by the department.~~

19 ~~(2) The levels of sanction developed under The Omnibus Quality~~
20 ~~Education Act of 2003, Acts 2003, No. 1467, shall be incorporated into the~~
21 ~~existing comprehensive school improvement plan.~~

22 ~~(c) The State Board of Education shall develop a clear, concise system~~
23 ~~of reporting the academic performance of each public school on the state-~~
24 ~~mandated assessments, developmentally appropriate assessments for grades~~
25 ~~kindergarten through two (K-2), benchmark examinations, and end-of-course~~
26 ~~examinations, which conforms with current state and federal law.~~

27 ~~(d)(1)(A) Within thirty (30) days of a student's completing a course~~
28 ~~for which the state board has adopted an end-of-course assessment, the school~~
29 ~~district shall provide the Division of Public School Accountability of the~~
30 ~~Department of Education with each student's name, identification number, and~~
31 ~~grade in the course.~~

32 ~~(B) The division shall:~~

33 ~~(i) Match each student's end-of-course test score~~
34 ~~with the letter grade received in the corresponding course;~~

35 ~~(ii) Report each student's end-of-course test score~~
36 ~~matched with the letter grade the student received in the corresponding~~

1 ~~course to the school district;~~

2 ~~(iii) Create a report of the percentage of students~~
3 ~~who received a letter grade of "B" or above in the corresponding course and~~
4 ~~passed the end-of-course assessment on his or her first attempt; and~~

5 ~~(iv) Create a report of the percentage of students~~
6 ~~who received a letter grade of "B" or above in the corresponding course and~~
7 ~~did not pass the end-of-course assessment on the first attempt.~~

8 ~~(2)(A) No later than December 1 of each year, the division shall~~
9 ~~report to the state board and the General Assembly the name, address, and~~
10 ~~superintendent of any high school in which more than twenty percent (20%) of~~
11 ~~the students received a letter grade of "B" or above but did not pass the~~
12 ~~end-of-course assessment on the first attempt.~~

13 ~~(B) The report shall indicate by high school the number of~~
14 ~~students receiving a letter grade of "B" or above in the corresponding course~~
15 ~~who did not pass the end-of-course assessment on the first attempt, provided~~
16 ~~such disclosure is not in conflict with applicable federal or state law.~~

17 ~~(3) The department shall:~~

18 ~~(A) Investigate the classroom practices of any school~~
19 ~~district in which more than twenty percent (20%) of the students received a~~
20 ~~letter grade of "B" or above but did not pass the end-of-course assessment on~~
21 ~~the first attempt; and~~

22 ~~(B) Make in written form to the superintendent and local~~
23 ~~school district board of directors any recommendations or changes that would~~
24 ~~improve classroom instruction and student performance on end-of-course~~
25 ~~assessments.~~

26 ~~(4) As a part of the school improvement plan pursuant to § 6-15-~~
27 ~~2201, the state board shall ensure that each school district and high school~~
28 ~~develops strategies to improve student readiness for the public postsecondary~~
29 ~~level based on annual analysis of the feedback report data.~~

30 ~~(5) The department shall biennially recommend to the General~~
31 ~~Assembly statutory changes to reduce the incidence of postsecondary~~
32 ~~remediation in mathematics, reading, and writing for recent high school~~
33 ~~graduates who enroll in an institution of higher education.~~

34 ~~(e) The state board, through the department, is hereby authorized to~~
35 ~~promulgate rules and regulations as may be necessary to carry out the~~
36 ~~provisions of this subchapter.~~

1
2 ~~6-15-422.—Comprehensive Testing, Assessment, and Accountability~~
3 ~~Program progress report.~~

4 ~~The Department of Education shall report to the members of the House~~
5 ~~Committee on Education and the Senate Committee on Education on the progress~~
6 ~~of the Arkansas Comprehensive Testing, Assessment, and Accountability~~
7 ~~Program. The report shall be due on September 1, 1999, and annually~~
8 ~~thereafter.~~

9
10 ~~6-15-423.—[Repealed.]~~

11
12 ~~6-15-424.—Rules.~~

13 ~~The State Board of Education shall establish rules as may be necessary~~
14 ~~to require the Department of Education to implement a program for~~
15 ~~identifying, evaluating, assisting, and addressing public schools or public~~
16 ~~school districts failing to meet established levels of academic achievement~~
17 ~~on the state-mandated assessments as required in the Arkansas Comprehensive~~
18 ~~Testing, Assessment, and Accountability Program.~~

19
20 ~~6-15-425.—School improvement or academic distress.~~

21 ~~A public school or school district identified by the Department of~~
22 ~~Education as failing to meet established levels of academic achievement shall~~
23 ~~be classified as being in:~~

24 ~~(1) School improvement as required by the Arkansas Comprehensive~~
25 ~~Testing, Assessment, and Accountability Program, § 6-15-401 et seq., rules~~
26 ~~and regulations;~~

27 ~~(2) Academic distress as required under §§ 6-15-428—6-15-431;~~
28 ~~or~~

29 ~~(3) Both, as required by the applicable program rules and~~
30 ~~regulations.~~

31
32 ~~6-15-426.—School improvement.~~

33 ~~(a) The State Board of Education shall develop a single comprehensive~~
34 ~~testing, assessment, and accountability program which shall identify and~~
35 ~~address all public schools or public school districts in school improvement~~
36 ~~or academic distress and shall be incorporated into the Arkansas~~

1 ~~Comprehensive Testing, Assessment, and Accountability Program rules and~~
2 ~~regulations which shall comply with the Elementary and Secondary Education~~
3 ~~Act of 1965, Pub. L. No. 89-10, as reauthorized by the No Child Left Behind~~
4 ~~Act of 2001, 20 U.S.C. § 6301 et seq.~~

5 ~~(b) The school district board president and the superintendent of a~~
6 ~~public school or school district identified by the Department of Education as~~
7 ~~being classified as in school improvement shall be notified of the~~
8 ~~classification in writing by the department via certified mail, return~~
9 ~~receipt requested, and the school district shall have a right of appeal~~
10 ~~pursuant to the program rules and regulations which shall comply with the No~~
11 ~~Child Left Behind Act of 2001, 20 U.S.C. § 6301 et seq.~~

12 ~~(c) The single comprehensive testing, assessment, and accountability~~
13 ~~program shall require that any public school or school district in school~~
14 ~~improvement that fails to make adequate yearly progress as required in the~~
15 ~~single comprehensive testing, assessment, and accountability program may,~~
16 ~~after being afforded all due process rights and in a timely manner required~~
17 ~~under the No Child Left Behind Act of 2001, 20 U.S.C. § 6301 et seq., be~~
18 ~~advanced by the state board to the corrective action or restructuring phase~~
19 ~~of the single comprehensive testing, assessment, and accountability program~~
20 ~~adopted in the single comprehensive testing, assessment, and accountability~~
21 ~~program rules and regulations.~~

22 ~~(d) Any public school or school district classified in school~~
23 ~~improvement shall comply with all requirements placed on a public school or~~
24 ~~school district under the single comprehensive testing, assessment, and~~
25 ~~accountability program rules and regulations as required by the No Child Left~~
26 ~~Behind Act of 2001, 20 U.S.C. § 6301 et seq.~~

27 ~~(e) Each public school or school district shall develop and file with~~
28 ~~the department a comprehensive school improvement plan which shall be~~
29 ~~reviewed by the department and shall be designed to ensure that all students~~
30 ~~have an opportunity to obtain an adequate education and demonstrate~~
31 ~~proficiency on all portions of the state mandated assessments.~~

32 ~~(f)(1) The comprehensive school improvement plan shall be based on an~~
33 ~~analysis of student performance data and other relevant data that provide a~~
34 ~~plan of action to address deficiencies in student performance and any~~
35 ~~academic achievement gap evidenced in the Arkansas Comprehensive Testing,~~
36 ~~Assessment, and Accountability Program.~~

1 ~~(2) The comprehensive school improvement plan shall include a~~
2 ~~general description of the public school or school district's use of~~
3 ~~categorical funding for:~~

4 ~~(A) Alternative learning environments;~~

5 ~~(B) Professional development;~~

6 ~~(C) English language learners; and~~

7 ~~(D) National school lunch students, as defined by § 6-20-~~
8 ~~2303(12)(A).~~

9 ~~(g) Any public school or school district classified as in school~~
10 ~~improvement under § 6-15-425 shall, with the assistance of the department,~~
11 ~~develop and file with the department a revised comprehensive school~~
12 ~~improvement plan meeting the requirements of this section and containing any~~
13 ~~additional requirements determined necessary by the department to ensure that~~
14 ~~all students in the public school or school district have an opportunity to~~
15 ~~demonstrate proficiency on all portions of the state-mandated assessments.~~

16 ~~(h) At the end of each school year, the school district shall assess~~
17 ~~the effectiveness of an intervention or other action included in the~~
18 ~~comprehensive school improvement plan in improving student performance and~~
19 ~~include the assessment in the comprehensive school improvement plan for the~~
20 ~~following school year.~~

21 ~~(i)(1) The department shall monitor each public~~
22 ~~school's and school district's compliance regarding its comprehensive school~~
23 ~~improvement plan.~~

24 ~~(A) [Repealed.]~~

25 ~~(B) [Repealed.]~~

26 ~~(2) As part of the monitoring process under this subsection, the~~
27 ~~department shall evaluate the research cited by the public school or school~~
28 ~~district in its comprehensive school improvement plan in support of the~~
29 ~~proposed interventions and actions to assess its independence and empirical~~
30 ~~support for the effectiveness of the single comprehensive testing,~~
31 ~~assessment, and accountability program.~~

32 ~~(3) The department shall use the information obtained through~~
33 ~~monitoring comprehensive school improvement plans under this section to:~~

34 ~~(A) Determine the compliance of the public school or~~
35 ~~school district with this subchapter;~~

36 ~~(B) Evaluate whether the assessment conducted by the~~

1 ~~public school or school district under subsection (h) of this section was~~
2 ~~conducted properly; and~~

3 ~~(C) Assess the areas in which the public school or school~~
4 ~~district needs to revise its plan.~~

