

~~ARKANSAS~~ DIVISION OF ELEMENTARY AND SECONDARY EDUCATION
RULES GOVERNING THE ARKANSAS EDUCATIONAL SUPPORT
AND ACCOUNTABILITY ACT (AESAA)

Effective _____

1.00 Regulatory authority

- 1.01 These rules shall be known as the ~~Arkansas~~ Division of Elementary and Secondary Education (“Division”) Rules Governing the Arkansas Educational Support and Accountability Act (AESAA).
- 1.02 These rules are adopted pursuant to the authority of the State Board of Education under Ark. Code Ann. §§ 6-11-105, 6-15-2901 et seq. and 25-15-201 et seq.
- 1.03 These rules are further adopted pursuant to the requirements of the State’s plan adopted under the Elementary and Secondary Education Act of 1965, Pub. L. No. 89-10, as reauthorized by the Every Student Succeeds Act, Pub. L. No. 114-95, 20 U.S.C. § 6301 et seq.

2.00 Legislative Findings and Purpose

- 2.01 The State Board of Education (“State Board”) notes that the Arkansas General Assembly finds that it is the State’s responsibility:
- 2.01.1 To provide a general, suitable, and efficient system of free public schools to the children of the state as required by the Arkansas Constitution, Article 14, § 1;
- 2.01.2 To provide all public school children with a substantially equal opportunity for an adequate education to meet the State’s duty set forth by the Arkansas Supreme Court in *Lake View School District No. 25 v. Huckabee*, 351 Ark. 31 (2002);
- 2.01.3 To ensure that all students in the public schools of this state have a substantially equal opportunity to achieve and demonstrate academic readiness, individual academic growth, and competencies through the application of knowledge and skills in core subjects, consistent with state academic standards through a student-focused learning system; and
- 2.01.4 That all students in Arkansas public schools be taught by qualified and effective educators and that low-income or minority students not be taught at disproportionate rates by educators who are ineffective, inexperienced, or teaching a subject for which they are not currently licensed.

- 2.02 The purpose of these rules is to establish a comprehensive accountability system that:
- 2.02.1 Provides increasing levels of state assistance to help the local public school district board of directors to meet its burden of providing all public school children with a substantially equal opportunity for an adequate education, while allowing state intervention to occur if the local government chronically fails to meet the burden in spite of the state assistance, to meet the state's responsibility set forth by the Arkansas Supreme Court in *Lake View School District No. 25 v. Huckabee*, 351 Ark. 31 (2002), quoting *DuPree v. Alma School District No. 30*, 279 Ark. 340 (1983);
 - 2.02.2 Uses multiple measures of student academic achievement and growth;
 - 2.02.3 Allows flexibility for public schools and school districts to utilize local decision-making while maintaining quality in education; and
 - 2.02.4 Empowers the State and public school districts to assess the effectiveness of student-focused education using multiple factors, measures, and indicators of student achievement and school quality, rather than relying solely on an annual statewide assessment.
- 2.03 To promote the state's goal of providing all Arkansas public school students with qualified and effective educators, the Division will support educator effectiveness by implementing State Board-approved systems that will:
- 2.03.1 Encourage licensure and career advancement;
 - 2.03.2 Provide flexibility to hire well-qualified individuals;
 - 2.03.3 Provide personalized, differentiated professional support, growth and development opportunities for all educators; and
 - 2.03.4 Incentivize retention of effective teachers and leaders.
- 2.04 The State of Arkansas cannot be the sole guarantor of each individual student's success. Parents, students, families, educational institutions, and communities, as collaborative partners in education, play an important role in the success of individual students.

3.00 Definitions

For purposes of these rules:

- 3.01 “Academic Growth” means the calculation of a student’s academic progress from one school year to the next, as measured by assessments and other criteria required by rule of the State Board of Education.
- 3.02 “College and career readiness” means the student has knowledge and skills in core academic disciplines and dispositions necessary to graduate prepared for college, career, and community engagement.
- 3.03 “College and career readiness assessment” means a set of criterion-referenced measurements of a student's acquisition of the knowledge and skills that the student needs to be college and career ready.
- 3.04 “Comprehensive support” means support required for a public school identified as being within the lowest-performing five percent (5%) of Title I schools as required under the Elementary and Secondary Education Act of 1965, Pub. L. No. 89-10, as reauthorized by the Every Student Succeeds Act of 2015, Pub. L. No. 114-95.
- 3.05 “District Test Coordinator (DTC)” means an individual designated by the superintendent to ensure that the district complies with state assessment requirements.
- 3.05.1 The DTC shall be an:
- 3.05.1.1 Educator, as defined in these rules, employed by the district;
 - 3.05.1.2 Individual employed by the district and under the direct supervision of an educator employed by the district; or
 - 3.05.1.3 Individual contracted by the district to complete all responsibilities of the DTC and under the direct supervision of an educator employed by the district.
- 3.05.2 The educator employed by the district assigned to supervise the DTC under 3.05.1.2 or 3.05.1.3, shall be responsible for ensuring that all provisions of applicable law and these Rules are followed.
- 3.06 "Educator" means a person holding a valid Arkansas standard teaching license, an ancillary license, a provisional license, a technical permit, or an administrator's license issued by the State Board.
- 3.06.1 "Educator" also includes a licensed or nonlicensed classroom teacher or administrator employed in a position under a waiver from licensure.

- 3.07 “English language arts (ELA)” means the academic standards for English, reading, and writing.
- 3.08 “English Learners” are students whose primary or home language, other than English, has had a significant impact on the individual’s level of English language proficiency, and are not considered proficient in English as measured by an approved English language proficiency assessment.
- 3.09 “Formative Assessment” means a planned, ongoing process used by all students and teachers during teaching and learning to elicit and use evidence of student learning to improve student understanding of intended disciplinary learning outcomes and support students to become more self-directed learners.
- 3.10 “Individualized Education Program (IEP)” means the same as in the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1400 et seq.
- 3.11 “Parent” means the same as in the Family Educational Rights and Privacy Act (FERPA), 34 CFR § 99.3.
- 3.12 “Professional development plan” means the same as in Ark. Code Ann. § 6-17-704.
- 3.13 "Public school" means:
- 3.13.1 A school operated by a public school district; or
 - 3.13.2 An open-enrollment public charter school, as defined in Ark. Code Ann. § 6-23-103.
- 3.14 “Public school district” means:
- 3.14.1 A geographic area that qualifies as a taxing unit for purposes of ad valorem property taxes under Ark. Code Ann. § 26-1-101 et seq. and Arkansas Constitution, Article 14, § 3, and is either:
 - 3.14.1.1 Governed by an elected board of directors; or
 - 3.14.1.2 Under the administrative control of the State Board or the Commissioner of Education in place of an elected board of directors; or
 - 3.14.2 An open-enrollment public charter school, as defined in Ark. Code Ann. § 6-23-103.
- 3.15 “School District Systems” means the operations and procedures that occur within a public school district.

3.15.1 Systems include, without limitation:

- 3.15.1.1 Academics;
- 3.15.1.2 Student Support Services;
- 3.15.1.3 District Operations and Fiscal Governance;
- 3.15.1.4 Human Capital;
- 3.15.1.5 Stakeholder Communication / Family and Community Engagement; and
- 3.15.1.6 Facilities and Transportation.

3.15.2 Systems are defined as a set of independent parts or actions that act together to make a more complex whole.

- 3.16 “Student success plan” means a personalized education plan intended to assist students to meet educational milestones towards graduation and achieving readiness for college, career, and community engagement.
- 3.17 “Student-focused learning system” means a system of learning in which collaborative and flexible decisions are made based on equity for each student with consideration given to academic measures, personal competencies, interests, aptitudes, aspirations, and needs.
- 3.18 “Superintendent” means the person responsible for oversight of all operations of the public school district.
- 3.19 “Targeted support” means support required for a public school identified as having a subgroup of students labeled “consistently underperforming” as required under the Elementary and Secondary Education Act of 1965, Pub. L. No. 89-10, as reauthorized by the Every Student Succeeds Act of 2015, Pub. L. No. 114-95.

4.00 Arkansas Academic Standards

- 4.01 The Division shall develop and the State Board shall approve Arkansas academic standards that define what students shall know and be able to demonstrate in each content area.
- 4.02 Instruction in all public schools shall be based on the Arkansas academic standards to prepare students to demonstrate the skills and competencies necessary for successful academic growth and high school graduation.

- 4.03 The Division shall establish a schedule for periodic review and revision of the Arkansas academic standards to ensure that the standards are rigorous and prepare students for college, career, and community engagement.
- 4.04 The Division shall include, at a minimum, the following elements in the periodic review and revision of the Arkansas academic standards:
- 4.04.1 Review and input by Arkansas educators from elementary, secondary, and higher education;
 - 4.04.2 Review and input from Arkansas community members with professional experience related to the academic content area;
 - 4.04.3 Study and consideration of academic standards at the national and international level, as appropriate;
 - 4.04.4 Study and consideration of an evaluation of the academic standards from national groups or organizations, as appropriate; and
 - 4.04.5 Public dissemination of revised academic standards by posting on the Division's website.
- 4.05 The Division shall develop a transition timeline for the implementation of new Arkansas academic standards when new standards are approved.
- 4.06 The Division shall include in the academic standards a means by which a public school student may substitute comparable elective coursework pertaining to career and technical education for core academic classes that are required for graduation under the Standards for Accreditation of Arkansas Public Schools and School Districts
- 4.06.1 When establishing the means required under subsection 4.06, the Division shall create an approval process whereby comparable elective coursework pertaining to career and technical education may be substituted for core academic classes.
 - 4.06.2 The Career and Technical Education with Embedded Academics Certification Committee shall;
 - 4.06.2.1 Consult with the Division in order to establish the approval process required by subsection 4.06.1;
 - 4.06.2.2 Include one (1) member from each of the education service cooperatives, who shall be appointed by the director of each education service cooperative;

4.06.2.3 Review academic standards and analyze the comparable career and technical education standards for embedded academic content that are or will be offered in the upcoming school year; and

4.06.2.4 Produce a crosswalk document that shows the alignment of relevant core academic standards to the career and technical education standards.

4.06.2.4.1 Each alignment described by subsection 4.06.2.4 shall offer the rationale as to why a lesson concerning academic content may be substituted.

