

1 State of Arkansas
2 84th General Assembly
3 Second Extraordinary Session, 2003
4

Call Item 4

A Bill

SENATE BILL 33

5 By: Senators Bryles, Argue, Baker, Bisbee, B. Johnson, Faris, Salmon, Trusty, Whitaker, Womack,
6 Wooldridge
7 By: Representatives Hardwick, Cleveland, Agee, Anderson, Bledsoe, Borhauer, Bennett, Bright,
8 Dickinson, L. Evans, Harris, House, Hutchinson, Kenney, Key, Martin, Matayo, Mathis, Pace, Parks,
9 Pritchard, Rosenbaum, Schulte, R. Smith
10
11

For An Act To Be Entitled

13 AN ACT TO ESTABLISH A COMPREHENSIVE SYSTEM OF
14 TESTING FOR ARKANSAS STUDENTS; TO ESTABLISH A
15 PROGRAM OF SCHOOL AND SCHOOL DISTRICT
16 ACCOUNTABILITY FOR STUDENT PERFORMANCE AND TO
17 ESTABLISH A SYSTEM OF REWARDS AND SANCTIONS; TO
18 GIVE STUDENTS ATTENDING UNDERPERFORMING SCHOOLS
19 CERTAIN CHOICES, KNOWN AS THE ARKANSAS
20 OPPORTUNITY PUBLIC SCHOOL CHOICE ACT; TO
21 ESTABLISH A FINANCIAL MANAGEMENT PRACTICES SYSTEM
22 FOR ARKANSAS SCHOOL DISTRICTS; TO ESTABLISH
23 CERTAIN PRIVACY RIGHTS OF STUDENTS AND THEIR
24 PARENTS TO CERTAIN STUDENT RECORDS; AND FOR OTHER
25 PURPOSES.
26

Subtitle

28 AN ACT TO BE KNOWN AS THE ARKANSAS
29 STUDENT ASSESSMENT AND EDUCATIONAL
30 ACCOUNTABILITY ACT OF 2003.
31
32

33 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
34

35 SECTION 1. Arkansas Code § 6-15-404 is amended to read as follows:
36 6-15-404. Program implementation.



1 (a) The State Board of Education ~~will~~ shall establish clear, specific,
2 and challenging academic content standards which define what students shall
3 know and be able to do in each content area. Instruction in all public
4 schools shall be based on these academic content standards.

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

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

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

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

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

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

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

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

23 (d) The state board shall establish a clear concise system of
24 reporting the academic performance of each school on the state-mandated
25 criterion-referenced exam which conforms with the requirements of the No
26 Child Left Behind Act of 2001.

27 (e) The state board shall develop and the department shall implement a
28 developmentally appropriate uniform school readiness screening to validate a
29 child's school readiness as part of a comprehensive evaluation design.
30 Beginning with the 2004-2005 school year, the department shall require that
31 all school districts administer the uniform school readiness screening to
32 each kindergarten student in the district school system upon the student's
33 entry into kindergarten. Children who enter public school for the first time
34 in first grade must be administered the uniform school readiness screening
35 developed for use in the first grade.

36 (f)(1) The department shall select a developmentally appropriate

1 assessment to be administered to all students in first grade and second grade
2 in reading and mathematics.

3 (2) Professional development activities shall be tied to the
4 comprehensive school improvement plan and designed to increase student
5 learning and achievement.

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

8 (4) A public school or public school district classified as in
9 "school improvement" shall develop and file with the department a
10 comprehensive school improvement plan designed to ensure that all students
11 demonstrate proficiency on all portions of state-mandated criterion-
12 referenced assessment. The comprehensive school improvement plan shall
13 include strategies to address the achievement gap existing for any
14 identifiable group or subgroup as identified in the Arkansas Comprehensive
15 Testing, Assessment, and Accountability Program and the gap of that subgroup
16 from the academic standard.

17 (g)(1) The department shall develop and implement testing for public
18 school students at the primary and middle-level grades, as well as end-of-
19 course testing, which is criterion-referenced and which measures application
20 of knowledge and skills in reading and writing literacy, mathematics and, as
21 funds are available, in science and social studies.

22 (2) The department shall test public school students in a manner
23 and with a nationally norm-referenced test to be selected by the state board.

24 (3) The state board shall establish expected levels of
25 achievement on the criterion-referenced examinations for all areas of
26 assessment and accountability.

27 (4) The State of Arkansas shall participate in the
28 administration of the National Assessment of Educational Progress
29 Examinations.

30 (h) Any student failing to achieve the established standard on the
31 criterion-referenced examinations shall be evaluated by school personnel, who
32 shall jointly develop an academic improvement plan to assist the student in
33 achieving the expected standard in subject areas where performance is
34 deficient.

35 (i)(1) Each school shall develop one (1) comprehensive, long-range
36 school improvement plan focused on student achievement.

1 (2)(A) Any school that fails to achieve established levels of
2 student performance on criterion-referenced tests and related indicators, as
3 defined by rule and regulation, shall implement a comprehensive school
4 improvement plan accepted by the department. This improvement plan shall
5 assist those students performing below grade level in achieving the
6 established standard.

7 (B) This plan shall be part of each school's long-range
8 comprehensive school improvement plan and shall be reported to the public.

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

11 (j) The department and the local school districts shall annually
12 compile and disseminate to the public results of all required examinations.
13 The results of the end-of-course testing shall become a part of each
14 student's transcript or permanent record and shall be recorded on these
15 documents in a manner prescribed by the state board.

16 (k)(1) The Department shall develop and implement a testing program
17 for public school students grades three through nine (3-9), which is both
18 norm-referenced and criterion-referenced and which measures application of
19 knowledge and skills in reading and writing literacy, mathematics and, as
20 funds are available, in science and social studies. In addition, the
21 department shall develop and implement end-of-course exams for a number of
22 required courses at the secondary level, as described in 6-15-424 (b)(4).

23 (2) The department shall test public school students with a
24 nationally norm-referenced test in grades three through nine (3-9), any
25 college entrance exam that may be required by the state board of education,
26 and a criterion-referenced test in grades three through eight (3-8), known as
27 the benchmark exams, or a norm-referenced test with nationally normed metrics
28 which has been augmented for state standards in grades three through nine (3-
29 9). The testing program shall be adopted by the state board and shall be
30 known as the Arkansas Comprehensive Assessment Program exams. These exams
31 shall be used as the assessment portion of the Arkansas Comprehensive
32 Testing, Assessment, and Accountability Program to determine school and
33 district performance awards and sanctions. State compliance with the
34 requirements of the No Child Left Behind Act of 2001, 20 U.S.C. § 7912 (2002)
35 is defined in the Arkansas state accountability plan.

