

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

As Engrossed: H2/1/99

A Bill

Act 855 of 1999
HOUSE BILL 1212

5 By: Representative Seawel
6 By: Senator Mahony
7

For An Act To Be Entitled

10 "AN ACT TO REPEAL § 6-16-703 OF THE ARKANSAS CODE
11 ANNOTATED PERTAINING TO MANDATORY SUMMER SCHOOL FOR
12 STUDENTS IN KINDERGARTEN THROUGH GRADE 3; *TO REQUIRE*
13 *STUDENTS IN KINDERGARTEN THROUGH GRADE THREE (K-3) NOT*
14 *PERFORMING AT GRADE LEVEL TO PARTICIPATE IN A*
15 *REMEDIATION PROGRAM OR SUMMER SCHOOL; TO REQUIRE*
16 *SCHOOLS TO OFFER REMEDIATION PROGRAMS OR SUMMER*
17 *SCHOOL; TO DECLARE AN EMERGENCY; AND FOR OTHER*
18 *PURPOSES. "*

Subtitle

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21 "TO REPEAL A. C. A. § 6-16-703 PERTAINING
22 TO MANDATORY SUMMER SCHOOL FOR STUDENTS
23 IN KINDERGARTEN THROUGH GRADE 3. "
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25
26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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28 SECTION 1. Arkansas Code Annotated § 6-16-703 is repealed.
29 ~~§ 6-16-703. Legislative findings - Mandatory summer school - Rules and~~
30 ~~regulations - Funding programs.~~
31 ~~(a)(1) The General Assembly hereby finds and acknowledges that if~~
32 ~~remediation is necessary, it should be provided when students are younger and~~
33 ~~before patterns of failure are established. The General Assembly further~~
34 ~~acknowledges that the expansion of summer remedial instruction programs during~~
35 ~~the summers of 1995 and 1996 did not generally prove to be as educationally~~
36 ~~advantageous and as cost effective as anticipated, that the people of Arkansas~~

1 ~~would be better served if the state acted to ensure that all public school~~
2 ~~students were able to read at or above grade level upon exiting grade three~~
3 ~~(3), that local school districts are in the best position to determine if~~
4 ~~remediation is necessary for students in grades four (4) and five (5), and~~
5 ~~that the districts should have the option of providing summer school for such~~
6 ~~students and requiring attendance thereto to be eligible for promotion to the~~
7 ~~next grade.~~

8 ~~_____ (2) The General Assembly further finds that not all students are~~
9 ~~financially able to pay for summer school, nor do all school districts hold~~
10 ~~summer school. It is therefore the purpose of this section to allow the public~~
11 ~~school districts of Arkansas to either individually or cooperatively provide~~
12 ~~free summer school and summer school transportation to those students in~~
13 ~~kindergarten through grade three (K-3) who did not perform at grade level~~
14 ~~during the regular school year and to ensure that students in kindergarten~~
15 ~~through grade three (K-3) who are identified as in danger of not being able to~~
16 ~~read at grade level by the end of the school year receive intensive reading~~
17 ~~instruction during their regularly scheduled reading time throughout the~~
18 ~~regular school year.~~

19 ~~_____ (3) It is further the purpose of this section to allow the public~~
20 ~~school districts of Arkansas to either individually or cooperatively provide~~
21 ~~free summer school and summer school transportation to students in grades four~~
22 ~~(4) and five (5) who did not perform at grade level during the regular school~~
23 ~~year.~~

24 ~~_____ (b)(1) Each student in kindergarten through grade three (K-3) who did~~
25 ~~not perform at grade level during the regular school year shall attend summer~~
26 ~~school to be eligible for promotion to the next grade.~~

27 ~~_____ (2) Students in kindergarten through grade three (K-3) who are~~
28 ~~identified by the classroom teacher as in danger of not being able to read at~~
29 ~~grade level by the end of the school year should receive intensive reading~~
30 ~~instruction during their regularly scheduled reading time throughout the~~
31 ~~regular school year.~~

32 ~~_____ (3) Any local school district may, at the option of its board of~~
33 ~~directors, require a student in grade four (4) or five (5) who did not perform~~
34 ~~at grade level to attend summer school to be eligible for promotion to the~~
35 ~~next grade.~~

36 ~~_____ (c) The State Board of Education is hereby authorized to promulgate~~

~~rules and regulations for the implementation of this section.~~

~~(d) The State Board of Education is authorized to fund, from any funds available for such purposes, the programs required by this section for students in kindergarten through grade three (K-3) and any programs required by State Board of Education regulations such as, but not limited to, the following:~~

~~(1) Tutoring;~~

~~(2) Summer school educational services;~~

~~(3) Additional certified personnel to provide intensive instruction in reading throughout the school year;~~

~~(4) Staff development for teachers; and~~

~~(5) Hot meal programs.~~

~~(e) Any local school district may apply to the Director of the Department of Education for a waiver for use of in-school and summer school remediation funds.~~

~~(f) The savings from not providing free summer school and summer school transportation to students in grades four (4) and five (5) who did not perform at grade level during the regular school year should be expended in the intensive reading instruction program provided throughout the school year to students in kindergarten through grade three (K-3) who are identified by the classroom teacher as in danger of not being able to read at grade level by the end of the school year.~~

SECTION 2. Students in kindergarten through grade three (K-3) not performing at grade level during the regular school year shall participate in a Department of Education approved remediation program or a summer school remediation program to be eligible for promotion to the next grade. Those schools electing to not offer a summer school program shall offer a Department of Education approved remediation program during the regular school year to students in kindergarten through grade three (K-3) not performing at grade level.

SECTION 3. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

1 SECTION 4. If any provision of this act or the application thereof to
 2 any person or circumstance is held invalid, such invalidity shall not affect
 3 other provisions or applications of the act which can be given effect without
 4 the invalid provision or application, and to this end the provisions of this
 5 act are declared to be severable.

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 7 SECTION 5. All laws and parts of laws in conflict with this act are
 8 hereby repealed.

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 10 SECTION 6. EMERGENCY. It is found and determined by the Eighty Second
 11 General Assembly of the State of Arkansas that the effective operation of
 12 Arkansas public schools is dependent upon immediate clarification of whether
 13 school districts will be required to hold summer school in the summer of 1999
 14 and that failure to implement this act immediately will result in confusion
 15 and cause undue hardships to local school districts. Therefore, an emergency
 16 is declared to exist and this act being immediately necessary for the
 17 preservation of the public peace, health, and safety shall become effective on
 18 the date of its approval by the Governor. If the bill is neither approved nor
 19 vetoed by the Governor, it shall become effective on the expiration of the
 20 period of time during which the Governor may veto the bill. If the bill is
 21 vetoed by the Governor and the veto is overridden, it shall become effective
 22 on the date the last house overrides the veto.

23 /s/ Seawel, et al

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 26 APPROVED: 3/24/1999
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