4.06.2.4.2 The crosswalk document required under subsection 4.06.2.4 shall be provided to the Division by December 15 of each year.

4.06.2.4.3 The division shall certify the alignments proposed in the crosswalk document required under subsection 4.06.2.4 as eligible to be substituted for comparable elective coursework under this section each year by February 1.

5.00 Statewide Student Assessment System

5.01 The State Board shall approve and the Division shall implement a statewide student assessment system to be administered by Arkansas public schools on a schedule determined by the State Board.

5.02 The statewide student assessment system shall include:

5.02.1 Assessments for kindergarten and grades one and two (K-2) as specified in subsection 5.06;

5.02.2 High-quality, evidence-based literacy screeners for kindergarten through grade three (K-3) as specified in subsection 5.29.

5.02.23 Assessments for grades three through twelve (3-12) as specified in subsections 5.07 and 5.08;

5.02.34 Assessments of English proficiency of all English Learners;

- 5.02.45 Assessments to measure college and career readiness; and
- 5.02.56 Valid and reliable assessments that provide scores available for district use by August 1 of each year.
 - 5.02.56.1 The Division may authorize an extension of time to provide assessment scores as deemed necessary.
- 5.03 All public school districts shall comply with the requirements of the assessment system including field testing and any other requirements needed to establish fully developed assessments.
 - 5.03.1 A public school district that fails to comply with requirements placed on the public school district by the State Board pursuant to these rules is in probationary violation of the Standards for Accreditation of Arkansas Public Schools and School Districts and subject to action by the State Board.
- 5.04 Public school district boards of directors shall not establish school calendars that jeopardize or limit the valid testing and comparison of student learning.
- 5.05 All students enrolled in a public school district shall participate in the statewide student assessment system.

Kindergarten and grades one and two (K-2)

- 5.06 All public school districts shall administer a developmentally appropriate assessment approved by the State Board to all students in kindergarten, first grade, and second grade (K-2) in reading and mathematics.
 - 5.06.1 Students with disabilities shall participate in the K-2 assessment unless the student's IEP team determines that the student is unable to participate due to the student's disability.
 - 5.06.1.1 If the student's IEP team determines that the student is unable to participate due to the student's disability, the student's IEP shall include goals and periodic reviews to ensure the student is meeting expected growth and progress.
 - 5.06.2 English Learners, including those with less than one year in a U.S. school, shall participate in the K-2 assessment program.
 - 5.06.2.1 English Learners may access state approved accommodations provided such accommodations have been recommended by the student's language proficiency

assessment committee (LPAC) and are used regularly in classroom instruction and assessment. Only those accommodations that do not interfere with the validity of the test may be used on the assessment.

Grades three through twelve (3-12)

- 5.07 All students in grades three through twelve (3-12) in which statewide assessments are administered, shall take the assessment(s) required for the student's respective grade on the date or within the testing window established by the Division.
- 5.07.1 Assessments may measure, without limitation, English language arts, mathematics, and science.
- 5.07.2 Required assessments may include field testing and any other requirements needed to establish fully developed assessments.
- 5.07.3 Statewide student assessment data may be used for statewide accountability and reporting purposes.
- 5.08 All public school districts shall administer state required assessments to students in accordance with procedures established by the Division and specified in the applicable assessment administration manuals, materials, and training.
- 5.08.1 The Division may provide manuals, materials, and trainings that are delivered electronically or in-person.

Students with Disabilities

- 5.09 Each student in the specified grades shall participate in the assessments according to the procedures established by the Division. A student shall participate in the Arkansas Alternate Assessment Program only upon the formal determination of the student's IEP team, as documented in the student's IEP.
- 5.09.1 The IEP team shall determine whether participation in the standard state assessment program is appropriate for students with IEPs. Students with the most significant cognitive disabilities who cannot participate in the standard state assessments with the established accommodations and accessibility features shall participate in the Arkansas Alternate Assessment Program following the guidelines established by the Division.
- 5.09.2 Students with disabilities may access state approved accommodations provided such accommodations have been determined necessary by the IEP team and are used regularly in classroom instruction and

assessment. Only accommodations that do not interfere with the validity of the test may be used on the assessment.

- 5.09.3 A student who participates in the Arkansas Alternate Assessment program will take each of the required alternate assessments including English Language Arts, mathematics, and science.

English Learners

- 5.10 English Learners, including those with less than one year in a U.S. school, shall participate in the statewide student assessment system.
- 5.10.1 English Learners may access state approved accommodations provided such accommodations have been recommended by the student's language proficiency assessment committee (LPAC) and are used regularly in classroom instruction and assessment. Only those accommodations that do not interfere with the validity of the test may be used on the assessment.
- 5.11 An assessment of English Language Proficiency which measures the English Language Proficiency standards shall be administered annually.
- 5.11.1 All English Learners in grades kindergarten through twelve (K–12) shall participate in the English Language Proficiency assessment.
- 5.11.2 The Division shall establish student performance levels that indicate the English Learners level of English Language Proficiency.

College and Career Readiness (CCR)

- 5.12 A public school that serves a student in grades ten through twelve (10-12) shall administer college and career readiness assessments, including a career readiness assessment that leads to a nationally recognized work readiness certificate, as determined by the State Board to each student who chooses to take the assessment before he or she graduates from high school.
- 5.12.1 "College and career readiness assessment" means a set of nationally recognized measurements of a student's acquisition of the knowledge and skills that the student needs to:
- 5.12.1.1 Be successful in credit-bearing, first-year courses at an institution of higher education; or
- 5.12.1.2 Earn other postsecondary credentials including, but not limited to, industry recognized credentials or technical certifications that allow a student to embark on a career.

5.12.2 Students with disabilities should be encouraged to participate in the college and career readiness assessment.

5.12.3 A career readiness assessment under subsection 5.12 may include, without limitation, the ACT WorkKeys National Career Readiness Certificate (NCRC).

5.12.34 State or federal funds may be used to administer college and career readiness assessments in addition to the required statewide high school assessment.

5.12.4.1 A Platinum, Gold, Silver, or Bronze credential through the ACT WorkKeys (NCRC) shall be used by an institution of higher education as transcribable credit toward the attainment of a postsecondary technical degree.

5.13 Public schools shall use the results from the college and career readiness assessment to:

5.13.1 Inform student success plans;

5.13.2 Assist students with course selection; and

5.13.3 Assist with academic achievement and college and career readiness skills.

5.14 Districts may assess academic achievement and growth by other means in addition to the statewide required assessments at the district's expense.

5.15 To provide a foundation for the development of a student success plan, a public school district shall:

5.15.1 Provide career awareness and exploration activities to all public school students in grades six through eight (6-8) that create links between what a student does in school and what a student wants to achieve in life, as described in Arkansas Code § 6-16-1802(a); and

5.15.1.1 Hold an informational meeting for parents, legal guardians, or persons standing in loco parentis to students enrolled in grades six through twelve (6-12) within the public school district to provide information regarding graduation requirements and curriculum choices.

5.15.1.2 The informational meeting required under subsection 5.15.1.1 shall be held in conjunction with the scheduling of courses for the next academic year.

5.15.1.3 Notice of the informational meeting required under subsection 5.15.1.1 shall be provided through existing means of communication.

The National Assessment of Educational Progress (NAEP)

- 5.4516 Selected public schools shall participate in any and all components of the National Assessment of Educational Progress (NAEP).
- 5.4516.1 Any public school that fails to participate in the administration of any NAEP assessment shall be reported to the State Board and may be found in violation of the Standards for Accreditation of Arkansas Public Schools and School Districts and subject to action by the State Board.

Statewide Student Assessment System Administration

- 5.4617 The Division shall establish and publish each school year, an assessment calendar that shall be strictly followed by public school districts unless a school district has received a written waiver from the Division due to a catastrophic occurrence.
- 5.4718 The superintendent of each public school district shall designate a District Test Coordinator.
- 5.4718.1 The District Test Coordinator, serving as the designee of the superintendent, is responsible for ensuring that the provisions of applicable law and these Rules are followed.
- 5.4718.2 To ensure understanding of the administration of the State required assessments, district test coordinators and other appropriate public school personnel shall attend training sessions established by the Division.
- 5.4819 The District Test Coordinator of each public school district is responsible for coordinating all state assessment activities at a local level, including without limitation:
- 5.4819.1 Scheduling testing times of all affected grades and campuses according to the testing calendar developed by the Division;
- 5.4819.2 Ensuring that security is maintained as specified in the appropriate test administration materials and Division training;
- 5.4819.3 Ensuring that all district personnel involved in the testing have been properly trained as specified by the Division;

- 5.1819.4 Ensuring that all tests are administered to all students according to the procedures established by the Division and specified in the applicable assessment administration materials;
 - 5.1819.5 Ensuring that all assessment documents and student identification information are properly and accurately coded;
 - 5.1819.6 Attesting whether all students have participated in the appropriate grade-level assessment(s); and
 - 5.1819.7 Ensuring that students participating in the administration of standard state assessments receive the appropriate, allowable accommodations documented in their IEP and have access to the needed accessibility features;
 - 5.1819.8 Ensuring that all students enrolled in a state-tested grade are accounted for in the statewide student assessment system; and
 - 5.1819.9 Ensuring that all personnel involved in testing and the use of test data are trained on the requirements of the Family Educational Rights and Privacy Act (FERPA, 34 CFR Part 99), the Student Online Personal Information Protection Act (SOPIPA, Ark. Code Ann. § 6-18-109), any other state or federal laws governing confidentiality of student data, and maintain the privacy of student data.
- 5.1920 The superintendent of each public school district is responsible for the proper administration of the statewide student assessment system pursuant to Ark. Code Ann. § 6-15-2901 et seq. and these rules including any failure of the District Test Coordinator to fulfill all legal requirements and responsibilities.
- 5.1920.1 To the extent that a public school district is determined to have knowingly failed to administer the provisions of applicable law or these Rules, the superintendent's license is subject to probation, suspension, or revocation under Ark. Code Ann. § 6-17-410.

Test Security and Confidentiality

- 5.2021 A violation of the security or confidential integrity of any test or assessment is prohibited.
 - 5.2021.1 Procedures for maintaining the security and confidential integrity of testing and assessment instruments and procedures shall be specified in the appropriate test or assessment administration instructions and training from the Division. Conduct that violates the security or confidential integrity of a test or assessment is defined as any departure from either the requirements established by the Division for the administration of the

assessment or from the procedures specified in the applicable test administration materials or training.