36 (3) The board shall establish expected levels of achievement on

1 the Arkansas Comprehensive Assessment Program exams.

2 (4) The State of Arkansas shall participate in the
3 administration of the National Assessment of Educational Progress
4 examinations.

5 (1) Any student failing to achieve the established standard on the
6 Arkansas Comprehensive Assessment Program exams shall be evaluated by school
7 personnel, who shall jointly develop an academic improvement plan to assist
8 the student in achieving the expected standard in subject areas where
9 performance is deficient.

10 (m)(1) Each school shall develop one (1) comprehensive, long-range
11 school improvement plan focused on student achievement.

12 (2)(A) Any school that fails to achieve expected levels of
13 student performance on the Arkansas Comprehensive Assessment Program exams
14 and related indicators, as defined in this subchapter, shall participate in a
15 school improvement plan accepted by the department. This improvement plan
16 shall assist those students performing below-grade level in achieving the
17 expected standard.

18 (B) This plan shall be part of each school's long-range
19 comprehensive school improvement plan and shall be reported to the public.

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

22 (n) The department and the local school districts shall annually
23 compile and disseminate to the public results of administering all required
24 examinations. The results of the end-of-course testing shall become a part of
25 each student's transcript or permanent record and shall be recorded on these
26 documents in a manner prescribed by the state board.

27
28 SECTION 2. Arkansas Code § 6-15-421 is amended to read as follows:

29 6-15-421. Awards and sanctions.

30 (a) The Department of Education is authorized to develop and
31 implement, contingent upon appropriation and funding being provided by the
32 General Assembly, a program of rewards to recognize individual schools that
33 demonstrate exceptional performance in levels of student achievement and to
34 recognize schools that demonstrate significant improvement in student
35 achievement.

36 (b)(1) Each school that does not attain the expected levels of student

1 performance on state-mandated indicators and individual school improvement
2 indicators shall be designated by one (1) of several levels of sanction.

3 (2) Each level of sanction shall determine specific
4 interventions to be provided to the students of public schools or public
5 school districts by the department. The levels of sanction developed under
6 ~~this subchapter~~ Act 1467 of 2003 shall be incorporated into the existing
7 comprehensive school improvement plan.

8 (c) The State Board of Education shall develop a clear, concise system
9 of reporting the academic performance of each public school on the state-
10 mandated, criterion-referenced tests, developmentally appropriate assessments
11 for grades kindergarten through one and two (K-2) benchmark exams, and end-
12 of-course exams, which conforms with current state and federal law.

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

16
17 SECTION 3. Arkansas Code § 6-15-402 is amended as follows:

18 6-15-402. Purpose.

19 (a)(1) The purpose of this subchapter is to provide the statutory
20 framework necessary to ensure that all students in the public schools of this
21 state have an equal opportunity to demonstrate grade-level academic
22 proficiency through the application of knowledge and skills in ~~the~~ core
23 academic subjects consistent with state curriculum frameworks, performance
24 standards, and assessments. The State of Arkansas recognizes and declares
25 that students who are not performing at grade-level standards of academic
26 proficiency are especially harmed by social promotion because they are not
27 equipped with the necessary academic skills to be successful and productive
28 members of society. For this reason, the Arkansas Comprehensive Testing,
29 Assessment, and Accountability Program will emphasize point-in-time
30 intervention and remediation upon the discovery that any student is not
31 performing at grade level. The state is committed to all students having the
32 opportunity to perform at their age-appropriate grade level and beyond.

33 (2) It shall also be the purpose of this subchapter to provide
34 information needed to improve the public schools by measuring annual learning
35 gains of all students through longitudinal tracking and analysis of value-
36 added computations of student gains against a national, demographically

1 matched cohort to inform parents of the educational progress of their public
 2 school children, and to inform the public of the performance of schools. The
 3 program shall be designed to:

4 (A) Assess the annual learning gains of each student
 5 toward achieving the academic content standards appropriate for the student's
 6 grade level;

7 (B) Provide data for building effective staff development
 8 programs and school accountability and recognition;

9 (C) Identify the educational strengths and weaknesses of
 10 students and to help the teacher tailor instruction to the needs of the
 11 individual student;

12 (D) Assess how well academic goals and performance
 13 standards are met at the classroom, school, school district, and state
 14 levels;

15 (E) Provide information to aid in the evaluation and
 16 development of educational programs and policies;

17 (F) Provide information on the performance of Arkansas
 18 students compared with other students from across the United States; and

19 (G) Identify best practices and schools that are in need
 20 of improving their practices.

21 (3) This subchapter is designed to be a multiyear commitment to
 22 assess the academic progress and performance of Arkansas' public school
 23 students, classrooms, schools, and school districts.

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

26 (1) Improve student learning and classroom instruction;

27 (2) Provide public accountability by ~~exemplifying~~ mandating
 28 expected achievement levels, by reporting on school and school district
 29 performance, and applying a framework for state action for a school or school
 30 district that fails expected achievement levels as defined in the ~~program~~
 31 Arkansas Comprehensive Testing, Assessment, and Accountability program rules
 32 and regulations; and

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

36 (c) The priorities of the assessment and accountability program

1 developed pursuant to the provisions of this subchapter shall include:

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

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

7 (3) Academic standards for every level of the grades
8 kindergarten through twelve (K-12) education system are aligned and education
9 financial resources are aligned with student performance expectations at each
10 level of the grades kindergarten through twelve (K-12) education system;

11 (4) The quality of educational leadership at all levels of
12 grades kindergarten through twelve (K-12) education is improved; and

13 (5) Parents, students, families, educational institutions, and
14 communities are collaborative partners in education and each plays an
15 important role in the success of individual students. Therefore, the State
16 of Arkansas cannot be the guarantor of each individual student's success.
17 The goals of Arkansas's grades kindergarten through twelve (K-12) education
18 system are not guarantees that each individual student will succeed or that
19 each individual school will perform at the level indicated in the goals.

20
21 SECTION 4. Arkansas Code Title 6, Chapter 15, Subchapter 4 is amended
22 to add additional sections to read as follows:

23 6-15-433. Statewide assessment program.

24 (a) Upon approval by the State Board of Education, the Department of
25 Education shall implement a statewide program of educational assessment that
26 provides information for the improvement of the operation and management of
27 the public schools.

