

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

**September 1, 2018 Proposed Effective Date January 1, 2020**

**RECEIVED**  
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**LEGISLATIVE RESEARCH**

**1.00 Regulatory authority**

- 1.01 These rules shall be known as the ~~Arkansas Department of Education (“ADE” or “Department”)~~ 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., 25-15-201 et seq. ~~and, Act 930 of 2017, and Acts 83, 631, 754, 1082 and 1083 of 2019.~~
- 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 ~~Department~~ 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 to determine the change in student achievement over two or more moments in time using a value-added model.
- 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 nationally recognized 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 ~~educator employed by the district~~ and 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.
- 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 ~~Department~~ 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 ~~Department~~ 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 ~~Department~~ 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 ~~Department's~~ Division's website.
- 4.05 The ~~Department~~ Division shall develop a transition timeline for the implementation of new Arkansas academic standards when new standards are approved.

## **5.00 Statewide Student Assessment System**

- 5.01 The State Board shall approve and the ~~Department~~ 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 Assessments for grades three through twelve (3-12) as specified in subsections 5.07 and 5.08;
  - 5.02.3 Assessments of English proficiency of all English Learners;
  - 5.02.4 Assessments to measure college and career readiness; and

5.02.5 Valid and reliable assessments that provide scores available for district use by July 1 of each year.

5.02.5.1 The ~~Department~~ 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 Department 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 Department Division and specified in the applicable assessment administration manuals, materials and training.
- 5.08.1 The Department 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 Department 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 Department 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 ~~Department~~ 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 any student in grades ten through twelve (10–12) shall administer college and career readiness assessments, 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 State or federal funds may be used to administer college and career readiness assessments in addition to the required statewide high school assessment.
- 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.

#### **The National Assessment of Educational Progress (NAEP)**

- 5.15 Selected public schools shall participate in any and all components of the National Assessment of Educational Progress (NAEP).
  - 5.15.1 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 ~~probationary~~ 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**

- 5.16 The ~~Department~~ 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 ~~Department~~ Division due to a catastrophic occurrence.
- 5.17 The superintendent of each public school district shall designate a District Test Coordinator.
  - 5.17.1 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.
  - 5.17.2 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 ~~Department~~  
Division.

- 5.18 The District Test Coordinator of each public school district is responsible for coordinating all state assessment activities at a local level, including without limitation:
- 5.18.1 Scheduling testing times of all affected grades and campuses according to the testing calendar developed by the ~~Department~~ Division;
  - 5.18.2 Ensuring that security is maintained as specified in the appropriate test administration materials and ~~Department~~ Division training;
  - 5.18.3 Ensuring that all district personnel involved in the testing have been properly trained as specified by the ~~Department~~ Division;
  - 5.18.4 Ensuring that all tests are administered to all students according to the procedures established by the ~~Department~~ Division and specified in the applicable assessment administration materials;
  - 5.18.5 Ensuring that all assessment documents and student identification information are properly and accurately coded;
  - 5.18.6 Attesting whether all students have participated in the appropriate grade-level assessment(s); and
  - 5.18.7 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;
  - 5.18.8 Ensuring that all students enrolled in a state-tested grade are accounted for in the statewide student assessment system; and
  - 5.18.9 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.
- 5.19 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.

- 5.19.1 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

- 5.20 A violation of the security or confidential integrity of any test or assessment is prohibited.
- 5.20.1 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 ~~Department~~ 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 ~~Department~~ Division for the administration of the assessment or from the procedures specified in the applicable test administration materials or training.
- 5.20.2 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 ~~Arkansas Department of Education~~ Division of Elementary and Secondary Education Rules Governing Test Security, Testing Violations, and Alleged Testing Improprieties and the ~~Arkansas Department of Education~~ Division of Elementary and Secondary Education Rules Governing the Code of Ethics for Arkansas Educators, as appropriate.
- 5.21 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 ~~Department~~ Division. Public schools shall maintain signed copies of the agreement for three (3) years.
- 5.22 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 ~~Department~~ Division in writing of conduct that violates the security or confidential integrity of an examination or assessment as outlined in the ~~Arkansas Department of Education~~ Division of Elementary and Secondary Education Rules Governing Test Security, Testing Violations, and Alleged Testing Improprieties.

## Assessment Data

- 5.23 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.
  - 5.23.1 Public school districts shall report district and school performance data to appropriate stakeholders and as otherwise required by law or rule.
  - 5.23.2 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.
- 5.24 All federal and state data privacy rules and regulations will be adhered to.
- 5.25 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.
- 5.26 Annually, the ~~Department~~ Division shall establish and post on the ~~Department's~~ Division's website, the process and timeline providing no less than 10 days, for a public school district to review data for accountability purposes.

#### Technical Advisory Committee

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

#### Student Performance Levels

- 5.28 The ~~Department~~ 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.
  - 5.28.1 The ~~Department~~ Division shall recommend and the State Board shall approve performance levels for English language arts, mathematics, and science.
  - 5.28.2 The ~~Department~~ 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.

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

## **6.00 Student-Focused Learning System**

- 6.01 ~~Beginning in the 2017-2018 school year, public~~ Public school districts shall ~~transition to 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 ~~Beginning with the 2018-2019 school year, each~~ Each student who enters the eighth (8<sup>th</sup>) grade shall have a student success plan developed by the end of the eighth grade (8<sup>th</sup>), 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 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:

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

6.06.2 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 ~~Department~~ 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 ~~Department~~ 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 ~~Department~~ 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 ~~Department~~ 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 ~~Department~~ Division will determine the level of support the ~~Department~~ 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, ~~beginning in the 2018-2019 school year~~, the ~~Department~~ Division shall review data for all students and defined subgroup populations to determine the level of support the ~~Department~~ 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 ~~Department's~~ Division's comprehensive information systems; and
- 8.02.1.4 Fidelity of district implementation of directives from the ~~Department~~ Division or State Board.

8.02.2 After a review of data, the ~~Department~~ 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 ~~Department~~ 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 ~~Department~~ Division staff to evaluate a district to determine if evidence exists that additional support is needed. The ~~Department~~ 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.

8.03 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.