- 5.2021.2** A person who violates the security or confidential integrity of any test or assessment, or a public school or school district in which prohibited conduct occurs, may be sanctioned by the State Board in accordance with the Division of Elementary and Secondary Education Rules Governing Test Security, Testing Violations, and Testing Improprieties and the Division of Elementary and Secondary Education Rules Governing the Code of Ethics for Arkansas Educators, as appropriate.
- 5.2122** District test coordinators, staff involved in test administration including technology support staff, test administrators, and test proctors of the state required assessments shall abide by the requirements of the security agreement developed by the Division. Public schools shall maintain signed copies of the agreement for three (3) years.
- 5.2223** The superintendent or district test coordinator of each public school district shall develop procedures to ensure the security and confidential integrity of all assessment instruments and test items. The superintendent or district test coordinator is responsible for immediately notifying the Division in writing of conduct that violates the security or confidential integrity of an examination or assessment as outlined in the Division of Elementary and Secondary Education Rules Governing Test Security, Testing Violations, and Testing Improprieties.

Assessment Data

- 5.2324** Public school districts shall utilize multiple measures of student learning, including but not limited to state and vendor provided reports from the statewide student assessment system, to inform the cycle of inquiry regarding school improvement.
- 5.2324.1** Public school districts shall report district and school performance data to appropriate stakeholders and as otherwise required by law or rule.
- 5.2324.2** Public schools shall provide individual student reports to parents or guardians no later than the first quarter of the school year following administration of the assessment.
- 5.2425** All federal and state data privacy rules and regulations will be adhered to.
- 5.2526** The scores for students attending the Arkansas School for Mathematics, Sciences, and the Arts (ASMSA) shall be included in the data reports to the public school district the student attended immediately prior to transferring to the ASMSA.

5.2627 Annually, the Division shall establish and post on the Division's website, the process and timeline providing no less than **ten (10)** days, for a public school district to review data for accountability purposes.

Technical Advisory Committee

5.2728 A Technical Advisory Committee composed of nationally-recognized experts and psychometricians shall be selected by the Commissioner of **Elementary and Secondary** Education and shall advise the Division in technical matters pertaining to the validity, reliability, accuracy and fairness of their assessment and accountability system.

Student Performance Levels

5.2829 The Division shall recommend and the State Board shall approve performance levels for each state required assessment administered to meet federal reporting requirements. The performance levels shall include skills and competencies necessary for a student to be college and career ready by the completion of high school.

5.2829.1 The Division shall recommend and the State Board shall approve performance levels for English language arts, mathematics, and science.

5.2829.2 The Division shall recommend and the State Board shall approve performance levels for the Arkansas Alternate Assessment Program for students with disabilities as part of the statewide student assessment system.

5.2829.3 The Division shall recommend and the State Board shall approve performance levels to indicate the level of English language proficiency of all English Learners.

5.30 The Division shall identify the literacy screeners required under subsection 5.02.2 which shall meet the requirements of Ark. Code Ann. 6-41-603 and may be the same screener used for dyslexia screening.

5.30.1 The Literacy screeners required under subsection 5.02.2 shall be utilized to determine student progression in reading in kindergarten through grade three (K-3) and shall be:

5.30.1.1 Given during the first thirty (30) days of the school year;

5.30.1.2 Repeated, if indicated, midyear; and

5.30.1.3 Given at the end of the school year.

5.30.4 The division shall collect and publish aggregated public school district, open-enrollment public charter school, and overall state literacy assessment results annually by October 1.

6.00 Student-Focused Learning System

- 6.01 Public school districts shall implement a student-focused learning system designed to support and promote student success based on equity for all students through personalized learning.
- 6.02 A student-focused learning system considers, with the learner, various academic measures, personal competencies, interests, aptitudes, aspirations and needs when designing learning opportunities.
- 6.03 Public schools shall use statewide student assessment data and multiple measures to identify students' strengths and needs for achievement and academic growth.
 - 6.03.1 Multiple measures may include, but are not limited to, attendance, grades, classwork, demonstration of competency, formative assessment data, teacher observations, interest surveys, or other measures that are used to personalize learning for students.

Student Success Plans

- 6.04 Each student who enters the eighth (8th) grade shall have a student success plan developed by the end of the eighth grade (8th), by school personnel in collaboration with parents and the student that is reviewed and updated annually.
 - 6.04.1 The student success plan is a working plan that is dynamic and visited periodically by the student and an advisor or mentor to support the overall success of the student to graduate ready for postsecondary opportunities.
 - 6.04.2 The student success plan shall be documented in a format and manner that is accessible to the student.
- 6.05 The student success plan shall, at a minimum:
 - 6.05.1 Guide the student along high school pathways to graduation that shall prepare the student for postsecondary opportunities, including without limitation:
 - 6.05.1.1 Required coursework;
 - 6.05.1.2 Courses of interest; and

- 6.05.1.3 Consideration for student's postsecondary plans using multiple measures to inform decisions about a pathway.
- 6.05.2 Address accelerated learning opportunities which may include without limitation enrolling in coursework that would challenge the student academically. Accelerated learning opportunities to be considered may include without limitation:
 - 6.05.2.1 Advanced Placement, International Baccalaureate, and Concurrent credit;
 - 6.05.2.2 Career pathways, apprenticeships, and internships;
 - 6.05.2.3 Courses based on identified areas of academic strength;
 - 6.05.2.4 Extracurricular opportunities such as music, band, athletics, scholastic competitions, and clubs; and
 - 6.05.2.5 Other opportunities to enrich the student's success.
- 6.05.3 Address academic deficits and interventions which may include without limitation:
 - 6.05.3.1 Courses based on identified areas of academic deficit;
 - 6.05.3.2 Point-in-time remediation, credit recovery, and tutoring;
 - 6.05.3.3 Additional learning supports and transitional coursework; and
 - 6.05.3.4 Other opportunities to support the student's success.
- 6.05.4 Include college and career planning components based on a review of information appropriate for the student, including without limitation:
 - 6.05.4.1 College and Career Readiness Assessment data;
 - 6.05.4.2 Interest inventories;
 - 6.05.4.3 College and career planning tools;
 - 6.05.4.4 Industry recognized credentials or technical certifications; and
 - 6.05.4.5 Other postsecondary preparations.

- 6.06 Each student's student success plan, or the student's individualized education program, if applicable, shall include the recommended sequence of courses for successful completion of a diploma pathway selected by the student.
- 6.06.1 A student success plan shall be sufficiently flexible to allow the student to, with the written approval of a parent, change his or her diploma pathway.
- 6.06.2 A change made to a student's diploma pathway under subsection 6.06 shall be structured to ensure that the student will:
- 6.06.2.1 Meet the high school graduation requirements for the student's chosen diploma pathway or the requirements of the student's individualized education program, if applicable; and
- 6.06.2.2 Qualify for admission to a postsecondary educational institution or to enter the workforce.
- 6.06.3 Each student's student success plan shall be reviewed annually and revised as necessary to identify the courses to be taken each year until all required core courses are completed.
- 6.06.4 Upon completion of the review required under subsection 6.06.3 of this section, the student's student success plan shall be signed by the:
- 6.06.4.1 Student;
- 6.06.4.2 Student's parent; legal guardian, or person standing in loco parentis to the student; and
- 6.06.4.3 School counselor.
- 6.06.5 Before revising a student success plan under subsection 6.06.3, a school counselor or person acting in the equivalent role of a school counselor shall meet with the student's parent either in person or virtually to explain the possible impacts the revisions to the plan might have on the student's graduation requirements and postsecondary education goals.
- 6.06.6 Any revisions to a student success plan shall be approved in writing by the student's parent.
- 6.06.7 A Student Success Plan template and guidance on using available platforms and tools to meet the requirements of this section for use by public school districts and open enrollment public charter schools is available on the Division of Elementary and Secondary Education's website.

~~6.0607~~ An IEP for a student with a disability, identified under the IDEA, 20 U.S.C. § 1400 et seq., meets the requirements of this section if the IEP:

~~6.0607.1~~ Addresses academic deficits and interventions for students not meeting standards-based academic goals at an expected rate or level; and

~~6.0607.2~~ Includes a transition plan that addresses college and career planning components.

7.00 Equitable Access to Excellent Educators

7.01 Public school districts are responsible for recruiting, hiring, retaining, and developing effective teachers and leaders by using programs provided by the Division, including without limitation:

7.01.1 The Teacher Excellence and Support System (TESS) including professional growth plans for teachers;

7.01.2 The Leader Excellence and Development System (LEADS) including professional growth plans for leaders;

7.01.3 Educator effectiveness opportunities for professional learning and career growth;

7.01.4 Resources and technical assistance for district professional development plans, cultural responsiveness, and equity; and

7.01.5 Recruitment and retention programs.

7.02 Each public school and school district shall ensure that its educators provide instruction that aligns with the academic standards established to prepare students to demonstrate the skills and competencies necessary for successful academic growth and high school graduation.

7.03 Each public school and school district shall report:

7.03.1 The data required by the Division to identify and evaluate educator effectiveness, in accordance with Arkansas law, including without limitation, professional qualifications, teaching assignment(s), professional development, and performance ratings during the required career summative evaluation year;

7.03.1.1 The Division will use the data reported to calculate the rate at which low-income and minority students are taught by educators who are ineffective, inexperienced, or teaching a subject for which they are not currently licensed.

- 7.03.2 Professional qualifications of educators through Cycle submissions; and
- 7.03.3 The number of teacher and leader career summative performance ratings for each category through the Teacher Excellence and Support System (TESS).
- 7.04 Public school districts whose data reflect disproportionality under these rules shall develop and implement strategies for equitable access within the district's support plan.

