

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997

As Engrossed: S2/18/97

# A Bill

SENATE BILL 357

4  
5 By: Senator Mahony  
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## For An Act To Be Entitled

8  
9 "AN ACT TO AMEND ARK. CODE ANN. § 6-16-703 TO REQUIRE  
10 SUMMER REMEDIAL INSTRUCTION PROGRAMS FOR STUDENTS IN K-3  
11 WHO DID NOT PERFORM AT GRADE LEVEL DURING THE REGULAR  
12 SCHOOL YEAR AND INTENSIVE READING INSTRUCTION DURING THE  
13 REGULAR SCHOOL YEAR FOR STUDENTS IN K-3 WHO ARE IDENTIFIED  
14 AS IN DANGER OF NOT BEING ABLE TO READ AT GRADE LEVEL BY  
15 THE END OF THE SCHOOL YEAR AND TO OFFER LOCAL DISTRICTS  
16 THE OPTION OF REQUIRING SUMMER REMEDIATION PROGRAMS FOR  
17 STUDENTS IN GRADES 4 AND 5; TO DECLARE AN EMERGENCY; AND  
18 FOR OTHER PURPOSES."

## Subtitle

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21 "TO REQUIRE SUMMER REMEDIAL INSTRUCTION  
22 PROGRAMS FOR STUDENTS IN K-3 WHO DID NOT  
23 PERFORM AT GRADE LEVEL DURING THE  
24 REGULAR SCHOOL YEAR."  
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26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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28 SECTION 1. Arkansas Code Annotated § 6-16-703 is amended to read as  
29 follows:

30 "6-16-703. Legislative findings - Mandatory summer school - Rules and  
31 regulations - Funding programs.

32 (a)(1) The General Assembly hereby finds and acknowledges that if  
33 remediation is necessary, it should be provided when students are younger and  
34 before patterns of failure are established. The General Assembly further  
35 acknowledges that the expansion of summer remedial instruction programs during  
36 the summers of 1995 and 1996 did not generally prove to be as educationally

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

9           (2) The General Assembly further finds that not all students are  
10 financially able to pay for summer school, nor do all school districts hold  
11 summer school. It is therefore the purpose of this section to ~~allow~~ require  
12 the public school districts of Arkansas to either individually or  
13 cooperatively provide free summer school and summer school transportation to  
14 those students in kindergarten through grade ~~five (K-5)~~ three (K-3) who did  
15 not perform at grade level during the regular school year and to ensure that  
16 students in kindergarten through grade three (3) who are identified as in  
17 danger of not being able to read at grade level by the end of the school year  
18 receive intensive and individualized reading instruction during the regular  
19 school year.

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

25           (b)(1) ~~Beginning with the summer of 1995, a~~ Each student in  
26 kindergarten through grade ~~four (K-4)~~ three (3) who did not perform at grade  
27 level during the regular school year shall attend summer school to be eligible  
28 for promotion to the next grade.

29           (2) Students in kindergarten through grade three (3) who are  
30 identified by the classroom teacher as in danger of not being able to read at  
31 grade level by the end of the school year shall receive intensive and  
32 individualized reading instruction during the regular school year.

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

1 ~~\_\_\_\_\_ (c) Beginning with the summer of 1996, a student in kindergarten~~  
2 ~~through grade five (K-5) who did not perform at grade level during the regular~~  
3 ~~school year shall attend summer school to be eligible for promotion to the~~  
4 ~~next grade.~~

5 ~~\_\_\_\_\_ (d)(c)~~ The State Board of Education is hereby authorized to promulgate  
6 rules and regulations for the implementation of this section.

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

- 12 (1) Tutoring;
- 13 (2) Summer school educational services; ~~and~~
- 14 (3) Intensive and individualized instruction in reading; and
- 15 ~~\_\_\_\_\_ (3)(4)~~ Hot meal programs.

16 (e) The savings from not providing free summer school and summer school  
17 transportation to students in grades four (4) and five (5) who did not perform  
18 at grade level during the regular school year should be expended in the  
19 intensive and individualized reading instruction program provided to students  
20 in kindergarten through grade three (3) who are identified by the classroom  
21 teacher as in danger of not being able to read at grade level by the end of  
22 the school year."

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24 SECTION 2. All provisions of this act of a general and permanent nature  
25 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
26 Revision Commission shall incorporate the same in the Code.

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

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34 SECTION 4. All laws and parts of laws in conflict with this act are  
35 hereby repealed.

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1           SECTION 5. EMERGENCY. It is found and determined by the General  
2 Assembly of the State of Arkansas that the effective operation of Arkansas  
3 public schools is dependent upon immediate clarification of the grades in  
4 which students not performing at grade level during the regular school year  
5 will be required to attend summer school for promotion to the next grade and  
6 whether State or local monies will be used to fund summer school and that  
7 failure to implement this act immediately will result in confusion and cause  
8 undue hardship to local school districts. Therefore an emergency is declared  
9 to exist and this act being immediately necessary for the preservation of the  
10 public peace, health and safety shall become effective on the date of its  
11 approval by the Governor. If the bill is neither approved nor vetoed by the  
12 Governor, it shall become effective on the expiration of the period of time  
13 during which the Governor may veto the bill. If the bill is vetoed by the  
14 Governor and the veto is overridden, it shall become effective on the date the  
15 last house overrides the veto.

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/s/Mahony