5 ~~(j) The state board shall incorporate the provisions of subsections~~
6 ~~(f) (i) of this section into its rules for comprehensive school improvement~~
7 ~~plans and may amend those rules in the same manner as provided by law for~~
8 ~~other rules established by the state board.~~

9
10 ~~6-15-427. School district testing programs.~~

11 ~~(a) Each school district board of directors shall annually provide a~~
12 ~~written evaluation of student performance and achievement within each school~~
13 ~~of the school district.~~

14 ~~(b) This evaluation and suggested measures to improve performance~~
15 ~~shall be presented in a public hearing in the same locality as the school~~
16 ~~district and submitted with comments made at the public hearing to the~~
17 ~~Department of Education.~~

18
19 ~~6-15-428. Academic distress identification, notification,~~
20 ~~classification, and appeal.~~

21 ~~(a) The school district board president and superintendent of a school~~
22 ~~district in which the school district or a public school is identified by the~~
23 ~~Department of Education as being in academic distress shall be notified in~~
24 ~~writing by the department via certified mail, return receipt requested, and~~
25 ~~shall have a right of appeal to the State Board of Education.~~

26 ~~(b) Any school district identified or in which a public school is~~
27 ~~identified in academic distress may appeal to the state board by filing a~~
28 ~~written appeal with the Commissioner of Education via certified mail, return~~
29 ~~receipt requested, within thirty (30) calendar days of receipt of the written~~
30 ~~notice of academic distress status from the department.~~

31 ~~(c)(1) The state board shall hear the appeal of the school district~~
32 ~~within sixty (60) days of receipt of the written appeal in the commissioner's~~
33 ~~office.~~

34 ~~(2) The state board's determination shall be final except that a~~
35 ~~school district may appeal to Pulaski County Circuit Court under the Arkansas~~
36 ~~Administrative Procedure Act, § 25-15-201 et seq.~~

1 ~~(d) A school district or public school identified by the department as~~
2 ~~being in academic distress shall be classified as a school district or public~~
3 ~~school in academic distress upon final determination by the state board.~~

4
5 ~~6-15-429. Academic distress — Required action.~~

6 ~~(a) Except as provided under subdivision (b)(3)(B) of this section and~~
7 ~~§ 6-15-430(d), a public school or school district identified as in “academic~~
8 ~~distress” shall have no more than five (5) consecutive school years from the~~
9 ~~date of classification of academic distress status to be removed from~~
10 ~~academic distress status.~~

11 ~~(b)(1) The State Board of Education may at any time take enforcement~~
12 ~~action on any school district in academic distress status, including without~~
13 ~~limitation annexation, consolidation, or reconstitution of a school district~~
14 ~~pursuant to § 6-13-1401 et seq. and the authority of this subchapter.~~

15 ~~(2) The state board may take enforcement action at any time on a~~
16 ~~public school in academic distress under this subchapter.~~

17 ~~(3)(A) Except as provided under subdivision (b)(3)(B) of this~~
18 ~~section and § 6-15-430(d), a public school or school district shall not be~~
19 ~~allowed to remain in academic distress status for a time period greater than~~
20 ~~five (5) consecutive school years from the date of classification of academic~~
21 ~~distress status.~~

22 ~~(B) The state board may grant additional time for a public~~
23 ~~school or school district to remove itself from academic distress by issuing~~
24 ~~a written finding supported by a majority of the state board explaining in~~
25 ~~detail that the public school or school district could not remove itself from~~
26 ~~academic distress during the relevant time period due to impossibility caused~~
27 ~~by external forces beyond the control of the public school or school~~
28 ~~district.~~

29 ~~(c) If a public school or school district classified as being in~~
30 ~~academic distress fails to be removed from academic distress status within~~
31 ~~the allowed five-year time period and has not been granted additional time~~
32 ~~under subdivision (b)(3)(B) of this section, the state board shall annex,~~
33 ~~consolidate, or reconstitute the public school or school district before July~~
34 ~~1 of the next school year.~~

35
36 ~~6-15-430. State Board of Education authority over public school or~~

1 ~~school district in academic distress.~~

2 ~~(a) If a school district is classified as being in academic distress,~~
3 ~~the State Board of Education may:~~

4 ~~(1) Remove permanently, reassign, or suspend on a temporary~~
5 ~~basis the superintendent of the school district and:~~

6 ~~(A) Appoint an individual in place of the superintendent~~
7 ~~to administratively operate the school district under the supervision and~~
8 ~~approval of the Commissioner of Education; and~~

9 ~~(B) Compensate from school district funds the individual~~
10 ~~appointed to operate the school district;~~

11 ~~(2) Suspend or remove some or all of the current board of~~
12 ~~directors and call for the election of a new board of directors for the~~
13 ~~school district, in which case the school district shall reimburse the county~~
14 ~~board of election commissioners for election costs as otherwise required by~~
15 ~~law;~~

16 ~~(3) Require the school district to operate without a board of~~
17 ~~directors under the supervision of the superintendent or an individual or~~
18 ~~panel appointed by the Commissioner of Education;~~

19 ~~(4) Waive the application of Arkansas law, with the exception of~~
20 ~~The Teacher Fair Dismissal Act of 1983, § 6-17-1501 et seq., and the Public~~
21 ~~School Employee Fair Hearing Act, § 6-17-1701 et seq., or the corresponding~~
22 ~~state board rules and regulations;~~

23 ~~(5) Require the annexation, consolidation, or reconstitution of~~
24 ~~the school district;~~

25 ~~(6) In the absence of a board of directors, direct the~~
26 ~~commissioner to assume all authority of the board of directors as may be~~
27 ~~necessary for the day-to-day governance of the school district;~~

28 ~~(7) Return the administration of the school district to the~~
29 ~~former board of directors or to a newly elected board of directors if:~~

30 ~~(A) The Department of Education certifies in writing to~~
31 ~~the state board and to the school district that the school district has~~
32 ~~corrected all issues that caused the classification of academic distress; and~~

33 ~~(B) The state board determines that the school district~~
34 ~~has corrected all issues that caused the classification of academic distress;~~
35 ~~and~~

36 ~~(8) Take any other necessary and proper action, as determined by~~

1 ~~the state board, that is allowed by law.~~

2 ~~(b) If a public school is classified as being in academic distress,~~
3 ~~the state board may:~~

4 ~~(1) Require the reorganization of the public school or~~
5 ~~reassignment of the administrative, instructional, or support staff of the~~
6 ~~public school;~~

7 ~~(2) Require the public school to institute and fully implement a~~
8 ~~student curriculum and professional development for teachers and~~
9 ~~administrators that are based on state academic content and achievement~~
10 ~~standards, with the cost to be paid by the school district in which the~~
11 ~~public school is located;~~

12 ~~(3) Require the principal of the public school to relinquish all~~
13 ~~authority with respect to the public school;~~

14 ~~(4) Waive the application of Arkansas law or the corresponding~~
15 ~~state board rules, with the exception of:~~

16 ~~(A) The Teacher Fair Dismissal Act of 1983, § 6-17-1501 et~~
17 ~~seq., and~~

18 ~~(B) The Public School Employee Fair Hearing Act, § 6-17-~~
19 ~~1701 et seq.;~~

20 ~~(5) Under The Teacher Fair Dismissal Act of 1983, § 6-17-1501 et~~
21 ~~seq., reassign or remove some or all of the licensed personnel of the public~~
22 ~~school and replace them with licensed personnel assigned or hired under the~~
23 ~~supervision of the commissioner;~~

24 ~~(6) Remove the public school from the jurisdiction of the school~~
25 ~~district in which the public school is located and establish alternative~~
26 ~~public governance and supervision of the public school;~~

27 ~~(7) Require closure or dissolution of the public school;~~

28 ~~(8)(A) Remove permanently, reassign, or suspend on a temporary~~
29 ~~basis the superintendent of the school district in which the public school is~~
30 ~~located.~~

31 ~~(B) If the state board takes an action under subdivision~~
32 ~~(b)(8)(A) of this section, it may appoint an individual in place of the~~
33 ~~superintendent to administratively operate the school district under the~~
34 ~~supervision and approval of the commissioner and compensate the appointed~~
35 ~~individual;~~

36 ~~(9) Take one (1) or more of the actions under subsection (a) of~~

1 ~~this section concerning the public school district where the school is~~
2 ~~located;~~

3 ~~(10) Return the administration of the school district to the~~
4 ~~former board of directors or to a newly elected board of directors if:~~

5 ~~(A) The department certifies in writing to the state board~~
6 ~~and to the school district that the public school has corrected all issues~~
7 ~~that caused the classification of academic distress and that no public school~~
8 ~~within the school district is classified as being in academic distress; and~~

9 ~~(B) The state board determines the public school has~~
10 ~~corrected all issues that caused the classification of academic distress and~~
11 ~~that no public school within the school district is classified as being in~~
12 ~~academic distress; and~~

13 ~~(11) Take any other appropriate action allowed by law that the~~
14 ~~state board determines is needed to assist and address a public school~~
15 ~~classified as being in academic distress.~~

16 ~~(c)(1) A student attending a public school or school district~~
17 ~~classified as being in academic distress is automatically eligible and~~
18 ~~entitled pursuant to the Arkansas Opportunity Public School Choice Act of~~
19 ~~2004, § 6-18-227, to transfer to another public school or public school~~
20 ~~district not in academic distress during the time period that the resident~~
21 ~~public school or public school district is classified as being in academic~~
22 ~~distress.~~

23 ~~(2) The cost of transporting the student from the resident~~
24 ~~district to the nonresident district shall be the cost of the resident~~
25 ~~district under the Arkansas Opportunity Public School Choice Act of 2004, §~~
26 ~~6-18-227.~~

27 ~~(d) If the state board or the commissioner assumes authority over a~~
28 ~~public school district in academic distress under subsection (a) or~~
29 ~~subsection (b) of this section, the state board may pursue the following~~
30 ~~process for returning a public school district to the local control of its~~
31 ~~residents:~~

32 ~~(1) During the second school year following a public school's or~~
33 ~~school district's classification of academic distress status, the state board~~
34 ~~shall determine the extent of the public school's or school district's~~
35 ~~progress toward correcting all criteria for being classified as in academic~~
36 ~~distress;~~

