

**ARKANSAS DEPARTMENT OF EDUCATION
RULES GOVERNING STANDARDS FOR ACCREDITATION OF ARKANSAS
PUBLIC SCHOOLS AND SCHOOL DISTRICTS**

August 2015 _____

MAY 17 2018

BUREAU OF
LEGISLATIVE RESEARCH

1.0 REGULATORY AUTHORITY

- 1.01 ~~These rules shall be known as the Arkansas Department of Education Rules Governing the Standards for Accreditation of Arkansas Public Schools and School Districts.~~
- 1.02 ~~These rules are promulgated pursuant to Ark. Code Ann. §§ 6-11-105, 6-15-207, 6-15-202, 6-15-209, and 25-15-201 et seq.~~
- 1.03 ~~These rules replace previously adopted Rules Governing Standards for Accreditation of Arkansas Public Schools revised June 2009.~~

2.0 PURPOSE

- 2.01 ~~These rules are to set forth the Standards for Accreditation of Arkansas public schools and school districts.~~
- 2.02 ~~The purpose of these rules is to describe the process whereby Arkansas public schools or school districts will be cited or placed in probationary status for failure to meet Standards for Accreditation.~~
- 2.03 ~~The purpose of these rules is to set forth the enforcement actions that may be applied to Arkansas public schools or school districts that fail to meet Standards for Accreditation.~~

3.0 DEFINITIONS—For purpose of these Rules, the following terms mean:

- 3.01 ~~“Cited”—Accredited-cited status assigned to a school or school district that fails to meet any standard identified as a cited violation in these rules.~~
- 3.02 ~~“Core academic course” means a course taught in any of the following subject areas defined by NCLB: English, Reading or Language Arts, Mathematics, Science, Foreign Language, Social Studies, Arts.~~
- 3.03 ~~“Department”—Arkansas Department of Education.~~
- 3.04 ~~“Enforcement action”—intervention by the State to require compliance of a school or a school district that fails to meet Standards for Accreditation of Arkansas Public Schools and School Districts.~~
- 3.05 ~~“Highly qualified teacher” means a teacher who holds at least a Bachelor’s Degree, holds full state license, and has demonstrated subject area competence in each of the core academic subjects in which the teacher teaches, and who meets such other necessary requirements as set forth in the Arkansas Department of Education Rules Governing Highly Qualified Teachers Pursuant to the No Child Left Behind Act of 2001, 20 U.S.C. § 6301 et seq.~~

- 3.06 ~~"Probationary"—Accredited probationary status assigned to a school or school district that fails to meet any standard identified as a probationary violation in these rules or fails to correct by the specified deadline a violation for which it acquired cited status.~~
- 3.07 ~~"Public School District/Public School"—those school districts and schools (including open-enrollment charter schools) created pursuant to Title 6 of Arkansas Code and subject to the Arkansas Comprehensive Testing, Assessment and Accountability Program except specifically excluding those schools or educational programs created by or receiving authority to exist pursuant to Ark. Code Ann. §§ 6-15-501, 9-28-205, and 12-29-301, et seq., or other provisions of Arkansas law.~~
- 3.08 ~~"Standards for Accreditation"—a series of requirements that specify what a school or school district shall meet in order to be fully accredited by the Arkansas Department of Education.~~
- 3.09 ~~"State Board of Education"—Arkansas State Board of Education.~~

4.0 CITED STATUS

- 4.01 ~~A school district, which is deemed to have failed to meet any standard defined with a cited status in these rules and is referenced as applicable to a school district, shall be assigned cited status.~~
- 4.02 ~~A school, which is deemed to have failed to meet any standard defined with a cited status in these rules and is referenced as applicable to a school, shall be assigned cited status.~~
- 4.03 ~~No school or school district shall maintain a cited status for violation of any particular standard for a time period greater than two (2) consecutive school years including the year the cited status is assigned, unless provided otherwise in these rules.~~
- 4.04 ~~Any school or school district that fails to remedy itself from cited status for violation of a particular standard after a two (2) year time period shall be assigned accredited probationary status.~~
- 4.05 ~~For the purpose of these Rules, D means district, S means school, C means cite, P means probation, and Policy means a policy is required.~~

5.0 PROBATIONARY STATUS

- 5.01 ~~A school district shall be assigned a probationary status which is deemed to have failed to meet any standard defined with a probationary status in these rules or was in cited status for the same violation the previous two (2) consecutive years and is referenced as applicable to a school district.~~
- 5.02 ~~A school shall be assigned a probationary status which is deemed to have failed to meet any standard defined with a probationary status in these rules or was in cited status for the same violation the previous two (2) consecutive years and is referenced as applicable to a school.~~
- 5.03 ~~No school or school district shall maintain a probationary status for violation of any standard for more than two (2) consecutive school years including the year the probationary status is declared.~~
- 5.04 ~~Any school or school district that fails to remedy itself from probationary status after the two (2) year time period will be subject to mandates of Ark. Code Ann. § 6-15-207 (Act 1467 of 2003).~~

STANDARDS FOR ACCREDITATION OF ARKANSAS PUBLIC SCHOOLS AND SCHOOL DISTRICTS

D/P 6.0 STANDARD I EQUAL EDUCATIONAL OPPORTUNITIES

- 6.01 All school districts' policies and actions shall be nondiscriminatory and shall be in compliance with state and federal laws.
- 6.02 Pursuant to Ark. Code Ann. § 6-15-202(a) and Act 829 of 2007, all school districts which have not obtained full and complete unitary status and have been released from court supervision over desegregation obligations are strongly encouraged to seek unitary status and obtain an appropriate court order proclaiming such unitary status from the respective federal courts in which their cases have been filed.
- 6.03 By September 15 of each school year, any school district that has not been declared by court order to have reached complete and full unitary status shall file a report with the Arkansas Department of Education stating whether in the district's opinion the school district is unitary in status or not. Any school district that has not reached complete and full unitary status and has not been released from court supervision over desegregation obligations but which believes the district is in complete and full unitary status shall provide a written quarterly report to the Arkansas Department of Education by September 15 and the report shall provide a detailed plan with proposed time lines of how the district has complied with any desegregation plan or obligations and shall state how the district will seek to obtain a determination of full unitary status and release from court supervision and a release of any and all court ordered desegregation obligations.
- 6.04 If by July 1, 2009 and each school year thereafter, the Arkansas Department of Education is unable to verify the district's attempts to comply with their submitted detailed plan for obtaining a determination of full unitary status and release from court supervision as required in §6.03 of these Rules, then the Department of Education shall report to the State Board of Education:
- 1) Whether the failure of the school district to obtain full and complete unitary status is having a negative impact on the state's overall obligation to provide a general, suitable and efficient school system; and
 - 2) Whether the school district should be placed on probationary status and subject to the provisions of Ark. Code Ann. § 6-15-201 et seq.
- 6.05 The SBE shall consider the report issued by the ADE under § 6.04 of this Rule and may designate or classify a school district in probationary status and take any necessary intervention allowed under § 6-15-201 et seq. if the SBE determines the district's inability to obtain unitary status is having a negative impact on the obligation to provide a general, suitable and efficient education.

7.0 STANDARD II GOALS AND ADMINISTRATION OF ARKANSAS PUBLIC SCHOOLS AND SCHOOL DISTRICTS

Policy 7.01 STATE AND NATIONAL GOALS

It is well established by history and law that education is a state responsibility. As a framework for school district planning, a set of statewide and national goals for education and a long-term plan to meet these goals have been developed.

~~D/C~~ As one of these goals, pursuant to No Child Left Behind, teachers of core academic classes shall hold a designation as a Highly Qualified Teacher (HQT).

7.02 SCHOOL DISTRICT GOALS

~~D/P~~ 7.02.1 Each school district in Arkansas shall be required to develop, with appropriate staff and community participation, a comprehensive plan. School district goals shall be compatible with state and national educational goals and shall address local needs. The plan shall be filed with and reviewed by the Department annually.

~~D/C~~ 7.02.2 Each school district shall provide and publish, in a newspaper with general circulation in the district before November 15 of each school year, a report to the public detailing progress toward accomplishing program goals, accreditation standards, and proposals to correct deficiencies. If there is no paper media with general circulation, notification shall be mailed to parents.

~~S/C~~ 7.02.3 Each school shall systematically and, at least annually, explain its policies, programs, and goals to the community in a public meeting that provides opportunities for parents and other members of the community to ask questions and make suggestions concerning the school program.

7.03 SCHOOL DISTRICT ADMINISTRATION

~~D/P~~ 7.03.1 OPERATING POLICIES AND PROCEDURES

~~Each school board shall adopt written policies for the operation of the school district in accordance with guidelines established by the Department.~~

~~7.03.2 RECORDS AND REPORTS~~

~~S/P~~ 7.03.2.1 Each school shall maintain all reports and records necessary for effective planning, operation, and education.

~~Policy~~ 7.03.2.2 Each school district shall annually submit an accurate and timely report to the Department appraising its students' performance. The report shall be prepared in accordance with guidelines developed by the Department.

~~7.03.3 SCHOOL BOARDS~~

~~D/C~~ 7.03.3.1 Each school board, prior to November 15 of each year, shall hold a public meeting, at a time and place convenient for a majority of the school patrons and employees, to review and discuss its annual report detailing progress toward accomplishing its district's program objectives, accreditation standards, and proposals to correct deficiencies.

D/C	7.03.3.2	All accreditation and evaluation studies and reports shall be reported and discussed in a public meeting at a time and place convenient for a majority of the school patrons and employees.
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7.04 SCHOOL GOALS

S/P	7.04.1	The administrators, teachers, other school staff, and parents of each school shall develop the annual comprehensive school improvement plan to monitor that school's progress and to project its continuing needs. The annual school improvement plan shall be filed with and reviewed by the Department.
S/P	7.04.2	Schools shall review each curriculum area annually to ensure alignment with state standards.

8.0 STANDARD III—ACTIVE COMMUNITY INVOLVEMENT

D/P	8.01	Each school district shall form a coalition of parents, and representatives of agencies and institutions, and of business and industry to develop and implement a comprehensive plan for effective and efficient community involvement in the delivery of comprehensive youth services and support.
S/C	8.02	Each individual school shall investigate and, where feasible, utilize community resources in the instructional program of the school.

9.0 STANDARD IV—CURRICULUM

9.01 COURSE-CONTENT FRAMEWORKS

Policy	9.01.1	The Department shall appoint committees to write curriculum frameworks based on the adopted Arkansas Student Learning Expectations. Each committee shall consist of teachers and instructional supervisory personnel from public schools assisted by teachers from institutions of higher education. Committees will meet periodically to review, revise, and update the curriculum frameworks.
S/P	9.01.2	Each accredited school shall use these curriculum frameworks to plan instruction leading to student demonstration of proficiency in the Arkansas content standards.
Policy	9.01.3	The Department, with advice from public schools and institutions of higher education, shall devise an assessment system that will measure progress toward meeting the content standards expressed in the Arkansas Curriculum Frameworks. These evaluations shall serve as a major factor in determining the accreditation status of public schools.

Policy	9.02	EARLY CHILDHOOD EDUCATION CURRICULUM
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The early childhood education curriculum shall be developmentally appropriate for the age span of the children within the groups and implemented with attention to the different needs, interests, and developmental levels of those individual children. This curriculum shall be aligned to Arkansas Better Chance standards.

S/P 9.03 CURRICULUM

S/P 9.03.1 SMART CORE AND CORE

- 9.03.1.1 Guidelines for the development of Smart Core curriculum policies and informed consent document shall be established by the Department. Each school district shall adopt written Smart Core curriculum policies consistent with those guidelines.
- 9.03.1.2 The Smart Core curriculum is contained within the 38 units that must be taught each year (See 14.03.1 for a listing of Smart Core requirements).
- 9.03.1.3 In order to ensure that every child has access to a rigorous curriculum, beginning with the seventh grade class of 2004-2005, the Smart Core curriculum and core curriculum will be a standard component of the required course of study to graduate from Arkansas public schools.
- 9.03.1.4 All students will participate in the Smart Core curriculum unless the parent or guardian waives the student's right to participate. In such case of a waiver, the student will be required to participate in the core.
- 9.03.1.5 Each school district shall adopt written policies that inform parents about the Smart Core curriculum and the required course of study for graduation.
- 9.03.1.6 Each district's written policies regarding Smart Core curriculum and the required course of study for graduation shall be included in the student handbook and filed with the Department.
- 9.03.1.7 Local districts and individual schools shall involve parents, staff, and students in the formulation and review of the Smart Core curriculum and the course of study for the graduation policy.
- 9.03.1.8 Students and parents shall acknowledge that they have received the school's policy regarding Smart Core curriculum and the required course of study for graduation by a signed statement. The school shall document procedures and methods used to inform parents and students of this policy. Parents shall sign an Informed Consent document provided by the Department. Teachers, administrators, and counselors shall be provided with appropriate training in this policy.
- 9.03.1.9 The core curriculum for grades K-8 shall encompass all types of developmentally appropriate learning experiences and provide for differences in rates of learning among children. It shall emphasize overarching processes of reasoning and problem solving, communicating, connecting (linking knowledge, skills, and other understandings within and across disciplines to real-life situations), and internalizing (acting on the learning to make it meaningful, useful, and

worthwhile). English Language Acquisition Standards shall also be used for all English Language Learners (ELL) students at all grade levels.

S/P

9.03.2 GRADES K-4

Reading, writing, and mathematics shall be incorporated into all curriculum areas. All students shall receive instruction in each content area annually.

9.03.2.1 Language Arts

Reading
Writing
Listening, Speaking, Viewing

9.03.2.2 Mathematics

Number sense, properties, and operations
Measurement
Geometry and spatial sense
Data analysis and statistics
Patterns, algebra, and functions

9.03.2.3 Social Studies

History and culture of Arkansas (a unit at each grade level with emphasis at grade 4), the nation, and the world (including foreign language experiences)
Geography
Economics
Civic education
Social sciences processes and skills

9.03.2.4 Science

Life science systems
Earth/space systems
Physical systems
Environmental education

9.03.2.5 Tools for Learning

Technical skills: research and information skills, use of computers and calculators
Data gathering: use of data banks, atlases, dictionaries, almanacs, networks, news sources, and interviews

9.03.2.6 Fine Arts

Visual arts instruction, appreciation, and application
Performing arts instruction, appreciation, and application

9.03.2.7 Practical Living Skills/Career Exploration

S/P

9.03.3 GRADES 5-8

Reading, writing, and mathematics shall be incorporated into all curriculum areas. All students shall receive instruction in each content area annually.

9.03.3.1 Language Arts

Reading
Writing
Listening, Speaking,
Viewing

9.03.3.2 Mathematics

Number sense, properties,
and operations
Measurement
Geometry and spatial sense
Data analysis and statistics
Patterns, algebra, and functions

9.03.3.3 Science

Life science systems
Earth/space systems
Physical systems
Environmental education

9.03.3.4 Social Studies

History and culture of Arkansas (a unit at grades 5 and 6, with
emphasis at grade 5), the nation, and the world (including foreign
language experiences)
Geography
Economics
Civic education
Social science process skills

9.03.3.5 Physical Education

9.03.3.6 Fine Arts

Visual arts instruction, appreciation, and application
Performing arts instruction, appreciation, and application

9.03.3.7 Health and Safety

9.03.3.8 Tools for Learning

Technical skills: research and information skills, use of computers and calculators
Data gathering: use of data banks, atlases, dictionaries, almanacs, networks, news sources, and interviews

9.03.3.9 Career and Technical Education

9.03.3.10 Each school shall teach annually reading and mathematics skills to assist those students who need such additional instruction to make satisfactory progress in their required courses.

9.03.3.11 A unit of Arkansas history shall be taught as a social studies subject at each elementary grade level in every public elementary school in this state with greater emphasis at the fourth (4th) and fifth (5th) grade levels, and at least one (1) full semester of Arkansas history shall be taught to all students at the 7th, 8th, 9th, 10th, 11th, or 12th grade level in every public secondary school in this state.

9.03.3.12 Upon approval by the Department, courses taught in grades 5-8 may be offered for high school graduation credit. Courses shall have the same rigor as those taught in high school, but content for a single course may be taught over a two-year period. Teachers shall be certified in the subject area taught with students participating in appropriate End-of-Course examinations. Schools shall have appropriate follow-up curriculum in place for students adopting an accelerated schedule.

S/P

9.03.4 GRADES 9-12

Reading, writing, and mathematics shall be incorporated into all curriculum areas. The following courses shall be taught annually for a total of 38 units, except as otherwise allowed in Ark. Code Ann. §§ 6-15-213 and 6-15-214, as articulated in these rules.

9.03.4.1 Language Arts – 6 units

4 units English

1 unit oral communications or ½ unit oral communications and ½ unit drama

1 unit journalism

(Other options as approved by the Department)

9.03.4.2 Science – 5 units (Active student participation in laboratory experience is required for a minimum of 20% of instructional time.)

1 unit biology

1 unit chemistry

1 unit physics

(Other options as approved by the Department)

9.03.4.3 Mathematics – 6 units

1-unit Algebra I
 1-unit geometry
 1-unit Algebra II
 1-unit pre-calculus mathematics to include trigonometry
 (Other options as approved by the Department)

9.03.4.4 Computer Science—1 unit
 1-Unit Essentials of Computer Programming, Computer Science and Mathematics, AP Computer Science, IB Computer Science, or other options as approved by the Department

9.03.4.5 Foreign Languages—2 units of the same language

9.03.4.6 Fine Arts—3 ½ units
 1-unit art
 1-unit instrumental music
 1-unit vocal music
 ½-unit survey of fine arts or an advanced art or an advanced music course

9.03.4.7 Computer Applications with emphasis on current applications—1 unit

9.03.4.8 Social Studies—4 units

1-unit American history with emphasis on 20th Century America
 1-unit world history
 ½-unit civics
 ½-unit of Arkansas history if not taught in grade 7 or 8
 (Other options as approved by the Department)

9.03.4.9 Economics—½-unit

The Economics course must be taught by a teacher appropriately licensed in either Social Studies or Business Education. The appropriate licensure code must be used to differentiate between the area of social studies and the area of career focus elective credit to meet the requirements of the 38-units.

9.03.4.10 Health and Safety Education and Physical Education—1½ units
 1-unit physical education
 ½-unit health and safety education

9.03.4.11 Career and Technical Education—9 units of sequenced career and technical education courses (programs of study) representing three (3) occupational areas.
 In addition to the currently approved programs, districts may develop and request approval for innovative programs of study based on community and student needs.