8.00 Levels of Support for Public School Districts

- 8.01 The Division shall provide differentiated levels of support to all Arkansas public school districts. The levels of support are cumulative and include:
 - 8.01.1 Level 1 – general support
 - 8.01.2 Level 2 – collaborative support
 - 8.01.3 Level 3 – coordinated support
 - 8.01.4 Level 4 – directed support
 - 8.01.5 Level 5 – intensive support
- 8.02 The Division will determine the level of support the Division will provide to a public school district through a process of communication and consultation with the district to identify areas where support is requested or required for school improvement.
 - 8.02.1 Annually, the Division shall review data for all students and defined subgroup populations to determine the level of support the Division will recommend to address the district's needs, including without limitation:
 - 8.02.1.1 Public schools identified as in need of targeted or comprehensive support as defined by the Elementary and Secondary Education Act of 1965, Pub. L. No. 89-10, as reauthorized by the Every Student Succeeds Act of 2015, Pub. L. No. 114-95;
 - 8.02.1.2 Fidelity of district implementation of school-level improvement plans and district support plans;

- 8.02.1.3 Public school and district data obtained from the Division’s comprehensive information systems; and
 - 8.02.1.4 Fidelity of district implementation of directives from the Division or State Board.
- 8.02.2 After a review of data, the Division, in consultation with the superintendent, school board member(s), or appropriate school district personnel shall identify the level of support appropriate to meet the needs of the district.
- 8.02.3 At any time, a district may request specific support from the Division in addition to the current level of support being provided.
- 8.02.4 The Commissioner of Education (“Commissioner”) may, after an initial determination is made, request Division staff to evaluate a district to determine if evidence exists that additional support is needed. The Division may recommend additional support as identified from the evaluation.
- 8.03 The Division shall provide level 3 – coordinated support, in collaboration with the public school district’s educational service cooperative, to a public school district in which forty percent (40%) or more of the public school district’s students score “in need of support” on the state’s prior year summative assessment for reading.
- 8.04 The Division shall provide level 4 – directed support to a public school district in which fifty percent (50%) or more of its student score “in need of support” on the state’s prior year summative assessment for reading.
- 8.05 Annually, a public school shall engage stakeholders to develop or revise the school-level improvement plan. Annually by May 1, a public school shall submit to its public school district, a school-level improvement plan for approval by the public school district and public school district board of directors for implementation in the following school year.
- 8.05.1 School-level improvement plans shall follow a continuous cycle of inquiry and at a minimum:
 - 8.05.1.1 Establish goals or anticipated outcomes based on an analysis of students’ needs;
 - 8.05.1.2 Identify student supports and evidence-based interventions and practices to be implemented;
 - 8.05.1.3 Describe the professional learning necessary for adults to deliver the supports or interventions;

- 8.05.1.4 Describe the implementation timeline for monitoring of the interventions and practices for effectiveness;
- 8.05.1.5 Describe the timeline and procedures for evaluation of the interventions and practices for effectiveness; and
- 8.05.1.6 Include a literacy plan that includes, without limitation, a curriculum program and a professional development program that are:
 - 8.05.1.6.1 Aligned with the literacy needs of the public school district; and
 - 8.05.1.6.2 Based on the science of reading as defined by Ark. Code Ann. § 6-17-429(k)(1).
- 8.05.2 School-level improvement plans shall be posted on the public school district’s website, under state-required information, by August 1 of each year.
- 8.05.3 The public school and public school district shall continuously monitor school-level improvement plans for implementation fidelity and progress throughout the year of implementation.
 - 8.05.3.1 Documentation of the monitoring shall be made available to the public school district board of directors.
- 8.05.4 School-level improvement plans shall be analyzed, evaluated, and revised at least annually by the public school including stakeholder engagement and feedback.
 - 8.05.4.1 Documentation of the annual review shall be included as part of the school-level improvement plan for the following school year.
- 8.06 Annually by September 1, a public school district receiving level 2 – collaborative support shall develop a district support plan.
 - 8.06.1 A public school district receiving level 2 – collaborative support shall submit its district support plan to the Division when requested by the Commissioner in order for the Division to provide additional support to the district.
- 8.07 Annually by September 1, a public school district receiving level 3 – coordinated support, level 4 – directed support, or level 5 – intensive support shall develop a

district support plan utilizing the form required by the Division and submit the plan to the Division for approval.

8.07.1 A public school district receiving level 4 – directed support shall work with the Division to develop its’ district support plan.

8.07.2 A public school district receiving level 5 – intensive support shall work with the Division to develop its’ district support plan, and shall submit the plan to the State Board for approval.

8.07.3 A district support plan shall follow a continuous cycle of inquiry and at a minimum:

8.07.3.1 Specify the support the public school district will provide to public schools identified pursuant to the Elementary and Secondary Education Act of 1965, Pub. L. No. 89-10, as reauthorized by the Every Student Succeeds Act of 2015, Pub. L. No. 114-95;

8.07.3.2 Collaboratively establish priorities regarding goals or anticipated outcomes with the school or schools, including feeder schools as applicable;

8.07.3.3 Identify resources to support the established priorities;

8.07.3.4 Describe the time and pace of providing support and monitoring for the established priorities;

8.07.3.5 Describe the measures for analyzing and evaluating that the district support was effective in improving the school performance; and

8.07.3.6 Direct the use of Enhanced Student Achievement funding for strategies to close gaps in academic achievement, if required pursuant to the Division of Elementary and Secondary Education Rules Governing the Distribution of Student Special Needs Funding and the Determination of Allowable Expenditures of those Funds.

8.07.4 A public school district in which forty percent (40%) or more of the public school district’s students scored “in need of support” on the state’s prior year summative assessment for reading shall develop a literacy plan as part of its district support plan.

8.07.4.1 The public school district literacy plan shall include, at a minimum:

- 8.07.4.1.1 Goals for improving reading achievement throughout the public school district; and
 - 8.07.4.1.2 Information regarding the prioritization of funding, including without limitation, Enhanced Student Achievement funding received under Ark. Code Ann. § 6-20-2305, for strategies to improve reading achievement throughout the public school district.
- 8.07.5 A public school district's support plan shall be posted on the public school district's website, under state-required information, no later than ten (10) days after submission to the Division.
 - 8.07.5.1 The school district shall post on the district's website, with the plan, the date the plan is approved by the Division or State Board, if applicable.
 - 8.07.5.2 Any revision to the approved plan must be submitted to the Division immediately and posted on the district's website in addition to the initial plan. The district shall post the date the revision is approved.
- 8.08 The Division will develop a written plan of support for each district receiving level 3 – coordinated support, level 4 – directed support, and level 5 – intensive support. The plan will at a minimum:
 - 8.08.1 Identify the support the Division will provide to the district as determined through a process of communication and consultation with the district to identify areas where support is requested, necessary, or required; and
 - 8.08.2 Describe the role of the Division, role of the public school district, and timeline of implementation.
- 8.09 Classification as in need of level 5 – intensive support:
 - 8.09.1 The Division shall notify in writing any public school district superintendent and president of the public school district board of directors of the recommendation to the State Board for classification as in need of level 5 – intensive support.
 - 8.09.2 The district shall have the right to appeal to the State Board by filing a written appeal with the Office of the Commissioner via certified mail, return receipt requested, within twenty (20) calendar days of receipt of the

written notice prior to being classified as a school district in need of level – 5 intensive support.

8.09.3 The State Board shall hear the appeal of the public school district within sixty (60) days of receipt of the written appeal in the Commissioner’s office.

8.09.4 The written appeal shall state in clear terms the reason(s) why the public school district should not be classified as in need of level 5 – intensive support.

8.09.5 The following procedures shall apply to State Board hearings involving public school districts that appeal the Division’s recommendation to classify the school district in need of level 5 – intensive support:

8.09.5.1 Documentation for consideration by the State Board during the appeal hearing shall be submitted to the Division no later than fifteen (15) days prior to the date of the hearing.

8.09.5.2 All persons wishing to testify before the State Board shall first be placed under oath by the Chairperson of the State Board.

8.09.5.3 The Division shall have up to twenty (20) minutes to present its case to the State Board, including rebuttal. The Chairperson of the State Board may allow additional time if necessary.

8.09.5.4 The appealing public school district shall have up to twenty (20) minutes to present its case to the State Board as to why the school district should not be classified as in need of level 5 – intensive support. The Chairperson of the State Board may allow additional time if necessary.

8.09.5.5 The State Board may pose questions to any party at any time during the hearing.

8.09.5.6 The State Board shall then discuss, deliberate, and vote upon the matter of the classification.

8.09.5.7 If it deems necessary, the State Board may take the matter under advisement and announce its decision at a later date, provided that all discussions, deliberations, and votes upon the matter take place at a public hearing.

- 8.09.5.8 The State Board shall issue a written order concerning the matter.
- 8.09.6 A public school district classified as in need of level 5 – intensive support shall receive support upon final determination by the State Board.
- 8.09.7 A public school district may appeal the State Board’s final decision to the Pulaski County Circuit Court pursuant to the Arkansas Administrative Procedure Act, Ark. Code Ann. § 25-15-201 et seq.
- 8.10 The Division shall develop a district improvement/exit plan for each district classified as in need of level 5 – intensive support.
 - 8.10.1 The district improvement/exit plan shall be developed in collaboration with the governing body of the district including the district leadership team and local public school board, if applicable, and the Division.
 - 8.10.1.1 The plan shall contain, at a minimum, the following elements:
 - 8.10.1.1.1 Identification of each criteria for improvement;
 - 8.10.1.1.2 Specific expectations for exit criteria;
 - 8.10.1.1.3 Specific corrective action steps for each criterion for improvement;
 - 8.10.1.1.4 A timeline for the completion of each corrective action step;
 - 8.10.1.1.5 Specific measurements for review of progress and monitoring of implementation; and
 - 8.10.1.1.6 A specific timeline for review of progress and monitoring of implementation.
 - 8.10.1.2 The Division may edit, amend, update, or replace the plan at any time deemed appropriate.
 - 8.10.1.2.1 The district shall be given notice of the edited, amended, updated, or replacement plan criteria.