1 ~~(2)(A) If the state board determines that sufficient progress~~
2 ~~has been made by a public school or school district in academic distress~~
3 ~~toward correcting all issues that caused the classification of academic~~
4 ~~distress, but the public school or school district has not yet resolved all~~
5 ~~issues that caused the classification of academic distress, the commissioner,~~
6 ~~with the approval of the state board, may appoint a community advisory board~~
7 ~~of either five (5) or seven (7) members to serve under the supervision and~~
8 ~~direction of the commissioner.~~

9 ~~(B) The members of the community advisory board shall be~~
10 ~~residents of the school district and shall serve on a voluntary basis without~~
11 ~~compensation.~~

12 ~~(C) The department shall cause to be provided to the~~
13 ~~community advisory board technical assistance and training in, at a minimum,~~
14 ~~the areas required in § 6-13-629.~~

15 ~~(D) The duties of a community advisory board include~~
16 ~~without limitation:~~

17 ~~(i) Meeting monthly during a regularly scheduled~~
18 ~~public meeting with the state-appointed administrator regarding the progress~~
19 ~~of the public school or school district toward correcting all issues that~~
20 ~~caused the classification of academic distress;~~

21 ~~(ii) Seeking community input from the residents of~~
22 ~~the school district regarding the progress of the public school or school~~
23 ~~district toward correcting all issues that caused the classification of~~
24 ~~academic distress;~~

25 ~~(iii) Conducting hearings and making recommendations~~
26 ~~to the commissioner regarding personnel and student discipline matters under~~
27 ~~the appropriate district policies;~~

28 ~~(iv) Working to build community capacity for the~~
29 ~~continued support of the school district; and~~

30 ~~(v) Submitting quarterly reports to the commissioner~~
31 ~~and the state board regarding the progress of the public school or school~~
32 ~~district toward correcting all issues that caused the classification of~~
33 ~~academic distress.~~

34 ~~(E) The members of the community advisory board shall~~
35 ~~serve at the pleasure of the commissioner until:~~

36 ~~(i) The school district is returned to local control~~

1 ~~and a permanent board of directors is elected and qualified; or~~

2 ~~(ii) The state board annexes, consolidates, or~~
3 ~~reconstitutes the school district under this section or under another~~
4 ~~provision of law;~~

5 ~~(3)(A) By April 1 of each year following the appointment of a~~
6 ~~community advisory board under subdivision (d)(2) of this section, the state~~
7 ~~board shall determine the extent of the public school's or school district's~~
8 ~~progress toward correcting all issues that caused the classification of~~
9 ~~academic distress and shall:~~

10 ~~(i) Allow the community advisory board to remain in~~
11 ~~place for one (1) additional year;~~

12 ~~(ii) Return the school district to local control by~~
13 ~~calling for the election of a newly elected board of directors if:~~

14 ~~(a) The department certifies in writing to the~~
15 ~~state board and to the school district that the public school or school~~
16 ~~district has corrected all issues that caused the classification of academic~~
17 ~~distress and that no public school within the school district is classified~~
18 ~~as being in academic distress; and~~

19 ~~(b) The state board determines the public~~
20 ~~school or school district has corrected all issues that caused the~~
21 ~~classification of academic distress and that no public school within the~~
22 ~~school district is classified as being in academic distress; or~~

23 ~~(iii) Annex, consolidate, or reconstitute the school~~
24 ~~district pursuant to this title.~~

25 ~~(B) If the state board calls for an election of a new~~
26 ~~school district board of directors, the school district shall reimburse the~~
27 ~~county board of election commissioners for election costs as otherwise~~
28 ~~required by law.~~

29 ~~(4)(A) If the state board calls for an election of a new school~~
30 ~~district board of directors pursuant to subdivision (d)(3)(A)(ii) of this~~
31 ~~section, the commissioner, with the approval of the state board, may appoint~~
32 ~~an interim board of directors to govern the school district until a permanent~~
33 ~~school district board of directors is elected and qualified.~~

34 ~~(B) The interim board of directors shall consist of either~~
35 ~~five (5) or seven (7) members.~~

36 ~~(C) The members of the interim board of directors shall be~~

1 ~~residents of the school and otherwise eligible to serve as school district~~
2 ~~board members under applicable law.~~

3 ~~(D) The members of the interim board of directors shall~~
4 ~~serve on a voluntary basis without compensation.~~

5 ~~(e)(1) If, by the end of the fifth school year following the public~~
6 ~~school's or school district's classification of academic distress status, the~~
7 ~~public school or school district in academic distress has not corrected all~~
8 ~~issues that caused the classification of academic distress, the state board,~~
9 ~~after a public hearing, shall consolidate, annex, or reconstitute the school~~
10 ~~district under this section.~~

11 ~~(2) The state board may grant additional time for a public~~
12 ~~school or school district to remove itself from academic distress by issuing~~
13 ~~a written finding supported by a majority of the state board explaining in~~
14 ~~detail that the public school or school district could not remove itself from~~
15 ~~academic distress during the relevant time period due to impossibility caused~~
16 ~~by external forces beyond the control of the public school or school~~
17 ~~district.~~

18 ~~(f) Nothing in this section shall be construed to prevent the~~
19 ~~department or the state board from taking any of the actions listed in this~~
20 ~~section at any time to address public schools and school districts in~~
21 ~~academic distress.~~

22
23 ~~6-15-431. Academic distress rules and regulations.~~

24 ~~(a) The State Board of Education shall promulgate rules and~~
25 ~~regulations as necessary to identify, evaluate, assist, and address public~~
26 ~~schools and school districts determined to be in academic distress.~~

27 ~~(b) The academic distress rules and regulations shall be incorporated~~
28 ~~as part of the Arkansas Comprehensive Testing, Assessment, and Accountability~~
29 ~~Program rules and regulations.~~

30 ~~(c) The state board may adopt by rule, criteria that permit the~~
31 ~~following entities to be exempt from the identification and classification of~~
32 ~~academic distress:~~

33 ~~(1) A public school that is designated solely as an alternative~~
34 ~~learning environment;~~

35 ~~(2) An open enrollment public charter school whose mission and~~
36 ~~enrollment are primarily focused on students who have dropped out of high~~

1 ~~school or are identified as at risk of dropping out of school;~~

2 ~~(3) A conversion public charter school whose mission and~~
3 ~~enrollment are primarily focused on students who have dropped out of high~~
4 ~~school or are identified as at risk of dropping out of school;~~

5 ~~(4) The Arkansas School for the Blind; and~~

6 ~~(5) The Arkansas School for the Deaf.~~

7 ~~(d) The criteria adopted by the state board under subsection (c) of~~
8 ~~this section shall include the method to measure student academic performance~~
9 ~~for a student who attends an entity identified under subsection (c) of this~~
10 ~~section to meet the requirements of state or federal law or regulation.~~

11
12 ~~6-15-432. Unsafe school choice program.~~

13 ~~(a) Any student that becomes the victim of a violent criminal offense~~
14 ~~while in or on the grounds of an Arkansas public elementary, secondary, or~~
15 ~~public charter school or who is attending a persistently dangerous public~~
16 ~~school shall be allowed to attend a safe public school within the local~~
17 ~~educational agency pursuant to rules and regulations established by the State~~
18 ~~Board of Education and the requirements of the No Child Left Behind Act of~~
19 ~~2001, 20 U.S.C. § 6301 et seq..~~

20 ~~(b) The state board shall promulgate rules and regulations, as~~
21 ~~necessary, to administer this section.~~

22
23 ~~6-15-433. Statewide assessment program.~~

24 ~~(a) Upon approval by the State Board of Education or as required by~~
25 ~~law, the Department of Education shall implement a statewide program of~~
26 ~~educational assessment that provides information for the improvement of the~~
27 ~~operation and management of the public schools and tests the requisite~~
28 ~~knowledge and skills of students.~~

29 ~~(b) Pursuant to the statewide assessment program, the department~~
30 ~~shall:~~

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

34 ~~(2) Develop and implement a uniform system of indicators to~~
35 ~~describe the performance of public school students and the characteristics of~~
36 ~~the public school districts and the public schools; and~~

1 ~~(3)(A) Implement student achievement assessment as part of the~~
2 ~~statewide assessment program, to be administered annually to measure English~~
3 ~~language arts and mathematics, and includes:~~

4 ~~(i) Developmentally appropriate measurements or~~
5 ~~assessments for kindergarten through grade two (K-2);~~

6 ~~(ii) Either:~~

7 ~~(a) Developmentally appropriate assessments in~~
8 ~~kindergarten through grade twelve (K-12), as determined by the state board~~
9 ~~and as required by law; or~~

10 ~~(b) Other assessments that are based on~~
11 ~~researched best practices as determined by qualified experts that would be in~~
12 ~~compliance with federal and state law;~~

13 ~~(iii) College and career readiness measurements in~~
14 ~~English language arts and mathematics as determined by state board rules;~~

15 ~~(iv) End-of-course assessments administered for~~
16 ~~other content course subject areas as determined by state board rule; and~~

17 ~~(v) Any other assessments required by the state~~
18 ~~board.~~

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

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

22 ~~(1)(A)(i) The tests measure student skills and competencies~~
23 ~~adopted by the state board as specified in § 6-15-404(a).~~

24 ~~(ii) The tests shall measure and report student~~
25 ~~achievement levels in reading, writing, and mathematics, including~~
26 ~~longitudinal tracking of the same students, as well as an analysis of value-~~
27 ~~added computations of student achievement gains against a national cohort.~~

28 ~~(B) The department shall provide for the tests to be~~
29 ~~obtained or developed, as appropriate, through contracts and project~~
30 ~~agreements;~~

31 ~~(2)(A) The testing program, as determined by the state board,~~
32 ~~shall consist of assessments as defined in subdivision (b)(3)(A)(ii)(b) of~~
33 ~~this section.~~

34 ~~(B) Questions shall require the student to produce~~
35 ~~information and perform tasks in such a way that the skills and competencies~~
36 ~~he or she uses can be measured in a statistically reliable and valid manner;~~