- 9.03.4.12 The course offerings should include appropriate Advanced Placement (AP) courses. Weighted credit/additional quality points for designated AP courses will be contingent upon the teacher completing training as required by the Department and the student taking the applicable AP examinations.
- 9.03.4.12.1 Any school district meeting the following conditions may petition the Department to count an appropriate approved AP course in the place of a specified required 38 unit course in the subject areas of mathematics, English, science and social studies under the following conditions:
- 9.03.4.12.2 The public school district has a qualified teacher for the required 38 unit course;
- 9.03.4.12.3 No students enrolled in the required 38 unit course;
- 9.03.4.12.4 An AP course in the same subject area as the required course has students enrolled in the course;
- 9.03.4.12.5 The public school district teaches all other 38 unit courses required by the Standards for Accreditation; and
- 9.03.4.12.6 The public school district teaches the required 38 unit course to any student who enrolls in the public school district after the school year begins.
- 9.03.4.12.7 The public school district may teach the required course to a new student:
- i. In a traditional classroom setting;
 - ii. Through distance learning with a qualified teacher; or
 - iii. By making individual modifications for the required course from the AP course syllabus to accommodate the new student.
- 9.03.4.12.8 The public school district shall notify the Department in writing after registration in the spring prior to the beginning of the new school year and immediately after the school year begins if no students enrolled in the required course and the public school district will seek to meet the Standards for Accreditation using the AP course.
- 9.03.4.12.9 Upon receiving the public school district's written notification and after spring registration and after verifying the information, the Department shall permit the public school district to meet the Standards for Accreditation by teaching the AP course in place of the required course.
- 9.03.4.12.10 If a new student enrolls in the required course, the public school district shall immediately notify the Department in writing.

- 9.03.4.13 Additional foreign language courses such as the Level III and IV of the same foreign language and other foreign language should be included.
- 9.03.4.14 If a course required to be taught by a school district under the State Board of Education's Standards for Accreditation has an enrollment of one (1) or more students and all students enrolled in the course leave the school district after the course has commenced but before the completion of the course in each given school year or school semester the course is to be taught, and no other students that are eligible to take the course enroll to attend the school district campus where the course is required to be taught, the course shall be considered as taught by the school district in compliance with the Standards for Accreditation under the following conditions:
- 9.03.4.14.1 The school district superintendent certifies in writing that no student was enrolled in the district and was eligible to take the required course enrolled to attend the school district campus where the course was required to be taught after the initial student or students left the school district;
- 9.03.4.14.2 The school district provides written proof, as required by the Department, that the school district had the course scheduled to be taught on the school district's master course schedule during the entire time the course was required to be taught;
- 9.03.4.14.3 The school district provides written proof, as required by the Department, that the school district had a properly certified teacher employed and able to teach the required course during the entire time the course was required to be taught and the course was listed on the school district's master course schedule;
- 9.03.4.14.4 The Department, upon review of proper records of the district and information certified by the school district superintendent, confirms that the school district satisfied the requirements of Sections 9.03.4.12–9.03.4.12.3 of these rules and verifies that the information submitted pursuant to Sections 9.03.4.12–9.03.4.12.3 of these rules is correct; and
- 9.03.4.14.5 At the end of the school semester in which the course was required to be taught, the school district petitions the State Board of Education, in writing, for a waiver of the Standards for Accreditation requirement that the particular course be taught for that school semester;
- 9.03.4.14.6 The State Board of Education shall waive the requirement for only the semester in which the student or students left the school district.

- 9.03.4.14.7 The superintendent and the school board president of the school district seeking the waiver shall appear before the State Board of Education to present their request for a waiver.
- 9.03.4.14.8 Representatives of the Department shall appear before the State Board of Education to confirm and verify the information required to be filed with the Department under this section.
- 9.03.4.14.9 Upon satisfaction of the requirements of Sections 9.03.4.12–9.03.4.12.8 of these rules, the State Board of Education shall waive the requirement that the course be taught on a semester basis

S/P

9.04

COMBINING OR EMBEDDING CURRICULUM

- 9.04.1 The State Board of Education may grant a waiver of a standard for accreditation for a period of longer than one (1) school year to a school district for the purpose of combining or embedding the curriculum frameworks from two (2) separate courses into one (1) combined or embedded course if:
 - 9.04.1.1 The school district applies to the Department's Office of Curriculum and Instruction for approval of the combined or embedded course on or before May 1 for the following school year, using the Course Approval Request Form at <http://www.arkansased.org/divisions/learning-services/curriculum-and-instruction/course-approvals>;
 - 9.04.1.2 The proposed combined or embedded course meets all requirements for course approval outlined in the Course Approval Request Form;
 - 9.04.1.3 The school district submits a letter certifying to the State Board of Education that all the curriculum frameworks for the two (2) separate courses will be fully taught in the proposed combined or embedded course; and
 - 9.04.1.4 The Department verifies in writing to the State Board of Education that all of the curriculum frameworks for the two (2) separate courses are included in the proposed combined or embedded course.
 - 9.04.1.5 The State Board of Education will only grant a waiver of a standard of accreditation for proposed combined or embedded courses in grades five (5) through twelve (12).
 - 9.04.1.6 If the State Board of Education subsequently revises the curriculum frameworks for either of the separate courses that are combined or embedded into a single course, a school district must submit a new waiver request for a combined or embedded course in accordance with 9.04.1 of these Rules.
 - 9.04.1.7 It is a violation of the Standards for Accreditation of Arkansas Public Schools and School Districts for a school to fail to teach the curriculum

frameworks for each separate course that is combined or embedded in a single course.

10.0 — STANDARD V — INSTRUCTION

10.01 REQUIRED TIME FOR INSTRUCTION AND SCHOOL CALENDAR

- D/P** 10.01.1 Student teacher interaction time shall be for a minimum of 178 days, except as waived by the Department for professional development.
- D/P** 10.01.2 All public school teacher/administrator contracts (elementary, secondary, vocational—exception vocational agriculture) shall be a minimum of 190 days.
- D/P** 10.01.3 At least ten (10) days or sixty (60) hours shall be used for professional development and in-service training and at least two (2) days shall be used for parent/teacher conferences.
- D/S/P** 10.01.4 The planned instructional time in each school day shall not average less than six (6) hours per day or thirty (30) hours per week.

10.02 CLASS SIZE AND TEACHING LOAD

- Policy** 10.02.1 Early childhood education programs shall be no more than ten (10) students to one (1) teacher in a classroom or no more than twenty (20) students to one (1) teacher and a qualified adult aide.
- S/P** 10.02.2 Kindergarten shall be no more than twenty (20) students to one (1) teacher in a classroom. However, kindergarten class maximum may be no more than twenty-two (22) with a one half time instructional aide being employed for those classes.
- S/P** 10.02.3 The average student/teacher ratio for grades one through three in a school district shall be no more than twenty-three (23) students per teacher in a classroom. There shall be no more than twenty-five (25) students per teacher in any classroom.
- S/P** 10.02.4 The average student/teacher ratio for grades four through six in a school district shall be no more than twenty-five (25) students per teacher in a classroom. There shall be no more than twenty-eight (28) students per teacher in any classroom.
- S/P** 10.02.5 In grades seven through twelve, a teacher shall not be assigned more than one hundred fifty (150) students; an individual academic class shall not exceed thirty (30) students, provided that, in exceptional cases or for courses that lend themselves to large group instruction, these ratios may be increased.

D/C 10.03 INSTRUCTIONAL MATERIALS

School districts shall adopt instructional materials which provide complete coverage of a subject as described in that subject's curriculum frameworks and which fit the achievement levels of the students assigned to each teacher.

10.04 DISCIPLINE

- D/P** 10.04.1 Guidelines for the development of student discipline policies shall be established by the Department. Each school district shall adopt written discipline policies consistent with those guidelines that include a code of student behavior.
- D/P** 10.04.2 Each district's written policies shall be filed with the Department.
- D/S/P** 10.04.3 Local districts and individual schools shall involve parents, staff, and students in the formulation and review of their student discipline policies, rules, and procedures.
- S/P** 10.04.4 Schools shall inform students and parents of the rules and procedures by which the school is governed. Schools shall make the students aware of the behavior that will call for disciplinary action, as well as the types of corrective actions that may be imposed.
- S/P** 10.04.5 Students and parents shall acknowledge that they have received the school's discipline policies by a signed statement. The school shall document procedures and methods used to inform parents and students of the policy.
- D/S/P** 10.04.6 Teachers and administrators, classified school employees, and volunteers shall be provided with appropriate student discipline training as required by Ark. Code Ann. § 6-18-502.

D/C **10.05 EXTRACURRICULAR ACTIVITIES**

Each school district shall adopt a written policy on extracurricular and non-instructional activities and their appropriate place in the school program. The policy shall limit and control interruptions of instructional time in the classroom and the number of absences for such activities.

D/C **10.06 REQUIREMENTS FOR PARTICIPATION IN EXTRACURRICULAR ACTIVITIES**

Each school district shall adopt a written policy specifying the requirements students must meet to be eligible to participate in extracurricular activities.

D/C **10.07 HOMEWORK AND INDEPENDENT STUDY SKILLS**

Each school district shall adopt a written policy for appropriate and meaningful homework. The policy shall promote the development of students' independent study skills and work to be done outside the classroom which will reinforce and strengthen academic skills, broaden the educational experiences of students, and relate those experiences to the real life of the community. Parents shall be notified of the policy at the beginning of each school year.

D/C 11.0 STANDARD VI ATTENDANCE AND ENROLLMENT

11.01 MANDATORY ATTENDANCE

All children who are ages five (5) through seventeen (17) on or before the date set forth in Ark. Code Ann. § 6-18-207 are required to be in school that school year with the exception of five year old children for whom kindergarten has been waived by the parent, guardian, or person having custody or charge; students who have received a high school diploma or its equivalent; or students who are enrolled in a postsecondary vocational technical institution, a community college, or a two year or four year institution of higher education.

S/C 11.02 INITIAL ENROLLMENT

A birth certificate, Social Security Number, or other documentation, as provided by law, shall be required to enroll in school.

Policy 11.03 EARLY CHILDHOOD EDUCATION PROGRAMS

It is recommended that school districts provide the opportunity for each child age three (3) on or before the date set forth in Ark. Code Ann. § 6-18-230 to enroll in an approved early childhood education program. No parent or guardian shall be required to enroll a child in an early childhood education program at age three (3).

D/P 11.04 KINDERGARTEN

11.04.1 Each school district must provide a full day kindergarten for each child age five (5) on or before the date set forth in Ark. Code Ann. § 6-18-207. A parent or guardian shall sign a waiver if they elect not to enroll a child in kindergarten at age five (5).

11.04.2 Any six year old child who has not completed a state accredited kindergarten program prior to public school enrollment shall be evaluated by the school district to determine whether placement for the child shall be in kindergarten or the first grade.

11.04.3 Any child who has been enrolled in the first grade in a state accredited or state approved elementary school in another state or in the first grade equivalent in another country for a period of at least sixty (60) days, who will become six (6) years of age during the school year in which the child is enrolled in grade one (1), and who meets the basic residency requirement for school attendance may be enrolled in the first grade.

D/S/P 11.05 IMMUNIZATION REQUIREMENTS

All schools and school districts shall meet immunization requirements established by state and federal laws.

All enrolling kindergarten students shall furnish evidence of a comprehensive and developmental preschool examination.

12.0 STANDARD VII STUDENT PERFORMANCE

D/S/P	12.01	PERFORMANCE OF ALL STUDENTS	Schools shall be responsible for assessing each student's progress at each grade level in acquiring mastery of the competencies, skills, and other subjects required by law and Arkansas Comprehensive Testing, Assessment and Accountability Program (ACTAAP) regulations. Assessment data may include performance assessments, competency test scores, standardized test scores, subject matter mastery test scores, and observations of teachers and parent(s) or guardian(s).
S/P	12.02	GRADING	Grades assigned to students for performance in a course shall reflect only the extent to which a student has achieved the expressed academic objectives of the course. Grades that are aligned with other educational objectives such as the student learning expectations contained in the curriculum frameworks may also be given.
S/P	12.03	SPECIAL EDUCATION STUDENTS	Students with special needs shall have equal access to programs that meet the criteria for their identified Individualized Education Program and shall receive services in the least restrictive environment that meets their needs.
	12.04	SCHOOL REPORTING OF STUDENTS' PERFORMANCE	
D/C	12.04.1	Each local district shall adopt a written policy requiring teachers to communicate with the parent(s) or guardian(s) of each student during the school year to discuss the student's academic progress and requiring more frequent communication with the parent(s) or guardian(s) of students not performing at the level expected for their grade.	
S/C	12.04.2	Each school shall schedule no fewer than two (2) parent teachers conferences per school year to encourage communication with parents.	
S/C	12.04.3	All grade level conferences with parent(s) and or guardian(s) shall be scheduled at a time and place to best accommodate those participating in the conference. The school shall document participation or nonparticipation in required conferences. If a student is to be retained at any grade level, notice of retention and the reasons for retention shall be communicated promptly in a personal conference.	
	12.05	TRANSFER BETWEEN SCHOOLS	
D/C	12.05.1	Any student transferring from a school accredited by the Department to another school accredited by the Department shall be placed into the same grade the student would have been in had the student remained at the former school.	
D/C	12.05.2	Any student transferring from home school or a school that is not accredited by the Department to a school that is accredited by the Department shall be evaluated by the	

staff of that accredited school to determine that student's proper placement in the accredited school.

13.0 — STANDARD VIII SCHOOL PERFORMANCE

Data from the performance indicators shall be used by the Department and schools in establishing goals and objectives for school improvement.

14.0 — STANDARD IX GRADUATION REQUIREMENTS

- D/S/P** 14.01 Specifically, for the graduating classes of 2009-2010, 2010-2011, 2011-2012, 2012-2013, the required twenty-two (22) units, at a minimum, shall be taken from the "Smart Core" curriculum or from the "Core" curriculum. Only one (1) of the required units may be in a physical education course. All students will participate in the Smart Core curriculum unless the parent or guardian waives the student's right to participate. In such case of a waiver, the student will be required to participate in Core. The required twenty-two (22) units, at a minimum, are to be taken from the Smart Core or Core as follows:

SMART CORE—Sixteen (16) units

English—four (4) units—9th, 10th, 11th, 12th

Mathematics—four (4) units [All students must take a mathematics course in grade 11 or grade 12 and complete Algebra II.]
Comparable concurrent credit college courses may be substituted where applicable.

Algebra I or Algebra A & B (Grades 7-8 or 8-9)

Geometry or Investigating Geometry or Geometry A & B

(Grades 8-9 or 9-10)

Algebra II

Fourth math unit range of options: (choice of: Transitions to College Math, Pre-Calculus, Calculus, Trigonometry, Statistics, Computer Math, Algebra III, or an Advanced Placement math)

Natural Science—three (3) units with lab experience chosen from Physical Science, Biology or Applied Biology/Chemistry, Chemistry, Physics or Principles of Technology I & II or PIC Physics

Social Studies—three (3) units

Civics or Civics/American Government

World History

American History

Oral Communications—one half (½) unit

Physical Education—one half (½) unit

Health and Safety—one half (½) unit

Fine Arts—one half (½) unit

CAREER FOCUS—Six (6) units

D/C

All units in the career focus requirement shall be established through guidance and counseling at the local school district based on the students' contemplated work aspirations. Career focus courses shall conform to local district policy and reflect state frameworks through course sequencing and career course concentrations where appropriate.

Local school districts may require additional units for graduation beyond the sixteen (16) Smart Core and the six (6) career focus units. These may be in academic and/or technical areas. All the Smart Core and career focus units must total at least twenty-two (22) units to graduate.

D/S/P

CORE—Sixteen (16) units

English—four (4) units

Oral Communications—one half (½) unit

Social Studies—three (3) units [one (1) unit of world history, one (1) unit of U. S. history, one half (½) unit of civics or government]

Mathematics—four (4) units [one (1) unit of algebra or its equivalent* and one (1) unit of geometry or its equivalent.* All math units must build on the base of algebra and geometry knowledge and skills.] Comparable concurrent credit college courses may be substituted where applicable.

*A two year algebra equivalent or a two-year geometry equivalent may each be counted as two units of the four unit requirement.

Science—three (3) units [at least one (1) unit of biology or its equivalent and one (1) unit of a physical science]

Physical Education—one half (½) unit

Health and Safety—one half (½) unit

Fine Arts—one half (½) unit

D/C

CAREER FOCUS—Six (6) units

All units in the career focus requirement shall be established through guidance and counseling at the local school district based on the students' contemplated work aspirations. Career focus courses shall conform to local district policy and reflect state frameworks through course sequencing and career course concentrations where appropriate.

Local school districts may require additional units for graduation beyond the sixteen (16) Core and the six (6) career focus units. These may be in academic and/or technical areas. All the Core and career focus units must total at least twenty-two (22) units to graduate.

D/S/P

- 14.02 Specifically, for the graduating class of 2013-2014, and all graduating classes thereafter, the required twenty-two (22) units, at a minimum, shall be taken from the "Smart Core" curriculum or from the "Core" curriculum. Only one (1) of the required units may be in a physical education course. All students will participate in the Smart Core curriculum unless the parent or guardian waives the student's right to participate. In such case of a

waiver, the student will be required to participate in Core. The required twenty-two (22) units, at a minimum, are to be taken from the Smart Core or Core as follows:

~~SMART CORE—Sixteen (16) units~~

~~English—four (4) units—9th, 10th, 11th, 12th~~

~~Mathematics—~~

~~Option 1:—four (4) units [All students must take a mathematics course in grade 11 or grade 12 and complete Algebra II.] Comparable concurrent credit college courses may be substituted where applicable. .]~~

~~Algebra I or Algebra A & B (Grades 7-8 or 8-9)~~

~~Geometry or Investigating Geometry or Geometry A & B
(Grades 8-9 or 9-10)~~

~~Algebra II~~

~~Fourth math unit range of options: (choice of: Transitions to College Math, Pre-Calculus, Calculus, Trigonometry, Statistics, Computer Math, Algebra III, or an Advanced Placement math)~~

~~Option 2:—one (1) unit Computer Science, and three (3) units of mathematics (as listed in Option 1 above).~~

~~Natural Science—~~

~~—Option 1:—three (3) units with lab experience chosen from Physical Science, Biology or Applied Biology/Chemistry, Chemistry, Physics or Principles of Technology I & II or PIC Physics.~~

~~—Option 2:—one (1) unit of Computer Science, and two (2) units of natural science with lab experience (as listed in Option 1).~~

~~Social Studies—three (3) units [one (1) unit of world history, one (1) unit of U. S. history, one half (½) unit of civics]~~

~~Oral Communications—one half (½) unit~~

~~Physical Education—one half (½) unit~~

~~Health and Safety—one half (½) unit~~

~~Economics—one half (½) unit~~

~~A one half (½) unit of Economics is required for graduation and may be counted toward the required three (3) social studies credits or toward the six (6) required career focus elective credits.~~

~~If the course is taught by an appropriately licensed social studies teacher, credit may be applied to meet graduation requirements in social studies or toward the career focus electives. If the course is taught by an appropriately licensed business education teacher, graduation credit can only be applied toward career focus requirements.~~

~~The appropriate course code must be used to differentiate the application of credit for graduation to either the area of social studies or the area of career focus elective credit.~~

~~Fine Arts—one half (½) unit~~

~~CAREER FOCUS—Six (6) units~~

All units in the career focus requirement shall be established through guidance and counseling at the local school district based on the students' contemplated work aspirations. Career focus courses shall conform to local district policy and reflect state frameworks through course sequencing and career course concentrations where appropriate.