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

30 (1) Determine and designate the appropriate offices within the
31 department which shall report to the state board and shall be responsible for
32 determining the school performance grade categories pursuant to The Quality
33 Education Act of 2003, § 6-15-201 et seq.;

34 (2) Submit to the state board for adoption a list that specifies
35 student skills and competencies to which the goals for education specified in
36 the state plan apply, including, but not limited to, reading, writing,

1 science, and mathematics. The list of content knowledge, skills, and
2 competencies shall be known as the academic content standards as defined in §
3 6-15-419. The department shall select such skills and competencies after
4 receiving recommendations from educators, citizens, and members of the
5 business community. The department shall submit to the state board revisions
6 to the list of student skills and competencies in order to maintain
7 continuous progress toward improvements in student proficiency;

8 (3) Develop and implement a uniform system of indicators to
9 describe the performance of public school students and the characteristics of
10 the public school districts and the public schools. These indicators shall
11 include without limitation the components of an adequate education as defined
12 by the General Assembly; and

13 (4)(A) Implement a student achievement testing as part of the
14 statewide assessment program, to be administered annually to measure reading,
15 writing, and mathematics and that includes:

16 (i) Developmentally appropriate testing for grades
17 kindergarten through two (K-2);

18 (ii)(a) A norm-referenced test using nationally
19 normed metrics in grades three through nine (3-9), and a criterion-referenced
20 test, known as the benchmark exams, in grades three through eight (3-8); or

21 (b) A norm-referenced test using nationally
22 normed metrics that has been augmented for state standards for grades three
23 through nine (3-9);

24 (iii) Any other tests required by the State Board of
25 Education; and

26 (iv) End-of-course exams shall be administered for
27 Algebra I, geometry, literacy, and other content areas as directed by the
28 state board.

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

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

32 (1)(A) The tests measure student skills and competencies adopted
33 by the state board as specified in subsection (b) of this section. The tests
34 shall measure and report student achievement levels in reading, writing, and
35 mathematics including longitudinal tracking of the same students, as well as
36 an analysis of value-added computations of student achievement gains against

1 a national, demographically-matched cohort.

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

5 (2) The testing program shall consist of norm-referenced and
6 criterion-referenced testing or an augmented national test as determined by
7 the state board. Questions shall require the student to produce information
8 or perform tasks in such a way that the skills and competencies he or she
9 uses can be measured in a statistically reliable and valid manner;

10 (3) Each testing program, whether at the elementary, middle
11 school, or high school level, shall include a test of writing in which
12 students are required to produce writings that are then scored by appropriate
13 analytic methods that ensure overall test validity and reliability, including
14 inter-rater reliability. Writing test results shall be scored and returned
15 for district and school use no later than July 1 of each year beginning in
16 2005-2006 and each year thereafter;

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

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

24 (6) The state board shall designate, based on valid and reliable
25 statistical models submitted by the office designated pursuant to subsection
26 (b) of this section, the proficiency levels for each part of the Arkansas
27 Comprehensive Assessment Program exams;

28 (7) Participation in the testing program is mandatory for all
29 students attending public school except as otherwise prescribed by the state
30 board. If a student does not participate in the Arkansas Comprehensive
31 Assessment Program exams, the district shall notify the student's parent or
32 guardian and provide the parent or guardian with information regarding the
33 reasons for and implications of such nonparticipation. The state board shall
34 adopt rules, based upon recommendations of the department, for the provision
35 of test accommodations and modifications of procedures as necessary for
36 students in exceptional education programs and for limited-English proficient

1 students. The State Board of Education shall not make accommodations that
2 negate the validity of a statewide assessment or interpretations or
3 implementations which result in less than ninety-five percent (95%) of all
4 students attending public school participating in the testing program;

5 (8) The department shall implement student testing programs for
6 any grade level and subject area necessary to effectively monitor educational
7 achievement in the state and shall provide data access to any unit within the
8 department or contracted firm or firms for the purpose of analyzing value-
9 added computations and posting school, district, and state student
10 achievement results;

11 (9) District school boards shall ensure that educators in their
12 district provide instruction to prepare students to demonstrate proficiency
13 in the skills and competencies necessary for successful grade-to-grade
14 progression and high school graduation. The department shall conduct studies
15 as necessary to verify that the required skills and competencies are part of
16 the district instructional programs;

17 (10) Conduct ongoing research to develop improved statistically
18 reliable and valid methods of assessing student performance, including,
19 without limitation, the:

20 (A) Use of technology to administer, score, or report the
21 results of tests;

22 (B) Use of electronic transfer of data; and

23 (C) Development of work-product and the process
24 assessments, if appropriate;

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

31 (12) Provide technical assistance to school districts in the
32 implementation of state and district testing programs and the use of the data
33 produced pursuant to such programs, including longitudinal tracking data.

34
35 6-15-434. School testing programs.

36 Student performance data shall be analyzed and reported to parents, the

1 community, and the state. Student performance data shall be one (1) of the
2 components used in developing objectives of the school improvement plan,
3 evaluation of instructional personnel, evaluation of administrative
4 personnel, assignment of staff, allocation of resources, acquisition of
5 instructional materials and technology, performance-based budgeting, and
6 promotion and assignment of students into educational programs of the local
7 school district board.

8
9 6-15-435. Required analyses.

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

13 (1) The statistical system for the annual assessments shall use
14 the Arkansas Comprehensive Assessment Program exams and other valid and
15 reliable measures of student learning to determine classroom, school, and
16 school district statistical distributions that shall be determined using
17 available data from the Arkansas Comprehensive Assessment Program exams and
18 other data collection as deemed appropriate by the State Board of Education
19 to measure the differences in a student's previous year's achievement
20 compared to the current year achievement for the purposes of accountability
21 and recognition;

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

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

27 (3)(A)(i) The approach used by the department shall be in
28 alignment with federal statutes, piloted in 2003-2004 to collect data to
29 allow research and evaluation of student achievement growth models.

30 (ii) The approach shall include the following:

31 (a) Value-added longitudinal calculations.

32 (b) Sufficient transparency in the models'
33 conception and operation to allow others in the field to validate or
34 replicate the results; and

35 (c) An assessment of the models' accurateness
36 in relation to other models.

1 (iii) A team of relevant technical experts in
2 student assessment and the State Board shall review and approve the cost
3 effectiveness of the model in terms of actual and in kind costs before
4 implementation.

5 (B) The department shall establish a schedule for the
6 administration of the statewide assessments.

7 (C) Beginning in the 2005-2006 school year and each
8 subsequent year thereafter, in establishing such schedule, the department is
9 charged with the duty to accomplish the latest possible spring administration
10 of the statewide assessments and the earliest possible provision, but no
11 later than July 1, of the results to the school districts.