- 8.10.2 The Division will provide quarterly reports to the State Board regarding progress of the district toward meeting the identified criteria for exiting level 5 – intensive support.
- 8.10.3 The State Board shall review the progress of the district toward improving the issues that caused classification and implementation of the district improvement/exit plan.
- 8.10.4 The State Board may approve that the exit criteria has been met and remove the district from level 5 – intensive support and place the district in level 4 – directed support for one (1) year with monitoring by the Division and quarterly reporting to the State Board.
 - 8.10.4.1 Division monitoring criteria shall include the district’s continued stability and sustainability of previously identified exit criteria.
- 8.11 If a public school district is classified as in need of level 5 – intensive support, the State Board may:
 - 8.11.1 Direct the Commissioner to conduct an analysis of all school district systems and make recommendations for action by the State Board; and
 - 8.11.2 Assume authority of the public school district, with the exception of an open-enrollment charter school, and take one (1) or more of the following actions at any time after classification:
 - 8.11.2.1 Remove permanently, reassign, or suspend on a temporary basis the superintendent of the public school district and;
 - 8.11.2.1.1 Appoint an individual in place of the superintendent of the public school district to administratively operate the public school district under the supervision and approval of the Commissioner;
 - 8.11.2.1.1.1 Authorize the individual to remove, replace, reassign, or suspend public school district personnel in accordance with state laws; and
 - 8.11.2.1.1.2 Compensate from public school district funds the individual appointed to operate the public school

district and other individuals
authorized by the
Commissioner;

8.11.2.1.2 Remove permanently or suspend on a
temporary basis some or all of the current
public school district board of directors and
either;

8.11.2.1.2.1 Call for the election of a new
public school district board of
directors, in which case the
public school district shall
reimburse the county board
of election commissioners for
election costs as otherwise
required by law;

8.11.2.1.2.2 Require the public school
district to operate without a
board of directors under the
supervision of the
superintendent of the public
school district or an
individual or panel appointed
by the Commissioner; or

8.11.2.1.2.3 Direct the Commissioner to
assume some or all authority
of the public school district
board of directors as may be
necessary to operate ~~the~~ all
public school district
systems;

8.11.2.1.3 Remove on a temporary basis some or all of
the powers and duties granted to the current
public school district board of directors
under Ark. Code Ann. § 6-13-620 or any
other law but allow the public school district
board of directors to continue to operate
under the direction and approval of the
Commissioner.

8.11.2.1.3.1 The State Board shall define
the powers and duties of the

public school district board of directors.

8.11.2.1.3.2 The public school district board of directors shall act in an advisory capacity to the Commissioner regarding all other powers and duties maintained by the Commissioner.

8.11.2.1.4 Require the annexation, consolidation, or reconstitution of the public school district under § 6-13-1401 et seq. and applicable rules;

8.11.2.1.5 Waive provisions of Title 6 and corresponding rules with the exception of:

8.11.2.1.5.1 Special education programs;

8.11.2.1.5.2 Conducting criminal background checks for employees; and

8.11.2.1.5.3 Health and safety codes as established by the State Board and local governmental entities;

8.11.2.1.6 Require reassignment of some or all of the administrative, instructional, or support staff of a public school;

8.11.2.1.7 Require a public school to institute and fully implement a student curriculum based on academic standards;

8.11.2.1.8 Require a public school to provide professional development for teachers and administrators based on the Division's review of educators' professional growth plans with the cost to be paid by the public school district in which the public school is located;

8.11.2.1.9 Remove one (1) or more public schools from the jurisdiction of the classified school district and establish alternative public governance and supervision of the public school;

8.11.2.10 Require reorganization, closure, or dissolution of one (1) or more of the public schools within the classified district; ~~and~~

8.11.2.11 Take any other necessary and proper action, as determined by the State Board that is allowed by law; and

8.11.2.12 Require a structured system of whole child supports through a community school plan, as defined by § 6-15-3002.

8.11.3 If an open-enrollment public charter school is classified as in need of level 5 – intensive support, request that the charter authorizer review the school’s charter and determine necessary action.

8.12 Public school district under authority of the State Board of Education.

8.12.1 For a public school district under the authority of the State Board, the State Board shall review quarterly the progress of the public school district toward improving the issues that caused the classification of the public school district as in need of level 5 – intensive support.

8.12.2 At any time during the second full school year following the assumption of authority or any time thereafter:

8.12.2.1 The State Board may direct the Commissioner to update the analysis of all school district systems to determine if the public school district has demonstrated substantial improvement, as evidenced by progress toward meeting exit criteria, of the issues that caused the classification of the public school district as in need of level 5 – intensive support;

8.12.2.2 The Commissioner may recommend to the State Board that the State Board:

8.12.2.2.1 Take additional action concerning the public school district under Ark. Code Ann. § 6-15-2916; or

8.12.2.2.2 Return the public school district to local control through the appointment or election of a board of directors; and

8.12.2.3 The State Board may return the public school district to local control through the appointment or election of a newly elected board of directors upon the recommendation of the Commissioner.

8.12.2.3.1 The State Board may limit the powers and duties of the public school district board of directors under Ark. Code Ann. § 6-13-620 or any other law but allow the public school district board of directors to operate under the direction and approval of the Commissioner.

8.12.2.3.2 The State Board shall define the powers and duties of the public school district board of directors if the State Board limits the powers and duties under subsection 8.10.2.3.1.

8.12.2.3.3 The public school district board of directors shall act in an advisory capacity to the Commissioner in regards to all other powers and duties maintained by the Commissioner.

8.12.2.4 The State Board may grant additional powers and duties to the public school district board of directors if the public school district demonstrates progress toward improving the issues that caused the classification of the public school district as in need of level 5 – intensive support.

8.12.2.5 ~~If the public school district has not demonstrated to the State Board and the Division that the public school district meets the criteria to exit level 5—intensive support within five (5) years of the assumption of authority, the State Board shall annex, consolidate, or reconstitute the public school district under Ark. Code Ann. § 6-13-1401 et seq. and applicable rules.~~

If the state board has not returned a public school district classified as in need of Level 5 — Intensive support to local control as authorized under subsection 8.12.2, then, no later than two (2) years after the assumption of authority

of the public school district, the state board shall establish the criteria, publicly and in writing, by which the public school district may exit Level 5 — Intensive support.

8.12.3 A public school district classified as in need of Level 5 — Intensive support that demonstrates to the state board that the public school district meets the criteria established by the state board under subsection 8.12.2.5 to exit Level 5 — Intensive support shall be returned to full local control as soon as:

8.12.3.1 The state board determines that the public school district meets the criteria established by the state board under subsection 8.12.2.5 to exit Level 5 — Intensive support, but in no case longer than five (5) years after the assumption of authority of the public school district; and

8.12.3.2 A democratically elected public school district board of directors has been elected during a school election.

8.12.4 If a public school district classified as in need of Level 5 — Intensive support has not demonstrated to the state board that the public school district meets the criteria established by the state board under subsection 8.12.2.5 to exit Level 5 — Intensive support within five (5) years of the assumption of authority, then, five (5) years after the assumption of authority, the state board shall either:

8.12.4.1 Return the public school district to full local control; or

8.12.4.2 Annex, consolidate, or reconstitute the public school district under Arkansas Code § 6-13-1401 et seq. and Arkansas Code § 6-15-2901 et seq.

8.12.4.3 If the state board elects to return a public school district classified as in need of Level 5 — Intensive support to full local control under subsection 8.12.4.1, then the state board shall do so no later than five (5) years after its assumption of authority.

8.12.4.4 If the state board elects to annex, consolidate, or reconstitute a public school district under subsection 8.12.4.2, then any portion or form of the public school district remaining following its annexation, consolidation, or reconstitution under subsection 8.12.4.2 shall be returned to full local control no later than five (5) years after the assumption of authority

8.13 A student attending a public school district classified as in need of level 5 – intensive support may transfer under the Arkansas Opportunity Public School Choice Act, Ark. Code Ann. § 6-18-227, to another public school district that is not classified as in need of level 5 – intensive support.

8.13.1 All requirements, conditions, and provisions of the Arkansas Opportunity Public School Choice Act, Ark. Code Ann. § 6-18-227, shall apply to transfers pursuant to this section.

8.14 A public school district that fails to comply with requirements placed on the public school district by the State Board pursuant to these rules is in probationary violation of the Standards for Accreditation of Arkansas Public Schools and School Districts and subject to action by the State Board.

MARKUP DRAFT

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

As Engrossed: H2/8/23

A Bill

HOUSE BILL 1329

5 By: Representatives R. Scott Richardson, Andrews, Beaty Jr., Joey Carr, G. Hodges, McClure, Rye
6 By: Senators J. English, J. Dotson
7

For An Act To Be Entitled

9 AN ACT CONCERNING ACADEMIC STANDARDS ESTABLISHED BY
10 THE DIVISION OF ELEMENTARY AND SECONDARY EDUCATION;
11 TO REQUIRE THE DIVISION OF ELEMENTARY AND SECONDARY
12 EDUCATION TO INCLUDE IN THE ACADEMIC STANDARDS A
13 MEANS BY WHICH PUBLIC SCHOOL STUDENTS MAY SUBSTITUTE
14 COMPARABLE ELECTIVE COURSEWORK IN CAREER AND
15 TECHNICAL EDUCATION FOR REQUIRED CORE ACADEMIC
16 CLASSES; AND FOR OTHER PURPOSES.
17
18

Subtitle

19 TO CREATE A MEANS BY WHICH PUBLIC SCHOOL
20 STUDENTS MAY SUBSTITUTE COMPARABLE
21 ELECTIVE COURSEWORK IN CAREER AND
22 TECHNICAL EDUCATION FOR REQUIRED CORE
23 ACADEMIC CLASSES.
24
25
26

27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
28

29 SECTION 1. Arkansas Code § 6-15-2906, concerning the establishment of
30 academic standards by the Division of Elementary and Secondary Education, is
31 amended to add an additional subsection to read as follows:

32 (d)(1) The division shall include in the academic standards a means by
33 which a public school student may substitute comparable elective coursework
34 pertaining to career and technical education for core academic classes that
35 are required for graduation under the Standards for Accreditation of Arkansas
36 Public Schools and School Districts.



1 (2)(A) When establishing the means required under subdivision
2 (d)(1) of this section, the division shall create an approval process whereby
3 comparable elective coursework pertaining to career and technical education
4 may be substituted for core academic classes.

5 (B)(i) For purposes of creating the approval process for
6 substituting required core academic classes with comparable elective
7 coursework pertaining to career and technical education as required under
8 subdivision (d)(2)(A) of this section, there is established the Career and
9 Technical Education with Embedded Academics Certification Committee.

10 (ii) The committee established under subdivision
11 (d)(2)(B)(i) of this section shall:

12 (a) Consult with the division in order to
13 establish the approval process required by subdivision (d)(2)(A) of this
14 section;

15 (b) Include one (1) member from each of the
16 education service cooperatives, who shall be appointed by the director of
17 each education service cooperative;

18 (c) Review academic standards and analyze the
19 comparable career and technical education standards for embedded academic
20 content that are or will be offered in the upcoming school year;

21 (d)(1) Produce a crosswalk document that shows
22 the alignment of relevant core academic standards to the career and technical
23 education standards.