1 ~~(3)(A)(i) Each testing program, whether at the elementary~~
2 ~~beginning at grade three (3), middle school, or high school level, shall~~
3 ~~include to the fullest extent possible a test of writing in which students~~
4 ~~are required to produce writings that are then scored by appropriate analytic~~
5 ~~methods that ensure overall test validity and reliability, including inter-~~
6 ~~rater reliability.~~

7 ~~(ii) Writing test results shall be scored and~~
8 ~~returned for school district and school use no later than July 1 of each year~~
9 ~~beginning in 2005-2006 and each year thereafter.~~

10 ~~(B) For end-of-course exams, the department may extend the~~
11 ~~July 1 deadline under subdivision (c)(3)(A) of this section to August 1 if~~
12 ~~the department finds, based on the request for proposals, that:~~

13 ~~(i) The cost of administration of the end-of-course~~
14 ~~exam will be substantially more because of the earlier deadline; or~~

15 ~~(ii) The validity of the end-of-course exam results~~
16 ~~will be compromised because of the earlier deadline;~~

17 ~~(4) For each subject area tested, a score shall be designated~~
18 ~~that will be the required level of proficiency below which score a student's~~
19 ~~performance is deemed inadequate;~~

20 ~~(5) Beginning in the 2004-2005 school year, students in~~
21 ~~kindergarten through grade twelve (K-12) who do not demonstrate proficiency~~
22 ~~on the Arkansas Comprehensive Assessment Program examinations shall~~
23 ~~participate in an intense remediation program specific to identified~~
24 ~~deficiencies;~~

25 ~~(6) The state board shall designate, based on valid and reliable~~
26 ~~statistical models, the proficiency levels for each part of the Arkansas~~
27 ~~Comprehensive Assessment Program examinations;~~

28 ~~(7)(A)(i) Participation in the testing program is mandatory for~~
29 ~~all students attending public school except as otherwise prescribed by the~~
30 ~~state board.~~

31 ~~(ii) If a student does not participate in the~~
32 ~~Arkansas Comprehensive Assessment Program examinations, the school district~~
33 ~~shall notify the student's parent or guardian and provide the parent or~~
34 ~~guardian with information regarding the reasons for and implications of such~~
35 ~~nonparticipation.~~

36 ~~(B) The state board shall:~~

1 ~~(i) Adopt rules in compliance with federal and state~~
2 ~~law, based upon recommendations of the department, for the provision of test~~
3 ~~accommodations and modifications of procedures as necessary for students in~~
4 ~~exceptional education programs and for limited English proficient students;~~
5 ~~and~~

6 ~~(ii) Not make accommodations that negate the~~
7 ~~validity of a statewide assessment or interpretations or implementations~~
8 ~~which result in less than ninety five percent (95%) of all students attending~~
9 ~~public school participating in the testing program;~~

10 ~~(8) The department shall implement student testing programs for~~
11 ~~any grade level and subject area necessary to effectively monitor educational~~
12 ~~achievement in the state and shall provide data access to any unit within the~~
13 ~~department or contracted firm or firms for the purpose of analyzing value-~~
14 ~~added computations and posting school, school district, and state student~~
15 ~~achievement, provided such disclosures are not in conflict with applicable~~
16 ~~federal and state law;~~

17 ~~(9)(A) Each school district shall ensure that educators in that~~
18 ~~school district provide instruction to prepare students to demonstrate~~
19 ~~proficiency in the skills and competencies necessary for successful grade-to-~~
20 ~~grade progression and high school graduation.~~

21 ~~(B) The department shall verify that the required skills~~
22 ~~and competencies are part of the school district instructional programs;~~

23 ~~(10) Conduct ongoing research to develop improved statistically~~
24 ~~reliable and valid methods of assessing student performance, including~~
25 ~~without limitation the:~~

26 ~~(A) Use of technology to administer, score, or report the~~
27 ~~results of tests; and~~

28 ~~(B) Use of electronic transfer of data;~~

29 ~~(11) Conduct or contract with a provider to conduct ongoing~~
30 ~~research and analysis of individual student, classroom, school, school~~
31 ~~district, and state achievement data, including without limitation monitoring~~
32 ~~value-added trends in individual student, school, school district, and state~~
33 ~~achievement, identifying school programs that are successful, and analyzing~~
34 ~~correlates of school achievement; and~~

35 ~~(12) Provide technical assistance to school districts in the~~
36 ~~implementation of state and school district testing programs and the use of~~

1 ~~the data produced pursuant to such programs, including longitudinal tracking~~
2 ~~data.~~

3
4 ~~6-15-434. School testing programs.~~

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

8 ~~(b) Student performance trend data shall be one (1) of the components~~
9 ~~used in developing objectives of the school improvement plan, internal~~
10 ~~evaluations of instructional and administrative personnel, assignment of~~
11 ~~staff, allocation of resources, acquisition of instructional materials and~~
12 ~~technology, performance-based budgeting, and assignment of students into~~
13 ~~educational programs of the local school district.~~

14
15 ~~6-15-435. Required analyses.~~

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

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

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

30 ~~(B) The approach used by the department shall be approved~~
31 ~~by the state board before implementation; and~~

32 ~~(3)(A)(i) The approach used by the department shall be in~~
33 ~~alignment with federal statutes and be piloted in the 2004-2005 school year~~
34 ~~to collect data to allow research and evaluation of student achievement~~
35 ~~growth models.~~

36 ~~(ii) The approach shall include the following:~~

1 ~~(a) Value added longitudinal calculations;~~
2 ~~(b) Sufficient transparency in the models'~~
3 ~~conception and operation to allow others in the field to validate or~~
4 ~~replicate the results; and~~

5 ~~(c) An assessment of the models' accurateness~~
6 ~~in relation to other models.~~

7 ~~(iii) A team of relevant technical experts in~~
8 ~~student assessment and the state board shall review and approve the cost~~
9 ~~effectiveness of the model in terms of actual and in kind costs before~~
10 ~~implementation.~~

11 ~~(B) The department shall establish a schedule for the~~
12 ~~administration of the statewide assessments.~~

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

18 ~~(ii) For end-of-course exams, the department may~~
19 ~~extend the July 1 deadline under subdivision (3)(C)(i) of this section to~~
20 ~~August 1 if the department finds, based on the request for proposals, that:~~

21 ~~(a) The cost of administration of the end-of-~~
22 ~~course exam will be substantially more because of the earlier deadline; or~~

23 ~~(b) The validity of the end-of-course exam~~
24 ~~results will be compromised because of the earlier deadline.~~

25 ~~(D) School district boards of directors shall not~~
26 ~~establish school calendars that jeopardize or limit the valid testing and~~
27 ~~comparison of student learning gains.~~

28
29 ~~6-15-436. Local assessments.~~

30 ~~(a) School districts may elect to measure the learning gains of~~
31 ~~students in subjects and at grade levels in addition to those required for~~
32 ~~the Arkansas Comprehensive Assessment Program examinations.~~

33 ~~(b) Measurement of the learning gains of students in all subjects and~~
34 ~~grade levels other than subjects and grade levels required for the program is~~
35 ~~the responsibility of the school districts.~~

36 ~~(c) The results of these assessments shall be provided to the~~

1 ~~Department of Education upon request of the Commissioner of Education,~~

2

3 ~~6-15-437. Rules.~~

4 ~~The State Board of Education shall adopt any rules necessary to~~
5 ~~implement this subchapter under the Arkansas Administrative Procedure Act, §~~
6 ~~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.~~

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

15 ~~(3) Sanctions imposed by the state board may include without~~
16 ~~limitation one (1) or more of the following:~~

17 ~~(A) Revocation, suspension, or probation of an~~
18 ~~individual's license;~~

19 ~~(B) Issuance of a letter of reprimand to a licensed~~
20 ~~individual to be placed in his or her state personnel file;~~

21 ~~(C) Additional training or professional development to be~~
22 ~~completed by a licensed individual within the time specified;~~

23 ~~(D) Additional professional development to be administered~~
24 ~~by the school district to all licensed school district personnel involved in~~
25 ~~test administration within the time specified;~~

26 ~~(E) Issuance of a letter of warning to the school~~
27 ~~district; and~~

28 ~~(F) Establishment of a school district plan containing~~
29 ~~strict test security guidelines that will implement procedures to ensure the~~
30 ~~security and confidential integrity of all assessment instruments.~~

31 ~~(4) Professional development required pursuant to subsection~~
32 ~~(b)(3) of this section as a result of violating test security or~~
33 ~~confidentiality may be in addition to professional development required for~~
34 ~~licensure.~~

35 ~~(c)(1) Procedures for maintaining the security and confidential~~
36 ~~integrity of all testing and assessment instruments and procedures shall be~~

1 ~~specified in the appropriate test or assessment administration instructions.~~

2 ~~(2) "Conduct that violates the security or confidential~~
3 ~~integrity of a test or assessment" means any departure from either the~~
4 ~~requirements established by the Commissioner of Education for the~~
5 ~~administration of the assessment or from the procedures specified in the~~
6 ~~applicable test administration materials.~~

7 ~~(3) "Conduct that violates the security or confidential~~
8 ~~integrity of a test or assessment" may include, but is not limited to, the~~
9 ~~following acts and omissions:~~

10 ~~(A) Viewing secure assessment materials;~~

11 ~~(B) Duplicating secure assessment materials;~~

12 ~~(C) Disclosing the contents of any portion of secure~~
13 ~~assessment materials;~~

14 ~~(D) Providing, suggesting, or indicating to an examinee a~~
15 ~~response or answer to any secure assessment items;~~

16 ~~(E) Aiding or assisting an examinee with a response or~~
17 ~~answer to any secure assessment item;~~

18 ~~(F) Changing or altering any response or answer of an~~
19 ~~examinee to a secure assessment item;~~

20 ~~(G) Failing to follow the specified testing procedures or~~
21 ~~to proctor students;~~

22 ~~(H) Failing to administer the assessment on the designated~~
23 ~~testing dates;~~

24 ~~(I) Encouraging or assisting an individual to engage in~~
25 ~~the conduct described in this subsection;~~

26 ~~(J) Failing to report to the appropriate authority that an~~
27 ~~individual has engaged in conduct set forth in this section;~~

28 ~~(K) Failing to follow the specified procedures and~~
29 ~~required criteria for alternate assessments; or~~