12 (D) District school boards shall not establish school
13 calendars that jeopardize or limit the valid testing and comparison of
14 student learning gains.

15
16 6-15-436. Local assessments.

17 School districts may elect to measure the learning gains of students in
18 subjects and at grade levels in addition to those required for the Arkansas
19 Comprehensive Testing Program exams. Measurement of the learning gains of
20 students in all subjects and grade levels other than subjects and grade
21 levels required for the Arkansas Comprehensive Testing Program is the
22 responsibility of the school districts. The results of these assessments
23 shall be provided to the Department of Education upon request of the Director
24 of the Department of Education.

25
26 6-15-437. Rules.

27 The State Board of Education shall adopt any rules necessary to
28 implement the Arkansas Comprehensive Testing, Assessment, and Accountability
29 Program, § 6-15-401 et seq. pursuant to the Arkansas Administrative Procedure
30 Act, § 25-15-201 et seq.

31
32 6-15-438. Test security.

33 (a) With respect to any mandatory tests administered by or through the
34 state board or the Department of Education to students, educators, or
35 applicants for certification or administered by school districts pursuant to
36 § 6-15-433, or with respect to any other test, it is unlawful for anyone to

1 knowingly and willfully

2 (1) Violate test security rules adopted by the State Board of
3 Education;

4 (2) Give examinees access to test questions prior to testing;

5 (3) Copy, reproduce, or use in any manner inconsistent with test
6 security rules all or any portion of any secure test booklet;

7 (4) Coach examinees during testing or alter or interfere with
8 examinees' responses in any way;

9 (5) Make answer keys available to examinees;

10 (6) Fail to follow security rules for distribution and return of
11 a secure test as directed or fail to account for all secure test materials
12 before, during, and after testing;

13 (7) Fail to follow test administration directions specified in
14 the test administration manuals;

15 (8) Participate in, direct, aid, counsel, assist in, or
16 encourage any of the acts prohibited in this section; or

17 (9) Violate other rules and regulations set forth by the state
18 board.

19 (b) Any person who violates this section commits a Class A misdemeanor
20 of the first degree, punishable as provided in § 5-4-201.

21 (c) A district school superintendent and the district school board
22 shall cooperate with the department in any investigation concerning the
23 administration of a test administered pursuant to state statute or rule.

24
25 6-15-439. Unsafe school choice program.

26 (a) Any student that becomes the victim of a violent criminal offense
27 while in or on the grounds of an Arkansas public elementary, secondary, or
28 public charter school or who is attending a persistently dangerous public
29 school shall be allowed to attend a safe public school within the local
30 educational agency pursuant to rules and regulations established by the State
31 Board of Education and the requirements of The No Child Left Behind Act of
32 2001, 20 U.S.C. § 7912 (2002).

33 (b) The state board shall promulgate rules and regulations, as
34 necessary, to administer the unsafe school choice program.

35
36 SECTION 5. Arkansas Code Title 6, Chapter 15, is amended to add an

1 additional subchapter to read as follows:

2 6-15-1801. Public school student progression – Remedial instruction –
 3 Reporting requirements – Intent.

4 It is the intent of the General Assembly subsequent to §§ 6-15-1804
 5 that:

6 (1) Each student’s progression from one (1) grade to another be
 7 determined, in part, upon proficiency in reading, writing, and mathematics;

8 (2) District school board policies facilitate such proficiency;
 9 and

10 (3) Each student and his or her parent be informed of the
 11 student’s academic progress.

12
 13 6-15-1802. Public school student progression – Remedial instruction –
 14 Reporting requirements – Comprehensive program.

15 The State Board of Education shall establish a comprehensive program
 16 for student progression that shall include:

17 (1) Standards for evaluating each student’s performance,
 18 including the student’s mastery level with respect to the academic content
 19 standards;

20 (2) Specific levels of performance in reading, writing, and
 21 mathematics for each grade level and specific proficiency levels of
 22 performance on statewide assessments including end-of-course exams, below
 23 which a student shall be remediated within an intensive program that is
 24 different from the previous year’s program and that takes into account the
 25 student’s learning style; and

26 (3) Appropriate alternative education programs as developed by
 27 the local school board in compliance with state and federal law and approved
 28 by the Department of Education for a student who has been retained two (2)
 29 consecutive years.

30
 31 6-15-1803. Public school student progression – Remedial instruction –
 32 Reporting requirements – Allocation of resources.

33 District school boards shall focus remedial and supplemental
 34 instruction resources to students in the following priority:

35 (1) First on students who are deficient in reading and
 36 mathematics during the primary grades; and

1 (2) Second on students who fail to meet performance levels
2 required for promotion consistent with the state's plan for student
3 progression required in § 6-15-1802(b).

4
5 6-15-1804. Public school student progression – Remedial instruction –
6 Reporting requirements – Assessment and remediation.

7 (a)(1) Each student shall participate in the statewide program of
8 educational assessment required by § 6-15-433.

9 (2) For each student who does not meet specific levels of
10 performance as determined by the State Board of Education in reading,
11 writing, and mathematics for each grade level or who does not meet specific
12 proficiency levels of performance as determined by the state board on
13 statewide assessments, including end-of-course exams, the school district
14 shall administer additional diagnostic assessments to determine the nature of
15 the student's difficulty and areas of academic need.

16 (b) The school in which the student who did not meet the specific
17 levels of performance or specific proficiency level is enrolled shall develop
18 and implement, after notification pursuant to § 6-15-1805(b) and in
19 consultation with the student's parent or guardian, an academic improvement
20 plan designed to assist the student in meeting state expectations for
21 proficiency.

22 (1) After the completion of the plan and prior to August 1 of
23 each year, each student identified as not meeting proficiency levels in the
24 previous spring test shall participate in his or her activities outlined in
25 his or her academic improvement plan. Beginning with the 2005-2006 school
26 year, students in grades one through six (1-6) identified for an academic
27 improvement plan who do not participate in the program shall be retained.
28 Retention for failure to participate in the academic improvement plan shall
29 expand by at least one (1) grade level for each subsequent academic year
30 after implementation. Beginning with the 2009-2010 school year, students
31 shall pass each established end-of-course exam in order to receive credit for
32 the required, corresponding course. Prior to the 2009-2010 school year,
33 students who are not proficient on the end-of-course exams shall participate
34 in a remediation program to receive credit for the corresponding course.