24 (2) Each alignment described by
25 subdivision (d)(2)(B)(ii)(d)(1) of this section shall offer the rationale as
26 to why a lesson concerning academic content may be substituted.

27 (3)(A) The crosswalk document required
28 under subdivision (d)(2)(B)(ii)(d)(1) of this section shall be provided to
29 the division by *December 15* of each year.

30 (B) The division shall certify the
31 alignments proposed in the crosswalk document required under subdivision
32 (d)(2)(B)(ii)(d)(1) of this section as eligible to be substitute comparable
33 elective coursework under this section each year by *February 1*.

34
35
36 **APPROVED: 3/9/23**

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

As Engrossed: S3/28/23

A Bill

SENATE BILL 364

5 By: Senators C. Tucker, L. Chesterfield, F. Love
6 By: Representatives V. Flowers, T. Shephard, Ennett, McCullough, F. Allen, A. Collins, Hudson,
7 Springer
8

For An Act To Be Entitled

9
10 AN ACT CONCERNING A PUBLIC SCHOOL DISTRICT UNDER THE
11 AUTHORITY OF THE STATE BOARD OF EDUCATION; TO REQUIRE
12 THE STATE BOARD OF EDUCATION TO ESTABLISH WITHIN TWO
13 YEARS OF ITS ASSUMPTION OF AUTHORITY OVER A PUBLIC
14 SCHOOL DISTRICT CLASSIFIED AS IN NEED OF LEVEL 5 –
15 INTENSIVE SUPPORT THE CONDITIONS UNDER WHICH THE
16 PUBLIC SCHOOL DISTRICT SHALL BE RETURNED TO LOCAL
17 CONTROL; AND FOR OTHER PURPOSES.
18

Subtitle

19
20
21 TO REQUIRE THE STATE BOARD OF EDUCATION
22 TO ESTABLISH WITHIN TWO YEARS OF ITS
23 ASSUMPTION OF AUTHORITY OVER A PUBLIC
24 SCHOOL DISTRICT THE CONDITIONS UNDER
25 WHICH THE PUBLIC SCHOOL DISTRICT SHALL BE
26 RETURNED TO LOCAL CONTROL.
27

28
29 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
30

31 SECTION 1. Arkansas Code § 6-15-2917 is amended to read as follows:
32 6-15-2917. Public school district under authority of State Board of
33 Education.

34 (a) For a public school district under the authority of the State
35 Board of Education, the state board shall review quarterly the progress of
36 the public school district toward improving the issues that caused the



1 classification of the public school district as in need of Level 5 –
2 Intensive support.

3 (b) At any time during the second full school year following the
4 assumption of authority or any time thereafter:

5 (1) The state board may direct the Commissioner of Elementary
6 and Secondary Education to update the analysis of all school district systems
7 to determine if the public school district has demonstrated substantial
8 improvement of the issues that caused the classification of the public school
9 district as in need of Level 5 – Intensive support;

10 (2) The commissioner may recommend to the state board that the
11 state board:

12 (A) Take additional action concerning the public school
13 district under § 6-15-2916; or

14 (B) Return the public school district to local control
15 through the appointment or election of a board of directors; and

16 (3)(A) The state board may return the public school district to
17 local control through the appointment or election of a newly elected public
18 school district board of directors upon the recommendation of the
19 commissioner.

20 (B) The state board may limit the powers and duties of the
21 public school district board of directors under § 6-13-620 or any other law
22 but allow the public school district board of directors to operate under the
23 direction and approval of the commissioner.

24 (C) The state board shall define the powers and duties of
25 the public school district board of directors if the state board limits the
26 powers and duties under subdivision (b)(3)(B) of this section.

27 (D) The public school district board of directors shall
28 act in an advisory capacity to the commissioner in regards to all other
29 powers and duties maintained by the commissioner.

30 (E) The state board may grant additional powers and duties
31 to the public school district board of directors if the public school
32 district demonstrates progress toward improving the issues that caused the
33 classification of the public school district as in need of Level 5 –
34 Intensive support.

35 (c)(1) ~~If the public school district has not demonstrated to the state~~
36 ~~board and the Division of Elementary and Secondary Education that has not~~

1 returned a public school district classified as in need of Level 5 –
2 Intensive support to local control as authorized under subsection (b) of this
3 section, then, no later than two (2) years after the assumption of authority
4 of the public school district, the state board shall establish the criteria,
5 publicly and in writing, by which the public school district meets the
6 criteria to may exit Level 5 – Intensive support within five (5) years of the
7 assumption of authority, the state board shall annex, consolidate, or
8 reconstitute the public school district under § 6-13-1401 et seq. and this
9 subchapter.

10 ~~(2) The state board shall promulgate rules to establish the~~
11 ~~criteria by which a public school district may exit Level 5 – Intensive~~
12 ~~support.~~

13 (d) A public school district classified as in need of Level 5 –
14 Intensive support that demonstrates to the state board that the public school
15 district meets the criteria established by the state board under subsection
16 (c) of this section to exit Level 5 – Intensive support shall be returned to
17 full local control as soon as:

18 (1) The state board determines that the public school district
19 meets the criteria established by the state board under subsection (c) of
20 this section to exit Level 5 – Intensive support, but in no case longer than
21 five (5) years after the assumption of authority of the public school
22 district; and

23 (2) A democratically elected public school district board of
24 directors has been elected during a school election.

25 (e)(1) If a public school district classified as in need of Level 5 –
26 Intensive support has not demonstrated to the state board that the public
27 school district meets the criteria established by the state board under
28 subsection (c) of this section to exit Level 5 – Intensive support within
29 five (5) years of the assumption of authority, then, five (5) years after the
30 assumption of authority, the state board shall either:

31 (A) Return the public school district to full local
32 control; or

33 (B) Annex, consolidate, or reconstitute the public school
34 district under § 6-13-1401 et seq. and this subchapter.

35 (2)(A) If the state board elects to return a public school
36 district classified as in need of Level 5 – Intensive support to full local

1 control under subdivision (e)(1)(A) of this section, then the state board
2 shall do so no later than five (5) years after its assumption of authority.

3 (B) If the state board elects to annex, consolidate, or
4 reconstitute a public school district under subdivision (e)(1)(B) of this
5 section, then any portion or form of the public school district remaining
6 following its annexation, consolidation, or reconstitution under subdivision
7 (e)(1)(B) of this section shall be returned to full local control no later
8 than five (5) years after the assumption of authority.

9
10 /s/C. Tucker

11
12
13 **APPROVED: 4/11/23**
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

As Engrossed: S3/29/23

A Bill

SENATE BILL 470

5 By: Senators J. Dotson, J. English, J. Bryant
6 By: Representative Beck
7

For An Act To Be Entitled

9 AN ACT CONCERNING CAREER AND TECHNICAL EDUCATION; TO
10 AMEND THE LAW CONCERNING WEIGHTED CREDIT AWARDED FOR
11 CAREER AND TECHNICAL EDUCATION COURSES; TO AMEND THE
12 LAW CONCERNING STATEWIDE STUDENT ASSESSMENT SYSTEMS
13 USED TO MEASURE COLLEGE AND CAREER READINESS; TO
14 AMEND THE COMPUTER SCIENCE EDUCATION ADVANCEMENT ACT
15 OF 2021 TO INCLUDE COMPUTER SCIENCE-RELATED CAREER
16 AND TECHNICAL EDUCATION COURSES AS ELIGIBLE FOR
17 CREDIT; AND FOR OTHER PURPOSES.
18

Subtitle

19
20
21 CONCERNING CAREER AND TECHNICAL
22 EDUCATION.
23
24

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

27 SECTION 1. DO NOT CODIFY. Legislative intent.

28 The General Assembly finds and declares that:

29 (1) It is critical to expand the opportunities available to
30 public school students who pursue career and technical education pathways;

31 (2) The State of Arkansas must level the playing field for
32 students who choose a career and technical education pathway by ensuring
33 their accomplishments within a career and technical education pathway are
34 deemed just as significant as those achieved by college-bound students who
35 graduate high school with honors;

36 (3) Ensuring that career and technical education assessments are



1 weighted in a similar manner as traditional education assessments is an
2 important step in providing students with additional options available to
3 them following high school graduation; and

4 (4) It is imperative that career and technical education as a
5 whole is supported on the state level as an equal alternative to traditional
6 educational pathways by implementing legislative solutions that address
7 existing shortfalls faced by students who pursue career and technical
8 education pathways.

9
10 SECTION 2. Arkansas Code § 6-15-902(c)(4), concerning career and
11 technical courses that are eligible for weighted credit, is amended to read
12 as follows:

13 (4)(A) The Division of Elementary and Secondary Education in
14 collaboration with the Division of Career and Technical Education may approve
15 a career and technical course within an approved career and technical pathway
16 for weighted credit if the course:

17 ~~(A)(i)~~ Exceeds the curriculum standards for a nonweighted
18 class; and

19 ~~(B)(ii)~~ Leads to an approved industry-recognized
20 certification.

21 (B) The Division of Career and Technical Education shall:

22 (i) Review new and existing career and technical
23 pathways to determine which courses within the career and technical pathways
24 meet criteria for weighted credit; and

25 (ii) Publish a list of approved career and technical
26 pathways annually by January 1.

27 (C) Criteria used to determine what courses within a
28 career and technical pathway shall receive weighted credit shall include
29 without limitation the consideration of career and technical pathways that:

30 (i) Lead to high-value industry credentials; and

31 (ii) Align to state and local workforce data.

32 (D) Weighted credit awarded under subdivision (c)(4)(A) of
33 this section shall be awarded for each course upon:

34 (i) Completing the relevant career and technical
35 pathway; and

36 (ii) Earning the high-value industry credential

1 aligned with the career and technical pathway.

2
3 SECTION 3. Arkansas Code § 6-15-2907(a), concerning statewide student
4 assessments to measure college and career readiness, is amended to read as
5 follows:

6 (a) The Division of Elementary and Secondary Education shall implement
7 a statewide student assessment system to be administered by Arkansas public
8 schools on a schedule determined by the State Board of Education that
9 includes the following components:

10 (1) Developmentally appropriate measurements or assessments for
11 kindergarten through grade two (K-2) in literacy and mathematics;

12 (2) Assessments to measure English language arts, mathematics,
13 and science as identified by the state board;

14 (3) Assessments of English proficiency of all English learners;
15 and

16 (4)(A) Assessments to measure college and career readiness.

