

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003

A Bill

SENATE BILL 934

4
5 By: Senator Gullett
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For An Act To Be Entitled

9 AN ACT TO ESTABLISH A COMPREHENSIVE SYSTEM OF
10 TESTING FOR ARKANSAS STUDENTS; TO ESTABLISH A
11 PROGRAM OF SCHOOL AND SCHOOL DISTRICT
12 ACCOUNTABILITY FOR STUDENT PERFORMANCE AND
13 ESTABLISH A SYSTEM OF REWARDS AND SANCTIONS BASED
14 THEREON; TO GIVE STUDENTS ATTENDING
15 UNDERPERFORMING SCHOOL CERTAIN CHOICES, KNOWN AS
16 THE ARKANSAS PUBLIC SCHOOL CHOICE OPTION; TO
17 ESTABLISH A FINANCIAL MANAGEMENT PRACTICES SYSTEM
18 FOR ARKANSAS SCHOOL DISTRICTS; TO ESTABLISH
19 WITHIN THE DEPARTMENT OF EDUCATION AN INTEGRATED
20 INFORMATION SYSTEM FOR EDUCATIONAL MANAGEMENT; TO
21 ESTABLISH CERTAIN PRIVACY RIGHTS OF STUDENTS AND
22 THEIR PARENTS TO CERTAIN STUDENT RECORDS; FOR
23 OTHER PURPOSES; AND DECLARING AN EMERGENCY.
24

Subtitle

25 AN ACT TO BE KNOWN AS THE "ARKANSAS
26 STUDENT ASSESSMENT AND EDUCATIONAL
27 ACCOUNTABILITY ACT OF 2003".
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31 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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33 SECTION 1. The purpose of this act is to:

34 (1) Establish a comprehensive system of testing for Arkansas students;

35 (2) Establish a program of school and school district accountability
36 for student performance and establish a system of rewards and sanctions based



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1 thereon;

2 (3) Give students attending underperforming school certain choices,
3 known as the Arkansas public school choice option;

4 (4) Establish a financial management practices system for Arkansas
5 school districts;

6 (5) To establish within the department of education an integrated
7 information system for educational management; and

8 (6) To establish certain privacy rights of students and their parents
9 to certain student records.

10
11 SECTION 2. Arkansas Code Sections 6-15-403 is amended to read as
12 follows:

13 6-15-403. Authority of State Board of Education.

14 The State Board of Education shall:~~through the Department of~~
15 ~~Education is hereby authorized to:-~~

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

- 20 ~~(A) Set clear academic standards;-~~
- 21 ~~(B) Establish professional development;-~~
- 22 ~~(C) Establish expected achievement levels;-~~
- 23 ~~(D) Report on student achievement;-~~
- 24 ~~(E) Provide evaluation data;-~~
- 25 ~~(F) Recognize excellence; and-~~
- 26 ~~(G) Apply sanctions;-~~

27 ~~(2) Promulgate such rules and regulations as may be necessary to~~
28 ~~develop and implement the comprehensive testing, assessment and academic~~
29 ~~accountability program; and-~~

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

32 (1) Review periodically and approve the student performance standards
33 known as the Arkansas State Standards in key academic subject areas and grade
34 levels;

35 (2) Classify school services, designate the certification subject
36 areas, establish competencies, including the use of technology to enhance

1 student learning, and certification requirements for all school-based
 2 personnel, and prescribe rules in accordance with which the professional,
 3 temporary, and part-time certificates issued by the Department of Education
 4 to applicants who meet the standards prescribed by rules and regulations for
 5 their class of service;

6 (3) Identify critical teacher shortage areas;

7 (4) Enforce compliance with law and state board rule by all school
 8 districts;

9 (5) Collect and maintain the management information databases for all
 10 components of the public K-12 education system;

11 (6) Promulgate rules and regulations to develop and implement the
 12 comprehensive testing, assessment and academic accountability program; and

13 (7) Employ staff and enter into contracts as may be necessary to carry
 14 out the provisions of this subchapter.

15
 16 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
 17 General Assembly of the State of Arkansas that the Arkansas Supreme Court in
 18 Lake View School District No. 25 v. Huckabee, 351 Ark. 31 (2002) has declared
 19 the now extant system of education to be unconstitutional because it is both
 20 inequitable and inadequate; and that the Arkansas Supreme Court has set forth
 21 the test for a constitutional system to be one in which the State has an
 22 "absolute duty" to provide an "equal opportunity to an adequate education";
 23 and that the Arkansas Comprehensive Testing, Assessment and Accountability
 24 Program ("ACTAAP"), as presently constituted, does not conform to the
 25 requirements of the No Child Left Behind Act of the United States and this
 26 Act amends the ACTAAP to comply with the No Child Left Behind Act; that the
 27 Arkansas Supreme Court has instructed the General Assembly to define and
 28 provide what is necessary to provide an adequate and equitable education for
 29 the children of Arkansas-forthwith; and that the No Child Left Behind Act
 30 sets out deadlines regarding the educational plan and student improvement
 31 which the State to meet. Therefore, an emergency is declared to exist and
 32 this act being immediately necessary for the preservation of the public
 33 peace, health, and safety shall become effective on:

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

35 (2) If the bill is neither approved nor vetoed by the Governor, the
 36 expiration of the period of time during which the Governor may veto the bill;

1 or

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

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