35 (2) Beginning with the 2004-2005 school year, if the student has
36 been identified as having a deficiency in literacy or mathematics, the

1 academic improvement plan shall identify the student's specific areas of
2 deficiency in these subjects, the desired levels of performance in these
3 areas, and the instructional and support services to be provided to meet the
4 desired levels of performance.

5 (3) Schools shall also provide for the frequent monitoring of
6 the student's progress in meeting the desired levels of performance.
7 Remedial instruction provided during high school may not be in lieu of
8 English, mathematics, science, or history core courses required for
9 graduation.

10 (c) Each student who does not meet the minimum performance
11 expectations defined by the state board for the statewide assessment tests in
12 reading, writing, and mathematics shall continue to be provided with remedial
13 or supplemental instruction until the expectations are met or the student is
14 not subject to compulsory school attendance.

15
16 6-15-1805. Public school student progression – Remedial instruction –
17 Reporting requirements – Reading deficiency and parental notification.

18 (a) It is the ultimate goal of the General Assembly that every student
19 read at or above his or her grade level. Any student who exhibits a
20 substantial deficiency in reading, based upon statewide assessments conducted
21 in grades kindergarten through two (K-2), or through teacher observations,
22 shall be given intensive reading instruction utilizing a reading program
23 approved by the State Board of Education immediately following the
24 identification of the reading deficiency. The student's reading proficiency
25 shall be reassessed by utilizing assessments within the state board approved
26 reading program. The student shall continue to be provided with intensive
27 reading instruction until the reading deficiency is corrected.

28 (b) Beginning with the 2005-2006 school year, the parent or guardian
29 of any student who exhibits a substantial deficiency in reading, as described
30 in subsection (a) of this section, shall be notified in writing of the
31 following:

32 (1) That his or her child has been identified as having a
33 substantial deficiency in reading;

34 (2) A description of the current services that are provided to
35 the child; and

36 (3) A description of the proposed supplemental instructional

1 services and supports that will be provided to the child that are designed to
2 remediate the identified area of reading deficiency.

3
4 6-15-1806. Public school student progression – Remedial instruction –
5 Reporting requirements – Elimination of social promotion.

6 No student may be assigned to a grade level based solely on age or
7 other factors that constitute social promotion.

8
9 6-15-1807. Public school student progression – Remedial instruction –
10 Reporting requirements – Annual report.

11 (a) In addition to the requirements in § 6-15-1805(b), each district
12 school board shall annually report to the parent or guardian of each student
13 the progress of the student toward achieving state expectations for
14 proficiency in reading, writing, and mathematics. The district school board
15 shall report to the parent or guardian the student’s results on each
16 statewide assessment test. The evaluation of each student’s progress shall
17 be based upon the student’s classroom work, observations, tests, state
18 assessments, and other relevant information. Progress reporting shall be
19 provided to the parent or guardian in writing in a format adopted by the
20 district school board which is consistent with § 6-15-1901(b).

21 (b) Beginning with the 2004-2005 school year, each district school
22 board shall annually publish in the local newspaper the school performance
23 report required by § 6-15-1402 and report in writing to the State Board of
24 Education by October 15 of each year, the following information on the prior
25 school year or the latest information available:

26 (1) The provisions of this section relating to public school
27 student progression and the state board’s policies and procedures on student
28 retention and promotion;

29 (2) By grade, the number and percentage of all students in
30 grades kindergarten through twelve (K-12) performing at each category level
31 on the benchmark exams, on end-of-course exams, and the percentile rankings
32 by school and grade on norm-referenced exams, any other assessments as
33 required by the State Board of Education, the number of students taking
34 advanced placement courses, the number taking the advanced placement exams,
35 and the percent of students making a 3.0, 4.0, or 5.0 on advanced placement
36 exams;

1 (3) By grade, the number and percentage of all students retained
 2 in grades one through eight (1-8);

3 (4) The graduation rate, grade inflation rate, drop-out rate for
 4 grades nine through twelve (9-12) and college remediation rate;

5 (5) Number of students transferring pursuant to the unsafe
 6 school provision of § 6-15-439; and

7 (6) Number of students transferring pursuant to the Arkansas
 8 Opportunity Public School Choice Act of 2003 § 6-18-227 et seq.

9 (c) Nothing in this section shall be in conflict with the federal
 10 Education Reporting Privacy Act.

11
 12 6-15-1808. Public school student progression – Remedial instruction –
 13 Reporting requirements – State Board of Education authority and
 14 responsibilities.

15 (a) The State Board of Education may, as provided in §§ 6-15-1901
 16 through 6-15-1902, enforce this subchapter;

17 (b) The state board shall adopt rules for the administration of this
 18 subchapter.

19
 20 6-15-1809. Public school student progression – Remedial instruction –
 21 Reporting requirements – Technical assistance.

22 The Department of Education shall provide technical assistance as
 23 needed to aid district school boards in administering this section.

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

27 6-15-1901. School grading system – Annual reports.

28 (a) The Department of Education shall prepare annual reports of the
 29 results of the statewide assessment program which describe student
 30 achievement in the state, each district and each school, as well as the
 31 school performance grades pursuant to § 6-15-1902 and 6-15-1903. The
 32 department shall prescribe the design and content of these reports that shall
 33 include, without limitation, descriptions of achievement of all schools
 34 participating in any assessment program and all of their major student
 35 populations as determined by the department, provided that the provisions of
 36 § 6-18-902 pertaining to student records apply to this section. Annual

1 school performance reports shall be sent to all parents or guardians, posted
2 on the department's website, and published by the local school district in
3 the local newspaper.

4 (b) The department shall provide information regarding performance of
5 students and educational programs as required pursuant to §§ 6-15-433 and 6-
6 15-2301 and implement a system of school reports as required by statute and
7 State Board of Education rule. Annual school performance reports shall be in
8 an easy-to-read report card format and shall include both the school's
9 student and school performance grade category designation and performance
10 data in terms of national percentile and value-added rankings as specified in
11 the state board rule.

12 (c) The annual report shall designate two (2) grades for each school,
13 one (1) for the school's improvement gains, tracked longitudinally and using
14 value-added calculations on the norm-referenced exams in the latest available
15 test results, known as the annual improvement grade and one (1) based on
16 performance from the prior year on the criterion-referenced benchmark and
17 end-of-course exams, hereafter referred to as annual performance pursuant to
18 § 6-15-1903 and described in § 6-15-419(18).

19 (d) Nothing in this section shall prohibit compliance with federal
20 law.

21
22 6-15-1902. School grading system – Annual improvement grade
23 categories.