Local school districts may require additional units for graduation beyond the sixteen (16) Smart Core and the six (6) career focus units. These may be in academic and/or technical areas. All the Smart Core and career focus units must total at least twenty-two (22) units to graduate.

D/S/P

~~CORE—Sixteen (16) units~~

~~English—four (4) units~~

~~Oral Communications—one half (½) unit~~

~~Social Studies—three (3) units [one (1) unit of world history, one (1) unit of U. S. history, one half (½) unit of civics]~~

~~Mathematics—~~

~~——Option 1: four (4) units [one (1) unit of algebra or its equivalent* and one (1) unit of geometry or its equivalent.* All math units must build on the base of algebra and geometry knowledge and skills]. Comparable concurrent credit college courses may be substituted where applicable.~~

~~*A two-year algebra equivalent or a two-year geometry equivalent may each be counted as two units of the four (4) unit requirement.~~

~~Option 2: one (1) unit of Computer Science, and (3) units of mathematics (as listed in Option 1 above).~~

~~Science—~~

~~——Option 1: three (3) units [at least one (1) unit of biology or its equivalent and one (1) unit of a physical science].~~

~~Option 2: one (1) unit of Computer Science, and two (2) units of science (as listed in Option 1 above).~~

~~Physical Education—one half (½) unit~~

~~Health and Safety—one half (½) unit~~

~~Economics—one half (½) unit~~

~~A one-half (½) unit of Economics is required for graduation and may be counted toward the required three (3) social studies credits or toward the six (6) required career focus elective credits.~~

~~If the course is taught by an appropriately licensed social studies teacher, credit may be applied to meet graduation requirements in social studies or toward the career focus electives. If the course is taught by an appropriately licensed business education teacher, graduation credit can only be applied toward career focus requirements.~~

~~The appropriate course code must be used to differentiate the application of credit for graduation to either the area of social studies or the area of career focus elective credit.~~

~~Fine Arts—one half (½) unit~~

CAREER FOCUS—Six (6) units

All units in the career focus requirement shall be established through guidance and counseling at the local school district based on the students' contemplated work aspirations. Career focus courses shall conform to local district policy and reflect state frameworks through course sequencing and career course concentrations where appropriate.

Local school districts may require additional units for graduation beyond the sixteen (16) Core and the six (6) career focus units. These may be in academic and/or technical areas. All the Core and career focus units must total at least twenty-two (22) units to graduate.

- 14.03 A unit of credit shall be defined as the credit given for a course which meets for a minimum of 120 clock hours. A minimum average six hour day or minimum thirty (30) hour week is required.

14.04 **SPECIAL EDUCATION**

- 14.04.1 For a student with disabilities, the Individualized Education Program (IEP) serves as the student's "graduation plan."
- 14.04.2 Beginning not later than the first IEP to be in effect when the child turns 16, or younger if determined appropriate by a student's IEP Team, transition planning must be initiated to prepare a student for exit from a secondary education program to post-secondary life. This includes planning for the student's exit from school due to graduation. For a student with disabilities, fulfillment of the requirements set forth in the student's IEP constitutes the basis for graduation from high school.

15.0—STANDARD X PERSONNEL

15.01 **SCHOOL DISTRICT SUPERINTENDENT**

Each school district shall employ a full-time superintendent when enrollment exceeds three hundred (300). A full-time superintendent may, at the discretion of the local school district, teach no more than two (2) classes per day.

15.02 **PRINCIPALS**

Each school shall employ at least a half-time principal. A full-time principal shall be employed when a school's enrollment reaches three hundred (300). A school district superintendent may be permitted to serve as a half-time principal when district enrollment is less than 300 providing the superintendent is appropriately certified and is not already teaching classes. Schools with an enrollment exceeding five hundred (500) shall employ at least one full-time principal and a half-time assistant principal, instructional supervisor, or curriculum specialist.

15.03 **LICENSURE AND RENEWAL**

	15.03.1	All administrative, teaching, and other personnel shall hold a current, valid Arkansas license as required by law.
	15.03.2	All administrative, teaching, and other personnel shall meet appropriate State licensure and renewal requirements for the position to which they are assigned.
D/S/C	15.03.3	A person not fully qualified for a position may be used in emergencies only and may not be replaced by a person not fully qualified for the position, unless appropriate documentation is provided to the Department describing efforts to hire a qualified individual.
Policy	15.03.4	Licensure renewal in a subject area shall require intervening educational experience related to that subject area.
Policy	15.03.5	Licensure renewal for administrative and other personnel shall require appropriate intervening educational experience related to their responsibilities. The State licensure system shall include a process designed to provide qualified individuals applying for a license an alternative to completion of a traditional teacher education program. Licensure renewal for administrative and other personnel shall require appropriate intervening educational experience related to their responsibilities.
Policy	15.03.6	Issuance and revocation of a license shall be in accordance with Arkansas Code and State Board of Education regulations promulgated for such action.
Policy	15.03.7	The State licensure system shall include a process designed to provide qualified individuals applying for a license an alternative to completion of a traditional teacher education program.
	15.04	PROFESSIONAL DEVELOPMENT AND IN-SERVICE TRAINING Teachers and administrators must comply with the Arkansas Department of Education rules governing Professional Development regarding specific professional development requirements and specific requirements for scheduling professional development.
D/C	15.05	HIGHLY QUALIFIED TEACHERS REQUIREMENT FOR CORE ACADEMIC CLASSES
	15.05.1	Every public school district shall ensure that the percentage of core academic classes taught by highly qualified teachers in the district's schools is no less than 10 percentage points below the state's total percentage of core academic classes taught by highly qualified teachers.
	15.05.2	Any school district failing to meet the requirements of Section 15.05.1 shall receive a citation at the appropriate district and school level.

16.0 STANDARD XI—SUPPORT SERVICES

Support services shall be designed to be comprehensive and integral to the process of schooling and the development of all students. Each school district for each school building site shall develop and

implement a written plan, as set forth in current laws. The plans shall be based upon the needs identified by parents, teachers, principals, students, and other agencies with which the school district works.

~~16.01 GUIDANCE AND COUNSELING~~

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| S/P | 16.01.1 | Each school shall provide a developmentally appropriate guidance program to aid students in educational, personal/social, and career development. |
| | 16.01.2 | Each school shall provide supportive personnel and appropriate facilities to ensure effective counseling to meet individual needs of students. |
| D/P | 16.01.3 | Each school shall assign appropriate certified counselor staff with the district being required to maintain an overall ratio of one (1) to four hundred fifty (450). |

~~16.02 MEDIA SERVICES~~

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| D/C | 16.02.1 | Sufficient resources shall be budgeted and spent yearly for purchasing and maintaining an appropriate, current collection. |
| S/C | 16.02.2 | A process to provide for input from teachers, parents, and students in the acquisition of instructional materials shall be implemented. These materials shall enhance and support the goals of the school improvement plan. |
| S/P | 16.02.3 | The role of the library media center shall support technology as a tool for learning. Each school with fewer than three hundred (300) students enrolled shall employ at least a half-time, licensed library media specialist. A school with three hundred (300) or more students enrolled shall employ a full-time licensed library media specialist. Schools enrolling fifteen hundred (1,500) or more students shall employ two full-time, licensed library media specialists. The library media specialist(s) shall ensure that access to records and resource data bases shall be available to students. The media specialist(s) shall assist students in the development and use of research skills. |
| S/C | 16.02.4 | The school media collection shall consist of a balance of print, nonprint, and electronic media adequate in quality and quantity to meet the needs of the developmentally appropriate curricular program. The minimum book collection, exclusive of textbooks, shall be three thousand (3,000) volumes, or at least eight (8) books per student enrolled, whichever figure is larger. A minimum technology requirement will be one (1) computer per media center with multimedia/networking capacity for administrative purposes only. |

~~16.03 HEALTH AND SAFETY SERVICES~~

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| D/P | 16.03.1 | Each school district shall have a health services program under the direction of a licensed nurse. The program shall include screening, referral, and follow-up procedures for all students. |
| S/C | 16.03.2 | Each school shall provide facilities, equipment, and materials necessary for operation of a school health services program. |
| S/C | 16.03.3 | |

The school health services program shall provide and maintain current health appraisal records for all students in accordance with guidelines developed by the Department.

S/C 16.03.4 Each school shall take proper measures to ensure the safety of its students and protect against injuries which may occur in or on the school facilities or site.

S/C 16.03.5 In accordance with Ark. Code Ann. § 6-18-1005, health services shall include but not be limited to: (1) Students with special health care needs, including the chronically ill, medically fragile, technology dependent, and students with other health impairments shall have an Individualized Healthcare Plan. (2) Invasive medical procedures required by students and provided at school shall be performed by trained, licensed personnel who are licensed to perform the task; the regular classroom teacher shall not perform these tasks. (3) Custodial Healthcare services required by students under an Individualized Healthcare Plan shall be provided by trained school employees other than the regular classroom teachers.

17.0 STANDARD XII SPECIAL EDUCATION

Special education programs and special schools shall be accredited in accordance with applicable laws and rules adopted by the State Board of Education.

18.0 STANDARD XIII GIFTED AND TALENTED EDUCATION

S/C 18.01 Each school district shall develop procedures to identify gifted and talented students in accordance with guidelines established by the Department.

D/P 18.02 Each school district shall provide educational opportunities for students identified as gifted and talented appropriate to their ability.

S/C 18.03 Each school shall use procedures to evaluate the effectiveness of the provisions of these educational opportunities.

19.0 STANDARD XIV SUPPLEMENTARY EDUCATIONAL OPPORTUNITIES

D/C 19.01 Each school district shall develop and implement programs which take advantage of educational opportunities outside the traditional classroom.

D/C 19.02 Each school district shall provide opportunities for qualified students to enroll in courses at institutions of higher education.

D/P 19.03 Each school district shall provide appropriate alternative program(s) for students who are identified as requiring such programs to continue their education.

Policy 19.04 Each school district should provide opportunities for summer school and adult education programs.

20.0 STANDARD XV FACILITIES AND EQUIPMENT

D/P 20.01 School facilities shall be planned and constructed in accordance with the laws of the

State of Arkansas and the regulations of the Arkansas Department of Health, the office of the State Fire Marshall, and the Department.

D/C 20.02 Each room shall be furnished with equipment and instructional materials necessary to provide the environment and working conditions appropriate for subjects or activities assigned.

21.0 STANDARD XVI—AUXILIARY SERVICES

Policy Auxiliary services, such as transportation and food services, shall be provided in accordance with applicable laws, regulations, and guidelines developed by the Department.

22.0 STANDARD XVII—COOPERATION AMONG SCHOOL DISTRICTS

School districts may comply with these standards through cooperative efforts among themselves. All plans for cooperation among school districts and institutions of higher learning for the purpose of complying with these standards shall be submitted for approval to the Department.

23.0 STANDARD XVIII—ACCREDITATION OF SCHOOLS

Policy 23.01 COMPLIANCE WITH STANDARDS

A school or district shall be accredited on the basis of its complying with these standards and state law related to these standards.

Policy 23.02 DEPARTMENT GUIDELINES

The Department shall prepare guidelines to be used in the evaluation of schools or districts to determine whether they are in compliance with these standards. The guidelines will provide for the design and format for reports required to be submitted to the Department to indicate the extent to which school districts and schools are in compliance. The guidelines will include criteria for measuring each standard and the documentation required to indicate compliance with the standard. Required reports will be submitted to the Department by October 15 of each year.

Policy 23.03 ACCREDITATION PROCESS

The Department shall annually review all reports and investigate any suspected deficiencies in meeting standards. All written complaints charging violations of standards received by the Department shall be investigated. Each year the Department shall make an on-site visit to a selected number of school districts and review the schools for compliance with the standards. The Department shall notify all school districts and schools not meeting the Standards for Accreditation of deficiencies by May 1 of each year.

23.04 ACCREDITATION

S/P 23.04.1 Any school or district, which falls below current Standards for Accreditation, as determined by the Department, shall be notified in writing as being classified in either cited or probationary status by May 1 of each year.

Policy

- 23.04.2 School districts shall be notified of a school's or school district's probationary status and advised that the school will be classified as probationary for no more than two (2) school years, after which time they shall be classified as not accredited. Schools classified as not accredited are subject to enforcement actions as described herein pursuant to Ark. Code Ann. § 6-15-207.
- 23.04.3 The Department shall review by May 1 annually, pertinent information from every school district to ensure that the district and schools are in compliance with current Standards for Accreditation, and shall make an on-site review of each school's compliance at least every two (2) years or more frequently if deemed necessary by the Department.
- 23.04.4 A comprehensive evaluation shall be conducted in accordance with guidelines established by the Department (i.e., with the Department prescribed procedures and school improvement planning processes). The Department shall use teams of evaluators that may include representatives from the Department, colleges and universities, and teachers and administrators from other districts. The Department shall report the conclusions of the evaluation team to the local school within thirty (30) days. (Conform to Standards Review and the Arkansas Consolidated School Improvement Plan [ACSIP])
- 23.04.5 The Department shall provide school improvement teams to local school districts needing assistance in meeting the standards or when it is determined a school has deficiencies. The school improvement team shall recommend action that the school should take to improve its program and eliminate deficiencies.

Policy

- 23.04.6 Any person who knowingly submits falsified information requested or required by the Department may be subject to licensure action pursuant to Ark. Code Ann. § 6-17-410 and other relevant state and federal law.

24.0 SPECIFIC TIME FRAME FOR CITATIONS OR PROBATIONS

CITATIONS:

- 24.01 A school or school district will be placed in cited status for licensure deficiencies for the second and third year of an individual's Additional Licensure Plan (ALP). This status will continue for the length of time prescribed by the individual's approved Additional Licensure Plan, not to exceed two (2) years. Any school employing a teacher not completing the ALP process after the two (2) year cited process shall be assigned accredited probationary status.
- 24.02 A school or school district will be placed in cited status for improper ratios and class sizes caused by unexpected population shifts. Such status may extend to October 15 of the next school year. At the conclusion of the cited term, if the same violation exists, the school shall be assigned probationary status.
- 24.03 A school district will be placed in cited status for failing to hold the Annual Report to the Public School Board meeting prior to November 15. Such status will extend to October 15

of the next school year. At the conclusion of the cited term, if the same violation exists, the school district shall be assigned probationary status.

- 24.04 A school district will be placed in cited status for providing a late Annual Accreditation Report to the Department. Such status will extend to October 15 of the next school year. At the conclusion of the cited term, if the same violation exists, the school district shall be assigned probationary status.

PROBATIONS:

For the following violations, any school district or school that fails to meet the identified date of corrections will be recommended to the State Board of Education for loss of accreditation.

- 24.05 A school will be placed in probationary status for high school classes which meet less than 120 clock hours (to be corrected within thirty days).
- 24.06 A school will be placed in probationary status for an instructional day that is less than six (6) hours per day or thirty (30) hours each week (to be corrected within thirty days).
- 24.07 A school will be placed in probationary status for any staff member(s) not holding a valid Arkansas license. Such status will not extend beyond January 30 of the current school year.
- 24.08 A school or school district will be placed in probationary status for failing to employ a superintendent, principal, assistant principal (if required), nurse, or counselor. Such status will extend to the first day of the next academic semester.
- 24.09 A school will be placed in probationary status for lack of written policies mandated by law or the Standards for Accreditation (to be corrected in 60 days).
- 24.10 A school will be placed in probationary status for lack of a guidance program. Such status will extend to the first day of the next academic semester.
- 24.11 A school district will be placed in probationary status for lack of a health services program. Such status will extend to the first day of the next academic semester.
- 24.12 A school district will be placed in probationary status for lack of a gifted and talented program. Such status will extend to the first day of the next academic semester.
- 24.13 A school or school district will be placed in probationary status for lack of a media services program. Such status will extend to the first day of the next academic semester.
- 24.14 A school district will be placed in probationary status for lack of a special education program. Such status will extend to the first day of the next academic semester.
- 24.15 A school will be placed in probationary status for improper ratios/class sizes NOT CAUSED by unexpected population shifts (to be corrected in 30 days).
- 24.16 A school district will be placed in probationary status for failing to file an accurate or complete Equity Compliance Report. Such status will extend to the first day of the next academic semester, but cannot extend beyond October 15 of the next year.