8.035.1 School-level improvement plans shall follow a continuous cycle of inquiry and at a minimum:

- 8.035.1.1 Establish goals or anticipated outcomes based on an analysis of students' needs;

- 8.035.1.2 Identify student supports and evidence-based interventions and practices to be implemented;
- 8.035.1.3 Describe the professional learning necessary for adults to deliver the supports or interventions;
- 8.035.1.4 Describe the implementation timeline for monitoring of the interventions and practices for effectiveness; ~~and~~
- 8.035.1.5 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).
- 8.035.2 School-level improvement plans shall be posted on the public school district's website, under state-required information, by August 1 of each year.
- 8.035.3 The public school and public school district shall continuously monitor school-level improvement plans for implementation fidelity and progress throughout the year of implementation.
  - 8.035.3.1 Documentation of the monitoring shall be made available to the public school district board of directors.
- 8.035.4 School-level improvement plans shall be analyzed, evaluated, and revised at least annually by the public school including stakeholder engagement and feedback.
  - 8.035.4.1 Documentation of the annual review shall be included as part of the school-level improvement plan for the following school year. ●
- 8.046 Annually by September 1, a public school district receiving level 2 – collaborative support shall develop a district support plan. ●
- 8.046.1 A public school district receiving level 2 – collaborative support shall submit its district support plan to the ~~Department~~ Division when ●

requested by the Commissioner in order for the ~~Department~~ Division to provide additional support to the district.

8.057 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 ~~Department~~ Division and submit the plan to the ~~Department~~ Division for approval.

8.057.1 A public school district receiving level 4 – directed support shall work with the ~~Department~~ Division to develop its' district support plan.

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

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

8.057.3.1 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;

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

8.057.3.3 Identify resources to support the established priorities;

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

8.057.3.5 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.

~~8.05.407.5~~      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 ~~Department~~ Division.

~~8.05.407.5.1~~      The school district shall post on the district's website, with the plan, the date the plan is approved by the ~~Department~~ Division or State Board, if applicable.

~~8.05.407.5.2~~      Any revision to the approved plan must be submitted to the ~~Department~~ 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.

~~8.068~~      The ~~Department~~ 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:

~~8.068.1~~      Identify the support the ~~Department~~ 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

~~8.068.2~~      Describe the role of the ~~Department~~ Division, role of the public school district, and timeline of implementation.

~~8.079~~      Classification as in need of level 5 – intensive support:

~~8.079.1~~      The ~~Department~~ 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.

- 8.079.2 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.
- 8.079.3 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.
- 8.079.4 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.
- 8.079.5 The following procedures shall apply to State Board hearings involving public school districts that appeal the ~~Department's~~ Division's recommendation to classify the school district in need of level 5 – intensive support:
- 8.079.5.1 Documentation for consideration by the State Board during the appeal hearing shall be submitted to the ~~Department~~ Division no later than fifteen (15) days prior to the date of the hearing.
- 8.079.5.2 All persons wishing to testify before the State Board shall first be placed under oath by the Chairperson of the State Board.
- 8.079.5.3 The ~~Department~~ 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.
- 8.079.5.4 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.
- 8.079.5.5 The State Board may pose questions to any party at any time during the hearing.

- 8.079.5.6 The State Board shall then discuss, deliberate, and vote upon the matter of the classification.
- 8.079.5.7 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.
- 8.079.5.8 The State Board shall issue a written order concerning the matter.

8.079.6 A public school district classified as in need of level 5 – intensive support shall receive support upon final determination by the State Board.

8.079.7 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.

8.0810 The ~~Department~~Division shall develop a district improvement/exit plan for each district classified as in need of level 5 – intensive support.

8.-0810.1 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 ~~Department~~Division.

- 8.-0810.1.1 The plan shall contain, at a minimum, the following elements:
  - 8.-0810.1.1.1 Identification of each criteria for improvement;
  - 8.-0810.1.1.2 Specific expectations for exit criteria;
  - 8.-0810.1.1.3 Specific corrective action steps for each criterion for improvement;
  - 8.-0810.1.1.4 A timeline for the completion of each corrective action step;
  - 8.-0810.1.1.5 Specific measurements for review of progress and monitoring of implementation; and
  - 8.-0810.1.1.6 A specific timeline for review of progress and monitoring of implementation.

~~8.0810.1.2~~ The ~~Department~~Division may edit, amend, update, or replace the plan at any time deemed appropriate.

~~8.0810.1.2.1~~ The district shall be given notice of the edited, amended, updated, or replacement plan criteria.

~~8.0810.2~~ The ~~Department~~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.

~~8.0810.3~~ 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.

~~8.0810.4~~ 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 ~~Department~~Division and quarterly reporting to the State Board.

~~8.0810.4.1~~ ~~Department~~Division monitoring criteria shall include the district's continued stability and sustainability of previously identified exit criteria.

~~8.0911~~ If a public school district is classified as in need of level 5 – intensive support, the State Board may:

~~8.0911.1~~ Direct the Commissioner to conduct an analysis of all school district systems and make recommendations for action by the State Board; and

~~8.0911.2~~ 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:

~~8.0911.2.1~~ Remove permanently, reassign, or suspend on a temporary basis the superintendent of the public school district and;

~~8.0911.2.1.1~~ 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;



~~8.0911.2.1.1.1~~ Authorize the individual to remove, replace, reassign, or suspend public school district personnel in accordance with state laws; and

~~8.0911.2.1.1.2~~ Compensate from public school district funds the individual appointed to operate the public school district and other individuals authorized by the Commissioner;

~~8.0911.2.1.2~~ Remove permanently or suspend on a temporary basis some or all of the current public school district board of directors and either;

~~8.0911.2.1.2.1~~ 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;

~~8.0911.2.1.2.2~~ 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

~~8.0911.2.1.2.3~~ 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.-0911.2.1.3 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.-0911.2.1.3.1 The State Board shall define the powers and duties of the public school district board of directors.

8.-0911.2.1.3.2 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.-0911.2.1.4 Require the annexation, consolidation, or reconstitution of the public school district under § 6-13-1401 et seq. and applicable rules;

8.-0911.2.1.5 Waive provisions of Title 6 and corresponding rules with the exception of:

8.-0911.2.1.5.1 Special education programs;

8.-0911.2.1.5.2 Conducting criminal background checks for employees; and

8.-0911.2.1.5.3 Health and safety codes as established by the State Board and local governmental entities;

8.-0911.2.1.6 Require reassignment of some or all of the administrative, instructional, or support staff of a public school;

8.-0911.2.1.7 Require a public school to institute and fully implement a student curriculum based on academic standards;

8.-0911.2.1.8 Require a public school to provide professional development for teachers and administrators based on the ~~Department's~~ 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.-0911.2.1.9 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.-0911.2.10 Require reorganization, closure, or dissolution of one (1) or more of the public schools within the classified district; and

8.-0911.2.11 Take any other necessary and proper action, as determined by the State Board that is allowed by law.