24 (a) For the designation determined by annual improvement, annual
25 improvement gains on norm-referenced tests shall identify schools as being in
26 one (1) of the following grade categories defined according to rules of the
27 State Board of Education:

- 28 (1) "A", schools with excellent annual improvement;
29 (2) "B", schools with above expected annual improvement;
30 (3) "C", schools with expected annual improvement;
31 (4) "D", schools with below expected annual improvement; and
32 (5) "F", schools in need of improvement.

33 (b) The base year for improvement gains shall be established in the
34 2004-2005 school year, with annual improvement grades assigned in the 2005-
35 2006 school year.

36 (c) School annual improvement grade category designations shall be

1 based on the following:

2 (1) A combination of student achievement scores as measured by
3 annual academic gain scores on norm-referenced exams or assessments in grades
4 kindergarten through twelve (K-12);

5 (2) Student assessment data used to determine annual improvement
6 grade categories shall include the aggregate scores of the combined
7 population;

8 (d) The Department of Education shall study the effects of mobility on
9 the performance of highly mobile students and recommend programs to improve
10 the performance of such students. The state board shall adopt appropriate
11 criteria for each school performance grade category.

12 (e) Schools that receive an annual improvement grade category of "A"
13 or "B" are eligible for school recognition awards and performance-based
14 funding pursuant to § 6-15-1909.

15
16 6-15-1903. School grading system – Annual Performance Goals -School
17 annual performance grade categories.

18 (a) The annual report shall identify schools as being in one (1) of
19 the following grade categories, based on the criterion-referenced benchmark
20 exams and defined according to rules of the State Board of Education:

21 (1) "A", schools providing excellent annual performance;

22 (2) "B", schools providing above expected annual performance;

23 (3) "C", schools providing expected annual performance;

24 (4) "D", schools providing below expected annual performance;

25 and

26 (5) "F", schools in need of immediate improvement.

27 (b)(1) For the years 2004-2005 through 2008-2009, schools will not be
28 assigned a letter grade for annual performance. Instead, they will be
29 assigned the descriptive language for the appropriate grade, unless they
30 request to be given the corresponding grade designation.

31 (2) For schools that receive an improvement grade of "A" or "B"
32 in the 2009-2010 and 2010-2011 school years, performance grades may be
33 waived.

34 (c)(1) For all schools that have received an annual performance grade
35 of "F" or its corresponding description for two (2) consecutive years, the
36 students in these schools shall be offered the opportunity public school

1 choice option with transportation provided by the resident school district
 2 pursuant to § 6-18-227 et seq.

3 (2) In addition, the school district board shall provide
 4 supplemental educational services, approved by the State Board, to affected
 5 students.

6
 7 6-15-1905. School grading system – School improvement and performance
 8 grade category and improvement and performance rating reports.

9 (a) School annual improvement and performance grade category
 10 designations and ratings shall apply to each school's achievement for the
 11 year in which the achievement is measured.

12 (b) School yearly progress and performance grade category designations
 13 and improvement ratings shall apply to each school's performance for the year
 14 in which the performance is measured.

15 (c) Each school's designation and rating shall be published annually
 16 by the Department of Education and the school district, and shall be
 17 available on the department's website. Parents and guardians shall be
 18 entitled to an easy-to-read written report card describing the designation
 19 and rating of the school in which their child is enrolled.

20
 21 6-15-1906. School grading system – Improvement and performance grades
 22 - Annual.

23 The State Board of Education shall adopt rules necessary to implement §
 24 6-15-1901 et seq. pursuant to the Arkansas Administrative Procedure Act, §
 25 25-15-201 et seq.

26
 27 6-15-1907. Arkansas School Recognition Program.

28 (a) The General Assembly finds that there is a need for an incentive
 29 program for outstanding schools. The General Assembly further finds that
 30 performance-based incentives are commonplace in the private sector and should
 31 be infused into the public sector as a reward for productivity.

32 (b) The Arkansas School Recognition Program is created to provide
 33 financial awards to public schools that:

34 (1) Receive a grade of "A" or "B" for its annual performance
 35 pursuant to § 6-15-1903 and at least a "C" for annual improvement pursuant to
 36 § 6-15-1902; or

1 (2) Receive a grade of "A" or "B" for its annual improvement
2 pursuant to § 6-15-1902.

3 (c) Each school meeting the requirements set out in subdivisions
4 (b)(1) or (b)(2) of this section shall receive performance-based funding in
5 the amount of one hundred dollars (\$100) per student who participated in the
6 school's assessment program. A school that receives a grade of "A" or "B"
7 for its annual performance as provided under § 6-15-1903, provided it has
8 received at least a "C" for annual improvement under § 6-15-1902 and a grade
9 of "A" or "B" for its annual improvement under § 6-15-1902, shall receive
10 performance-based funding. All schools meeting both criteria shall receive
11 rewards for both categories. Each school that receives performance-based
12 funding shall submit a proposal for its spending of the performance-based
13 funding to the Department of Education. The department shall review and
14 approve each proposal. The department shall approve spending of performance-
15 based funding for academic expenses only as set forth in subsection (f) of
16 this section.

17 (d) All public schools, including charter schools, that receive school
18 grades pursuant to §§ 6-15-1902 and 6-15-1904 are eligible to participate in
19 the program.

20 (e) All eligible schools shall receive performance-based funding.
21 Funds shall be distributed to the school's fiscal agent and placed in the
22 school's account and shall be used for purposes listed in subsection (f) of
23 this section as determined by a committee which shall include the principal,
24 a teacher elected by the faculty, and a representative selected by the parent
25 advisory council. The committee shall make its determination by December 15
26 of each applicable year.

27 (f) School recognition awards shall be used for the following:

28 (1) Nonrecurring bonuses to the faculty and staff;

29 (2) Nonrecurring expenditures for educational equipment or
30 materials to assist in maintaining and improving student performance; or

31 (3) Temporary personnel for the school to assist in maintaining
32 and improving student performance.

33 (g) The General Assembly shall appropriate and fund sufficient funds
34 to implement this section.

35
36 SECTION 7. Arkansas Code Title 6, Chapter 18, Subchapter 2 is amended

1 to add an additional section to read as follows:

2 6-18-227.Title.

3 (a)(1) This section may be referred to and cited as the "Arkansas
4 Opportunity Public School Choice Act of 2003".