- 24.17 ~~A school or school district shall be placed in probationary status for failing to teach the required courses mandated by these Standards for Accreditation. Such status will extend to the first day of the next academic semester, but cannot extend beyond October 15 of the next school year.~~
- 24.18 ~~A local school or school district shall be placed in probationary status for violations of the law (e.g., Ark. Code Ann. §§ 6-16-132, 6-16-130, 6-15-1101, 6-17-309, 6-18-223, or 6-15-1601 et seq.). Such status shall extend to the official review date issued by the Department.~~

25.0 ENFORCEMENT OF STANDARDS FOR ACCREDITATION

- 25.01 ~~The State Board of Education may, on its own motion or upon petition from the Department, take any number of the following actions, listed in paragraph 25.03, to address a school or school district which has failed to meet all Standards for Accreditation any time after a school or school district has received notice of being placed in probationary status pursuant to paragraph 23.04.1. The Department shall petition the State Board of Education for enforcement action in the time period provided in these rules when a school or school district has failed to remedy all probationary violations when a specific time period for correction is required regarding a particular standard.~~
- 25.02 ~~The State Board of Education shall take at least one of the following actions, listed in paragraph 25.03, to address any school or school district which has failed to meet all Standards for Accreditation for two (2) consecutive school years including the year the probationary status was issued to the school or school district, unless the State Board of Education, at its discretion, issues written findings supported by a majority of the board, that the school district could not meet current standards for the relevant time period due to impossibility caused by external forces beyond the school district's control.~~
- 25.03 ~~The State Board of Education shall be allowed to take the following actions to address any school or school district on probationary status for failing to meet the Standards for Accreditation:~~
- ~~25.03.1 Require a school district to reorganize, or to reassign the administrative, instructional, or support staff of a public school;~~
 - ~~25.03.2 Require a school or school district to institute and fully implement a curriculum that is based on State academic content and achievement standards, including providing appropriate professional development at the cost of the school district;~~
 - ~~25.03.3 Remove a particular school from the jurisdiction of a school district and establish alternative public governance and supervision of such school or schools;~~
 - ~~25.03.4 Require a school district to close down or dissolve a particular school or schools within a school district;~~
 - ~~25.03.5~~

~~Annex a school district or districts or parts thereof with another receiving school district or districts pursuant to the authority of Ark. Code Ann. § 6-13-1401 et seq. and this subchapter;~~

~~25.03.6 Consolidate a school district or districts or parts thereof with another school district or districts or parts thereof to form a resulting district pursuant to the authority of Ark. Code Ann. § 6-13-1401 et seq. and this subchapter;~~

~~25.03.7 Reconstitute the leadership of a school district by removing permanently or suspending on a temporary basis the superintendent of the school district or any particular board members of a school district. The State Board of Education shall have the authority to appoint an administrator or to call for the election of new school board members to administer the affairs and provide governance of the school district, or both;~~

~~25.03.8 Take any other appropriate action allowed by law which is determined by the State Board of Education to assist and address a school or school district failing to meet the Standards for Accreditation.~~

~~25.03.9 LOSS OF ACCREDITATION~~

~~25.04 PUBLICATION AND DISSEMINATION~~

~~25.04.1 When any school of a school district or the school district is determined by the State Board of Education to be in probationary status for failure to meet the Standards for Accreditation, that school district, after exhausting its rights to appeal, shall:~~

~~25.04.1.1 Publish the probationary status determination and findings of the State Board of Education to the public and the parents or care giver of each student enrolled in the school or school district determined to have failed to meet the Standards for Accreditation;~~

~~25.04.1.2 The public notice shall be in an understandable and uniform format;~~

~~25.04.1.3 The public notice shall be published or disseminated, immediately after the State Board of Education's determination, on the web site of the school district and published at least one (1) time a week for two (2) consecutive weeks in a local newspaper of general circulation in the affected school district.~~

26.0 — RIGHT OF APPEAL

~~26.01 In the event a district or school believes the Department has improperly determined that any school or school district has failed to meet Standards for Accreditation, the school district shall have a right to file its written appeal with the office of the Commissioner of the Department.~~

~~26.02 Any such appeal shall be held in an open hearing, and the decision of the State Board of Education shall be in open session. The appeal must be filed not later than May 15~~

following the May 1 written notification, and the State Board of Education hearing must be held prior to June 30 of the same calendar year.

- 26.03 The following procedures shall apply to State Board of Education hearings in which the school district believes the Department improperly determined that it failed to meet Standards for Accreditation:
- 26.03.1 All persons wishing to testify before the State Board shall first be placed under oath by the Chairperson of the State Board.
 - 26.03.2 The Department shall have up to twenty (20) minutes to present its case to the State Board. The Chairperson of the State Board may allow additional time if necessary.
 - 26.03.3 The appealing school district shall have up to twenty (20) minutes to present its case to the State Board. The Chairperson of the State Board may allow additional time if necessary.
 - 26.03.4 The State Board may pose questions to any party at any time during the hearing.
 - 26.03.5 The State Board shall then discuss, deliberate, and vote upon the matter.
 - 26.03.6 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.
 - 26.03.7 The State Board shall issue a written order concerning the matter.
- 26.04 The State Board of Education may confirm the classification of a school or school district accreditation status, as determined by the Department, or it may sustain the appeal of the district.
- 26.05 Pursuant to the Ark. Code Ann. § 6-15-203, an appeal from the ruling of the State Board of Education may be made by a school district to the Pulaski County Circuit Court provided such appeal is made pursuant to the Arkansas Administrative Procedures Act, Ark. Code Ann. § 25-15-201 et seq.

27.0 WAIVER AUTHORITY AND PROCESS

- 27.01 Except as provided in 27.02 of these rules, the State Board of Education on its own motion, or on petition from the Department or from a school district, may, upon a showing of just cause in a public hearing of the State Board of Education, grant a waiver of any accreditation standard for a time period of no longer than one (1) school year, except that no curricula, student performance, school performance, or any standard required by law may be waived for any time period.

~~27.01.1 Any petition for waiver of any accreditation standard by a school district shall be filed in the Office of the Commissioner of the Department thirty (30) calendar days prior to the State Board of Education hearing the waiver petition. The State Board may waive the thirty (30) day time requirement, when in the State Board of Education's determination; circumstances prevent the petition from being filed within the thirty (30) day time frame.~~

~~27.02 The State Board of Education may grant a waiver of a Standard for Accreditation for a period of longer than one (1) school year to a school district for the purpose of combining or embedding the curriculum frameworks from two (2) separate courses into one (1) embedded course in accordance with 9.04 of these rules.~~

~~27.03 Any hearing of the State Board of Education concerning a waiver of any accreditation standard shall be conducted in a public hearing of a properly announced regular or special meeting of the State Board of Education in accord with Arkansas law.~~

1.00 REGULATORY AUTHORITY

- 1.01 These rules shall be known as the Arkansas Department of Education ("ADE" or "Department") Rules Governing the Standards for Accreditation of Arkansas Public Schools and School Districts.
- 1.02 These rules are promulgated pursuant to Ark. Code Ann. §§ 6-11-105, 6-15-202, 6-15-203, 6-15-~~207~~ 272, 6-15-209, and 25-15-201 et seq.

2.00 PURPOSE

- 2.01 These rules are to set forth ~~to apply~~ the Standards for Accreditation of Arkansas to all public schools and public school districts ~~and to apply the Standards for Accreditation to all public schools and public school districts~~ for the purpose of determining accreditation of the school and district.
- 2.02 These rules describe the minimum requirements and process whereby Arkansas public schools and public school districts are accredited, the process whereby Arkansas public schools and public school districts will be cited or placed in probationary status for failure to meet the Standards for Accreditation, and to set forth the enforcement actions that may be applied to Arkansas public schools and public school districts that fail to meet the Standards for Accreditation.

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

- 3.01 "Accredited - Cited" means the status assigned to a public school or public school district that fails to meet any Standard identified by a "C" as being a cited violation in these rules.
- 3.02 "Enforcement action" means the intervention of the State to require compliance of a public school or a public school district that fails to meet the Standards for Accreditation of Arkansas Public Schools and School Districts.
- 3.03 "Accredited - Probation" means the status assigned to a public school or public school district that fails to meet any Standard identified by a "P" as being a probationary violation in these rules or fails to correct a violation by the specified deadline for which it acquired cited status.

3.04 "Public school" means:

3.04.1 A school operated by a public school district; or

3.04.2 An open-enrollment public charter school, as defined in Ark. Code Ann. § 6-23-103.

3.05 "Public school district" means:

3.05.1 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:

3.05.1.1 Governed by an elected board of directors; or

3.05.1.2 Under the administrative control of the State Board or the Commissioner of Education in place of an elected board of directors; or

3.05.2 An open-enrollment public charter school, as defined in Ark. Code Ann. § 6-23-103.

3.06 "Standards for Accreditation" means the series of requirements that specify what a public school or public school district shall meet in order to be fully accredited by the Arkansas Department of Education.

3.07 "Written curriculum" includes identified sequences of student learning expectations, pacing, materials and resources used to teach the Arkansas Academic Standards and processes for evaluating mastery of the standards at particular points in time throughout the K–12 educational program.

4.00 BI-ANNUAL REVIEW AND APPROVAL OF THE STANDARDS FOR ACCREDITATION

The Department is responsible for the development of the Standards for Accreditation and shall review these standards every two years to ensure alignment with the laws of the State of Arkansas and the rules of the Department.

The review process shall include:

4.01 Public notice of the intent to review the Standards. Public notice may include notice of intent provided at a State Board meeting, on the Department website, by Commissioner's Memo, or Department social media;

4.02 Organization of a committee consisting of Arkansas educators, administrators, and other stakeholders to review and provide feedback to Department staff regarding the Standards ~~of~~ *for* Accreditation, particularly those found to have the most violations or in conflict with state law or rules;

4.03 Revision, as needed, of the Standards for Accreditation by Department staff;

4.04 Submission of the revised Standards for Accreditation for review by the State Board of Education;

- 4.05 Submission to the Senate and House Education Committees for review and feedback to the State Board of Education; and
- 4.06 Review *of the* Senate and House Education Committee feedback and ~~submit~~ submission to the Board for approval of the Standards for Accreditation.

5.00 CITED STATUS

- 5.01 A public school district shall be assigned Accredited – Cited status when it is deemed to have failed to meet any standard defined with a district cited status (“D/C”) in the Standards for Accreditation.
- 5.02 A public school shall be assigned Accredited – Cited status when it is deemed to have failed to meet any standard defined with a school cited status (“S/C”) in the Standards for Accreditation.
- 5.03 No public school or public school district shall maintain Accredited – Cited status for violation of any particular standard for a time period greater than two (2) consecutive school years including the year the Accredited – Cited status is assigned, unless provided otherwise in these rules.
- 5.04 Any public school or public school district that fails to remedy itself from Accredited – Cited status for violation of a particular standard after two (2) consecutive school years shall be assigned Accredited – Probation status.

6.00 PROBATIONARY STATUS

- 6.01 A public school district shall be assigned Accredited – Probation status when it is deemed to have failed to meet any standard defined with a district probationary status (“D/P”) in the Standards for Accreditation or was in Accredited – Cited status for the same violation the previous two (2) consecutive school years.
- 6.02 A public school shall be assigned Accredited – Probation status when it is deemed to have failed to meet any standard defined with a school probationary status (“S/P”) in the Standards for Accreditation or was in Accredited – Cited status for the same ~~a~~ violation the previous two (2) consecutive school years.
- 6.03 No public school or public school district shall maintain Accredited – Probation status for violation of any standard for more than two (2) consecutive school years including the year the Accredited – Probation status is assigned.
- 6.04 Any public school or public school district that fails to remedy itself from Accredited – Probation status after the two (2) consecutive school years will be subject to mandates of Ark. Code Ann. § 6-15-207 and Section 9.00 of these Rules.

7.00 ACCREDITATION OF PUBLIC SCHOOLS AND PUBLIC SCHOOL DISTRICTS

- 7.01 A public school or public school district shall be accredited based on compliance with the Standards for Accreditation and shall be identified as Accredited.

7.02 A material and substantial failure to comply with any state or federal law, rule, or regulation that interferes with a public school or public school district's obligation to provide a general, suitable and efficient education may result in a recommendation of Accredited – Cited or Accredited – Probation status.

7.023 Any person who knowingly submits or falsifies information requested or required by the Department may be subject to licensure action pursuant to Ark. Code Ann. § 6-17-410 and other relevant state and federal law.

7.034 ACCREDITATION PROCESS

7.034.1 The Department shall annually review all public school and public school district accreditation reports.

7.034.2 The Department shall:

7.034.2.1 Investigate any suspected deficiencies in meeting the Standards for Accreditation.

7.034.2.2 Investigate all written complaints charging violations of the Standards for Accreditation received by the Department.

7.034.2.3 Conduct additional review of public schools and public school districts identified as being at risk of failing to meet the Standards for Accreditation.

7.034.2.4 Conduct an on-site review of public schools and public school districts whenever the Department or State Board of Education deems necessary.

7.034.3 At any time, a public school or public school district which does not meet the Standards for Accreditation, as determined by the Department, shall be notified in writing of the deficiency and the timeline for correction. Any deficiency unresolved shall be reported to the State Board of Education for consideration of action.

7.034.4 By May 1, the Department shall notify the public school district superintendent of the public schools or public school districts recommended accreditation status.

7.04.5 The State Board of Education will review the recommendation from the Department and make the final determination of accreditation status for the identified public schools or public school districts as outlined in Section 8.0 of these rules.

7.04.6 Public schools and public school districts classified as Accredited – Probation for more than two (2) consecutive school years shall be subject to enforcement actions pursuant to Ark. Code Ann. § 6-15-207 and Section 9.00 of these Rules.

8.00 SPECIFIC TIME FRAME FOR CITATIONS OR PROBATIONS

8.01 A public school or public school district may be placed in Accredited – Cited or Accredited – Probation status if any violation of the Standards for Accreditation has not ~~be~~ *been* corrected or the appropriate documentation detailing the public school or public school district's plan, including

necessary timelines, to correct the deficiency is not received by the Department within thirty (30) days of notification of the violation or by May 15, whichever occurs first.

- 8.02 The Department will review the submitted documentation and respond in writing with the length of time that will be allowed for correction of the deficiency. The time to correct the deficiency shall not exceed ninety (90) days or beyond the last day of student contact for the school year, whichever occurs first.
- 8.03 The recommended accreditation status will be submitted to the State Board of Education for final approval.
- 8.04 After approval by the State Board of Education, the public school or public school district will be identified as Accredited - Cited or Accredited - Probation which shall be considered the first year of identification. The identification will remain in place for the following school year which shall be considered the second year of identification.

9.00 ENFORCEMENT OF STANDARDS FOR ACCREDITATION

- 9.01 The State Board of Education may, on its own motion or upon petition from the Department, take any number of the following actions, listed in Section 9.03, to address a public school or public school district which has failed to meet the Standards for Accreditation at any time after a public school or public school district has received notice of being placed in Accredited – Probation status pursuant to Section 7.034.4 of these rules. The Department shall petition the State Board of Education for enforcement action as allowed by these rules when a public school or public school district has failed to remedy all probationary violations within the specified time period for correction.
- 9.02 The State Board of Education shall take at least one of the actions listed in Section 9.03 to address any public school or public school district that has failed to meet the Standards for Accreditation for two (2) consecutive school years including the year the Accredited – Probation status was issued, unless the State Board of Education, at its discretion, issues written findings supported by a majority of the board, that the public school or public school district could not meet the current Standards in the required time period due to impossibility caused by external forces beyond the public school or public school district's control.
- 9.03 The State Board of Education shall be allowed to take the following actions to address any public school or public school district on Accredited – Probation status for failing to meet the Standards for Accreditation:
 - 9.03.1 Require a public school district to reorganize, or to reassign the administrative, instructional, or support staff of a public school or public school district;
 - 9.03.2 Require a public school or public school district to institute and fully implement a curriculum that is ~~based on~~ aligned to the Arkansas Academic Standards, including providing appropriate professional development at the cost of the public school district;
 - 9.03.3 Remove a particular public school from the jurisdiction of a public school district and establish alternative public governance and supervision of such school or schools;

- 9.03.4 Require a public school district to close down or dissolve a particular public school or schools within a public school district;
- 9.03.5 Annex a public school district or districts or parts thereof with another receiving public school district or districts pursuant to the authority of Ark. Code Ann. § 6-13-1401 et seq.;
- 9.03.6 Consolidate a public school district or districts or parts thereof with another public school district or districts or parts thereof to form a resulting district pursuant to the authority of Ark. Code Ann. § 6-13-1401 et seq.;
- 9.03.7 Reconstitute the leadership of a public school district by removing permanently or suspending on a temporary basis the superintendent of the public school district or any particular board members of a public school district. The State Board of Education shall have the authority to appoint an administrator or to call for the election of new school board members to administer the affairs and provide governance of the public school district, or both;
- 9.03.8 Designate the public school or public school district as being Accredited –Corrective Action; or
- 9.03.9 Take any other appropriate action allowed by law which is determined by the State Board of Education to assist and address a public school or public school district failing to meet the Standards for Accreditation.

10.00 RIGHT OF APPEAL

In the event a public school or public school district believes the Department has improperly determined that any public school or public school district has failed to meet the Standards for Accreditation, the public school district shall have a right to file its written appeal with the office of the Commissioner of Education.

- 10.01 Any appeal shall be held at an open hearing, and the decision of the State Board of Education shall be in open session. The appeal must be filed no later than May 15 following the May 1 written notification, and the State Board of Education hearing must be held prior to June 30 of the same calendar year.
- 10.02 The following procedures shall apply to State Board of Education hearings in which the public school district believes the Department improperly determined that the public school or public school district failed to meet the Standards for Accreditation:
 - 10.02.1 All persons wishing to testify before the State Board shall first be placed under oath by the Chairperson of the State Board.
 - 10.02.2 The Department shall have up to twenty (20) minutes to present its case to the State Board. The Chairperson of the State Board may allow additional time if necessary.
 - 10.02.3 The appealing public school district shall have up to twenty (20) minutes to present its case to the State Board. The Chairperson of the State Board may allow additional time if necessary.

- 10.02.4 The State Board ~~my~~ may pose questions to any party at any time during the hearing.
- 10.02.5 The State Board shall then discuss, deliberate, and vote upon the matter.
- 10.02.6 If deemed 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.
- 10.02.7 The State Board shall issue a written order concerning the matter.
- 10.03 The State Board of Education may approve the classification of the public school or public school district accreditation status, as determined by the Department, or it may sustain the appeal of the district.
- 10.04 Pursuant to ~~the~~ Ark. Code Ann. § 6-15-203, an appeal from the ruling of the State Board of Education may be made by a public school district to the Pulaski County Circuit Court provided such appeal is made pursuant to the Arkansas Administrative Procedures Act, Ark. Code Ann. § 25-15-201 et seq.

11.00 WAIVER AUTHORITY AND PROCESS

- 11.01 Except as provided by Ark. Code Ann. § 6-15-202(b)(2), the State Board of Education on its own motion, or on petition from the Department or from a district, may, upon a showing of just cause in a public hearing of the State Board of Education, grant a waiver of any Standard for Accreditation for no longer than one (1) school year. However, no curricula, student performance, school performance, or any standard required by law may be waived for any time period.
- 11.01.1 A petition for waiver of any Standard for Accreditation by a public school district shall be filed in the Office of the Commissioner of Education thirty (30) calendar days prior to the meeting of the State Board of Education hearing the waiver petition, or no later than April 20, whichever occurs first.
- 11.01.2 A hearing of the State Board of Education concerning a waiver of any Standard for Accreditation shall be conducted in a public hearing of a properly announced regular or special meeting of the State Board of Education in ~~accord~~ accordance with Arkansas law no later than May 20.
- 11.02 A waiver of any Standard for Accreditation approved by the State Board of Education shall only apply to the school year in which it was granted. The approved waiver shall not apply to the next school year.

12.00 NOTIFICATION TO THE PUBLIC

When any public school or a public school district is determined by the State Board of Education to be in Accredited – Probation or Accredited – Corrective Action status for failure to meet the Standards for Accreditation, the public school district, after exhausting its rights to appeal, shall publish the accreditation status determination and findings of the State Board of Education to the public and the parents or guardians of each student enrolled in the public school or public school district determined to have failed to meet the Standards for Accreditation.

- 12.01 The public notice shall be in an understandable and uniform format;
- 12.02 Immediately after the State Board of Education's determination, the public notice shall be published or disseminated:
- 12.02.1 On the website of the public school district; and
- 12.02.2 Published at least one (1) time a week for two (2) consecutive weeks in a local newspaper of general circulation in the affected public school district.
- 12.03 Documentation of the publication shall be posted on the district website under State – Required Information until the State Board of Education removes the status.