8.-0911.3 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.

8.4012 Public school district under authority of the State Board of Education.

8.4012.1 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.

8.4012.2 At any time during the second full school year following the assumption of authority or any time thereafter:

8.4012.2.1 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.~~10~~12.2.2 The Commissioner may recommend to the State Board that the State Board:

8.~~10~~12.2.2.1 Take additional action concerning the public school district under Ark. Code Ann. § 6-15-2916; or

8.~~10~~12.2.2.2 Return the public school district to local control through the appointment or election of a board of directors; and

8.~~10~~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.~~10~~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.~~10~~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.~~10~~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.~~10~~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.~~10~~12.2.5 If the public school district has not demonstrated to the State Board and the ~~Department~~ 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.

~~8.4113~~ 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 of 2004, Ark. Code Ann. § 6-18-227, to another public school district that is not classified as in need of level 5 – intensive support.

~~8.4113.1~~ All requirements, conditions, and provisions of the Arkansas Opportunity Public School Choice Act of 2004, Ark. Code Ann. § 6-18-227, shall apply to transfers pursuant to this section.

~~8.4214~~ 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.

State of Arkansas

92nd General Assembly

Regular Session, 2019

# A Bill

SENATE BILL 153

By: Senators J. English, Bledsoe, B. Davis, Irvin

By: Representatives Barker, Bentley, Brown, Capp, Cavanaugh, Crawford, Dalby, Della Rosa,  
Lundstrum, J. Mayberry, Petty, Rushing, Speaks, Vaught

## For An Act To Be Entitled

AN ACT CONCERNING SCHOOL-LEVEL IMPROVEMENT PLANS AND  
THE RIGHT TO READ ACT; TO REQUIRE THAT A PUBLIC  
SCHOOL INCLUDE IN ITS ANNUAL SCHOOL-LEVEL IMPROVEMENT  
PLAN A LITERACY PLAN; TO REQUIRE THAT THE CURRICULUM,  
PROFESSIONAL DEVELOPMENT, AND GRADUATE STUDIES  
RECOMMENDATIONS FOR A PUBLIC SCHOOL DISTRICT AND  
OPEN-ENROLLMENT PUBLIC CHARTER SCHOOL BE IN  
ACCORDANCE WITH THE SCIENCE OF READING; TO REQUIRE  
THAT THE DEPARTMENT OF EDUCATION CREATE AN APPROVED  
LIST OF CURRICULUM PROGRAMS THAT ARE SUPPORTED BY THE  
SCIENCE OF READING; AND FOR OTHER PURPOSES.

## Subtitle

TO REQUIRE SCHOOL-LEVEL IMPROVEMENT,  
PROFESSIONAL DEVELOPMENT, CURRICULUM, AND  
GRADUATE STUDIES PLANS TO BE IN  
ACCORDANCE WITH THE SCIENCE OF READING.

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

SECTION 1. DO NOT CODIFY. Legislative findings.

The General Assembly finds that:

(1) The Right to Read Act, § 6-17-429, addresses the science of  
reading for current educators and those in an undergraduate teaching program;

(2) If educators do not have an understanding of scientific



1 reading instruction, many students will not receive the reading instruction  
2 necessary to read at grade level;

3 (3) The percentage of Arkansas students in grade three (3) who  
4 were "ready" or "exceeding" in reading on the 2018 ACT Aspire test was  
5 thirty-eight percent (38%);

6 (4) Dyslexia programs in Arkansas should be aligned to  
7 structured literacy as outlined by the International Dyslexia Association;  
8 and

9 (5) Educators throughout the state are in the process of  
10 completing the appropriate professional development requirements with respect  
11 to the science of reading and structured literacy, but public school  
12 districts have not provided those teachers with the necessary materials and  
13 resources to implement the methods required by science of reading and  
14 structured literacy programs in their classrooms.

15  
16 SECTION 2. Arkansas Code § 6-15-2914(b), concerning the annual  
17 submission of school-level improvement plans, is amended to read as follows:

18 (b)(1)(A) Beginning on May 1, 2018, and by May 1 annually thereafter,  
19 a public school shall submit to its public school district a school-level  
20 improvement plan for approval by the public school district and public school  
21 district board of directors for implementation in the following school year.

22 (B)(i) A public school district and an open-enrollment  
23 public charter school shall include a literacy plan in the annual school-  
24 level improvement plan required under subdivision (b)(1)(A) of this section.

25 (ii) The literacy plan required under subdivision  
26 (b)(1)(B)(i) of this section shall include without limitation a curriculum  
27 program and a professional development program that are:

28 (a) Aligned with the literacy needs of the  
29 public school district; and

30 (b) Based on the science of reading as defined  
31 by § 6-17-429(k)(1).

32 (2) School-level improvement plans shall be posted on the public  
33 school district's website by August 1 of each year.

34  
35 SECTION 3. Arkansas Code § 6-17-429(c), concerning the professional  
36 development requirements under the Right to Read Act, is amended to read as

1 follows:

2 (c)(1) Beginning with the 2018-2019 school year, a public school  
3 district and an open-enrollment public charter school shall provide the  
4 following professional development in scientific reading instruction:

5 (A) For teachers licensed at the elementary level in  
6 kindergarten through grade six (K-6), teachers with a special education  
7 license in kindergarten through grade twelve (K-12), and teachers licensed as  
8 reading specialists in kindergarten through grade twelve (K-12), professional  
9 development for one (1) of the prescribed pathways to obtaining a proficiency  
10 credential in knowledge and practices in scientific reading instruction; and

11 (B) For teachers licensed at a level other than the  
12 elementary level in kindergarten through grade six (K-6), teachers with a  
13 special education license in kindergarten through grade twelve (K-12), and  
14 teachers licensed as reading specialists in kindergarten through grade twelve  
15 (K-12), professional development for one (1) of the prescribed pathways to  
16 obtaining an awareness credential in knowledge and practices in scientific  
17 reading instruction.

18 (2) Beginning with the 2020-2021 school year, a public school or  
19 open-enrollment public charter school that does not provide the professional  
20 development under subdivision (c)(1) of this section shall:

21 (A) Be placed in probationary status; and

22 (B) Provide notice to parents that the public school  
23 district has not met the requirements of this section.