17 (B)(i) A public school that serves a student in grades ten
18 through twelve (10-12) shall administer college and career readiness
19 assessments, including a career readiness assessment that leads to a nationally
20 recognized work readiness certificate, as determined by the state board to each
21 student before he or she graduates from high school.

22 (ii) A career readiness assessment under subdivision
23 (a)(4)(B)(i) of this section may include without limitation the ACT WorkKeys
24 National Career Readiness Certificate (NCRC).

25 (C)(i) Public school districts may offer additional
26 college and career readiness assessments for students in grades ten through
27 twelve (10-12) at no cost to the student by using public school district
28 funding, including without limitation Enhanced Student Achievement Funding
29 under § 6-20-2305.

30 (ii) A Platinum, Gold, Silver, or Bronze credential
31 through the ACT WorkKeys (NCRC) shall be used by an institution of higher
32 education as transcribable credit toward the attainment of a postsecondary
33 technical degree.

34
35 SECTION 4. Arkansas Code § 6-16-152(b) and (c), concerning
36 requirements under the Computer Science Education Advancement Act of 2021,

1 are amended to read as follows:

2 (b)(1) Beginning with the entering ninth grade class of 2022-2023, a
3 public high school student shall be required to earn one (1) unit of credit
4 in a Department of Education-approved high school computer science or
5 computer science-related career and technical education course before the
6 student graduates.

7 (2) The one (1) unit required in subdivision (b)(1) of this
8 section may be earned in grades eight through twelve (8-12).

9 (3) A computer science or computer science-related career and
10 technical education course offered by a public high school shall:

11 (A) Be of high quality;

12 (B) Meet or exceed the curriculum standards and
13 requirements established by the State Board of Education; and

14 (C) Be made available in a traditional classroom setting,
15 a blended learning environment, an online-based or other technology-based
16 format that is tailored to meet the needs of each participating student.

17 (4) The Division of Career and Technical Education within the
18 Department of Education shall work with the Arkansas Computer Science
19 Initiative within the Department of Education to establish by rule the
20 minimum criteria by which a career and technical education course may be
21 approved as a computer science-related career and technical education course.

22 (c)(1) The department shall designate at least four (4) state board-
23 approved computer science or computer science-related career and technical
24 education courses that students in grade eight (8) may take for high school
25 credit.

26 (2) If a student in grade eight (8) wishes to take a course not
27 designated, a school district ~~must~~ shall comply with any existing course
28 approval requirements.

29

30 SECTION 5. DO NOT CODIFY. Applicability.

31 A student who has been approved for weighted credit in a career and
32 technical course under § 6-15-902(c)(4) prior to the effective date of this
33 act shall receive weighted credit for the career and technical course in
34 which the student is currently enrolled in the form in which the weighted
35 credit has been approved.

36

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

/s/J. Dotson

APPROVED: 4/11/23

1 State of Arkansas As Engrossed: S3/4/21 H4/5/21

2 93rd General Assembly

A Bill

3 Regular Session, 2021

SENATE BILL 291

4

5 By: Senator Irvin

6 By: Representative L. Johnson

7

8

For An Act To Be Entitled

9 AN ACT TO SUPPORT ARKANSAS PUBLIC SCHOOLS AND PUBLIC
10 SCHOOL DISTRICTS IN THE IMPLEMENTATION OF A COMMUNITY
11 SCHOOL APPROACH; AND FOR OTHER PURPOSES.

12

13

14

Subtitle

15 TO SUPPORT ARKANSAS PUBLIC SCHOOLS AND
16 PUBLIC SCHOOL DISTRICTS IN THE
17 IMPLEMENTATION OF A COMMUNITY SCHOOL
18 APPROACH.

19

20

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

22

23 SECTION 1. Arkansas Code Title 6, Chapter 15, is amended to add an
24 additional subchapter to read as follows:

25 Subchapter 30 – Community Schools Act

26

27 6-15-3001. Title.

28 This subchapter shall be known and may be cited as the "Community
29 Schools Act".

30

31 6-15-3002. Definitions.

32 As used in this subchapter:

33 (1)(A) "Community school" means a public school that implements
34 a service and inclusion strategy that coordinates resources and relationships
35 in order to accelerate equitable outcomes.

36

(B) Community school strategies may vary among public



1 schools based on the needs of individual communities, but at a minimum
2 include the following without limitation:

3 (i) The four (4) key pillars of an evidence-based
4 community school approach, which include:

5 (a) Integrated student supports;

6 (b) Expanded and enriched learning time and
7 opportunities;

8 (c) Active family and community engagement;

9 and

10 (d) Collaborative leadership and practices

11 that:

12 (1) Promote conditions found in high-
13 quality schools; and

14 (2) Address out-of-school barriers to
15 learning;

16 (ii) A community school coordinator at each
17 community school site; and

18 (iii) A community school plan.

19 (C) Community school strategies require that public
20 schools obtain consent from parents and legal guardians of public school
21 students for services provided;

22 (2)(A) "Community school coordinator" means a designated site
23 resource coordinator at a public school or local education agency that
24 provides a variety of resources, including partnerships with community
25 resources, and whose primary responsibilities include:

26 (i) Leading needs and assets analyses;

27 (ii) Facilitating development and implementation of
28 a community school plan in collaboration with other members of school-based
29 leadership;

30 (iii) Building relationships between the school and
31 community partners for the provision of identified supports and services; and

32 (iv) Connecting public school students and families
33 to available services and opportunities.

34 (B) To the extent possible, the responsibilities of a
35 community school coordinator may be undertaken in coordination with a parent
36 facilitator appointed under § 6-15-1702; and

1 (3) "Community school plan" means a plan that establishes how
2 educators, school staff, governmental entities, and community partners will
3 use and leverage all available assets to meet specific student and family
4 needs in order to improve opportunities and outcomes for students.

5
6 6-15-3003. Assistance by Division of Elementary and Secondary
7 Education.

8 The Division of Elementary and Secondary Education may:

9 (1) Provide professional development programs that teach the
10 competencies required for:

11 (A) Managing successful community schools and expanded
12 learning time;

13 (B) Planning and implementing services and strategies in
14 collaboration with communities; and

15 (C) Blending and braiding funding to support community
16 schools;

17 (2)(A) Require sufficient data to:

18 (i) Enable oversight of community schools; and

19 (ii) Inform ongoing school improvement.

20 (B)(i) Any data required under subdivision (2)(A) of this
21 section shall be protected by all applicable federal and state data privacy
22 laws.

23 (ii) No additional data mining is permitted under
24 this section; and

25 (3) Work to position community schools to become hubs for
26 aligned and coordinated programs across state agencies.

27
28 SECTION 2. Arkansas Code § 6-15-2916(2), concerning the authority of
29 the State Board of Education over a public school district classified as in
30 need of Level 5 – Intensive support, is amended to add an additional
31 subdivision to read as follows:

32 (L) Require a structured system of whole child supports
33 through a community school plan, as defined by § 6-15-3002.

34
35 SECTION 3. Arkansas Code Title 6, Chapter 23, Subchapter 1, is amended
36 to add an additional section to read as follows:

1 6-23-109. Community schools.

2 (a) The authorizer may designate a public charter school as a
3 community school, as defined by § 6-15-3002.

4 (b) To be designated as a community school, the applicant shall
5 include in its original application or charter amendment request:

6 (1) A request to be designated as a community school; and

7 (2) A community school plan, as defined by § 6-15-3002, which
8 shall include without limitation an initial plan for serving student needs.

9
10 SECTION 4. Arkansas Code § 6-23-201(a)(2)(A), concerning a public
11 school's application for conversion public charter school status, is amended
12 to read as follows:

13 (A) Adopting research-based school or instructional
14 designs, or both, that focus on improving student and school performance,
15 which may include without limitation the implementation of a community school
16 plan, as defined by § 6-15-3002;

17
18 SECTION 5. Arkansas Code § 6-23-302(c)(2), concerning an application
19 to become an open-enrollment public charter school, is amended to read as
20 follows:

21 (2) Describe a plan for academic achievement that addresses how
22 the open-enrollment public charter school will improve student learning and
23 meet the state education goals, which may include without limitation the
24 implementation of a community school plan, as defined by § 6-15-3002;

25
26 SECTION 6. EMERGENCY CLAUSE. It is found and determined by the
27 General Assembly of the State of Arkansas that the coronavirus 2019 (COVID-
28 19) pandemic has resulted in substantial disruption to the educational system
29 in the state's kindergarten through grade twelve (K-12) public schools and
30 open-enrollment public charter schools; that amendments to the law as
31 provided in this act are needed to address challenges faced by Arkansas
32 students in succeeding in school and in life; and that this act is
33 immediately necessary to maintain the orderly operation of public schools and
34 open-enrollment public charter schools so that students in this state
35 continue to receive an adequate education. Therefore, an emergency is
36 declared to exist, and this act being immediately necessary for the

1 preservation of the public peace, health, and safety shall become effective
2 on:

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

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

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

9
10
11 */s/Irvin*
12
13

14 **APPROVED: 4/19/21**
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

SENATE BILL 573

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

For An Act To Be Entitled

9 AN ACT TO AMEND VARIOUS PROVISIONS OF THE ARKANSAS
10 CODE CONCERNING PUBLIC EDUCATION; AND FOR OTHER
11 PURPOSES.
12
13

Subtitle

14 TO AMEND VARIOUS PROVISIONS OF THE
15 ARKANSAS CODE CONCERNING PUBLIC
16 EDUCATION.
17
18
19

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

22 SECTION 1. Arkansas Code § 6-4-302, Article II(A), concerning the
23 Interstate Compact on Educational Opportunity for Military Children, is
24 amended to read as follows:

25 A. "Active duty" means: full-time duty status in the
26 active uniformed service of the United States, including members of the
27 National Guard and Reserve on active duty orders pursuant to 10 U.S.C.
28 ~~Section~~ Chapter 1209 and 1211.
29

30 SECTION 2. Arkansas Code § 6-4-302, Article III(A)(1), concerning the
31 applicability of the Interstate Compact on Educational Opportunity for
32 Military Children, is amended to read as follows:

33 1. active duty members of the uniformed services as
34 defined in this compact, including members of the National Guard and Reserve
35 on active duty orders pursuant to 10 U.S.C. ~~Section~~ Chapter 1209 and 1211;
36



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

SECTION 3. Arkansas Code § 6-15-2701(c)(2)(B), concerning evaluation under the closing achievement gap program, is amended to read as follows:

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

SECTION 4. Arkansas Code § 6-15-2903(6), concerning definitions in the Arkansas Educational Support and Accountability Act, is amended to read as follows:

(6) “English learner” means an individual whose native language is a language other than English or who comes from an environment where a language other than English has had a significant impact on the individual’s level of English language proficiency, and is not considered proficient in English as measured by an approved English language proficiency assessment;

SECTION 5. Arkansas Code § 6-18-2004(b)(2)(G), concerning the School Counseling Improvement Act of 2019, is amended to read as follows:

(G) Serving as a contributing member of decision-making teams, which include without limitation:

- (i) Teams that are convened under Section 504 of the Rehabilitation Act of 1973, Pub. L. No. 93-112;
- (ii) Response-to-intervention teams;
- (iii) English language learner programs;
- (iv) Parental involvement or family engagement programs;
- (v) Positive behavioral intervention support programs; and
- (vi) Advanced placement and gifted and talented programs.