30 ~~(L) Failing to return the secured test booklets to the~~
31 ~~testing company in a timely manner.~~

32 ~~(d)(1) A licensed teacher, including a long-term substitute teacher or~~
33 ~~retired teacher acting as a substitute teacher, may serve as a proctor during~~
34 ~~the administration of a test or assessment under this subchapter if the~~
35 ~~licensed teacher has received the training required by the state board,~~
36 ~~commissioner, or the Department of Education.~~

1 ~~(2) The state board shall not adopt a statewide test or~~
2 ~~assessment that prohibits the use of a licensed teacher, including a long-~~
3 ~~term substitute teacher or retired teacher acting as a substitute teacher, to~~
4 ~~serve as a proctor during the administration of the test or assessment.~~

5 ~~(3) As used in this section, "long-term substitute teacher"~~
6 ~~means an individual who holds a valid teaching license who does not have a~~
7 ~~full-time contract with a school district.~~

8
9 ~~6-15-439. Reporting of assessment scores for the Arkansas School for~~
10 ~~Mathematics, Sciences, and the Arts.~~

11 ~~(a) The assessment scores under the Arkansas Comprehensive, Testing,~~
12 ~~Assessment, and Accountability Program for assessments taken by students~~
13 ~~attending the Arkansas School for Mathematics, Sciences, and the Arts of the~~
14 ~~University of Arkansas System shall be sent to the public school district the~~
15 ~~student attended immediately prior to transferring to the Arkansas School for~~
16 ~~Mathematics, Sciences, and the Arts, with copies made available to the~~
17 ~~Arkansas School for Mathematics, Sciences, and the Arts, and shall be~~
18 ~~included on the reports of the school district the student attended~~
19 ~~immediately prior to transferring to the Arkansas School for Mathematics,~~
20 ~~Sciences, and the Arts.~~

21 ~~(b) The State Board of Education shall promulgate rules and~~
22 ~~regulations as necessary for the proper implementation of this section.~~

23
24 ~~6-15-440. Arkansas Leadership Academy School Support Program.~~

25 ~~(a)(1) There is created the Arkansas Leadership Academy School Support~~
26 ~~Program through which the Arkansas Leadership Academy in collaboration with~~
27 ~~the Department of Education and other leadership groups shall provide support~~
28 ~~to schools or school districts designated by the Department of Education as~~
29 ~~being in school improvement and other school districts who opt to~~
30 ~~participate.~~

31 ~~(2) The program shall be designed, developed, and administered~~
32 ~~by the academy created under § 6-15-1007.~~

33 ~~(b) The program shall:~~

34 ~~(1) Build the leadership capacity of the school and school~~
35 ~~district personnel;~~

36 ~~(2) Train a diverse school leadership team, including, but not~~

1 ~~limited to, superintendents, school principals, and teachers;~~

2 ~~(3) Provide a cadre of highly experienced, trained performance~~
3 ~~coaches to work in the school or school district on a regular basis;~~

4 ~~(4) Work with the school and school district staff, school~~
5 ~~district board members, parents, community members, and other stakeholders as~~
6 ~~necessary to provide a comprehensive support network that can continue the~~
7 ~~school's progress and improvement after completion of the academy's formal~~
8 ~~intervention and support;~~

9 ~~(5) Ensure access to training programs and leadership skills~~
10 ~~development;~~

11 ~~(6) Develop incentive programs for institutions and program~~
12 ~~participants;~~

13 ~~(7) Assist in the development of partnerships between university~~
14 ~~leadership programs and school districts; and~~

15 ~~(8) Work closely with the School Leadership Coordinating~~
16 ~~Council, the Department of Education, the Department of Higher Education, and~~
17 ~~the Department of Career Education to coordinate cohesive leadership goals.~~

18 ~~(c)(1) The Department of Education and the academy shall develop~~
19 ~~criteria for selection of schools or school districts to participate in the~~
20 ~~program.~~

21 ~~(2) Any school district that is in school improvement shall be~~
22 ~~eligible to participate in the program as provided in the rules of the State~~
23 ~~Board of Education.~~

24 ~~(3) The academy and participating schools shall commit to~~
25 ~~continue participation in the school support program for no fewer than three~~
26 ~~(3) consecutive school years.~~

27 ~~(d)(1) The number of schools participating in the program shall be~~
28 ~~determined by the amount of funding available for the program.~~

29 ~~(2) The state board or the Department of Education may require a~~
30 ~~school district to fund a portion of the cost of the school's or school~~
31 ~~district's participation in the school support program if the Commissioner of~~
32 ~~Education determines that such participation is in the best interest of the~~
33 ~~students served by the participating school or school district.~~

34 ~~(3) Subject to the approval of the state board, the commissioner~~
35 ~~shall determine the portion of the school district's financial obligation for~~
36 ~~participation in the program, if any.~~

1 ~~(e) The state board shall promulgate rules as necessary to implement~~
2 ~~the requirements of this section.~~

3 ~~(f)(1) The state board shall have the authority to issue requests for~~
4 ~~proposals if the state board should determine to change the operator or the~~
5 ~~location of the academy.~~

6 ~~(2) The academy shall maintain one (1) main office and, as~~
7 ~~needed, satellite offices partnered with institutions of higher education~~
8 ~~that have approved leadership programs and are strategically located in areas~~
9 ~~of the state identified by the Department of Education as having the greatest~~
10 ~~need for school leadership support.~~

11
12 ~~6-15-441. Arkansas College and Career Readiness Planning Program.~~

13 ~~(a) As used in this section:~~

14 ~~(1) "College and career readiness" means the acquisition of the~~
15 ~~knowledge and skills a student needs to be successful in future endeavors,~~
16 ~~including:~~

17 ~~(A) Successfully completing credit-bearing, first-year~~
18 ~~courses at a postsecondary institution; and~~

19 ~~(B) Embarking on a chosen career; and~~

20 ~~(2) "College and career readiness assessment" means a test that~~
21 ~~measures student readiness for postsecondary learning and is:~~

22 ~~(A) Administered under this section; or~~

23 ~~(B) Used by an institution of higher education as part of~~
24 ~~its admissions, placement, and scholarship processes.~~

25 ~~(b)(1)(A) A public school that serves students in grade eight (8)~~
26 ~~shall administer a college and career readiness assessment approved by the~~
27 ~~State Board of Education to each student enrolled in grade eight (8) at the~~
28 ~~public school.~~

29 ~~(B) A public school that serves students in grades ten~~
30 ~~through twelve (10-12) shall administer a college and career readiness~~
31 ~~assessment approved by the state board to each student before the student~~
32 ~~graduates from high school.~~

33 ~~(2) Funding for the college and career readiness assessments~~
34 ~~listed in subdivision (b)(1) of this section may be paid by using Department~~
35 ~~of Education at-risk funding.~~

36 ~~(c)(1) Each public school administering the college and career~~

1 ~~readiness assessments under this section shall use the college and career~~
2 ~~readiness assessments to:~~

3 ~~(A) Assist students with college and career readiness~~
4 ~~skills, course selection in high school, and improved academic achievement;~~
5 ~~and~~

6 ~~(B) Provide the basis for the counseling under § 6-16-603~~
7 ~~concerning postsecondary preparatory programs.~~

8 ~~(2) Each public school shall fully incorporate the results from~~
9 ~~college and career readiness assessments listed in subsection (b) of this~~
10 ~~section into the college and career planning process for each student.~~

11 ~~(d) Data collection shall be maintained by the Department of Education~~
12 ~~for the purpose of:~~

13 ~~(1) Increasing college and career readiness skills;~~

14 ~~(2) Improving instruction;~~

15 ~~(3) Enhancing school improvement plans;~~

16 ~~(4) Reducing the college remediation rates of students; and~~

17 ~~(5) Developing and implementing postsecondary preparatory~~
18 ~~programs under § 6-16-601 et seq.~~

19 ~~(e)(1) The department shall report to the House Committee on Education~~
20 ~~and the Senate Committee on Education no later than December 31 of each year~~
21 ~~on the:~~

22 ~~(A) Implementation and effectiveness of the Arkansas~~
23 ~~College and Career Readiness Planning Program; and~~

24 ~~(B) Statistical analysis of postsecondary preparatory~~
25 ~~programs under § 6-16-601 et seq. for each postsecondary preparatory program.~~

26 ~~(2) The report may be posted on the department's website with a~~
27 ~~notification to the House Committee on Education and the Senate Committee on~~
28 ~~Education.~~

29 ~~(f) The state board may promulgate rules to implement this section and~~
30 ~~shall monitor the use of college and career readiness assessments~~
31 ~~administered under this section to ensure public school compliance.~~

32
33 *SECTION 2. Arkansas Code Title 6, Chapter 15, is amended to add an*
34 *additional subchapter to read as follows:*

35 *Subchapter 29 – Arkansas Educational Support and Accountability Act*

36

1 6-15-2901. Title.

2 This subchapter shall be known and may be cited as the "Arkansas
3 Educational Support and Accountability Act".

4
5 6-15-2902. Legislative findings.

6 The General Assembly finds that:

7 (1) Arkansas Constitution, Article 14, § 1, requires the State
8 of Arkansas to provide a general, suitable, and efficient system of free
9 public schools to the children of the state;

10 (2) Under the decision of the Arkansas Supreme Court in Lake
11 View School District No. 25 v. Huckabee, 351 Ark. 31 (2002), it is the
12 absolute duty of the State of Arkansas to provide all public school children
13 with a substantially equal opportunity for an adequate education;

14 (3) It is the state's responsibility to provide the statutory
15 framework necessary to ensure that all students in the public schools of this
16 state have a substantially equal opportunity to achieve and demonstrate
17 academic readiness, individual academic growth, and competencies through the
18 application of knowledge and skills in core subjects, consistent with state
19 academic standards through a student-focused learning system;

20 (4)(A) In Lake View School District No. 25 v. Huckabee, the
21 Arkansas Supreme Court explicitly addressed the relationship between local
22 control versus the state's responsibility when, in quoting DuPree v. Alma
23 School District No. 30, 279 Ark. 340 (1983), it opined, "[i]f local
24 government fails, the state government must compel it to act, and if the
25 local government cannot carry the burden, the state must itself meet its
26 continuing obligation".