24  
25 SECTION 4. Arkansas Code § 6-17-429(e)-(g), concerning educator  
26 preparation and professional development programs required under the Right to  
27 Read Act, are amended to read as follows:

28 (e) A provider of a state-approved educator preparation program,  
29 graduate program, or alternative preparation program shall include in its  
30 annual report to the Department of Education a description of the provider's  
31 program to prepare educators to teach reading using scientific reading  
32 instruction.

33 (f) By the beginning of the 2020-2021 school year, the department  
34 shall identify and create an approved list of materials, resources, and  
35 curriculum programs for public school districts and open-enrollment public  
36 charter schools that are supported by the science of reading and based on



instruction that is explicit, systematic, cumulative, and diagnostic, including without limitation:

(1) Dyslexia programs that are evidence-based and:

(A) Aligned to structured literacy; or

(B) Grounded in the Orton-Gillingham methodology;

(2) Evidence-based reading intervention programs; and

(3) Evidence-based reading programs that are grounded in the science of reading.

(g)(1) By the beginning of the 2021-2022 school year, any public school district and open-enrollment public charter school purchasing a curriculum program shall choose a curriculum program from the department's approved list of curriculum programs created under subsection (f) of this section.

(2) A public school district or open-enrollment public charter school that chooses to purchase a curriculum program that is not from the department's approved list of curriculum programs shall submit the following to the department for approval of the alternative curriculum program:

(A) A rationale for choosing the alternative curriculum program; and

(B) Evidence-based research regarding the alternative curriculum program.

(h) By the beginning of the 2019-2020 school year, a public school district and an open-enrollment public charter school shall establish a professional development program as required by § 6-15-2914(b)(1)(B) that shall:

(1) Include without limitation instruction based on the science of reading; and

(2) Be provided on an annual basis after the professional development required under subdivision (c)(1) of this section is complete.

~~(f)~~(i)(1)(A) A public school district or an open-enrollment public charter school that employs an educator in violation of this section or that does not provide the professional development as required under this section shall be in violation of the Standards for Accreditation of Arkansas Public Schools and School Districts and may be placed in probationary status by the department.

(B) A public school district or an open-enrollment public

1 charter school placed in probationary status under subdivision ~~(f)(1)(A)~~  
2 (i)(1)(A) of this section shall send written notification to the parents of  
3 the students in the public school district of the reason for being placed in  
4 probationary status.

5 (2) A provider of a state-approved educator preparation program,  
6 graduate program, or alternative preparation program that does not comply  
7 with the requirements of this section may be subject to penalties up to and  
8 including having the provider's approval status revoked.

9 ~~(g)(j)(1)~~ The department ~~is vested with the authority to and shall~~  
10 enforce:

11 (1) Enforce this section; and

12 (2) ~~The department shall promulgate~~ Promulgate rules to  
13 implement this section.

14 (k) As used in this section:

15 (1) "Science of reading" means the study of the relationship  
16 between cognitive science and educational outcomes; and

17 (2) "Structured literacy" means an approach by which licensed  
18 personnel teach reading in an explicit, systematic, cumulative, and  
19 diagnostic manner.

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22 **APPROVED: 2/11/19**  
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State of Arkansas  
92nd General Assembly  
Regular Session, 2019

# A Bill

SENATE BILL 477

By: Senator J. English  
By: Representative Cozart

## For An Act To Be Entitled

AN ACT TO AMEND PROVISIONS OF THE ARKANSAS CODE  
CONCERNING PUBLIC SCHOOL ACCOUNTABILITY; AND FOR  
OTHER PURPOSES.

## Subtitle

TO AMEND PROVISIONS OF THE ARKANSAS CODE  
CONCERNING PUBLIC SCHOOL ACCOUNTABILITY.

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

SECTION 1. Arkansas Code § 6-15-1601(g)(6)(B), concerning reports to certain entities and persons by the Commission on Closing the Achievement Gap in Arkansas regarding chronically underperforming schools, is amended to read as follows:

(B) Profiles of ~~chronically under-performing schools and school districts~~ identified as in need of comprehensive support and improvement, additional targeted support, or targeted support and improvement under the Elementary and Secondary Education Act, Pub. L. No. 89-10, as amended by the Every Student Succeeds Act, Pub. L. No. 114-95;

SECTION 2. Arkansas Code § 6-15-2701 is amended to read as follows:  
6-15-2701. Closing achievement gap program – Definition.

(a) As used in this section, ~~“chronically underperforming school”~~ “school in need of support” means a public school ~~that does not meet adequate yearly progress under the No Child Left Behind Act of 2001, 20 U.S.C. § 6301 et seq., as it existed on July 1, 2009, for three (3) or more consecutive~~



1 years identified as in need of comprehensive support and improvement,  
 2 additional targeted support, or targeted support and improvement under the  
 3 Elementary and Secondary Education Act, Pub. L. No. 89-10, as amended by the  
 4 Every Student Succeeds Act, Pub. L. No. 114-95.

5 (b)(1) A school district that has a ~~chronically underperforming~~ school  
 6 in need of support shall use its national school lunch state categorical  
 7 funding under § 6-20-2305(b)(4) to evaluate the impact of educational  
 8 strategies used by the ~~chronically underperforming~~ school in need of support  
 9 to address the achievement gaps among students in the ~~chronically~~  
 10 ~~underperforming~~ school in need of support.

11 (2) The evaluation shall:

12 (A) Identify the categories of programs and intervention  
 13 strategies used with national school lunch state categorical funding; and

14 (B) Report the ~~benchmark assessment scores~~ progress made  
 15 towards meeting the established goals for the school in need of support for  
 16 the end of the immediately preceding school year and for the end of the  
 17 current school year of students involved in the programs and intervention  
 18 strategies identified under this subdivision (b)(2).