APPENDIX A - THE STANDARDS FOR ACCREDITATION

Standard 1: Academics

The academic system of a public school district ensures all students have access to a guaranteed viable curriculum *aligned to the Arkansas Academic Standards* for all academic areas ~~aligned to Arkansas Academic Standards~~.

Standard 1-A Curriculum and Instruction

1-A.1 Each public school district board of directors shall annually adopt and implement written curriculum aligned to the Arkansas Academic Standards for the operation of the school district in accordance with the laws of the State of Arkansas and the rules of the Department. Reading, writing, speaking, and personal ~~competencies~~ success skills shall be incorporated into all curriculum areas. (D/C)

1-A.1.1 For Grades K-4, all students shall receive instruction annually in each of the following content areas (S/P):

- 1-A.1.1.1 English Language Arts;
- 1-A.1.1.2 Mathematics;
- 1-A.1.1.3 Social Studies;
- 1-A.1.1.4 Science;
- 1-A.1.1.5 Fine Arts; and
- 1-A.1.1.6 Health and Safety Education and Physical Education.

1-A.1.2 For Grades 5-8, all students shall receive instruction annually in each of the following content areas (S/P):

- 1-A.1.2.1 English Language Arts;
- 1-A.1.2.2 Mathematics;
- 1-A.1.2.3 Science;
- 1-A.1.2.4 Social Studies;
- 1-A.1.2.5 Physical Education;
- 1-A.1.2.6 Fine Arts;
- 1-A.1.2.7 Health and Safety; and
- 1-A.1.2.8 Career and Technical Education.

1-A.1.2.9 A unit of Arkansas history shall be taught as a social studies subject at each elementary grade level in every elementary school in the state with greater emphasis at the fourth (4th) and fifth (5th) grade levels, and at least one (1) full semester of Arkansas history taught to all students at the 7th, 8th, 9th, 10th, 11th, or 12th grade level in every public secondary school in the state. (S/P)

1-A.1.2.10 Upon approval by the Department, courses taught in grades 5-8 may be offered for high school graduation credit. Courses shall have the same rigor as those taught in high school, but content for a single course may be taught over a two-year period. Teachers shall be licensed, or teaching under an approved waiver, in the course taught with students participating in appropriate examinations. (S/P)

- 1-A.1.3 For Grades 9-12, the following content areas shall be offered annually for a total of 38 units, except as otherwise allowed by law and these rules (S/P):
- 1-A.1.3.1 English Language Arts - 6 units;
 - 1-A.1.3.2 Science - 5 units;
 - 1-A.1.3.3 Mathematics - 6 units;
 - 1-A.1.3.4 Computer Science - 1 unit;
 - 1-A.1.3.5 Foreign Languages - 2 units of the same subject language;
 - 1-A.1.3.6 Fine Arts - 3 ½ units;
 - 1-A.1.3.7 Social Studies - 4 units;
 - 1-A.1.3.8 Health and Safety Education and Physical Education - 1 ½ units; and
 - 1-A.1.3.9 Career and Technical Education - 9 units of sequenced career and technical education courses representing three (3) occupational areas.
 - 1-A.1.3.10 Courses offerings shall include advanced educational courses in accordance with the laws of the State of Arkansas and the rules of the Department. (S/P)
 - 1-A.1.3.11 Beginning with the freshman class of 2017-2018, all students must earn credit in a course that has personal and family finance standards. (S/P)
- 1-A.1.4 Following the Course Approval Process, a public school may request to combine or embed the Arkansas Academic Standards from two (2) separate courses into one (1) combined course. The public school must continue to teach the Arkansas Academic Standards for each separate course that is combined. (S/P)
- 1-A.2 A unit of credit shall be awarded for a course which meets for a minimum of 120 clock hours unless the public school district awards units of credit based on subject matter competency in compliance with the public school district's approved plan under Ark. Code Ann. § 6-15-216. (S/P)
- 1-A.3 Each public school district shall ensure that all required courses are taught in accordance with the laws of the State of Arkansas and the rules of the Department. A list of the required courses approved by the State Board of Education is posted annually on the Department website. (D/P)
- 1-A.4 Each public school district superintendent shall submit a signed statement of assurance to the Department verifying that the public school district has established procedures and monitoring processes to ensure that the content of each course offered by the district is consistent with the Arkansas Academic Standards. (D/C)
- 1-A.5 Each public school district shall adopt a school calendar and provide planned instruction per day in accordance with the laws of the State of Arkansas and the rules of the Department. (D/C)
- 1-A.5.1 Each public school shall provide a minimum of 178 days of student-teacher interaction time. (S/P)
 - 1-A.5.2 *Except where otherwise allowed by law, each public school shall provide a planned instructional day that averages no less than six (6) hours per day or thirty (30) hours per week. Any day in which fewer than six (6) hours of instructional time is provided to students shall be counted as one-half (1/2) of a school day if at least three (3) hours of instructional time is provided to students. Any day in which fewer than three (3) hours*

of instructional time is provided to students shall not be counted as part of a school day.
(S/P)

- 1-A.6 Each public school district shall comply with the laws of the State of Arkansas and the rules of the Department regarding class size and teaching load. (D-S/P)
- 1-A.7 Each public school district shall adopt instructional material consistent with the public school district's curriculum and the Arkansas Academic Standards and educational goals established by the State Board of Education in accordance with the laws of the State of Arkansas and the rules of the Department. (D/P)
- 1-A.8 Each public school district superintendent shall submit a signed statement of assurance to the Department verifying that the district is providing all necessary instructional materials to each student without cost to the student. (D/P)

Standard 1-B Academic Policies

- 1-B.1 Each public school district shall engage parents, staff, and students in the adoption or review of the written discipline ~~policy~~ policies, including that include a code of student behavior, in accordance with the laws of the State of Arkansas and the rules of the Department. The public school district shall notify the parent(s) or guardian and students of the rules and procedures by which the school is governed and require a signed acknowledgement from the parent(s) or guardian that they have received the school's discipline ~~policy~~ policies. (D/C)
- 1-B.2 Annually by August 1, each public school district shall post its written discipline ~~policy~~ policies on the district website under State – Required Information. (D/C)
- 1-B.3 Each public school district shall comply with the laws of the State of Arkansas and the rules of the Department regarding nutrition and physical activity standards. (D/C)
- 1-B.4 Each public school district shall comply with any requirements of the Arkansas Educational Support and Accountability Act ~~placed~~ on the public school or public school district. (D-S/C-P)

Standard 1-C Student Performance

- 1-C.1 Each public school district must comply with the laws of the State of Arkansas and the rules of the Department regarding the statewide student assessment system. (D-S/C-P)
 - 1-C.1.1 Each public school shall assess at least 95% of its students on the annual statewide student assessment. (S/C)
 - 1-C.1.2 Selected public schools shall participate in any and all components of the National Assessment of Educational Progress (NAEP). (S/C)
- 1-C.2 Each public school district shall adopt graduation requirements in accordance with the laws of the State of Arkansas and the rules of the Department and include the graduation requirements in the student handbook. (D/P)

- 1-C.2.1 Each public school district shall maintain accurate student records including graduation requirements. (D/P)
- 1-C.2.2 For graduation, students must have acquired a minimum of twenty-two (22) units of credit as determined by the State Board of Education. (S/P)
- 1-C.2.3 Beginning with 2018-2019, all students must pass the Arkansas civics exam with a score of at least 60% in order to graduate. This requirement shall not apply to those students exempt by law. (S/P)

Standard 2: Student Support Services

The student support system of a public school district ensures that all students have equitable access to opportunities and supports to meet college, career and ~~communities~~ community readiness.

Standard 2-A Equitable Opportunities

- 2-A.1 ~~Each public school district board of directors'~~ All policies and actions ~~of a school district's board of directors~~ shall be nondiscriminatory and shall be in accordance with state and federal laws and the rules of the Department. (D/P)
- 2-A.1.1 Each public school district shall file an accurate and timely Equity Compliance Report by October 15 of each year. (D/P)
- 2-A.3 ~~Each public school district~~ The board of directors, administrators, and employees ~~of a public school district~~ shall not knowingly authorize the participation of students in events or activities held at a location where some students would be excluded or not given equal treatment because of the student's race, national origin, or ethnic background. (D/P)

Standard 2-B Attendance and Enrollment

- 2-B.1 Each public school district board of directors shall adopt a student attendance policy and include the attendance policy in the student handbook. (D/C)
- 2-B.2 Each public school shall maintain accurate student attendance records in a format prescribed by the Department. (D/P)
- 2-B.3 Each public school shall not admit any student who has not been age-appropriately immunized as required by state and federal laws and rules. (S/C)

Standard 2-C Student Support Services Plan

- 2-C.1 Each public school district shall develop and implement a written plan for providing student services to all students in the public school system in accordance with the laws of the State of Arkansas and the rules of the Department. By August 1, the written plan shall be posted on the district website under State – Required Information. (D/C)
- 2-C.2 Each public school district shall provide a developmentally appropriate guidance program to aid students in educational, personal/social, and career development. (D/C)

Standard 2-D Media Center for Student Support

- 2-D.1 Each public school district shall ~~annually budge and expend~~ provide sufficient resources, ~~budgeted and spent yearly, for purchasing and maintaining to purchase and maintain~~ an appropriate balance of print, non-print, and electronic media that is adequate in quality and quantity to meet the academic standards for all students. (D/C)

Standard 2-E Health and Safety Services

- 2-E.1 Each public school district shall provide a health services program under the direction of a licensed registered nurse in accordance with the laws of the State of Arkansas and the rules of the Department. (D/C)
- 2-E.2 Each public school and public school district shall maintain appropriate materials and expertise to reasonably ensure the safety of students, employees, and visitors. (D-S/C-P)

Standard 2-F Special Education Services

- 2-F.1 All public school district personnel, teachers, and administrators must comply with the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1400 et seq., its implementing regulations at 34 C.F.R. Part 300, Ark. Code Ann. § 6-41-101 et seq., the laws of the State of Arkansas, and the rules of the Department. (D/C-P)
- 2-F.2 Each public school district shall offer a full continuum of special education services as required by the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1400 et seq., its implementing regulations at 34 C.F.R. Part 300, Ark. Code Ann. § 6-41-101 et seq., the laws of the State of Arkansas, and the rules of the Department. (D/C-P)

Standard 2-G Gifted and Talented Services

- 2-G.1 Each public school district shall provide gifted and talented services in accordance with the laws of the State of Arkansas and the rules of the Department. (D/C)

Standard 2-H Dyslexia Services

- 2-H.1 Each public school district shall provide screening and intervention for dyslexia in accordance with the laws of the State of Arkansas and the rules of the Department. (D/P)
- 2-H.2 Each public school district shall comply with the annual dyslexia reporting as required by Ark. Code Ann. § 6-41-606. (D/P)

Standard 2-I Alternative Education Services

- 2-I.1 Each public school district shall provide appropriate alternative programs for students who are identified as requiring such programs to continue their education. (D/C)

Standard 2-J English Language Services

- 2-J.1 Each school shall conduct a home language usage survey *for each student upon the student's to student-upon* initial enrollment to identify students that need to be screened for English for Speakers of other Language Services. (S/C)
- 2-J.2 Each public school district shall offer a Language Instruction Educational Program for identified English Learners in accordance with the laws of the State of Arkansas and the rules of the Department. (S/C)

Standard 3: District Operations and Fiscal Governance

The district operations and fiscal governance system of a public school district ensures alignment between resource allocation and meeting the needs of each student's academic success and well-being.

Standard 3-A Operating Policies, Procedures, and Training

- 3-A.1 Each public school district board of directors shall adopt and update written policies for the fiscal operation of the school district in accordance with the laws of the State of Arkansas and the rules of the Department. By August 1, the written policies shall be posted on the district website under State – Required Information. (D/C)
- 3-A.2 Each public school district shall adopt written personnel policies, including the teacher salary schedule. By August 1, the written policies shall be posted on the district website under State – Required Information. (D/C)
- 3-A.3 Each public school district shall submit accurate and timely reports deemed necessary to assure compliance with federal and state law and the rules of the Department, as requested. (D/C)
- 3-A.4 Each public school district shall ensure compliance with the financial accounting and reporting and annual training requirements required by the laws of the State of Arkansas and the rules of the Department. (D/C)
- 3-A.5 Each public school district shall employ a general business manager responsible for the fiscal operations of the school district. (D/C)
- 3-A.6 Each member of a public school district board of directors shall receive annual training in accordance with the laws of the State of Arkansas and the rules of the Department. A statement of the hours of training and instruction received by each board member for the preceding year shall be included in the annual school performance report required by the laws of the State of Arkansas. (D/C)
- 3-A.7 Each public school district superintendent shall file a written statement of assurance annually by October 1 in accordance with the laws of the State of Arkansas and the rules of the Department. (D/C)
- 3-A.8 Except where otherwise allowed by law, each public school district shall comply with the Standards for Accreditation without using national school lunch categorical funds. (D/C)
- 3-A.9 By August 1, each public school district shall post all student handbooks on the district website under State – Required Information. (D/C)

3-A.10 Each public school district which has not obtained full and complete unitary status and has not been released from court supervised desegregation obligations shall seek to obtain a declaration of full and complete unitary status and release from all court supervision from the federal courts. *(D/P)*

3-A.10.1 Beginning September 15 of each year, any public school district identified in Section 3-A.10 shall submit written quarterly reports to the Department detailing the district's outstanding desegregation obligations and the district's efforts towards obtaining full unitary status and release from court supervision. The detailed plan shall include the district's progress towards meeting its obligations and timelines for reaching a determination of full unitary status and release from court supervision.

3-A.10.2 If the Department is unable to verify the public school district's efforts to comply with the submitted detailed plan required by ~~of~~ these Rules, the Department shall recommend to the State Board of Education whether the public school district should be placed on Accredited – Probation status in accordance with these Rules.

Standard 3-B School-level Improvement Plans and Reporting

3-B.1 Each public school in Arkansas shall develop, with appropriate staff and community participation, a school-level improvement plan. School goals shall be compatible with district, state and national educational goals and shall address local needs in accordance with the laws of the State of Arkansas and the rules of the Department. The school-level improvement plans must be approved by the district and school board and posted to the district website under State – Required Information by August 1. *(D/C)*

3-B.2 By October 15, each public school district board of directors shall systematically and, at least annually, explain its policies, programs, and goals to the community in a public meeting that provides opportunities for parents and other members of the community to ask questions and make suggestions concerning the school program in accordance with the laws of the State of Arkansas and the rules of the Department. The report shall detail the progress of the district and schools toward accomplishing program goals, accreditation standards, and proposals to correct deficiencies. The report shall be made available to the public and the public shall be notified of the meeting. *(D/C)*

3-B.2.1 The annual report to the public shall be posted on the district website under State – Required Information no later than 10 days after the public meeting is held. *(D/C)*

Standard 3-C Maintenance of Records and Reports

3-C.1 Each public school and public school district shall develop and implement a records retention policy that retains all reports and records necessary for effective planning, operation, and education in accordance with the laws of the State of Arkansas and the rules of the Department. *(D/C)*

3-C.2 Each public school and public school district shall maintain permanent student records in accordance with the laws of the State of Arkansas and the rules of the Department. *(D/C)*

Standard 3-D Food Service

- 3-D.1 Each public school district shall provide food services in accordance with federal and state laws and the rules of the Department. *(D/C)*

Standard 4: Human Capital

The human capital system of a public school district ensures recruitment, retention, and development of *highly* effective educators and support personnel to meet the needs of the whole child.

Standard 4-A Background Checks

- 4-A.1 Each public school district shall not employ personnel, whether licensed or non-licensed, who have not successfully completed background checks in accordance with the laws of the State of Arkansas and the rules of the Department. *(D/C-P)*

Standard 4-B Superintendent

- 4-B.1 Each public school district shall employ a full-time superintendent to oversee all operations of the public school district. *(D/P)*
- 4-B.2 Each public school district superintendent shall meet the licensure requirements in accordance with the laws of the State of Arkansas and the rules of the Department unless the public school district has an approved waiver in accordance with the laws of the State of Arkansas and the rules of the Department. *(D/C)*

Standard 4-C Principals

- 4-C.1 Each public school shall employ at least a half-time principal. A full-time principal shall be employed when a public school's enrollment reaches three hundred (300). A public school district superintendent may be permitted to serve as a half-time principal when district enrollment is less than 300 providing the superintendent is appropriately certified and is not already teaching classes. Schools with an enrollment exceeding five hundred (500) shall employ at least one full-time principal and a half-time assistant principal, instructional supervisor, or curriculum specialist. *(D/P)*
- 4-C.2 Each public school district shall employ public school principals that meet the licensure requirements in accordance with the laws of the State of Arkansas and the rules of the Department unless the public school district has an approved waiver in accordance with the laws of the State of Arkansas and the rules of the Department. *(D/C)*

Standard 4-D Teachers

- 4-D.1 Each public school district shall employ classroom teachers that meet the licensure requirements in accordance with the laws of the State of Arkansas and the rules of the Department or are teaching under an approved waiver in accordance with the laws of the State of Arkansas and the rules of the Department. *(D/C)*
- 4-D.2 Each public school district shall not employ an individual, including as a substitute teacher whether directly employed by the school or through a teaching services contract, whose license has been suspended or revoked by the State Board of Education for a disqualifying offenses or those,

licensed or unlicensed individuals, who have been sanctioned for an ethical violation in accordance with the laws of the State of Arkansas and the rules of the Department. *(D/C)*

- 4-D.3 Each public school district must comply with the Right to Read Act, codified in Ark. Code Ann. § 6-17-429, with regards to the hiring of teachers who demonstrate proficiency in knowledge and practices of scientific reading instruction. *(D/P)*

Standard 4-E Guidance Counselors

- 4-E.1 Each public school district shall employ guidance counselors that meet the licensure requirements in accordance with the laws of the State of Arkansas and the rules of the Department or are working under an approved waiver in accordance with the laws of the State of Arkansas and the rules of the Department. *(D/C)*
- 4-E.2 Each public school district shall have a student/guidance counselor ratio of no more than one to 450 students. *(D/P)*

Standard 4-F Library Media Specialists

- 4-F.1 Each public school district shall employ library media specialists that meet the licensure requirements in accordance with the laws of the State of Arkansas and the rules of the Department or are working under an approved waiver in accordance with the laws of the State of Arkansas and the rules of the Department. *(D/C)*
- 4-F.2 Public schools with fewer than three hundred (300) students shall employ at least one half-time library media specialist. Public schools with three hundred (300) or more students shall employ at least one full-time library media specialist. Schools enrolling fifteen hundred (1,500) or more students shall employ at least two full-time library media specialists. *(S/P)*

Standard 4-G Professional Development

- 4-G.1 Teachers and administrators must comply with the laws of the State of Arkansas and the rules of the Department regarding professional development. *(D-S/C)*
- 4-G.2 Each public school district shall provide professional development in scientific reading instruction in compliance with the Right to Read Act, codified in Ark. Code Ann. § 6-17-429. *(D/P)*

Standard 5: Stakeholder Communication / Family and Community Engagement

The stakeholder communication / family and community engagement system of a public school district ensures stakeholders are engaged in meaningful communication to provide an effective learning experience for each student.