27 (B) An accountability system that provides increasing
28 levels of state assistance would help the local government or the local
29 public school district board of directors to meet this burden, while allowing
30 state intervention to occur if the local government chronically fails to meet
31 the burden in spite of the state assistance;

32 (5) Arkansas public schools and school districts would benefit
33 from an accountability system that:

34 (A) Uses multiple measures of student academic achievement
35 and growth; and

36 (B) Allows flexibility for public schools and school

1 districts to utilize local decision-making while maintaining quality in
2 education;

3 (6) A comprehensive accountability system would empower the
4 state and public school districts to assess the effectiveness of student-
5 focused education using multiple factors, measures, and indicators of student
6 achievement and school quality, rather than relying solely on an annual
7 statewide assessment; and

8 (7)(A) The State of Arkansas cannot be the sole guarantor of
9 each individual student's success.

10 (B) Parents, students, families, educational institutions,
11 and communities, as collaborative partners in education, play an important
12 role in the success of individual students.

13
14 6-15-2903. Definitions.

15 As used in this subchapter:

16 (1) "Academic growth" means the calculation of a student's
17 academic progress from one school year to the next, as measured by
18 assessments and other criteria required by rule of the State Board of
19 Education;

20 (2) "College and career readiness assessment" means a set of
21 criterion-referenced measurements of a student's acquisition of the knowledge
22 and skills that the student needs to:

23 (A) Be successful in future endeavors, including credit-
24 bearing, first-year courses at an institution of higher education such as a
25 two-year or four-year college, trade school, or technical school; or

26 (B) Embark on a career;

27 (3) "Consolidated state plan" means the Arkansas consolidated
28 state application accountability plan required under the Elementary and
29 Secondary Education Act of 1965, Pub. L. No. 89-10, as reauthorized by the
30 Every Student Succeeds Act of 2015, Pub. L. No. 114-95;

31 (4)(A) "Educator" means a person holding a valid Arkansas
32 standard teaching license, an ancillary license, a provisional license, a
33 technical permit, or an administrator's license issued by the state board.

34 (B) "Educator" includes a licensed or nonlicensed
35 classroom teacher or administrator employed in a position under a waiver from
36 licensure;

1 (5) “English language arts” means the academic standards for
2 English, reading, and writing;

3 (6) “English learner” means an individual whose native language
4 is a language other than English or who comes from an environment where a
5 language other than English has had a significant impact on the individual’s
6 level of English language proficiency;

7 (7) “Personally identifiable information” means the same as in
8 34 CFR § 99.3, as it existed on January 1, 2017;

9 (8) “Public school” means:

10 (A) A school operated by a public school district; or

11 (B) An open-enrollment public charter school, as defined
12 in § 6-23-103;

13 (9) “Public school district” means:

14 (A) A geographic area that:

15 (i) Is governed by an elected board of directors
16 that conducts the daily affairs of public schools pursuant to the supervisory
17 authority vested by this title; and

18 (ii) Qualifies as a taxing unit for purposes of ad
19 valorem property taxes under § 26-1-101 et seq. and Arkansas Constitution,
20 Article 14, § 3; or

21 (B) An open-enrollment public charter school, as defined
22 in § 6-23-103;

23 (10) “School-level improvement plan” means a plan that at a
24 minimum:

25 (A) Establishes goals or anticipated outcomes;

26 (B) Identifies student supports or interventions to be
27 implemented; and

28 (C) Describes the professional learning necessary for
29 adults to deliver the supports or interventions;

30 (11) “School district systems” means the operations and
31 procedures that occur within a public school district, including without
32 limitation:

33 (A) Academics;

34 (B) Facilities

35 (C) Fiscal operations;

36 (D) Human capital management; and

1 (E) Student support services; and
2 (12) "Student success plan" means a personalized education plan
3 intended to assist students with achieving readiness for college, career, and
4 community engagement.

5
6 6-15-2904. Responsibility of Department of Education.

7 The Department of Education shall develop and implement a comprehensive
8 accountability system for Arkansas public schools and school districts that:

9 (1) Establishes clear academic standards that are periodically
10 reviewed and revised;

11 (2) Maintains a statewide student assessment system that includes
12 a variety of assessment measures;

13 (3) Assesses whether all students have equitable access to
14 excellent educators;

15 (4) Establishes levels of support for public school districts;
16 and

17 (5) Maintains information systems composed of performance
18 indicators that allow the department to identify levels of public school
19 district support and generate reports for the public.

20
21 6-15-2905. Authority of State Board of Education.

22 The State Board of Education shall:

23 (1) Approve:

24 (A) Academic standards for each content area; and

25 (B) A statewide student assessment system, including
26 without limitation performance levels for statewide assessments;

27 (2) Promulgate rules to implement the comprehensive
28 accountability system for Arkansas public schools and school districts and
29 this subchapter; and

30 (3) Take any other appropriate action required or authorized by
31 this subchapter.

32
33 6-15-2906. Academic standards.

34 (a)(1) The Department of Education shall establish academic standards
35 that define what students shall know and be able to demonstrate in each
36 content area.

1 (2) Instruction in all public schools shall be based on the
2 academic standards to prepare students to demonstrate the skills and
3 competencies necessary for successful academic growth and high school
4 graduation.

5 (b) The department shall establish a schedule for periodic review and
6 revision of academic standards to ensure that Arkansas academic standards are
7 rigorous and prepare students for college, career, and community engagement;

8 (c) The department shall include, at a minimum, the following elements
9 in the periodic review and revision of Arkansas academic standards:

10 (1) Review and input by Arkansas:

11 (A) Educators from elementary, secondary, and higher
12 education; and

13 (B) Community members with professional experience related
14 to the academic content area;

15 (2) Study and consideration of academic standards at the
16 national and international level, as appropriate;

17 (3) Study and consideration of an evaluation of the academic
18 standards from national groups or organizations, as appropriate; and

19 (4) Public dissemination of revised academic standards.

20
21 6-15-2907. Statewide student assessment system.

22 (a) The Department of Education shall implement a statewide student
23 assessment system to be administered by Arkansas public schools on a schedule
24 determined by the State Board of Education that includes the following
25 components:

26 (1) Developmentally appropriate measurements or assessments for
27 kindergarten through grade two (K-2) in literacy and mathematics;

28 (2) Assessments to measure English language arts, mathematics,
29 and science as identified by the state board;

30 (3) Assessments of English proficiency of all English learners;
31 and

32 (4)(A) Assessments to measure college and career readiness;

33 (B) A public school that serves any student in grades ten
34 through twelve (10-12) shall administer college and career readiness
35 assessments as determined by the state board to each student before he or she
36 graduates from high school.

1 (C) Public school districts may offer additional college
2 and career readiness assessments for students in grades ten through twelve
3 (10-12) at no cost to the student by using public school district funding,
4 including without limitation national school lunch state categorical funding
5 under § 6-20-2305.

6 (b) At the direction of the state board, the department shall cause
7 assessment instruments to be administered at additional grade levels as
8 necessary to measure educational achievement in the public schools of this
9 state.

10 (c) The statewide student assessment system may include additional
11 assessment options approved by the state board, including without limitation
12 assessments to measure application of knowledge and skills in civics,
13 government, and additional sciences, as measured on a schedule determined by
14 the state board.

15 (d) A public school district, at its own expense, may assess the
16 academic achievement and growth of students by other means in addition to the
17 required statewide student assessment system.

18 (e) All students enrolled in a public school district shall
19 participate in the statewide student assessment system.

20 (f) Public school district boards of directors shall not establish
21 school calendars that limit or interfere with student participation in the
22 statewide student assessment system.

23 (g) The State of Arkansas shall participate in the administration of
24 the National Assessment of Educational Progress examinations.

25 (h) The department shall provide for statewide student assessments
26 that are:

27 (1) Valid and reliable;

28 (2) Obtained or developed, as appropriate, through contracts and
29 project agreements;

30 (3) Aligned to the Arkansas academic standards; and

31 (4) Scored and returned for public school and school district
32 use by July 1 of each year.

33 (i)(1) Public schools, school districts, and educators shall maintain
34 assessment security and confidentiality.

35 (2)(A)(i) The following individuals may serve as the test
36 administrator during the administration of a statewide student assessment

1 under this subchapter if the individual has received the training required by
2 the department:

3 (1) A licensed educator, including a long-term
4 substitute teacher;

5 (2) A retired educator; and

6 (3) An individual employed under a waiver from
7 licensure as a teacher of record or as an administrator.

8 (ii) If accompanied by a test administrator as
9 described in subdivision (i)(2)(A)(i) of this section, any employee,
10 including a substitute teacher, may serve as a test proctor.

11 (B) A relative or guardian of a student shall not serve as
12 a test administrator or proctor in the same testing room as the student
13 during the administration of an assessment under this subchapter.

14 (C) As used in this section, "long-term substitute
15 teacher" means an individual who holds a valid teaching license who does not
16 have a full-time contract with a school district.

17 (3) A violation by a public school, a public school district or
18 an educator of the security or confidential integrity of any test or
19 assessment may result in action by the state board under §§ 6-17-410 and 6-
20 17-428 or under the rules promulgated by the state board to implement this
21 subchapter.

22 (j) The statewide student assessment system shall not assess students'
23 religious or political beliefs.

24 (k)(1) The assessment scores of students attending the Arkansas School
25 for Mathematics, Sciences, and the Arts of the University of Arkansas System
26 shall be sent to and included on the reports of the public school district
27 the student attended immediately prior to transferring to the Arkansas School
28 for Mathematics, Sciences, and the Arts.

29 (2) Copies of the assessment scores of students attending the
30 Arkansas School for Mathematics, Sciences, and the Arts shall be made
31 available to the Arkansas School for Mathematics, Sciences, and the Arts.

32 (1) Public school districts shall analyze and report student
33 performance data to students, parents, and the community, if the disclosures
34 are not in conflict with applicable federal law and state law.

35
36 6-15-2908. Analyses of statewide student assessment data.

1 (a)(1) The Department of Education shall provide analyses of data
2 produced by statewide student assessments.