19 (c) The Department of Education shall:

20 (1) Promulgate rules necessary to implement this section,  
 21 including without limitation establishing the categories by which a  
 22 ~~chronically underperforming~~ school in need of support shall identify programs  
 23 and intervention strategies under subsection (b) of this section; and

24 (2) In a ~~chronically underperforming school's comprehensive~~  
 25 ~~school improvement plan~~ school district's support plan, direct the use of  
 26 national school lunch state categorical funding for strategies to close gaps  
 27 in academic achievement, including without limitation:

28 ~~(A) Using an Arkansas Scholastic Audit;~~

29 ~~(B)~~ (A) Using disaggregated school data to set academic  
 30 improvement targets in reading, writing, mathematics, and science;

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

35 ~~(D)~~ (C) Developing interim building-level assessments to  
 36 monitor student progress toward proficiency on the state benchmark

1 assessments;

2 ~~(E)~~(D) Developing a plan to immediately address gaps in  
3 learning;

4 ~~(F)~~(E) Examining and realigning, as needed, school  
5 scheduling, academic support systems, and assignments of personnel; and

6 ~~(G)~~(F) Designing a plan for increasing parental knowledge  
7 and skill to support academic objectives; and

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

10 ~~(A) The use of national school lunch state categorical~~  
11 ~~funding by chronically underperforming schools in the state; and~~

12 ~~(B) The status of the achievement gaps at chronically~~  
13 ~~underperforming schools in the state.~~

14 (d) The department shall identify the ~~chronically underperforming~~  
15 schools with the largest achievement gaps among students and give to those  
16 ~~chronically underperforming schools in need of support~~ the department's  
17 highest priority for:

18 (1) Monitoring ~~school~~ school-level improvement plans as required  
19 under § 6-15-2914; and

20 (2) Providing support under this subchapter.

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23 **APPROVED: 4/1/19**  
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1 State of Arkansas *As Engrossed: H3/6/19*

2 92nd General Assembly

3 Regular Session, 2019

# A Bill

HOUSE BILL 1468

4

5 By: Representative Lowery

6 By: Senator M. Johnson

7

8

## For An Act To Be Entitled

9

AN ACT TO AMEND PROVISIONS OF THE ARKANSAS CODE  
CONCERNING PUBLIC SCHOOL CHOICE; AND FOR OTHER  
PURPOSES.

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## Subtitle

15

TO AMEND PROVISIONS OF THE ARKANSAS CODE  
CONCERNING PUBLIC SCHOOL CHOICE.

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

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SECTION 1. Arkansas Code § 6-18-227 is amended to read as follows:

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6-18-227. Arkansas Opportunity Public School Choice Act ~~of 2004~~.

23

(a)(1) This section may be referred to and cited as the "Arkansas

24

Opportunity Public School Choice Act ~~of 2004~~."

25

(2)(A) The purpose of this section is to provide enhanced

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opportunity for students in this state to gain the knowledge and skills

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necessary for postsecondary education, a technical education, or the world of  
work.

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(B) The General Assembly:

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(i) Recognizes that the Arkansas Constitution, as

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interpreted by the Supreme Court in *Lake View School District No. 25 v.*

32

*Huckabee*, 351 Ark. 31 (2002), makes education a paramount duty of the state;

33

(ii) Finds that the Arkansas Constitution requires

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the state to provide an adequate education;

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(iii) Further finds that a student should not be

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compelled against the wishes of the parent, guardian, or the student, if the



1 student is over eighteen (18) years of age, to remain in a public school ~~or~~  
2 ~~school~~ district classified by the State Board of Education as a ~~school or~~  
3 ~~school district in academic distress under § 6-15-428 [repealed]~~ need of  
4 Level 5 – intensive support under §§ 6-15-2913 or 6-15-2915 or a public  
5 school that has a rating of "F" under §§ 6-15-2105 and 6-15-2106 and state  
6 board rules; and

7 (iv) Shall make available a public school choice  
8 option in order to give a ~~child~~ student the opportunity to attend a public  
9 school or school district not in ~~academic distress~~ need of Level 5 –  
10 intensive support under §§ 6-15-2913 or 6-15-2915 or that does not have a  
11 rating of "F" under §§ 6-15-2105 and 6-15-2106 and state board rules.

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

18 (4) A public school choice program is hereby established to  
19 enable any a student to transfer from, subject to the restrictions in this  
20 section, from a: a public school or school district

21 (A) Public school district that is classified by the state  
22 board as a public school or school district in academic distress need of  
23 Level 5 – intensive support under §§ 6-15-2913 or 6-15-2915 to another public  
24 school or school district in the state that is not classified as in academic  
25 distress need of level 5 – intensive support under §§ 6-15-2913 or 6-15-2915,  
26 subject to the restrictions contained in this section; or

27 (B) Public school that has a rating of "F" under §§ 6-15-  
28 2105 and 6-15-2106 and state board rules to a public school that does not  
29 have a rating of "F" under §§ 6-15-2105 and 6-15-2106 and state board rules.

30 (b)(1) Upon the request of a parent, guardian, or the student, if the  
31 student is over eighteen (18) years of age, a student may transfer from his  
32 or her resident district or public school to another school district or  
33 public school under this section if, at the time of the request under  
34 subdivision (b)(1) of this section:

35 (A) Either:

36 (i) The resident public school or school district

1 has been classified by the state board as a public school or school district  
2 in ~~academic distress~~ need of Level 5 – intensive support under §§ 6-15-2913  
3 or 6-15-2915; or

4 (ii) The resident public school has a rating of "F"  
5 under §§ 6-15-2105 and 6-15-2106 and state board rules; and

6 (B) The parent, guardian, or ~~the~~ student, if the student  
7 is over eighteen (18) years of age, has notified the Department of Education  
8 and both the sending and receiving school districts of the request for a  
9 transfer no later than ~~July 30~~ May 1 of the ~~first~~ year ~~in which~~ before the  
10 student intends to transfer.

11 (2)(A)(i) For the purposes of continuity of educational choice,  
12 ~~the a~~ a transfer under this section shall operate as an irrevocable election  
13 for each subsequent entire school year and shall remain in force until the  
14 student completes high school or the parent, guardian, or ~~the~~ student, if the  
15 student is over eighteen (18) years of age, timely makes application under a  
16 provision of law governing attendance in or transfer to another public school  
17 or school district other than the student's assigned school or resident  
18 district.

19 (ii) A transfer under this section is effective at  
20 the beginning of the next academic year.

21 (B) Application for the opportunity public school choice  
22 option under this section shall be:

23 (i) Be provided by the department, shall contain;  
24 and

25 (ii) Contain a notice that a transfer under this  
26 subsection shall operate section:

27 (a) Operates as an irrevocable choice for at  
28 least one (1) entire school year, ~~and shall remain; and~~

29 (b) Remains in force effect until the student  
30 completes high school, ~~as provided in this subsection~~ except as otherwise  
31 provided by law.