Standard 5-A Comprehensive Plan for Communication and Engagement

- 5-A.1 Each public school district shall have a written plan for parent, family, and community engagement, including the scheduling of at least two (2) parent-teacher conferences each year, in accordance with the laws of the State of Arkansas and the rules of the Department. By October 1, the plan shall be posted on the district website under State – Required Information. *(D/C)*

Standard 6: Facilities and Transportation

The facilities and transportation system of a public school district ensures a quality learning environment for Arkansas students.

Standard 6-A Facilities and Equipment

- 6-A.1 Each public school district shall plan, construct, and maintain school facilities in accordance with federal laws, the laws of the State of Arkansas, and the rules of the Arkansas Division of Public School Academic Facilities and Transportation. *(D/C)*
- 6-A.2 Each public school districts shall adopt and implement school safety policies and procedures in accordance with the laws of the State of Arkansas and the rules of the Department. *(D/P)*

State of Arkansas
91st General Assembly
Regular Session, 2017

As Engrossed: S3/20/17

A Bill

SENATE BILL 647

By: Senator J. English
By: Representative Cozart

For An Act To Be Entitled

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

Subtitle

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

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

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

~~Subchapter 4 — Arkansas Comprehensive Testing, Assessment, and Accountability Program Act~~

~~6-15-401. Title.~~

~~This subchapter shall be known as and may be cited as the "Arkansas Comprehensive Testing, Assessment, and Accountability Program Act".~~

~~6-15-402. Purpose.~~

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



1 ~~and assessments.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

~~of the individual student;~~

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

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

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

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

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

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

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

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

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

~~and~~

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

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

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

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

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

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

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

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

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

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

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

~~(B) Establish professional development;~~

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

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

~~(E) Provide evaluation data;~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(2) The results of end-of-course testing shall become a part of each student's transcript or permanent record and shall be recorded on these documents in a manner prescribed by the state board.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~6-15-408 — 6-15-413. [Repealed.]~~

~~6-15-414. Testing additional grade levels.~~

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

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

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

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

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

~~6-15-416 — 6-15-418. [Repealed.]~~

~~6-15-419. Definitions.~~

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

~~(1) "ACT" means the ACT assessment for college placement administered by ACT, Inc.;~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(15)(A) "Early intervention" means short-term, intensive, focused, individualized instruction developed from ongoing, daily, systematic diagnosis that occurs while a child is in the initial, kindergarten through grade one (K-1) stages of learning early reading, writing, and mathematical strategies to ensure acquisition of the basic skills and to prevent the child from developing poor problem-solving habits that become difficult to change.~~

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

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

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

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

~~(17) "Grade inflation rate" means the statistical gap between actual grades assigned for core classes at the secondary level and student performance on corresponding subjects on nationally normed college entrance exams such as the ACT;~~

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

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

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

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

~~(22) "Middle level" means grades five through eight (5-8);~~

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

~~(24) "Parent" means;~~

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

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

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

~~(26) "Primary" means kindergarten through grade four (K-4);~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~course to the school district;~~

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

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

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

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

~~(3) The department shall:~~

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

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

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

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

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

~~6-15-422. Comprehensive Testing, Assessment, and Accountability Program progress report.~~

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

~~6-15-423. [Repealed.]~~

~~6-15-424. Rules.~~

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

~~6-15-425. School improvement or academic distress.~~

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

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

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

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

~~6-15-426. School improvement.~~

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

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

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

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

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

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

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

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

4 ~~(A) Alternative learning environments;~~
5 ~~(B) Professional development;~~
6 ~~(C) English language learners; and~~
7 ~~(D) National school lunch students, as defined by § 6-20-~~
8 ~~2303(12)(A).~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~school district in academic distress.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(A) The department certifies in writing to the state board and to the school district that the public school has corrected all issues that caused the classification of academic distress and that no public school within the school district is classified as being in academic distress; and~~

~~(B) The state board determines the public school has corrected all issues that caused the classification of academic distress and that no public school within the school district is classified as being in academic distress; and~~

~~(11) Take any other appropriate action allowed by law that the state board determines is needed to assist and address a public school classified as being in academic distress.~~

~~(c)(1) A student attending a public school or school district classified as being in academic distress is automatically eligible and entitled pursuant to the Arkansas Opportunity Public School Choice Act of 2004, § 6-18-227, to transfer to another public school or public school district not in academic distress during the time period that the resident public school or public school district is classified as being in academic distress.~~

~~(2) The cost of transporting the student from the resident district to the nonresident district shall be the cost of the resident district under the Arkansas Opportunity Public School Choice Act of 2004, § 6-18-227.~~

~~(d) If the state board or the commissioner assumes authority over a public school district in academic distress under subsection (a) or subsection (b) of this section, the state board may pursue the following process for returning a public school district to the local control of its residents:~~

~~(1) During the second school year following a public school's or school district's classification of academic distress status, the state board shall determine the extent of the public school's or school district's progress toward correcting all criteria for being classified as in academic distress;~~

1 ~~(2)(A) If the state board determines that sufficient progress~~
2 ~~has been made by a public school or school district in academic distress~~
3 ~~toward correcting all issues that caused the classification of academic~~
4 ~~distress, but the public school or school district has not yet resolved all~~
5 ~~issues that caused the classification of academic distress, the commissioner,~~
6 ~~with the approval of the state board, may appoint a community advisory board~~
7 ~~of either five (5) or seven (7) members to serve under the supervision and~~
8 ~~direction of the commissioner.~~

9 ~~(B) The members of the community advisory board shall be~~
10 ~~residents of the school district and shall serve on a voluntary basis without~~
11 ~~compensation.~~

12 ~~(C) The department shall cause to be provided to the~~
13 ~~community advisory board technical assistance and training in, at a minimum,~~
14 ~~the areas required in § 6-13-629.~~

15 ~~(D) The duties of a community advisory board include~~
16 ~~without limitation:~~

17 ~~(i) Meeting monthly during a regularly scheduled~~
18 ~~public meeting with the state-appointed administrator regarding the progress~~
19 ~~of the public school or school district toward correcting all issues that~~
20 ~~caused the classification of academic distress;~~

21 ~~(ii) Seeking community input from the residents of~~
22 ~~the school district regarding the progress of the public school or school~~
23 ~~district toward correcting all issues that caused the classification of~~
24 ~~academic distress;~~

25 ~~(iii) Conducting hearings and making recommendations~~
26 ~~to the commissioner regarding personnel and student discipline matters under~~
27 ~~the appropriate district policies;~~

28 ~~(iv) Working to build community capacity for the~~
29 ~~continued support of the school district; and~~

30 ~~(v) Submitting quarterly reports to the commissioner~~
31 ~~and the state board regarding the progress of the public school or school~~
32 ~~district toward correcting all issues that caused the classification of~~
33 ~~academic distress.~~

34 ~~(E) The members of the community advisory board shall~~
35 ~~serve at the pleasure of the commissioner until:~~

36 ~~(i) The school district is returned to local control~~

~~and a permanent board of directors is elected and qualified; or~~

~~(ii) The state board annexes, consolidates, or reconstitutes the school district under this section or under another provision of law;~~

~~(3)(A) By April 1 of each year following the appointment of a community advisory board under subdivision (d)(2) of this section, the state board shall determine the extent of the public school's or school district's progress toward correcting all issues that caused the classification of academic distress and shall:~~

~~(i) Allow the community advisory board to remain in place for one (1) additional year;~~

~~(ii) Return the school district to local control by calling for the election of a newly elected board of directors if:~~

~~(a) The department certifies in writing to the state board and to the school district that the public school or school district has corrected all issues that caused the classification of academic distress and that no public school within the school district is classified as being in academic distress; and~~

~~(b) The state board determines the public school or school district has corrected all issues that caused the classification of academic distress and that no public school within the school district is classified as being in academic distress; or~~

~~(iii) Annex, consolidate, or reconstitute the school district pursuant to this title.~~

~~(B) If the state board calls for an election of a new school district board of directors, the school district shall reimburse the county board of election commissioners for election costs as otherwise required by law.~~

~~(4)(A) If the state board calls for an election of a new school district board of directors pursuant to subdivision (d)(3)(A)(ii) of this section, the commissioner, with the approval of the state board, may appoint an interim board of directors to govern the school district until a permanent school district board of directors is elected and qualified.~~

~~(B) The interim board of directors shall consist of either five (5) or seven (7) members.~~

~~(C) The members of the interim board of directors shall be~~

~~residents of the school and otherwise eligible to serve as school district board members under applicable law.~~

~~(D) The members of the interim board of directors shall serve on a voluntary basis without compensation.~~

~~(e)(1) If, by the end of the fifth school year following the public school's or school district's classification of academic distress status, the public school or school district in academic distress has not corrected all issues that caused the classification of academic distress, the state board, after a public hearing, shall consolidate, annex, or reconstitute the school district under this section.~~

~~(2) The state board may grant additional time for a public school or school district to remove itself from academic distress by issuing a written finding supported by a majority of the state board explaining in detail that the public school or school district could not remove itself from academic distress during the relevant time period due to impossibility caused by external forces beyond the control of the public school or school district.~~

~~(f) Nothing in this section shall be construed to prevent the department or the state board from taking any of the actions listed in this section at any time to address public schools and school districts in academic distress.~~

~~6-15-431. Academic distress rules and regulations.~~

~~(a) The State Board of Education shall promulgate rules and regulations as necessary to identify, evaluate, assist, and address public schools and school districts determined to be in academic distress.~~

~~(b) The academic distress rules and regulations shall be incorporated as part of the Arkansas Comprehensive Testing, Assessment, and Accountability Program rules and regulations.~~

~~(c) The state board may adopt by rule, criteria that permit the following entities to be exempt from the identification and classification of academic distress:~~

~~(1) A public school that is designated solely as an alternative learning environment;~~

~~(2) An open-enrollment public charter school whose mission and enrollment are primarily focused on students who have dropped out of high~~

~~school or are identified as at risk of dropping out of school;~~

~~(3) A conversion public charter school whose mission and enrollment are primarily focused on students who have dropped out of high school or are identified as at risk of dropping out of school;~~

~~(4) The Arkansas School for the Blind; and~~

~~(5) The Arkansas School for the Deaf.~~

~~(d) The criteria adopted by the state board under subsection (c) of this section shall include the method to measure student academic performance for a student who attends an entity identified under subsection (c) of this section to meet the requirements of state or federal law or regulation.~~

~~6-15-432. Unsafe school choice program.~~

~~(a) Any student that becomes the victim of a violent criminal offense while in or on the grounds of an Arkansas public elementary, secondary, or public charter school or who is attending a persistently dangerous public school shall be allowed to attend a safe public school within the local educational agency pursuant to rules and regulations established by the State Board of Education and the requirements of the No Child Left Behind Act of 2001, 20 U.S.C. § 6301 et seq..~~

~~(b) The state board shall promulgate rules and regulations, as necessary, to administer this section.~~

~~6-15-433. Statewide assessment program.~~

~~(a) Upon approval by the State Board of Education or as required by law, the Department of Education shall implement a statewide program of educational assessment that provides information for the improvement of the operation and management of the public schools and tests the requisite knowledge and skills of students.~~

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

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

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

~~(3)(A) Implement student achievement assessment as part of the statewide assessment program, to be administered annually to measure English language arts and mathematics, and includes:~~

~~(i) Developmentally appropriate measurements or assessments for kindergarten through grade two (K-2);~~

~~(ii) Either:~~

~~(a) Developmentally appropriate assessments in kindergarten through grade twelve (K-12), as determined by the state board and as required by law; or~~

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

~~(iii) College and career readiness measurements in English language arts and mathematics as determined by state board rules;~~

~~(iv) End-of-course assessments administered for other content course subject areas as determined by state board rule; and~~

~~(v) Any other assessments required by the state board.~~

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

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

~~(1)(A)(i) The tests measure student skills and competencies adopted by the state board as specified in § 6-15-404(a).~~

~~(ii) The tests shall measure and report student achievement levels in reading, writing, and mathematics, including longitudinal tracking of the same students, as well as an analysis of value-added computations of student achievement gains against a national cohort.~~

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

~~(2)(A) The testing program, as determined by the state board, shall consist of assessments as defined in subdivision (b)(3)(A)(ii)(b) of this section.~~

~~(B) Questions shall require the student to produce information and perform tasks in such a way that the skills and competencies he or she uses can be measured in a statistically reliable and valid manner;~~

~~(3)(A)(i) Each testing program, whether at the elementary beginning at grade three (3), middle school, or high school level, shall include to the fullest extent possible a test of writing in which students are required to produce writings that are then scored by appropriate analytic methods that ensure overall test validity and reliability, including inter-rater reliability.~~

~~(ii) Writing test results shall be scored and returned for school district and school use no later than July 1 of each year beginning in 2005-2006 and each year thereafter.~~

~~(B) For end-of-course exams, the department may extend the July 1 deadline under subdivision (c)(3)(A) of this section to August 1 if the department finds, based on the request for proposals, that:~~

~~(i) The cost of administration of the end-of-course exam will be substantially more because of the earlier deadline; or~~

~~(ii) The validity of the end-of-course exam results will be compromised because of the earlier deadline;~~

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

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

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

~~(7)(A)(i) Participation in the testing program is mandatory for all students attending public school except as otherwise prescribed by the state board.~~

~~(ii) If a student does not participate in the Arkansas Comprehensive Assessment Program examinations, the school district shall notify the student's parent or guardian and provide the parent or guardian with information regarding the reasons for and implications of such nonparticipation.~~

~~(B) The state board shall:~~

1 ~~(i) Adopt rules in compliance with federal and state~~
2 ~~law, based upon recommendations of the department, for the provision of test~~
3 ~~accommodations and modifications of procedures as necessary for students in~~
4 ~~exceptional education programs and for limited English proficient students,~~
5 ~~and~~

6 ~~(ii) Not make accommodations that negate the~~
7 ~~validity of a statewide assessment or interpretations or implementations~~
8 ~~which result in less than ninety five percent (95%) of all students attending~~
9 ~~public school participating in the testing program;~~

10 ~~(8) The department shall implement student testing programs for~~
11 ~~any grade level and subject area necessary to effectively monitor educational~~
12 ~~achievement in the state and shall provide data access to any unit within the~~
13 ~~department or contracted firm or firms for the purpose of analyzing value-~~
14 ~~added computations and posting school, school district, and state student~~
15 ~~achievement, provided such disclosures are not in conflict with applicable~~
16 ~~federal and state law;~~

17 ~~(9)(A) Each school district shall ensure that educators in that~~
18 ~~school district provide instruction to prepare students to demonstrate~~
19 ~~proficiency in the skills and competencies necessary for successful grade-to-~~
20 ~~grade progression and high school graduation.~~

21 ~~(B) The department shall verify that the required skills~~
22 ~~and competencies are part of the school district instructional programs;~~

23 ~~(10) Conduct ongoing research to develop improved statistically~~
24 ~~reliable and valid methods of assessing student performance, including~~
25 ~~without limitation the;~~

26 ~~(A) Use of technology to administer, score, or report the~~
27 ~~results of tests; and~~

28 ~~(B) Use of electronic transfer of data;~~

29 ~~(11) Conduct or contract with a provider to conduct ongoing~~
30 ~~research and analysis of individual student, classroom, school, school~~
31 ~~district, and state achievement data, including without limitation monitoring~~
32 ~~value-added trends in individual student, school, school district, and state~~
33 ~~achievement, identifying school programs that are successful, and analyzing~~
34 ~~correlates of school achievement; and~~

35 ~~(12) Provide technical assistance to school districts in the~~
36 ~~implementation of state and school district testing programs and the use of~~

~~the data produced pursuant to such programs, including longitudinal tracking data.~~

~~6-15-434. School testing programs.~~

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

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

~~6-15-435. Required analyses.~~

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

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

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

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

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

~~(ii) The approach shall include the following:~~

1 ~~(a) Value-added longitudinal calculations;~~
2 ~~(b) Sufficient transparency in the models'~~
3 ~~conception and operation to allow others in the field to validate or~~
4 ~~replicate the results; and~~

5 ~~(c) An assessment of the models' accurateness~~
6 ~~in relation to other models.~~

7 ~~(iii) A team of relevant technical experts in~~
8 ~~student assessment and the state board shall review and approve the cost~~
9 ~~effectiveness of the model in terms of actual and in-kind costs before~~
10 ~~implementation.~~

11 ~~(B) The department shall establish a schedule for the~~
12 ~~administration of the statewide assessments.~~

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

18 ~~(ii) For end-of-course exams, the department may~~
19 ~~extend the July 1 deadline under subdivision (3)(C)(i) of this section to~~
20 ~~August 1 if the department finds, based on the request for proposals, that:~~

21 ~~(a) The cost of administration of the end-of-~~
22 ~~course exam will be substantially more because of the earlier deadline; or~~

23 ~~(b) The validity of the end-of-course exam~~
24 ~~results will be compromised because of the earlier deadline.~~

25 ~~(D) School district boards of directors shall not~~
26 ~~establish school calendars that jeopardize or limit the valid testing and~~
27 ~~comparison of student learning gains.~~

28
29 ~~6-15-436. Local assessments.~~

30 ~~(a) School districts may elect to measure the learning gains of~~
31 ~~students in subjects and at grade levels in addition to those required for~~
32 ~~the Arkansas Comprehensive Assessment Program examinations.~~

33 ~~(b) Measurement of the learning gains of students in all subjects and~~
34 ~~grade levels other than subjects and grade levels required for the program is~~
35 ~~the responsibility of the school districts.~~

36 ~~(c) The results of these assessments shall be provided to the~~

~~Department of Education upon request of the Commissioner of Education.~~

~~6-15-437. Rules.~~

~~The State Board of Education shall adopt any rules necessary to implement this subchapter under the Arkansas Administrative Procedure Act, § 25-15-201 et seq.~~

~~6-15-438. Test security and confidentiality.~~

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

~~(b)(1) The State Board of Education shall sanction a person who engages in conduct prohibited by this section.~~

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

~~(3) Sanctions imposed by the state board may include without limitation one (1) or more of the following:~~

~~(A) Revocation, suspension, or probation of an individual's license;~~

~~(B) Issuance of a letter of reprimand to a licensed individual to be placed in his or her state personnel file;~~

~~(C) Additional training or professional development to be completed by a licensed individual within the time specified;~~

~~(D) Additional professional development to be administered by the school district to all licensed school district personnel involved in test administration within the time specified;~~

~~(E) Issuance of a letter of warning to the school district; and~~

~~(F) Establishment of a school district plan containing strict test security guidelines that will implement procedures to ensure the security and confidential integrity of all assessment instruments.~~