3 (2) The analyses of data shall:

4 (A) Use statewide student assessment results and other
5 valid and reliable measures of student learning, as determined by the State
6 Board of Education, that measure student performance and growth for the
7 purposes of improving student achievement, accountability, and recognition;
8 and

9 (B) Provide the best measures of the effects of the
10 classroom, school, and school district on student performance or progress.

11 (3) The model used by the department shall:

12 (A) Be approved by the state board before implementation;
13 and

14 (B) Include without limitation sufficient transparency in
15 the model's selection, development, and operational use to:

16 (i) Ensure that clear documentation, justification,
17 and technical qualities are reported; and

18 (ii) Allow others in the field to assess the nature
19 and quality of the model, the resulting scores, and interpretations based on
20 the model's scores.

21 (b) The state board shall approve the process and timeline for a
22 public school district to verify the accuracy or request correction of the
23 statewide student assessment data.

24 (c) The score on statewide student assessments for an English learner:

25 (1) Shall not be counted for growth or achievement purposes in
26 the accountability ratings of a public school or public school district if
27 the English learner has been enrolled in a public school or private school in
28 the United States for less than twelve (12) months; and

29 (1) Shall be counted for growth purposes only and not for
30 achievement purposes in the accountability ratings of a public school or
31 public school district if the English learner has been enrolled in a public
32 school or private school in the United States for at least twelve (12) months
33 but not more than twenty-four (24) months.

34
35 6-15-2909. Public availability of test instruments and scores.

36 (a) Any material containing the personally identifiable information,

1 including without limitation identifiable scores, of individual students on
2 any test taken under the provisions of this subchapter shall not be:

3 (1) Considered a public record within the meaning of the Freedom
4 of Information Act of 1967, § 25-19-101 et seq.; or

5 (2) Disseminated or otherwise made available to the public by a
6 member of the State Board of Education, an employee of the Department of
7 Education, a member of the board of directors of a school district, an
8 employee of a school district, or any other person, except as permitted under
9 the provisions of the Family Educational Rights and Privacy Act of 1974, 20
10 U.S.C. § 1232g, as it existed on January 1, 2017.

11 (b) All analyses, reports, and compilations of test scores that do not
12 contain personally identifiable information are a public record within the
13 meaning of the Freedom of Information Act of 1967, § 25-19-101 et seq., if
14 the release complies with the Family Educational Rights and Privacy Act of
15 1974, 20 U.S.C. § 1232g, as it existed on January 1, 2017, and with the
16 Student Online Personal Information Protection Act, § 6-18-109.

17 (c) In order to protect the validity and reliability of statewide
18 student assessments, the test instruments shall not be made available to the
19 public.

20
21 6-15-2910. Student performance levels.

22 (a) The Department of Education shall recommend student performance
23 levels for the statewide student assessment system to the State Board of
24 Education for its approval.

25 (b) Student performance levels shall be adopted for the following
26 academic content areas, including without limitation:

27 (1) English language arts;

28 (2) Mathematics; and

29 (3) Science.

30 (c) Student performance levels for academic content areas shall
31 indicate the skills and competencies necessary for a student to be college
32 and career ready by the completion of high school.

33 (d) Student performance levels shall be adopted for English language
34 proficiency.

35
36 6-15-2911. Student-focused learning system.

1 (a)(1) Beginning with the 2017-2018 school year, the Department of
2 Education shall collaborate with public school districts to transition to a
3 student-focused learning system to support success for all students.

4 (2) As part of a public school district's student-focused
5 learning system, the public school district shall annually use multiple
6 academic measures to identify students in need of additional support or
7 acceleration to personalize learning in order for students to achieve their
8 grade-level expectations and individual growth.

9 (3)(A) Academic measures shall include statewide student
10 assessment results.

11 (B) Academic measures may include without limitation:

12 (i) Subject grades;

13 (ii) Student work samples; and

14 (iii) Local assessment scores.

15 (b)(1) Beginning with the 2018-2019 school year, each student, by the
16 end of grade eight (8), shall have a student success plan developed by school
17 personnel in collaboration with parents and the student that is reviewed and
18 updated annually.

19 (2) The student success plan shall, at a minimum:

20 (A) Guide the student along pathways to graduation;

21 (B) Address accelerated learning opportunities;

22 (C) Address academic deficits and interventions; and

23 (D) Include college and career planning components.

24 (3) An individualized education program for a student with a
25 disability, identified under the Individuals with Disabilities Education Act,
26 20 U.S.C. § 1400 et seq., meets the requirements of this section if the
27 individualized education program:

28 (A) Addresses academic deficits and interventions for
29 students not meeting standards-based academic goals at an expected rate or
30 level; and

31 (B) Includes a transition plan that addresses college and
32 career planning components.

33 (4) The State Board of Education may promulgate rules to
34 implement this section that include without limitation requirements for the
35 development and review of a student success plan if a student is enrolled for
36 the first time in or transfers to a public school district in the state

1 during or after the student completes grade eight (8).

2 (c) Public school districts shall use data from college and career
3 readiness assessments to:

4 (1) Update student success plans;

5 (2) Assist students with:

6 (A) College and career readiness skills;

7 (B) Course selection in high school; and

8 (C) Improved academic achievement;

9 (3) Provide the basis for counseling concerning postsecondary
10 preparatory programs; and

11 (4) Support strategies or programs to:

12 (A) Increase college preparation rates of all students,
13 including students of low income, English learners, and minority students;

14 (B) Decrease the remediation rates of high school
15 graduates entering institutions of higher education; and

16 (C) Increase the attainment of career credentials or
17 technical certificates through expanded opportunities for students.

18 (d) Public school districts may include community engagement
19 components as part of the public school's student-focused learning system and
20 student success plans.

21
22 6-15-2912. Educator excellence – Intent.

23 (a) It is the intent of the General Assembly that all students in
24 Arkansas public schools be taught by qualified and effective educators and
25 that low-income or minority students not be taught at disproportionate rates
26 by educators who are ineffective, inexperienced, or teaching a subject for
27 which they are not currently licensed.

28 (b) The State Board of Education may promulgate rules that promote the
29 state's goal of providing all Arkansas public school students with qualified
30 and effective educators and include without limitation:

31 (1) Systems to support educator effectiveness;

32 (2) The method of reporting educator effectiveness by public
33 schools and school districts, including without limitation:

34 (A) The professional qualifications of educators; and

35 (B) The number and percentage of:

36 (i) Teacher educators, principals, and school

1 leaders who are inexperienced;

2 (ii) Educators with emergency or provisional
3 credentials; and

4 (iii) Educators who are teaching a subject for which
5 they are not currently licensed; and

6 (3) The methods of calculating and reporting the rate at which
7 low-income and minority students are disproportionately taught by educators
8 who are ineffective, inexperienced, or teaching a subject for which they are
9 not currently licensed.

10 (c) Each public school and school district shall:

11 (1) Report the data needed by the Department of Education to
12 identify and evaluate educator effectiveness in accordance with state and
13 federal reporting requirements; and

14 (2) Ensure that its educators provide instruction that aligns
15 with the academic standards established to prepare students to demonstrate
16 the skills and competencies necessary for successful academic growth and high
17 school graduation.

18
19 6-15-2913. Levels of school district support.

20 (a)(1) The State Board of Education shall promulgate rules to
21 establish:

22 (A)(i) The process for determining the differentiated
23 levels of support that the Department of Education will provide to school
24 districts.

25 (ii) The levels of support shall include:

26 (a) Level 1 - General;

27 (b) Level 2 - Collaborative;

28 (c) Level 3 - Coordinated;

29 (d) Level 4 - Directed; and

30 (e) Level 5 - Intensive; and

31 (B) The process for guiding, monitoring, or directing:

32 (i) School-level improvement plans;

33 (ii) Supports;

34 (iii) Resources;

35 (iv) Interventions; and

36 (v) Reporting requirements.

1 (2) The process established by the state board for determining
2 the level of support provided to a public school district may include without
3 limitation consideration of:

4 (A) The performance levels of all students on statewide
5 student assessments adopted in accordance with the consolidated state plan;

6 (B) The performance levels of subgroup populations on
7 statewide student assessments adopted in accordance with the consolidated
8 state plan;

9 (C) The schools identified as in need of targeted or
10 comprehensive support, or both, pursuant to the Elementary and Secondary
11 Education Act of 1965, Pub. L. No. 89-10, as reauthorized by the Every
12 Student Succeeds Act of 2015, Pub. L. No. 114-95; and

13 (D) Other criteria the state board determines appropriate,
14 including without limitation:

15 (i) Feeder pattern performance;

16 (ii) Graduation rates;

17 (iii) Growth calculations; and

18 (iv) Other indicators of school success.

19 (b)(1) The state board may adopt, by rule, an alternate process of
20 determining the level of support to be provided to public schools or school
21 districts serving specific student populations, including without limitation:

22 (A) A public school that is designated solely as an
23 alternative learning environment;

24 (B) An open-enrollment public charter school whose mission
25 and enrollment are primarily focused on students who have dropped out of
26 school or are identified as at risk of dropping out of school;

27 (C) A conversion public charter school whose mission and
28 enrollment are primarily focused on students who have dropped out of school
29 or are identified as at risk of dropping out of school;

30 (D) The Arkansas School for the Blind;

31 (E) The Arkansas School for the Deaf; and

32 (F) A public school or system of education that primarily
33 serves adjudicated youth.

34 (2) The alternate process adopted by the state board under
35 subsection (b)(1) of this section shall specify the method to measure student
36 academic performance.

1 (c) A public school district that fails to comply with requirements
2 placed on the public school district by the state board under this subchapter
3 is in violation of the Standards for Accreditation of Arkansas Public Schools
4 and School Districts.

5
6 6-15-2914. School-level improvement plans – School district support
7 plans.

8 (a) The General Assembly finds that it is the responsibility of:

9 (1) The state to support its public school districts; and

10 (2) A public school district to support its schools.

11 (b)(1) Beginning on May 1, 2018, and by May 1 annually thereafter, a
12 public school shall submit to its public school district a school-level
13 improvement plan for approval by the public school district and public school
14 district board of directors for implementation in the following school year.

15 (2) School-level improvement plans shall be posted on the public
16 school district's website by August 1 of each year.