32 (3)(A) For each student enrolled in or assigned to a public  
33 ~~school or school district that has been~~ is classified by the state board as a  
34 public school ~~or school district in academic distress~~ need of Level 5 –  
35 intensive support under §§ 6-15-2913 or 6-15-2915 or a public school that has  
36 a rating of "F" under §§ 6-15-2105 and 6-15-2106 and state board rules, a



1 school district shall:

2 (i) Timely notify the parent, guardian, or the  
3 student, if the student is over eighteen (18) years of age, as soon as  
4 practicable after the designation is made, of all options available under  
5 this section; and

6 (ii)(a) Offer the parent, guardian, or the student,  
7 if the student is over eighteen (18) years of age, an opportunity to submit  
8 an application to enroll the student in the upcoming school year in any  
9 public school or school district that has not been is not classified by the  
10 state board as a public school or school district in academic distress need  
11 of Level 5 - intensive support under §§ 6-15-2913 and 6-15-2915 or a public  
12 school that does not have a rating of "F" under §§ 6-15-2105 or 6-15-2106 and  
13 state board rules.

14 (b) The opportunity to continue attending the  
15 public school or school district that is not classified as a public school or  
16 school district in academic distress shall remain in force the student  
17 transfers to under this section remains in effect until the student graduates  
18 from high school.

19 (B)(i) The parent or guardian of a student enrolled in or  
20 assigned to a public school or school district that has been is classified by  
21 the state board as a public school or school district in academic distress  
22 need of Level 5 - intensive support under §§ 6-15-2913 or 6-15-2915 or a  
23 public school that does not have a rating of "F" under §§ 6-15-2105 and 6-15-  
24 2106 and state board rules may choose as an alternative to enroll the student  
25 in a legally allowable public school or school district that is not  
26 classified as a public school or school district in academic distress need of  
27 Level 5 - intensive support under §§ 6-15-2913 or 6-15-2915 or a public  
28 school that does not have a rating of "F" under §§ 6-15-2105 and 6-15-2106  
29 and state board rules and that is nearest to the student's legal residence.

30 (ii) That The school or school district under  
31 subdivision (b)(3)(B)(i) of this section shall accept the student and report  
32 the student for purposes of the funding under applicable state law.

33 (C)(i) Students with disabilities who are eligible to  
34 receive services from the school district under federal or state law,  
35 including students receiving additional funding through federal title  
36 programs specific to the Elementary and Secondary Education Act of 1965, Pub.

1 L. No. 89-10, and who participate in the public school choice program, remain  
2 eligible to receive services from the school district as provided by federal  
3 or state law.

4 (ii) Any funding for ~~the~~ a student under subdivision  
5 (b)(3)(C)(i) of this section shall be transferred to the public school or  
6 school district to which the student transfers.

7 (c)(1)(A) The receiving public school or school district under this  
8 section may transport students to and from the transferring public school or  
9 school district, and the cost of transporting students shall be the  
10 responsibility of the transferring public ~~school~~ or school district except as  
11 provided under subdivisions (c)(1)(B) and (c)(2) of this section.

12 (B) A transferring public school or school district ~~shall~~  
13 ~~not be~~ is not required to spend more than four hundred dollars (\$400) per  
14 student per school year for transportation required under subdivision  
15 (c)(1)(A) of this section.

16 (2) Upon the transferring public ~~school's~~ or school district's  
17 removal from classification as a public ~~school~~ or school district in ~~academic~~  
18 ~~distress~~ need of Level 5 - intensive support under §§ 6-15-2913 or 6-15-2915  
19 or the transferring public school's receipt of a rating other than "F" under  
20 §§ 6-15-2105 and 6-15-2106 and state board rules, the transportation costs  
21 shall no longer be the responsibility of the transferring public school or  
22 school district, and the student's transportation and the costs of the  
23 transportation shall be the responsibility of the parent or guardian or of  
24 the receiving public ~~school~~ or school district if the receiving public school  
25 or school district agrees to bear the transportation costs.

26 (d)(1)(A) ~~Each~~ A school district board of directors shall offer the  
27 opportunity public school choice option ~~within the~~ to public schools in the  
28 school district of the school district board of directors.

29 (B) The opportunity public school choice option shall be  
30 offered in addition to other existing choice programs.

31 (2)(A)(i) A school district shall not deny a student the ability  
32 to attend a school in the student's school district of choice under this  
33 section unless there is a lack of capacity at the school in the student's  
34 school district of choice.

35 (ii) A lack of capacity may be claimed by a school  
36 district only if the school district has reached the maximum student-to-

1 teacher ratio allowed under federal law, state law, the rules for standards  
2 of accreditation, or other applicable regulations.

3 (B) The race or ethnicity of a student shall not be used  
4 to deny a student the ability to attend a school in the student's school  
5 district of choice under this section.

6 (3) A student or the student's parent or guardian may appeal a  
7 school district's decision to deny admission to a school in a the student's  
8 school district of choice due to lack of capacity to the state board after  
9 the student or the student's parent or guardian receives a written notice  
10 from the school district of choice that admission has been denied.

11 (4) The department shall promulgate rules governing the use of  
12 school capacity as a basis for denying admission under this section.

13 (e)(1) ~~The provisions of this~~ This section and all student choice  
14 options created in this section shall ~~comply with § 6-18-206(d) [repealed],~~  
15 ~~(e) [repealed], and (i) [repealed] and shall not be subject to any other~~  
16 limitation or restriction provided by law.

17 (2) If any part of this section conflicts with ~~the provisions of~~  
18 a federal desegregation court order applicable to a school district, ~~the~~  
19 ~~provisions of~~ the federal desegregation court order shall govern.

20 (f)(1) The department shall develop an annual report on the status of  
21 student participation in public school choice and opportunity school choice  
22 and deliver the report to the state board, the Governor, the House Committee  
23 on Education, the Senate Committee on Education, and the Legislative Council  
24 at least ninety (90) sixty (60) days before the convening of the regular  
25 session of the General Assembly.

26 (2) The annual report required under subdivision (f)(1) of this  
27 section shall include without limitation:

28 (A) The number of public school students participating in:

29 (i) Public School Choice under § 6-18-1901 et seq.;

30 and

31 (ii) Opportunity Public School Choice under this  
32 section, disaggregated by whether the transfer under this section was from  
33 within a public school district or outside a public school district; and

34 (B) Aggregate data of the race and gender of students  
35 participating in public school choice and opportunity school choice.