5 (2) The purpose of this section is to provide enhanced
6 opportunity for students in this state to gain the knowledge and skills
7 necessary for postsecondary education, a technical education, or the world of
8 work. The General Assembly recognizes that the Arkansas Constitution, as
9 interpreted by the Arkansas Supreme Court in Lake View School District No. 25
10 v. Mike Huckabee, 351 Ark. 31 (2002), makes education a paramount duty of the
11 state. The General Assembly finds that the State Constitution requires the
12 state to provide an adequate education. The General Assembly further finds
13 that a student should not be compelled, against the wishes of the student's
14 parent or guardian, to remain in a school found by the state to be failing
15 for two (2) or more consecutive years with a grade of "F" or its
16 corresponding description, pursuant to § 6-15-1903. The General Assembly
17 shall make available a public school choice option in order to give parents
18 the opportunity for their children to attend a public school that is
19 performing satisfactorily.

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

26 (4) A public school choice program is hereby established to
27 enable any student to transfer from a failing school to any other public
28 school in the state, subject to the restrictions contained in this section.

29 (b)(1) A public school student's parent or guardian may request and
30 shall receive from the receiving district a transfer option for the student
31 to enroll in and attend another public school in accordance with the
32 provisions of this section if:

33 (A)(i) By assigned school attendance area or by special
34 assignment, the student has spent the prior school year in attendance at a
35 public school that has been designated pursuant to § 6-15-1903 as school in
36 need of immediate improvement and that has had two (2) or more consecutive

1 school years of such low performance and the student's attendance occurred
2 during a school year in which such designation was in effect.

3 (ii) The student has been in attendance elsewhere in
4 the public school system and has been assigned to such school for the next
5 school year.

6 (iii) The student is entering grades kindergarten or
7 first grade and has been notified that the student has been assigned to such
8 school for the next school year; and

9 (B) The parent has notified the Department of Education
10 and both the sending and receiving school districts of the request for a
11 transfer no later than July 30 of the first year in which the student intends
12 to transfer.

13 (2) For purposes of continuity of educational choice, the
14 transfer shall remain in force until the student completes high school or the
15 parent notifies the department and both the sending and receiving school
16 districts, no later than July 30 following the current school year, of his or
17 her desire to transfer back to the child's resident school district at the
18 end of the current school year.

19 (3)(A) A school district shall, for each student enrolled in or
20 assigned to a school that has been designated as a school in need of
21 immediate improvement for two (2) or more consecutive school years or:

22 (i) Timely notify the parent or guardian of the
23 student as soon as such designation is made of all options available pursuant
24 to this section; and

25 (ii) Offer that student's parent or guardian an
26 opportunity to enroll the student in any public school that has been
27 designated by the state pursuant to § 6-15-1903 as a school performing higher
28 than that in which the student is currently enrolled or to which the student
29 has been assigned, but not less than expected annual performance grade
30 category "C" expected annual performance. The opportunity to continue
31 attending the higher performing public school shall remain in force until the
32 student graduates from high school.

33 (B) The parent or guardian of a student enrolled in or
34 assigned to a school that has been designated as a school in need of
35 immediate improvement grade category "F" for any two (2) years of a four-year
36 period may choose as an alternative to enroll the student in a higher-

1 performing public school in any school district and that school district
2 shall accept the student and report the student for purposes of the
3 district's funding pursuant to the Equitable School Finance System Act of
4 1995, § 6-20-301 et seq.

5 (C) Students with disabilities who are eligible to receive
6 services from the school district under federal or state law, including
7 students receiving additional funding through Federal Title Programs specific
8 to the Elementary and Secondary Education Act (ESEA), and who participate in
9 this program, remain eligible to receive services from the school district as
10 provided by federal or state law and any funding for such student shall be
11 transferred to the district to which the student transfers.

12 (c)(A) If the parent chooses to request that the student be enrolled
13 in a higher performing public school, transportation costs to either:

14 (i) The closest adequately performing school within
15 the district; or

16 (ii) If there is not a school performing at expected
17 levels within the district, the closest school performing at expected levels
18 shall be the responsibility of the transferring school district.

19 (B) However, upon the transferring district receiving a
20 grade of expected annual performance as of the next academic school year,
21 then the transportation costs shall no longer be the responsibility of the
22 transferring district. The transferring district may utilize state
23 categorical transportation funds or federal funds as permitted by federal
24 law.

25 (d)(1) Each district school board shall offer the opportunity public
26 school choice option within the public schools. The opportunity public
27 school choice option shall be offered in addition to the existing choice
28 programs such as magnet schools, alternative schools, special programs, dual
29 enrollment, and provisions in the Arkansas Public School Choice Act (6-15-
30 206).

31 (2) Each district school board shall develop a opportunity
32 public school choice option plan which describes the implementation of
33 subdivision (d)(1) of this section. In the event that the opportunity public
34 school choice option results in a receiving district requiring temporary
35 facilities or faculty as a result of and to accommodate the additional
36 students, expenses related thereto in excess of that received for each

1 student electing the opportunity public school choice option shall be borne
2 by the state.

3 (e) School districts shall adhere to federal desegregation
4 requirements. No opportunity public school choice option plan that conflicts
5 with federal desegregation orders shall be implemented.

6 (f) The provisions of this section and all student choice options
7 created in this section are subject to the following limitations:

8 (1) No student may transfer to a nonresident district where the
9 percentage of enrollment for the student's race exceeds that percentage in
10 the student's resident district except in the circumstances set forth in
11 subdivisions (f)(2) and (f)(4) of this section;

12 (2) A transfer to a district is exempt from the restriction set
13 forth in subdivision (f)(1) of this section if the transfer is between two
14 (2) districts within a county and if the minority percentage in the student's
15 race and majority percentages of school enrollment in both the resident and
16 nonresident district remain within an acceptable range of the county's
17 overall minority percentage in the student's race and majority percentages of
18 school population as set forth by the department;

19 (3) The department shall compute the minority percentage in the
20 student's race and majority percentages of each county's public school
21 population from the October annual school report and shall then compute the
22 acceptable range of variance from those percentages for school districts
23 within each county by the filing deadline each year. In establishing the
24 acceptable range of variance, the department is directed to use the remedial
25 guideline established in Little Rock School District v. Pulaski County
26 Special School District of allowing an overrepresentation or under
27 representation of black or white students of one-fourth (1/4) or twenty-five
28 percent (25%) of the county's racial balance;

29 (4) A transfer is exempt from the restriction set forth in
30 subdivision (f)(1) of this section if each school district within the county
31 does not have a critical mass of minority percentage in the student's race of
32 more than ten percent (10%) of any single race;

33 (5) In any instance where the foregoing provisions would result
34 in a conflict with a desegregation court order or a district's court-approved
35 desegregation plan, the terms of the order or plan shall govern;

36 (6) The department shall adopt appropriate rules and regulations

1 to implement the provisions of this section; and

2 (7) The department shall monitor school districts for compliance
3 with this section.