~~(4) Professional development required pursuant to subsection (b)(3) of this section as a result of violating test security or confidentiality may be in addition to professional development required for licensure.~~

~~(c)(1) Procedures for maintaining the security and confidential integrity of all testing and assessment instruments and procedures shall be~~

~~specified in the appropriate test or assessment administration instructions.~~

~~(2) "Conduct that violates the security or confidential integrity of a test or assessment" means any departure from either the requirements established by the Commissioner of Education for the administration of the assessment or from the procedures specified in the applicable test administration materials.~~

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

~~(A) Viewing secure assessment materials;~~

~~(B) Duplicating secure assessment materials;~~

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

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

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

~~(F) Changing or altering any response or answer of an examinee to a secure assessment item;~~

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

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

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

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

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

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

~~(d)(1) A licensed teacher, including a long-term substitute teacher or retired teacher acting as a substitute teacher, may serve as a proctor during the administration of a test or assessment under this subchapter if the licensed teacher has received the training required by the state board, commissioner, or the Department of Education.~~

1 ~~(2) The state board shall not adopt a statewide test or~~
2 ~~assessment that prohibits the use of a licensed teacher, including a long-~~
3 ~~term substitute teacher or retired teacher acting as a substitute teacher, to~~
4 ~~serve as a proctor during the administration of the test or assessment.~~

5 ~~(3) As used in this section, "long-term substitute teacher"~~
6 ~~means an individual who holds a valid teaching license who does not have a~~
7 ~~full-time contract with a school district.~~

8
9 ~~6-15-439. Reporting of assessment scores for the Arkansas School for~~
10 ~~Mathematics, Sciences, and the Arts.~~

11 ~~(a) The assessment scores under the Arkansas Comprehensive, Testing,~~
12 ~~Assessment, and Accountability Program for assessments taken by students~~
13 ~~attending the Arkansas School for Mathematics, Sciences, and the Arts of the~~
14 ~~University of Arkansas System shall be sent to the public school district the~~
15 ~~student attended immediately prior to transferring to the Arkansas School for~~
16 ~~Mathematics, Sciences, and the Arts, with copies made available to the~~
17 ~~Arkansas School for Mathematics, Sciences, and the Arts, and shall be~~
18 ~~included on the reports of the school district the student attended~~
19 ~~immediately prior to transferring to the Arkansas School for Mathematics,~~
20 ~~Sciences, and the Arts.~~

21 ~~(b) The State Board of Education shall promulgate rules and~~
22 ~~regulations as necessary for the proper implementation of this section.~~

23
24 ~~6-15-440. Arkansas Leadership Academy School Support Program.~~

25 ~~(a)(1) There is created the Arkansas Leadership Academy School Support~~
26 ~~Program through which the Arkansas Leadership Academy in collaboration with~~
27 ~~the Department of Education and other leadership groups shall provide support~~
28 ~~to schools or school districts designated by the Department of Education as~~
29 ~~being in school improvement and other school districts who opt to~~
30 ~~participate.~~

31 ~~(2) The program shall be designed, developed, and administered~~
32 ~~by the academy created under § 6-15-1007.~~

33 ~~(b) The program shall:~~

34 ~~(1) Build the leadership capacity of the school and school~~
35 ~~district personnel;~~

36 ~~(2) Train a diverse school leadership team, including, but not~~

~~limited to, superintendents, school principals, and teachers;~~

~~(3) Provide a cadre of highly experienced, trained performance coaches to work in the school or school district on a regular basis;~~

~~(4) Work with the school and school district staff, school district board members, parents, community members, and other stakeholders as necessary to provide a comprehensive support network that can continue the school's progress and improvement after completion of the academy's formal intervention and support;~~

~~(5) Ensure access to training programs and leadership skills development;~~

~~(6) Develop incentive programs for institutions and program participants;~~

~~(7) Assist in the development of partnerships between university leadership programs and school districts; and~~

~~(8) Work closely with the School Leadership Coordinating Council, the Department of Education, the Department of Higher Education, and the Department of Career Education to coordinate cohesive leadership goals.~~

~~(c)(1) The Department of Education and the academy shall develop criteria for selection of schools or school districts to participate in the program.~~

~~(2) Any school district that is in school improvement shall be eligible to participate in the program as provided in the rules of the State Board of Education.~~

~~(3) The academy and participating schools shall commit to continue participation in the school support program for no fewer than three (3) consecutive school years.~~

~~(d)(1) The number of schools participating in the program shall be determined by the amount of funding available for the program.~~

~~(2) The state board or the Department of Education may require a school district to fund a portion of the cost of the school's or school district's participation in the school support program if the Commissioner of Education determines that such participation is in the best interest of the students served by the participating school or school district.~~

~~(3) Subject to the approval of the state board, the commissioner shall determine the portion of the school district's financial obligation for participation in the program, if any.~~

~~(e) The state board shall promulgate rules as necessary to implement the requirements of this section.~~

~~(f)(1) The state board shall have the authority to issue requests for proposals if the state board should determine to change the operator or the location of the academy.~~

~~(2) The academy shall maintain one (1) main office and, as needed, satellite offices partnered with institutions of higher education that have approved leadership programs and are strategically located in areas of the state identified by the Department of Education as having the greatest need for school leadership support.~~

~~6-15-441. Arkansas College and Career Readiness Planning Program.~~

~~(a) As used in this section:~~

~~(1) "College and career readiness" means the acquisition of the knowledge and skills a student needs to be successful in future endeavors, including:~~

~~(A) Successfully completing credit-bearing, first-year courses at a postsecondary institution; and~~

~~(B) Embarking on a chosen career; and~~

~~(2) "College and career readiness assessment" means a test that measures student readiness for postsecondary learning and is:~~

~~(A) Administered under this section; or~~

~~(B) Used by an institution of higher education as part of its admissions, placement, and scholarship processes.~~

~~(b)(1)(A) A public school that serves students in grade eight (8) shall administer a college and career readiness assessment approved by the State Board of Education to each student enrolled in grade eight (8) at the public school.~~

~~(B) A public school that serves students in grades ten through twelve (10-12) shall administer a college and career readiness assessment approved by the state board to each student before the student graduates from high school.~~

~~(2) Funding for the college and career readiness assessments listed in subdivision (b)(1) of this section may be paid by using Department of Education at-risk funding.~~

~~(c)(1) Each public school administering the college and career~~

~~readiness assessments under this section shall use the college and career readiness assessments to:~~

~~(A) Assist students with college and career readiness skills, course selection in high school, and improved academic achievement; and~~

~~(B) Provide the basis for the counseling under § 6-16-603 concerning postsecondary preparatory programs.~~

~~(2) Each public school shall fully incorporate the results from college and career readiness assessments listed in subsection (b) of this section into the college and career planning process for each student.~~

~~(d) Data collection shall be maintained by the Department of Education for the purpose of:~~

~~(1) Increasing college and career readiness skills;~~

~~(2) Improving instruction;~~

~~(3) Enhancing school improvement plans;~~

~~(4) Reducing the college remediation rates of students; and~~

~~(5) Developing and implementing postsecondary preparatory programs under § 6-16-601 et seq.~~

~~(e)(1) The department shall report to the House Committee on Education and the Senate Committee on Education no later than December 31 of each year on the:~~

~~(A) Implementation and effectiveness of the Arkansas College and Career Readiness Planning Program; and~~

~~(B) Statistical analysis of postsecondary preparatory programs under § 6-16-601 et seq. for each postsecondary preparatory program.~~

~~(2) The report may be posted on the department's website with a notification to the House Committee on Education and the Senate Committee on Education.~~

~~(f) The state board may promulgate rules to implement this section and shall monitor the use of college and career readiness assessments administered under this section to ensure public school compliance.~~

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

Subchapter 29 -- Arkansas Educational Support and Accountability Act

1 6-15-2901. Title.

2 This subchapter shall be known and may be cited as the "Arkansas
3 Educational Support and Accountability Act".

4
5 6-15-2902. Legislative findings.

6 The General Assembly finds that:

7 (1) Arkansas Constitution, Article 14, § 1, requires the State
8 of Arkansas to provide a general, suitable, and efficient system of free
9 public schools to the children of the state;

10 (2) Under the decision of the Arkansas Supreme Court in Lake
11 View School District No. 25 v. Huckabee, 351 Ark. 31 (2002), it is the
12 absolute duty of the State of Arkansas to provide all public school children
13 with a substantially equal opportunity for an adequate education;

14 (3) It is the state's responsibility to provide the statutory
15 framework necessary to ensure that all students in the public schools of this
16 state have a substantially equal opportunity to achieve and demonstrate
17 academic readiness, individual academic growth, and competencies through the
18 application of knowledge and skills in core subjects, consistent with state
19 academic standards through a student-focused learning system;

20 (4)(A) In Lake View School District No. 25 v. Huckabee, the
21 Arkansas Supreme Court explicitly addressed the relationship between local
22 control versus the state's responsibility when, in quoting DuPree v. Alma
23 School District No. 30, 279 Ark. 340 (1983), it opined, "[i]f local
24 government fails, the state government must compel it to act, and if the
25 local government cannot carry the burden, the state must itself meet its
26 continuing obligation".

27 (B) An accountability system that provides increasing
28 levels of state assistance would help the local government or the local
29 public school district board of directors to meet this burden, while allowing
30 state intervention to occur if the local government chronically fails to meet
31 the burden in spite of the state assistance;

32 (5) Arkansas public schools and school districts would benefit
33 from an accountability system that:

34 (A) Uses multiple measures of student academic achievement
35 and growth; and

36 (B) Allows flexibility for public schools and school

1 districts to utilize local decision-making while maintaining quality in
2 education;

3 (6) A comprehensive accountability system would empower the
4 state and public school districts to assess the effectiveness of student-
5 focused education using multiple factors, measures, and indicators of student
6 achievement and school quality, rather than relying solely on an annual
7 statewide assessment; and

8 (7)(A) The State of Arkansas cannot be the sole guarantor of
9 each individual student's success.

10 (B) Parents, students, families, educational institutions,
11 and communities, as collaborative partners in education, play an important
12 role in the success of individual students.

13
14 6-15-2903. Definitions.

15 As used in this subchapter:

16 (1) "Academic growth" means the calculation of a student's
17 academic progress from one school year to the next, as measured by
18 assessments and other criteria required by rule of the State Board of
19 Education;

20 (2) "College and career readiness assessment" means a set of
21 criterion-referenced measurements of a student's acquisition of the knowledge
22 and skills that the student needs to:

23 (A) Be successful in future endeavors, including credit-
24 bearing, first-year courses at an institution of higher education such as a
25 two-year or four-year college, trade school, or technical school; or

26 (B) Embark on a career;

27 (3) "Consolidated state plan" means the Arkansas consolidated
28 state application accountability plan required under the Elementary and
29 Secondary Education Act of 1965, Pub. L. No. 89-10, as reauthorized by the
30 Every Student Succeeds Act of 2015, Pub. L. No. 114-95;

31 (4)(A) "Educator" means a person holding a valid Arkansas
32 standard teaching license, an ancillary license, a provisional license, a
33 technical permit, or an administrator's license issued by the state board.

34 (B) "Educator" includes a licensed or nonlicensed
35 classroom teacher or administrator employed in a position under a waiver from
36 licensure;

1 (5) "English language arts" means the academic standards for
2 English, reading, and writing;

3 (6) "English learner" means an individual whose native language
4 is a language other than English or who comes from an environment where a
5 language other than English has had a significant impact on the individual's
6 level of English language proficiency;

7 (7) "Personally identifiable information" means the same as in
8 34 CFR § 99.3, as it existed on January 1, 2017;

9 (8) "Public school" means:

10 (A) A school operated by a public school district; or

11 (B) An open-enrollment public charter school, as defined
12 in § 6-23-103;

13 (9) "Public school district" means:

14 (A) A geographic area that:

15 (i) Is governed by an elected board of directors
16 that conducts the daily affairs of public schools pursuant to the supervisory
17 authority vested by this title; and

18 (ii) Qualifies as a taxing unit for purposes of ad
19 valorem property taxes under § 26-1-101 et seq. and Arkansas Constitution,
20 Article 14, § 3; or

21 (B) An open-enrollment public charter school, as defined
22 in § 6-23-103;

23 (10) "School-level improvement plan" means a plan that at a
24 minimum:

25 (A) Establishes goals or anticipated outcomes;

26 (B) Identifies student supports or interventions to be
27 implemented; and

28 (C) Describes the professional learning necessary for
29 adults to deliver the supports or interventions;

30 (11) "School district systems" means the operations and
31 procedures that occur within a public school district, including without
32 limitation:

33 (A) Academics;

34 (B) Facilities

35 (C) Fiscal operations;

36 (D) Human capital management; and

1 (E) Student support services; and

2 (12) "Student success plan" means a personalized education plan
3 intended to assist students with achieving readiness for college, career, and
4 community engagement.

5
6 6-15-2904. Responsibility of Department of Education.

7 The Department of Education shall develop and implement a comprehensive
8 accountability system for Arkansas public schools and school districts that:

9 (1) Establishes clear academic standards that are periodically
10 reviewed and revised;

11 (2) Maintains a statewide student assessment system that includes
12 a variety of assessment measures;

13 (3) Assesses whether all students have equitable access to
14 excellent educators;

15 (4) Establishes levels of support for public school districts;
16 and

17 (5) Maintains information systems composed of performance
18 indicators that allow the department to identify levels of public school
19 district support and generate reports for the public.

20
21 6-15-2905. Authority of State Board of Education.

22 The State Board of Education shall:

23 (1) Approve:

24 (A) Academic standards for each content area; and

25 (B) A statewide student assessment system, including
26 without limitation performance levels for statewide assessments;

27 (2) Promulgate rules to implement the comprehensive
28 accountability system for Arkansas public schools and school districts and
29 this subchapter; and

30 (3) Take any other appropriate action required or authorized by
31 this subchapter.

32
33 6-15-2906. Academic standards.

34 (a)(1) The Department of Education shall establish academic standards
35 that define what students shall know and be able to demonstrate in each
36 content area.

1 (2) Instruction in all public schools shall be based on the
2 academic standards to prepare students to demonstrate the skills and
3 competencies necessary for successful academic growth and high school
4 graduation.

5 (b) The department shall establish a schedule for periodic review and
6 revision of academic standards to ensure that Arkansas academic standards are
7 rigorous and prepare students for college, career, and community engagement;

8 (c) The department shall include, at a minimum, the following elements
9 in the periodic review and revision of Arkansas academic standards:

10 (1) Review and input by Arkansas:

11 (A) Educators from elementary, secondary, and higher
12 education; and

13 (B) Community members with professional experience related
14 to the academic content area;

15 (2) Study and consideration of academic standards at the
16 national and international level, as appropriate;

17 (3) Study and consideration of an evaluation of the academic
18 standards from national groups or organizations, as appropriate; and

19 (4) Public dissemination of revised academic standards.

20
21 6-15-2907. Statewide student assessment system.

22 (a) The Department of Education shall implement a statewide student
23 assessment system to be administered by Arkansas public schools on a schedule
24 determined by the State Board of Education that includes the following
25 components:

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

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

30 (3) Assessments of English proficiency of all English learners;
31 and

32 (4)(A) Assessments to measure college and career readiness;

33 (B) A public school that serves any student in grades ten
34 through twelve (10-12) shall administer college and career readiness
35 assessments as determined by the state board to each student before he or she
36 graduates from high school.

1 (C) Public school districts may offer additional college
2 and career readiness assessments for students in grades ten through twelve
3 (10-12) at no cost to the student by using public school district funding,
4 including without limitation national school lunch state categorical funding
5 under § 6-20-2305.

6 (b) At the direction of the state board, the department shall cause
7 assessment instruments to be administered at additional grade levels as
8 necessary to measure educational achievement in the public schools of this
9 state.

10 (c) The statewide student assessment system may include additional
11 assessment options approved by the state board, including without limitation
12 assessments to measure application of knowledge and skills in civics,
13 government, and additional sciences, as measured on a schedule determined by
14 the state board.

15 (d) A public school district, at its own expense, may assess the
16 academic achievement and growth of students by other means in addition to the
17 required statewide student assessment system.

18 (e) All students enrolled in a public school district shall
19 participate in the statewide student assessment system.

20 (f) Public school district boards of directors shall not establish
21 school calendars that limit or interfere with student participation in the
22 statewide student assessment system.

23 (g) The State of Arkansas shall participate in the administration of
24 the National Assessment of Educational Progress examinations.

25 (h) The department shall provide for statewide student assessments
26 that are:

27 (1) Valid and reliable;

28 (2) Obtained or developed, as appropriate, through contracts and
29 project agreements;

30 (3) Aligned to the Arkansas academic standards; and

31 (4) Scored and returned for public school and school district
32 use by July 1 of each year.

33 (i)(1) Public schools, school districts, and educators shall maintain
34 assessment security and confidentiality.

35 (2)(A)(i) The following individuals may serve as the test
36 administrator during the administration of a statewide student assessment

1 under this subchapter if the individual has received the training required by
2 the department:

3 (1) A licensed educator, including a long-term
4 substitute teacher;

5 (2) A retired educator; and

6 (3) An individual employed under a waiver from
7 licensure as a teacher of record or as an administrator.

8 (ii) If accompanied by a test administrator as
9 described in subdivision (i)(2)(A)(i) of this section, any employee,
10 including a substitute teacher, may serve as a test proctor.

11 (B) A relative or guardian of a student shall not serve as
12 a test administrator or proctor in the same testing room as the student
13 during the administration of an assessment under this subchapter.

14 (C) As used in this section, "long-term substitute
15 teacher" means an individual who holds a valid teaching license who does not
16 have a full-time contract with a school district.

17 (3) A violation by a public school, a public school district or
18 an educator of the security or confidential integrity of any test or
19 assessment may result in action by the state board under §§ 6-17-410 and 6-
20 17-428 or under the rules promulgated by the state board to implement this
21 subchapter.

22 (f) The statewide student assessment system shall not assess students'
23 religious or political beliefs.

24 (k)(1) The assessment scores of students attending the Arkansas School
25 for Mathematics, Sciences, and the Arts of the University of Arkansas System
26 shall be sent to and included on the reports of the public school district
27 the student attended immediately prior to transferring to the Arkansas School
28 for Mathematics, Sciences, and the Arts.

29 (2) Copies of the assessment scores of students attending the
30 Arkansas School for Mathematics, Sciences, and the Arts shall be made
31 available to the Arkansas School for Mathematics, Sciences, and the Arts.

32 (1) Public school districts shall analyze and report student
33 performance data to students, parents, and the community, if the disclosures
34 are not in conflict with applicable federal law and state law.

35
36 6-15-2908. Analyses of statewide student assessment data.

1 (a)(1) The Department of Education shall provide analyses of data
2 produced by statewide student assessments.