36 (3) Each public school district shall report to the department

1 annually the information necessary to complete the report required under  
2 subdivision (f)(1) of this section.

3 ~~(g) Each school district board of directors shall annually report the~~  
4 ~~number of students applying for and attending the various types of public~~  
5 ~~schools of choice in the district, including schools such as magnet schools,~~  
6 ~~according to rules adopted by the state board.~~

7 ~~(h)(1)(g)(1)~~ A receiving district shall accept credits toward  
8 graduation that were awarded by another district.

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

12 ~~(i)(h)~~ For purposes of determining a school district's state funding,  
13 the nonresident student shall be counted as a part of the average daily  
14 membership of the district to which the student has transferred.

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

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

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

26 ~~(4) A copy of the report shall be provided to the House~~  
27 ~~Committee on Education and the Senate Committee on Education.~~

28 ~~(k)(1)(i)(1)~~ Unless excused by the receiving school district for  
29 illness or other good cause:

30 (A) Any student participating in the opportunity public  
31 school choice option shall remain:

32 (i) Remain in attendance throughout the school year;  
33 and ~~shall comply~~

34 (ii) Comply fully with the school's code of conduct;  
35 and

36 (B) The parent or guardian of each student participating

1 in the opportunity public school choice option shall comply fully with the  
2 receiving public school's parental involvement requirements.

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

5 ~~(1)(1)(j)(1)~~ The maximum opportunity public school choice funds  
6 granted for an eligible student shall be calculated based on applicable state  
7 law.

8 ~~(2)(A) The receiving school district shall report all students~~  
9 ~~who transfer from another public school under the public school choice~~  
10 ~~program.~~

11 ~~(B) The students attending public schools pursuant to the~~  
12 ~~opportunity public school choice option shall be reported separately from~~  
13 ~~those students reported for purposes of compliance with applicable state law.~~

14 ~~(3)(2)~~ The A public school that provides services to students  
15 with disabilities shall receive funding as determined by applicable federal  
16 and state law.

17 ~~(m)(k)~~ The state board shall adopt any rules necessary for the  
18 implementation of this section pursuant to under the Arkansas Administrative  
19 Procedure Act, § 25-15-201 et seq.

20 ~~(n)(1)~~ A district under the public school choice program under this  
21 section shall request public service announcements to be made over the  
22 broadcast media and in the print media at such times and in such a manner as  
23 to inform parents or guardians of students in adjoining districts of the  
24 availability of the program under this section, the application deadline, and  
25 the requirements and procedure for nonresident students to participate in the  
26 program under this section.

27  
28 SECTION 2. Arkansas Code § 6-18-1905(a) and (b), concerning a  
29 student's application for a transfer under the Public School Choice Act of  
30 2015, are amended to read as follows:

31 (a) If a student seeks to attend a school in a nonresident district,  
32 the student's parent shall submit an application:

33 (1) To the nonresident district, ~~which shall notify the resident~~  
34 ~~district of the filing of the application within ten (10) calendar days of~~  
35 ~~receipt of the application with a copy to the student's resident district;~~

36 (2) On a form approved by the Department of Education; and

1 (3) Postmarked no later than May 1 of the year in which the  
2 student seeks to begin the fall semester at the nonresident district.

3 (b) A Both the nonresident district and the resident district that  
4 receives an application under subsection (a) of this section shall, upon  
5 receipt of the application, place a date and time stamp on the application  
6 that reflects the date and time ~~the nonresident~~ each district received the  
7 application.

8  
9 SECTION 3. Arkansas Code § 6-18-1905(d), concerning the acceptance or  
10 rejection of a student's application for transfer under the Public School  
11 Choice Act of 2015, is amended to read as follows:

12 (d) Before accepting or rejecting an application, a nonresident  
13 district shall determine whether ~~one~~:

14 (1) One of the limitations under § 6-18-1906 applies to the  
15 application; and

16 (2)(A) The resident district has met its numerical net maximum  
17 limit on school choice transfers under § 6-18-1906.

18 (B) The nonresident district shall contact the resident  
19 district to determine whether the resident district has met its net maximum  
20 limit under subdivision (d)(2)(A) of this section.

21 (C) In determining whether a resident district has met its  
22 net maximum limit on school choice transfers under subdivision (d)(2)(A) of  
23 this section, the nonresident district shall review and make a determination  
24 on each application in the order in which the application was received by the  
25 nonresident district.

26 (D) If the resident district has met its numerical net  
27 maximum limit on school choice transfers, the nonresident district shall  
28 issue a rejection of the affected school choice application.

29 (E)(i) If an applicant under this section has been  
30 rejected due to the numerical net maximum limit, then the applicant shall  
31 retain priority for a transfer under this subchapter until July 1 and be  
32 reconsidered when the resident district is no longer at the numerical net  
33 maximum limit.

34 (ii) The resident district shall promptly notify the  
35 nonresident district when it is no longer at its numerical net maximum limit.  
36

SECTION 4. Arkansas Code § 6-18-1906(b)(1)(A), concerning a numerical net maximum limit on school choice transfers under the Public School Choice Act of 2015, is amended to read as follows:

(b)(1)(A) There is established a numerical net maximum limit on school choice transfers each school year from a school district, less any school choice transfers into the school district, under this section of not more than three percent (3%) of the enrollment that exists in the school district as of October 15 1 of the immediately preceding school year.

/s/Lowery

**APPROVED: 4/5/19**

State of Arkansas

As Engrossed: H4/3/19

92nd General Assembly

# A Bill

Regular Session, 2019

SENATE BILL 603

By: Senators A. Clark, Elliott

## For An Act To Be Entitled

AN ACT CONCERNING NATIONAL SCHOOL LUNCH STATE  
CATEGORICAL FUNDING AND LEVELS OF PUBLIC SCHOOL  
DISTRICT SUPPORT; TO REQUIRE THE DEPARTMENT OF  
EDUCATION TO PROVIDE TO PUBLIC SCHOOL DISTRICTS WITH  
CERTAIN SCORES ON THE STATE'S PRIOR YEAR SUMMATIVE  
ASSESSMENT FOR READING LEVELS OF SUPPORT; TO AMEND  
THE APPROVED PURPOSES ON WHICH NATIONAL SCHOOL LUNCH  
STATE CATEGORICAL FUNDS MAY BE SPENT; AND FOR OTHER  
PURPOSES.