17 (c) School-level improvement plans shall be:

18 (1) Monitored by the public school district for implementation
19 fidelity and progress throughout the year; and

20 (2) Evaluated annually by the public school district for goal
21 progress and accomplishment.

22 (d)(1) Annually by September 1, a public school district receiving
23 Level 2 - Collaborative, Level 3 - Coordinated, Level 4 - Directed, or Level
24 5 - Intensive support shall submit to the Department of Education a public
25 school district support plan in accordance with rules of the State Board of
26 Education.

27 (2) A public school district's support plan shall be posted on
28 the public school district's website no later than ten (10) days after
29 submission to the department.

30 (e) Public school district support plans shall include without
31 limitation the support the public school district will provide to public
32 schools identified as in need of targeted or comprehensive support, or both,
33 pursuant to the Elementary and Secondary Education Act of 1965, Pub. L. No.
34 89-10, as reauthorized by the Every Student Succeeds Act of 2015, Pub. L. No.
35 114-95.

36

1 6-15-2915. School district classification as in need of Level 5 -
2 Intensive support – Student transfer eligibility.

3 (a) The State Board of Education shall promulgate rules governing the
4 classification of public school districts as in need of Level 5 - Intensive
5 support and the support to be provided.

6 (b) The Department of Education shall notify in writing the public
7 school district superintendent and the president of the public school
8 district board of directors of the recommendation to the state board for
9 classification as in need of Level 5 - Intensive support.

10 (c)(1) A public school district recommended for classification as in
11 need of Level 5 - Intensive support may appeal to the state board by filing a
12 written appeal with the Commissioner of Education in accordance with the
13 procedure established in the rules of the state board.

14 (2) A public school district shall be classified as in need of
15 Level 5 -Intensive support and receive support upon final determination by
16 the state board.

17 (3) A public school district may appeal the state board’s final
18 determination to the Pulaski County Circuit Court under the Arkansas
19 Administrative Procedure Act, § 25-15-201 et seq.

20 (d) A student attending a public school district classified as in need
21 of Level 5 - Intensive support may transfer under the Arkansas Opportunity
22 Public School Choice Act of 2004, § 6-18-227, to another public school
23 district that is not classified as in need of Level 5 - Intensive support.

24
25 6-15-2916. State Board of Education authority over a public school
26 district classified as in need of Level 5 - Intensive support.

27 If a public school district is classified as in need of Level 5 -
28 Intensive support, the State Board of Education may:

29 (1) Direct the Commissioner of Education to conduct an analysis
30 of all school district systems and make recommendations for action by the
31 state board; and

32 (2) Assume authority of the public school district and take one
33 (1) or more of the following actions at any time after classification:

34 (A) Remove permanently, reassign, or suspend on a
35 temporary basis the superintendent of the school district and:

36 (i) Appoint an individual in place of the

1 superintendent of the public school district to administratively operate the
2 public school district under the supervision and approval of the
3 commissioner;

4 (ii) Authorize the individual to remove, replace,
5 reassign, or suspend public school district personnel in accordance with
6 state law; and

7 (iii) Compensate from public school district funds
8 the individual appointed to operate the public school district and other
9 individuals authorized by the commissioner;

10 (B) Remove permanently or suspend on a temporary basis
11 some or all of the current public school district board of directors and
12 either:

13 (i) Call for the election of a new public school
14 district board of directors, in which case the public school district shall
15 reimburse the county board of election commissioners for election costs as
16 otherwise required by law;

17 (ii) Require the public school district to operate
18 without a board of directors under the supervision of the superintendent of
19 the public school district or an individual or panel appointed by the
20 commissioner; or

21 (iii) Direct the commissioner to assume some or all
22 authority of the public school district board of directors as may be
23 necessary to operate the public school district;

24 (C)(i) Remove on a temporary basis some or all of the
25 powers and duties granted to the current public school district board of
26 directors under § 6-13-620 or any other law but allow the public school
27 district board of directors to continue to operate under the direction and
28 approval of the commissioner.

29 (ii) The state board shall define the powers and
30 duties of the public school district board of directors.

31 (iii) The public school district board of directors
32 shall act in an advisory capacity to the commissioner regarding all other
33 powers and duties maintained by the commissioner;

34 (D) Require the annexation, consolidation, or
35 reconstitution of the public school district under § 6-13-1401 et seq. and
36 this subchapter;

1 (E) Waive provisions of Title 6 and corresponding rules of
2 the state board with the exception of:

3 (i) Special education programs as provided by this
4 title;

5 (ii) Conducting criminal background checks for
6 employees as provided in this title; and

7 (iii) Health and safety codes as established by the
8 state board and local governmental entities;

9 (F) Require reassignment of some or all of the
10 administrative, instructional, or support staff of a public school;

11 (G) Require a public school to institute and fully
12 implement a student curriculum based on academic standards;

13 (H) Require a public school to provide professional
14 development for teachers and administrators based on the department's review
15 of educators' professional growth plans with the cost to be paid by the
16 public school district in which the public school is located;

17 (I) Remove one (1) or more public schools from the
18 jurisdiction of the classified school district and establish alternative
19 public governance and supervision of the public school;

20 (J) Require reorganization, closure, or dissolution of one
21 (1) or more of the public schools within the classified district; and

22 (K) Take any other necessary and proper action, as
23 determined by the state board that is allowed by law.

24
25 6-15-2917. Public school district under authority of the State Board
26 of Education.

27 (a) For a public school district under the authority of the State
28 Board of Education, the state board shall review quarterly the progress of
29 the public school district toward improving the issues that caused the
30 classification of the public school district as in need of Level 5 -
31 Intensive support.

32 (b) At any time during the second full school year following the
33 assumption of authority or any time thereafter:

34 (1) The state board may direct the commissioner to update the
35 analysis of all school district systems to determine if the public school
36 district has demonstrated substantial improvement of the issues that caused

1 the classification of the public school district as in need of Level 5 -
2 Intensive support;

3 (2) The commissioner may recommend to the state board that the
4 state board:

5 (A) Take additional action concerning the public school
6 district under § 6-15-2916; or

7 (B) Return the public school district to local control
8 through the appointment or election of a board of directors; and

9 (3)(A) The state board may return the public school district to
10 local control through the appointment or election of a newly elected board of
11 directors upon the recommendation of the commissioner.

12 (B) The state board may limit the powers and duties of the
13 public school district board of directors under § 6-13-620 or any other law
14 but allow the public school district board of directors to operate under the
15 direction and approval of the commissioner.

16 (C) The state board shall define the powers and duties of
17 the public school district board of directors if the state board limits the
18 powers and duties under subdivision (b)(3)(B) of this section.

19 (D) The public school district board of directors shall
20 act in an advisory capacity to the commissioner in regards to all other
21 powers and duties maintained by the commissioner.

22 (E) The state board may grant additional powers and duties
23 to the public school district board of directors if the public school
24 district demonstrates progress toward improving the issues that caused the
25 classification of the public school district as in need of Level 5 -
26 Intensive support.

27 (c)(1) If the public school district has not demonstrated to the state
28 board and the Department of Education that the public school district meets
29 the criteria to exit Level 5 - Intensive support within five (5) years of the
30 assumption of authority, the state board shall annex, consolidate, or
31 reconstitute the public school district under § 6-13-1401 et seq. and this
32 subchapter.

33 (2) The state board shall promulgate rules to establish the
34 criteria by which a public school district may exit Level 5 -Intensive
35 support.

36

1 6-15-2918. Comprehensive information systems.

2 (a) The Department of Education shall:

3 (1) Establish and maintain comprehensive information systems
4 that allow reporting, analysis, and data-driven decision-making by public
5 school districts;

6 (2) Provide technical assistance to public school districts in
7 the use of the data; and

8 (3) Provide data access to any authorized entity for analyzing
9 computations and posting public school, public school district, and state
10 student achievement, if the disclosures are not in conflict with applicable
11 federal and state law.

12 (b) The department shall provide electronic resources for educators to
13 support and augment student achievement, efficiency, and educational
14 initiatives.

15 (c) The department may contract with providers to collect, maintain,
16 and analyze data and prepare reports.

17
18 SECTION 3. TEMPORARY LANGUAGE. DO NOT CODIFY. (a) To ensure an
19 orderly transition from the Arkansas Comprehensive Testing, Assessment, and
20 Accountability Program Act, § 6-15-401 et seq., to the Arkansas Educational
21 Support and Accountability Act, § 6-15-2901 et seq., the Department of
22 Education shall continue to provide supports and interventions to the state's
23 existing priority schools, focus schools, and public schools and public
24 school districts in academic distress or under state authority to meet
25 current state and federal requirements.

26 (b) As part of the transition process:

27 (1) Public school districts classified as being in academic
28 distress and under state authority as of the effective date of this act
29 shall:

30 (A) Be classified by the State Board of Education as in
31 need of Level 5 – Intensive support;

32 (B) Receive Level 5 – Intensive support; and

33 (C) Continue to be under state authority subject to the
34 provisions of this act;

35 (2) Public schools that meet the requisite exit criteria for
36 academic distress, priority, or focus status shall be removed from that

1 classification; and

2 (3)(A) The department, in collaboration with the public school
3 district, shall develop a transitional support plan for public school
4 districts that have public schools classified in academic distress, priority,
5 or focus status.

6 (B) Transitional support plans shall:

7 (i) Be approved by the state board;

8 (ii) Be based on data from:

9 (a) Reports required under the state or federal
10 accountability systems in effect prior to this act;

11 (b) Public school and public school district
12 comprehensive improvement plans;

13 (c) Interim and summative student assessment
14 results from the 2015-2016 and 2016-2017 school years; and

15 (d) Other local data indicating student
16 progress; and

17 (iii) Describe the support:

18 (a) The department will provide to the public
19 school district; and

20 (b) The public school district will provide to
21 its public schools.

22 (C) The department shall continue to assist public
23 school districts pursuant to the approved transitional support plans
24 until the department determines no later than July 1, 2019, the level
25 of support the public school district will receive under the Arkansas
26 Educational Support and Accountability Act, § 6-15-2901 et seq.

27
28 /s/J. English

29
30
31 **APPROVED: 04/05/2017**