SECTION 6. Arkansas Code § 6-18-2004(c)(2), concerning the School Counseling Improvement Act of 2019, is amended to read as follows:

(2) Administrative activities provided by a school counselor in

1 collaboration with other school personnel include without limitation:

2 (A) Coordinating state assessments, cognitive achievement
3 assessments, advanced placement programs, and ~~language acquisition~~ English
4 language proficiency testing programs;

5 (B) Developing master schedules;

6 (C) Coordinating of:

7 (i) Teams convened under Section 504 of the
8 Rehabilitation Act of 1973, Pub. L. No. 93-112;

9 (ii) Response-to-intervention teams;

10 (iii) English ~~language~~ learner programs;

11 (iv) Parental involvement or family engagement
12 programs;

13 (v) Positive behavioral intervention support
14 programs;

15 (vi) Data entry; and

16 (vii) Advanced placement and gifted and talented
17 programs; and

18 (D) Monitoring students in common areas such as the
19 cafeteria, hallway, playground, and bus lines.

20
21 SECTION 7. Arkansas Code § 6-19-107(a)(1), concerning school bus
22 driver applicants, is amended to read as follows:

23 6-19-107. Bus drivers – Application for employment – Driving records.

24 (a)(1) An applicant for employment as a school bus driver shall submit
25 an application ~~prescribed by the Division of Public School Academic~~
26 ~~Facilities and Transportation~~ to the school district in which he or she seeks
27 employment.

28
29 SECTION 8. Arkansas Code § 6-20-2210(a)(2)(B), concerning the
30 definition of “net legal balance” under the Arkansas Educational Financial
31 Accounting and Reporting Act of 2004, is amended to read as follows:

32 (B) Combined balance for the following funds for a public
33 school district’s categorical funding:

34 (i) National school lunch fund;

35 (ii) Alternative learning environment fund;

36 (iii) ~~English language learner~~ English learner fund;

1 and

2 (iv) Professional development fund; minus

3

4 SECTION 9. Arkansas Code § 6-20-2210(a)(3)(B), concerning the
5 definition of “net legal balance revenues” under the Arkansas Educational
6 Financial Accounting and Reporting Act of 2004, is amended to read as
7 follows:

8 (B) Revenues placed into the:

9 (i) National school lunch fund;

10 (ii) Alternative learning environment fund;

11 (iii) ~~English-language learner~~ English learner fund;

12 or

13 (iv) Professional development fund; minus

14

15 SECTION 10. Arkansas Code § 6-20-2303(1), concerning the definition of
16 “Additional education categories” in the Public School Funding Act of 2003,
17 is amended to read as follows:

18 (1) “Additional education categories” means state funds
19 distributed to school districts for alternative learning environments,
20 ~~English-language~~ English learners, national school lunch students, and
21 professional development;

22

23 SECTION 11. Arkansas Code § 6-20-2303(7), concerning the definition of
24 “English-language learners” in the Public School Funding Act of 2003, is
25 amended to read as follows:

26 (7) ~~“English-language~~ “English learners” means students
27 identified by the state board as not proficient in the English language based
28 upon approved English proficiency assessment instruments administered
29 annually in the ~~fall~~ spring of the current school year, which assessments
30 measure oral, reading, and writing proficiency;

31

32 SECTION 12. Arkansas Code § 6-20-2305(b)(3), concerning school funding
33 provisions in the Public School Funding Act of 2003, is amended to read as
34 follows:

35 (3)(A) For the 2021-2022 school year, funding for students who
36 are identified as ~~English-language~~ English learners shall be three hundred

1 fifty-nine dollars (\$359) for each identified ~~English language~~ English
2 learner.

3 (B) Funding for ~~English language~~ English learners shall be
4 distributed to public school districts for students who have been identified
5 as not proficient in the English language based upon a state-approved English
6 proficiency assessment instrument.

7 (C) Funds allocated for ~~English language~~ English learners
8 to public school districts under this subchapter shall be expended only for
9 eligible activities as identified in current rules promulgated by the State
10 Board of Education and are a supplement to funding for national school lunch
11 students provided in subdivision (b)(4) of this section.

12 (D) For the 2022-2023 school year and each school year
13 thereafter, funding for students who are identified as ~~English language~~
14 English learners shall be three hundred sixty-six dollars (\$366) for each
15 identified ~~English language~~ English learner.

16

17 SECTION 13. Arkansas Code § 6-20-2502(1)(A)(i)(b), concerning the
18 calculation of the academic facilities wealth index for the fiscal years 2024
19 and 2025 and each year thereafter, is amended to read as follows:

20 (b) Divide the product from subdivision
21 (1)(A)(i)(a) of this section by the largest average daily membership of ~~a~~ the
22 school district over the previous decade;

23

24 SECTION 14. Arkansas Code § 6-20-2502(1)(A)(iv)(a) and (b), concerning
25 the calculation of the academic facilities wealth index for the 2024 and 2025
26 fiscal years and each year thereafter, is amended to read as follows:

27 (iv) Identify the school district at the ninety-fifth
28 ~~percentile~~ percentage according to the value calculated under subdivision
29 (1)(A)(iii) of this section by:

30 (a) Determining student millage rankings by
31 listing the median income per mill value under subdivision (1)(A)(iii) of
32 this section for each school district from districts with the lowest median
33 income per mill value to school districts with the highest median income per
34 mill value;

35 (b) Allocating the student millage rankings
36 ~~into percentiles with the first percentile containing the one percent (1%) of~~

1 ~~students based on percentages by calculating a cumulative total of the prior~~
2 ~~year average daily membership with the lowest value per mill and the one-~~
3 ~~hundredth percentile containing the one percent (1%) of students with the~~
4 ~~highest value per mill for each school district based on the order~~
5 ~~established in subdivision (1)(A)(iv)(a) of this section and establishing~~
6 ~~each school district's resulting percentage of this cumulative total;~~

7
8 SECTION 15. Arkansas Code § 6-20-2502(1)(B)(iii) and (iv), concerning
9 the calculation of the academic facilities wealth index for the 2024 and 2025
10 fiscal years and each year thereafter, are amended to read as follows:

11 (iii) Allocate the student millage rankings into
12 ~~percentiles with the first percentile containing the one percent (1%) of~~
13 ~~students with the lowest value per mill and the one hundredth percentile~~
14 ~~containing the one percent (1%) of students with the highest value per mill~~
15 ~~percentages by calculating a cumulative total of the greater of either the~~
16 ~~prior year average daily membership or the prior three-year average of the~~
17 ~~school district's average daily membership based on the order established in~~
18 ~~subdivision (1)(B)(ii) of this section, and establishing each school~~
19 ~~district's resulting percentage of this cumulative total;~~

20 (iv) Divide the value of one (1) mill per student in
21 each school district as computed under subdivision (1)(B)(i) of this section
22 by the amount corresponding to the ninety-fifth ~~percentile~~ percentage of the
23 student millage rankings under subdivision (1)(B)(iii) of this section;

24
25 SECTION 16. Arkansas Code § 6-20-2502(3)(A), concerning the definition
26 of "average daily membership", is amended as follows:

27 (3)(A) "Average daily membership" means ~~the total number of days~~
28 ~~of school attended plus the total number of days absent by students in~~
29 ~~kindergarten through grade twelve (K-12) during the first three (3) quarters~~
30 ~~of each school year divided by the number of school days actually taught in~~
31 ~~the school district during that period of time rounded up to the nearest~~
32 ~~hundredth~~ the same as defined at § 6-20-2303(3).

33
34 SECTION 17. Arkansas Code § 6-28-104(2), concerning definitions in the
35 Arkansas Military Child School Transitions Act, is amended to read as
36 follows:

1 (2) "Active duty" means full-time duty status in the active,
2 uniformed services of the United States, including without limitation members
3 of the National Guard and reserve components of the uniformed services on
4 active duty orders under 10 U.S.C. §§ Chapter 1209 and 1210 or 42 U.S.C. §
5 204, as they existed on January 1, 2021;

6
7 SECTION 18. Arkansas Code § 6-45-111 is amended to read as follows:
8 6-45-111. Early childhood program assessments.

9 (a) The Division of Elementary and Secondary Education and the
10 Division of Child Care and Early Childhood Education shall assess each early
11 childhood program in this state that receives state funding under this
12 subchapter based on nationally recognized standards and assessments that may
13 include without limitation the following components:

- 14 (1) Curriculum and learning environment;
- 15 (2) Training and education of staff;
- 16 (3) Adult-to-child ratios;
- 17 (4) Student assessments;
- 18 (5) Health and safety conditions;
- 19 (6) Family ~~involvement~~ engagement; and
- 20 (7) Site visits.

21 (b) The certification under § 6-45-109 of a childcare facility that
22 has an early childhood program is subject to the review of the assessment by
23 ~~the~~ each division.

24 (c) ~~The~~ Each division annually shall provide a summary of the results
25 of assessments conducted under this section concerning the quality of the
26 early childhood programs assessed to the Governor, the Senate Committee on
27 Education, and the House Committee on Education.

28
29
30 **APPROVED: 4/12/23**