## Subtitle

TO REQUIRE THE DEPARTMENT OF EDUCATION TO  
PROVIDE CERTAIN LEVELS OF SUPPORT TO  
CERTAIN PUBLIC SCHOOL DISTRICTS BASED ON  
READING SCORES; AND TO AMEND THE PURPOSES  
ON WHICH NATIONAL SCHOOL LUNCH STATE  
CATEGORICAL FUNDS MAY BE SPENT.

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

SECTION 1. DO NOT CODIFY. Legislative intent.

The General Assembly finds that:

(1) Full implementation of Arkansas' goal of a student-focused  
education system for all students will require most schools to rethink, if  
not restructure, their entire educational program and reallocate all current  
and any new resources to a restructured and more effective educational  
delivery;





1           (2) Since 2005, two billion six hundred eighty-six million eight  
2           hundred five thousand eight hundred fifty dollars (\$2,686,805,850) in  
3           national school lunch funds have been sent to public schools in Arkansas;

4           (3) National school lunch state categorical programs are  
5           designed to provide extra help and strategies for struggling students and  
6           must be focused to target the needs of struggling students;

7           (4) Current flexibility in national school lunch state  
8           categorical funding allowable expenditures has not shown that the funds have  
9           had a positive impact on student outcomes or successfully closed achievement  
10          gaps;

11          (5) Public school districts spend the highest amount of national  
12          school lunch state categorical funds on curriculum specialists and  
13          instructional facilitators and other activities that are not specified by law  
14          or Department of Education rule that have been approved by the Department of  
15          Education, and transfer national school lunch state categorical funds to  
16          other categorical programs;

17          (6) Thirty-four percent (34%) of Arkansas public students in  
18          grades three through ten (3-10) are scoring at the lowest level of  
19          performance on the ACT Aspire reading test;

20          (7) Six (6) Core Strategies were included in the Odden and Picus  
21          Original 2003 Adequacy Report, the 2006 Recalibration report, and the 2014  
22          Desk Audit, and all educational initiatives included in these reports and the  
23          funding used for the educational initiatives are backed by evidence-based  
24          research;

25          (8) Arkansas's students must be prepared for college, careers,  
26          and citizenship in the current global economy, and work in the knowledge-  
27          based economy requires the same skills and expertise to go to college or to  
28          enter the work force after high school;

29          (9) Public schools must deploy more powerful instructional  
30          strategies and use resources more productively, and need to change the  
31          curriculum that is used, the means of organizing instruction, and how  
32          resources are used;

33          (10) Teacher development opportunities must be redesigned to  
34          provide personalized opportunities so that all teachers acquire the  
35          instructional expertise to educate all students by using the extensive  
36          professional development resources that are included in the funding model in

1 the most effective ways;

2 (11) Schools must reinforce achievement for struggling students  
3 by providing a series of extended learning opportunities, such as some  
4 combination of one-on-one and small group tutoring by a licensed teacher,  
5 extended-day learning, and summer school programs, and must hold performance  
6 standards high and vary instructional time so all students can achieve  
7 rigorous standards in order to work towards closing the achievement gap; and

8 (12) The House Committee on Education and the Senate Committee  
9 on Education, meeting jointly, find it necessary to revise current national  
10 school lunch state categorical funding allowable expenditures in order to  
11 maximize the most effective use of funds and focus allowable expenditures on  
12 targeted programs that maximize student achievement.

13  
14 SECTION 2. Arkansas Code § 6-15-2913(a), concerning levels of school  
15 district support, is amended to add an additional subdivision to read as  
16 follows:

17 (3) Beginning with the 2019-2020 school year, the department  
18 shall provide:

19 (A)(i) Level 3 – Coordinated support to a public school  
20 district in which forty percent (40%) or more of the public school district's  
21 students score "in need of support" on the state's prior year summative  
22 assessment for reading.

23 (ii) Level 3 – Coordinated support shall be provided  
24 in collaboration with the public school district's educational service  
25 cooperative; and

26 (B) Level 4 – Directed support to a public school district  
27 in which fifty percent (50%) or more of its students score "in need of  
28 support" on the state's prior year summative assessment for reading.

29  
30 SECTION 3. Arkansas Code § 6-15-2914(d), concerning required public  
31 school district support plans, is amended to add an additional subdivision to  
32 read as follows:

33 (3)(A) A public school district in which forty percent (40%) or  
34 more of the public school district's students scored "in need of support" on  
35 the state's prior year summative assessment for reading shall develop a  
36 literacy plan as part of the public school district support plan required

1 under this section.

2 (B) The public school district literacy plan shall  
3 include:

4 (i) Goals for improving reading achievement  
5 throughout the public school district; and

6 (ii) Information regarding the prioritization of  
7 funding, including without limitation national school lunch state categorical  
8 funds received under § 6-20-2305, for strategies to improve reading  
9 achievement throughout the public school district.

10  
11 SECTION 4. Arkansas Code § 6-20-2305(b)(4)(C)(i), concerning approved  
12 programs and purposes for which national school lunch state categorical funds  
13 may be expended, is amended to add an additional subdivision to read as  
14 follows:

15 (c) The list of approved programs established  
16 before the passage of this act by the state board under subdivision  
17 (b)(4)(C)(i)(a) of this section shall expire on June 30, 2022.

18  
19 /s/A. Clark  
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22 **APPROVED: 4/17/19**  
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State of Arkansas  
92nd General Assembly  
Regular Session, 2019

# A Bill

SENATE BILL 605

By: Senator A. Clark

## For An Act To Be Entitled

AN ACT CONCERNING NATIONAL SCHOOL LUNCH STATE  
CATEGORICAL FUNDING; TO AMEND THE NAME OF NATIONAL  
SCHOOL LUNCH STATE CATEGORICAL FUNDING; AND FOR OTHER  
PURPOSES.

## Subtitle

TO AMEND THE NAME OF NATIONAL SCHOOL  
LUNCH STATE CATEGORICAL FUNDING.

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

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

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

(2) The evaluation shall:

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

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



1 (c) The Department of Education shall:

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

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

10 (A) Using an Arkansas Scholastic Audit;

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

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

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

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

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

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

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

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

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

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

36 (C) Public school districts may offer additional college

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Experiences an increase in the

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

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

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

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

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

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

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

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

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

36



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

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

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

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

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21                                   **APPROVED: 4/17/19**  
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