3 (2) The analyses of data shall:

4 (A) Use statewide student assessment results and other
5 valid and reliable measures of student learning, as determined by the State
6 Board of Education, that measure student performance and growth for the
7 purposes of improving student achievement, accountability, and recognition;
8 and

9 (B) Provide the best measures of the effects of the
10 classroom, school, and school district on student performance or progress.

11 (3) The model used by the department shall:

12 (A) Be approved by the state board before implementation;
13 and

14 (B) Include without limitation sufficient transparency in
15 the model's selection, development, and operational use to:

16 (i) Ensure that clear documentation, justification,
17 and technical qualities are reported; and

18 (ii) Allow others in the field to assess the nature
19 and quality of the model, the resulting scores, and interpretations based on
20 the model's scores.

21 (b) The state board shall approve the process and timeline for a
22 public school district to verify the accuracy or request correction of the
23 statewide student assessment data.

24 (c) The score on statewide student assessments for an English learner:

25 (1) Shall not be counted for growth or achievement purposes in
26 the accountability ratings of a public school or public school district if
27 the English learner has been enrolled in a public school or private school in
28 the United States for less than twelve (12) months; and

29 (1) Shall be counted for growth purposes only and not for
30 achievement purposes in the accountability ratings of a public school or
31 public school district if the English learner has been enrolled in a public
32 school or private school in the United States for at least twelve (12) months
33 but not more than twenty-four (24) months.

34
35 6-15-2909. Public availability of test instruments and scores.

36 (a) Any material containing the personally identifiable information,

1 including without limitation identifiable scores, of individual students on
2 any test taken under the provisions of this subchapter shall not be:

3 (1) Considered a public record within the meaning of the Freedom
4 of Information Act of 1967, § 25-19-101 et seq.; or

5 (2) Disseminated or otherwise made available to the public by a
6 member of the State Board of Education, an employee of the Department of
7 Education, a member of the board of directors of a school district, an
8 employee of a school district, or any other person, except as permitted under
9 the provisions of the Family Educational Rights and Privacy Act of 1974, 20
10 U.S.C. § 1232g, as it existed on January 1, 2017.

11 (b) All analyses, reports, and compilations of test scores that do not
12 contain personally identifiable information are a public record within the
13 meaning of the Freedom of Information Act of 1967, § 25-19-101 et seq., if
14 the release complies with the Family Educational Rights and Privacy Act of
15 1974, 20 U.S.C. § 1232g, as it existed on January 1, 2017, and with the
16 Student Online Personal Information Protection Act, § 6-18-109.

17 (c) In order to protect the validity and reliability of statewide
18 student assessments, the test instruments shall not be made available to the
19 public.

20
21 6-15-2910. Student performance levels.

22 (a) The Department of Education shall recommend student performance
23 levels for the statewide student assessment system to the State Board of
24 Education for its approval.

25 (b) Student performance levels shall be adopted for the following
26 academic content areas, including without limitation:

27 (1) English language arts;

28 (2) Mathematics; and

29 (3) Science.

30 (c) Student performance levels for academic content areas shall
31 indicate the skills and competencies necessary for a student to be college
32 and career ready by the completion of high school.

33 (d) Student performance levels shall be adopted for English language
34 proficiency.

35
36 6-15-2911. Student-focused learning system.

1 (a)(1) Beginning with the 2017-2018 school year, the Department of
2 Education shall collaborate with public school districts to transition to a
3 student-focused learning system to support success for all students.

4 (2) As part of a public school district's student-focused
5 learning system, the public school district shall annually use multiple
6 academic measures to identify students in need of additional support or
7 acceleration to personalize learning in order for students to achieve their
8 grade-level expectations and individual growth.

9 (3)(A) Academic measures shall include statewide student
10 assessment results.

11 (B) Academic measures may include without limitation:

12 (i) Subject grades;

13 (ii) Student work samples; and

14 (iii) Local assessment scores.

15 (b)(1) Beginning with the 2018-2019 school year, each student, by the
16 end of grade eight (8), shall have a student success plan developed by school
17 personnel in collaboration with parents and the student that is reviewed and
18 updated annually.

19 (2) The student success plan shall, at a minimum:

20 (A) Guide the student along pathways to graduation;

21 (B) Address accelerated learning opportunities;

22 (C) Address academic deficits and interventions; and

23 (D) Include college and career planning components.

24 (3) An individualized education program for a student with a
25 disability, identified under the Individuals with Disabilities Education Act,
26 20 U.S.C. § 1400 et seq., meets the requirements of this section if the
27 individualized education program:

28 (A) Addresses academic deficits and interventions for
29 students not meeting standards-based academic goals at an expected rate or
30 level; and

31 (B) Includes a transition plan that addresses college and
32 career planning components.

33 (4) The State Board of Education may promulgate rules to
34 implement this section that include without limitation requirements for the
35 development and review of a student success plan if a student is enrolled for
36 the first time in or transfers to a public school district in the state

1 during or after the student completes grade eight (8).

2 (c) Public school districts shall use data from college and career
3 readiness assessments to:

4 (1) Update student success plans;

5 (2) Assist students with:

6 (A) College and career readiness skills;

7 (B) Course selection in high school; and

8 (C) Improved academic achievement;

9 (3) Provide the basis for counseling concerning postsecondary
10 preparatory programs; and

11 (4) Support strategies or programs to:

12 (A) Increase college preparation rates of all students,
13 including students of low income, English learners, and minority students;

14 (B) Decrease the remediation rates of high school
15 graduates entering institutions of higher education; and

16 (C) Increase the attainment of career credentials or
17 technical certificates through expanded opportunities for students.

18 (d) Public school districts may include community engagement
19 components as part of the public school's student-focused learning system and
20 student success plans.

21

22 6-15-2912. Educator excellence – Intent.

23 (a) It is the intent of the General Assembly that all students in
24 Arkansas public schools be taught by qualified and effective educators and
25 that low-income or minority students not be taught at disproportionate rates
26 by educators who are ineffective, inexperienced, or teaching a subject for
27 which they are not currently licensed.

28 (b) The State Board of Education may promulgate rules that promote the
29 state's goal of providing all Arkansas public school students with qualified
30 and effective educators and include without limitation:

31 (1) Systems to support educator effectiveness;

32 (2) The method of reporting educator effectiveness by public
33 schools and school districts, including without limitation:

34 (A) The professional qualifications of educators; and

35 (B) The number and percentage of:

36 (i) Teacher educators, principals, and school

1 leaders who are inexperienced;

2 (ii) Educators with emergency or provisional
3 credentials; and

4 (iii) Educators who are teaching a subject for which
5 they are not currently licensed; and

6 (3) The methods of calculating and reporting the rate at which
7 low-income and minority students are disproportionately taught by educators
8 who are ineffective, inexperienced, or teaching a subject for which they are
9 not currently licensed.

10 (c) Each public school and school district shall:

11 (1) Report the data needed by the Department of Education to
12 identify and evaluate educator effectiveness in accordance with state and
13 federal reporting requirements; and

14 (2) Ensure that its educators provide instruction that aligns
15 with the academic standards established to prepare students to demonstrate
16 the skills and competencies necessary for successful academic growth and high
17 school graduation.

18
19 6-15-2913. Levels of school district support.

20 (a)(1) The State Board of Education shall promulgate rules to
21 establish:

22 (A)(i) The process for determining the differentiated
23 levels of support that the Department of Education will provide to school
24 districts.

25 (ii) The levels of support shall include:

26 (a) Level 1 - General;

27 (b) Level 2 - Collaborative;

28 (c) Level 3 - Coordinated;

29 (d) Level 4 - Directed; and

30 (e) Level 5 - Intensive; and

31 (B) The process for guiding, monitoring, or directing:

32 (i) School-level improvement plans;

33 (ii) Supports;

34 (iii) Resources;

35 (iv) Interventions; and

36 (v) Reporting requirements.

1 (2) The process established by the state board for determining
2 the level of support provided to a public school district may include without
3 limitation consideration of:

4 (A) The performance levels of all students on statewide
5 student assessments adopted in accordance with the consolidated state plan;

6 (B) The performance levels of subgroup populations on
7 statewide student assessments adopted in accordance with the consolidated
8 state plan;

9 (C) The schools identified as in need of targeted or
10 comprehensive support, or both, pursuant to the Elementary and Secondary
11 Education Act of 1965, Pub. L. No. 89-10, as reauthorized by the Every
12 Student Succeeds Act of 2015, Pub. L. No. 114-95; and

13 (D) Other criteria the state board determines appropriate,
14 including without limitation:

15 (i) Feeder pattern performance;

16 (ii) Graduation rates;

17 (iii) Growth calculations; and

18 (iv) Other indicators of school success.

19 (b)(1) The state board may adopt, by rule, an alternate process of
20 determining the level of support to be provided to public schools or school
21 districts serving specific student populations, including without limitation:

22 (A) A public school that is designated solely as an
23 alternative learning environment;

24 (B) An open-enrollment public charter school whose mission
25 and enrollment are primarily focused on students who have dropped out of
26 school or are identified as at risk of dropping out of school;

27 (C) A conversion public charter school whose mission and
28 enrollment are primarily focused on students who have dropped out of school
29 or are identified as at risk of dropping out of school;

30 (D) The Arkansas School for the Blind;

31 (E) The Arkansas School for the Deaf; and

32 (F) A public school or system of education that primarily
33 serves adjudicated youth.

34 (2) The alternate process adopted by the state board under
35 subsection (b)(1) of this section shall specify the method to measure student
36 academic performance.

1 (c) A public school district that fails to comply with requirements
2 placed on the public school district by the state board under this subchapter
3 is in violation of the Standards for Accreditation of Arkansas Public Schools
4 and School Districts.

5
6 6-15-2914. School-level improvement plans – School district support
7 plans.

8 (a) The General Assembly finds that it is the responsibility of:

9 (1) The state to support its public school districts; and

10 (2) A public school district to support its schools.

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

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

17 (c) School-level improvement plans shall be:

18 (1) Monitored by the public school district for implementation
19 fidelity and progress throughout the year; and

20 (2) Evaluated annually by the public school district for goal
21 progress and accomplishment.

22 (d)(1) Annually by September 1, a public school district receiving
23 Level 2 - Collaborative, Level 3 - Coordinated, Level 4 - Directed, or Level
24 5 - Intensive support shall submit to the Department of Education a public
25 school district support plan in accordance with rules of the State Board of
26 Education.

27 (2) A public school district's support plan shall be posted on
28 the public school district's website no later than ten (10) days after
29 submission to the department.

30 (e) Public school district support plans shall include without
31 limitation the support the public school district will provide to public
32 schools identified as in need of targeted or comprehensive support, or both,
33 pursuant to the Elementary and Secondary Education Act of 1965, Pub. L. No.
34 89-10, as reauthorized by the Every Student Succeeds Act of 2015, Pub. L. No.
35 114-95.

36

1 6-15-2915. School district classification as in need of Level 5 -
2 Intensive support – Student transfer eligibility.

3 (a) The State Board of Education shall promulgate rules governing the
4 classification of public school districts as in need of Level 5 - Intensive
5 support and the support to be provided.

6 (b) The Department of Education shall notify in writing the public
7 school district superintendent and the president of the public school
8 district board of directors of the recommendation to the state board for
9 classification as in need of Level 5 - Intensive support.

10 (c)(1) A public school district recommended for classification as in
11 need of Level 5 - Intensive support may appeal to the state board by filing a
12 written appeal with the Commissioner of Education in accordance with the
13 procedure established in the rules of the state board.

14 (2) A public school district shall be classified as in need of
15 Level 5 -Intensive support and receive support upon final determination by
16 the state board.

17 (3) A public school district may appeal the state board's final
18 determination to the Pulaski County Circuit Court under the Arkansas
19 Administrative Procedure Act, § 25-15-201 et seq.

20 (d) A student attending a public school district classified as in need
21 of Level 5 - Intensive support may transfer under the Arkansas Opportunity
22 Public School Choice Act of 2004, § 6-18-227, to another public school
23 district that is not classified as in need of Level 5 - Intensive support.

24
25 6-15-2916. State Board of Education authority over a public school
26 district classified as in need of Level 5 - Intensive support.

27 If a public school district is classified as in need of Level 5 -
28 Intensive support, the State Board of Education may:

29 (1) Direct the Commissioner of Education to conduct an analysis
30 of all school district systems and make recommendations for action by the
31 state board; and

32 (2) Assume authority of the public school district and take one
33 (1) or more of the following actions at any time after classification:

34 (A) Remove permanently, reassign, or suspend on a
35 temporary basis the superintendent of the school district and;

36 (1) Appoint an individual in place of the

1 superintendent of the public school district to administratively operate the
2 public school district under the supervision and approval of the
3 commissioner;

4 (ii) Authorize the individual to remove, replace,
5 reassign, or suspend public school district personnel in accordance with
6 state law; and

7 (iii) Compensate from public school district funds
8 the individual appointed to operate the public school district and other
9 individuals authorized by the commissioner;

10 (B) Remove permanently or suspend on a temporary basis
11 some or all of the current public school district board of directors and
12 either:

13 (i) Call for the election of a new public school
14 district board of directors, in which case the public school district shall
15 reimburse the county board of election commissioners for election costs as
16 otherwise required by law;

17 (ii) Require the public school district to operate
18 without a board of directors under the supervision of the superintendent of
19 the public school district or an individual or panel appointed by the
20 commissioner; or

21 (iii) Direct the commissioner to assume some or all
22 authority of the public school district board of directors as may be
23 necessary to operate the public school district;

24 (C)(i) Remove on a temporary basis some or all of the
25 powers and duties granted to the current public school district board of
26 directors under § 6-13-620 or any other law but allow the public school
27 district board of directors to continue to operate under the direction and
28 approval of the commissioner.

29 (ii) The state board shall define the powers and
30 duties of the public school district board of directors.

31 (iii) The public school district board of directors
32 shall act in an advisory capacity to the commissioner regarding all other
33 powers and duties maintained by the commissioner;

34 (D) Require the annexation, consolidation, or
35 reconstitution of the public school district under § 6-13-1401 et seq. and
36 this subchapter;

1 (E) Waive provisions of Title 6 and corresponding rules of
2 the state board with the exception of:

3 (i) Special education programs as provided by this
4 title;

5 (ii) Conducting criminal background checks for
6 employees as provided in this title; and

7 (iii) Health and safety codes as established by the
8 state board and local governmental entities;

9 (F) Require reassignment of some or all of the
10 administrative, instructional, or support staff of a public school;

11 (G) Require a public school to institute and fully
12 implement a student curriculum based on academic standards;

13 (H) Require a public school to provide professional
14 development for teachers and administrators based on the department's review
15 of educators' professional growth plans with the cost to be paid by the
16 public school district in which the public school is located;

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

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

22 (K) Take any other necessary and proper action, as
23 determined by the state board that is allowed by law.

24
25 6-15-2917. Public school district under authority of the State Board
26 of Education.

27 (a) For a public school district under the authority of the State
28 Board of Education, the state board shall review quarterly the progress of
29 the public school district toward improving the issues that caused the
30 classification of the public school district as in need of Level 5 -
31 Intensive support.

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

34 (1) The state board may direct the commissioner to update the
35 analysis of all school district systems to determine if the public school
36 district has demonstrated substantial improvement of the issues that caused

1 the classification of the public school district as in need of Level 5 -
2 Intensive support;

3 (2) The commissioner may recommend to the state board that the
4 state board:

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

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

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

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

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

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

22 (E) The state board may grant additional powers and duties
23 to the public school district board of directors if the public school
24 district demonstrates progress toward improving the issues that caused the
25 classification of the public school district as in need of Level 5 -
26 Intensive support.

27 (c)(1) If the public school district has not demonstrated to the state
28 board and the Department of Education that the public school district meets
29 the criteria to exit Level 5 - Intensive support within five (5) years of the
30 assumption of authority, the state board shall annex, consolidate, or
31 reconstitute the public school district under § 6-13-1401 et seq. and this
32 subchapter.

33 (2) The state board shall promulgate rules to establish the
34 criteria by which a public school district may exit Level 5 -Intensive
35 support.

36

1 6-15-2918. Comprehensive information systems.

2 (a) The Department of Education shall:

3 (1) Establish and maintain comprehensive information systems
4 that allow reporting, analysis, and data-driven decision-making by public
5 school districts;

6 (2) Provide technical assistance to public school districts in
7 the use of the data; and

8 (3) Provide data access to any authorized entity for analyzing
9 computations and posting public school, public school district, and state
10 student achievement, if the disclosures are not in conflict with applicable
11 federal and state law.

12 (b) The department shall provide electronic resources for educators to
13 support and augment student achievement, efficiency, and educational
14 initiatives.

15 (c) The department may contract with providers to collect, maintain,
16 and analyze data and prepare reports.

17
18 SECTION 3. TEMPORARY LANGUAGE. DO NOT CODIFY. (a) To ensure an
19 orderly transition from the Arkansas Comprehensive Testing, Assessment, and
20 Accountability Program Act, § 6-15-401 et seq., to the Arkansas Educational
21 Support and Accountability Act, § 6-15-2901 et seq., the Department of
22 Education shall continue to provide supports and interventions to the state's
23 existing priority schools, focus schools, and public schools and public
24 school districts in academic distress or under state authority to meet
25 current state and federal requirements.

26 (b) As part of the transition process:

27 (1) Public school districts classified as being in academic
28 distress and under state authority as of the effective date of this act
29 shall:

30 (A) Be classified by the State Board of Education as in
31 need of Level 5 – Intensive support;

32 (B) Receive Level 5 – Intensive support; and

33 (C) Continue to be under state authority subject to the
34 provisions of this act;

35 (2) Public schools that meet the requisite exit criteria for
36 academic distress, priority, or focus status shall be removed from that

1 classification; and

2 (3)(A) The department, in collaboration with the public school
3 district, shall develop a transitional support plan for public school
4 districts that have public schools classified in academic distress, priority,
5 or focus status.

6 (B) Transitional support plans shall:

7 (i) Be approved by the state board;

8 (ii) Be based on data from:

9 (a) Reports required under the state or federal
10 accountability systems in effect prior to this act;

11 (b) Public school and public school district
12 comprehensive improvement plans;

13 (c) Interim and summative student assessment
14 results from the 2015-2016 and 2016-2017 school years; and

15 (d) Other local data indicating student
16 progress; and

17 (iii) Describe the support:

18 (a) The department will provide to the public
19 school district; and

20 (b) The public school district will provide to
21 its public schools.

22 (C) The department shall continue to assist public
23 school districts pursuant to the approved transitional support plans
24 until the department determines no later than July 1, 2019, the level
25 of support the public school district will receive under the Arkansas
26 Educational Support and Accountability Act, § 6-15-2901 et seq.

27
28 /s/J. English
29

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31 **APPROVED: 04/05/2017**
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