4 (g) The department shall develop an annual report on the status of
5 school choice and deliver the report to the State Board of Education, the
6 Governor, and the Legislative Council at least ninety (90) days prior to the
7 convening of the regular session of the General Assembly.

8 (h) Each district school board shall annually report the number of
9 students applying for and attending the various types of public schools of
10 choice in the district, including schools such as magnet schools, according
11 to rules adopted by the state board.

12 (i)(1) A receiving district shall accept credits toward graduation
13 that were awarded by another district.

14 (2) The receiving district shall award a diploma to a
15 nonresident student if the student meets the receiving district's graduation
16 requirements.

17 (j) For purposes of determining a school district's state equalization
18 aid, the nonresident student shall be counted as a part of the average daily
19 membership of the district to which the student has transferred.

20 (k)(1) All school districts shall report to the department on an
21 annual basis the race, gender, and other pertinent information needed to
22 properly monitor compliance with the provisions of this section.

23 (2) The reports may be on those forms that are prescribed by the
24 department or the data may be submitted electronically by the district using
25 a format authorized by the department.

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

31 (4) A copy of the report shall be provided to the Joint Interim
32 Committee on Education.

33 (l)(1) Any student participating in the opportunity public school
34 choice option shall remain in attendance throughout the school year, unless
35 excused by the school for illness or other good cause, and shall comply fully
36 with the school's code of conduct.

1 (2) The parent or guardian of each student participating in the
2 opportunity public school choice option shall comply fully with the receiving
3 public school's parental involvement requirements, unless excused by the
4 school for illness or other good cause.

5 (3) The parent or guardian shall ensure that the student
6 participating in the opportunity public school choice option takes all
7 statewide assessments, including, but not limited to, benchmark exams,
8 required pursuant to § 6-15-433.

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

11 (m)(1) The maximum opportunity public school choice funds granted for
12 an eligible student shall be a calculated amount equivalent to the base local
13 revenue per student allocation for the receiving district.

14 (2) The receiving school district shall report all students who
15 transfer from another public school under this program. The students
16 attending public schools pursuant to the opportunity public school choice
17 option shall be reported separately from those students reported for purposes
18 of compliance with the Equitable School Finance System Act of 1995, § 6-20-
19 301 et seq.

20 (3) The public school that provides services to students with
21 disabilities shall receive funding as determined by the adequacy study and
22 approved by the General Assembly.

23 (4) Following annual notification on July 15 of the number of
24 participants, the department shall transfer from each school district's
25 appropriated funds the amount calculated pursuant to the Equitable School
26 Finance System Act of 1995, § 6-20-301 et seq. and authorized categorical
27 accounts to a separate account for quarterly disbursement to receiving
28 district or charter schools.

29 (5) Upon proper documentation reviewed and approved by the
30 department, the comptroller of the Department of Education shall make school
31 transfer fund payments in four (4) equal amounts no later than September 1,
32 November 1, February 1, and April 1 of each academic year in which the
33 opportunity public school choice option is in force. The initial payment
34 shall be made after the department verification of admission acceptance and
35 subsequent payments shall be made upon verification of continued enrollment
36 and attendance at the receiving school.

1 (n) No liability shall arise on the part of the state based on any
2 grant or use of fund for the opportunity public school choice option.

3 (o) The state board shall adopt any rules necessary for the
4 implementation of the Arkansas Opportunity Public School Choice Act of 2003,
5 § 6-18-227 et seq. pursuant to the Arkansas Administrative Procedure Act, §
6 25-15-201 et seq.

7 (p) Losses in revenue to a district directly related to the transfer
8 of students pursuant to this section shall not be considered when determining
9 a district's eligibility for funding pursuant to § 6-20-326.

10 (q) A district under this program shall cause public announcements to
11 be made over the broadcast media and in the print media at such times and in
12 such manner as to inform parents or guardians of students in adjoining
13 districts of the availability of the program, the application deadline, and
14 the requirements and procedure for nonresident students to participate in the
15 program.

16
17 SECTION 8. Arkansas Code Title 6, Chapter 15, is amended to add an
18 additional subchapter to read as follows:

19 6-15-2001. Implementation of state system of school improvement and
20 education accountability.

21 (a) The Department of Education is responsible for implementing and
22 maintaining a system of intensive school improvement and education
23 accountability that shall include policies and programs to implement the
24 following:

25 (1) A system of data collection and analysis that will improve
26 information about the educational success of individual students and schools.
27 The information and analyses shall be capable of identifying educational
28 programs or activities in need of improvement and reports prepared pursuant
29 to this section shall be distributed to the appropriate district school
30 boards prior to distribution to the general public. This provision shall not
31 preclude access to public records as provided in the Freedom of Information
32 Act of 1967, § 25-19-101 et seq.;

33 (2) A program of school improvement that will analyze
34 information to identify schools educational programs or educational
35 activities in need of improvement;

36 (3) A method of delivering services to assist school districts

1 and schools to improve; and

2 (4) A method of coordinating the state educational goals and
3 school improvement plans with any other state program that creates incentives
4 for school improvement.

5 (b) The department shall be held responsible for the implementation
6 and maintenance of the system of school improvement and education
7 accountability outlined in this section. There shall be an annual
8 determination of whether adequate yearly progress in each school is being
9 made toward implementing and maintaining a system of school improvement and
10 education accountability.

11 (c) If adequate yearly progress is not being made, the local school
12 district shall prepare and implement a revised school improvement plan. The
13 department and State Board of Education shall monitor the development and
14 implementation of the revised school improvement plan.

15 (d) The department shall report to the Legislative Council and
16 recommend changes in state policy necessary to foster school improvement and
17 education accountability. Included in the report shall be a list of the
18 schools for which district school boards have developed assistance and
19 intervention plans and an analysis of the various strategies used by the
20 school boards. School reports shall be distributed pursuant to this
21 subsection (d) and § 6-15-1901 and according to rules adopted by the state
22 board.

23 (e)(1) The department shall implement a training program to develop
24 among state and district educators a cadre of facilitators of school
25 improvement. These facilitators shall assist schools and districts to
26 conduct needs assessments and develop and implement school improvement plans
27 to meet state goals.

28 (2) Upon request, the department shall provide technical
29 assistance and training to any school, school district, or district school
30 board for conducting needs assessments, developing and implementing school
31 improvement plans, developing and implementing assistance and intervention
32 plans, or implementing other components of school improvement and
33 accountability. Priority for these services shall be given to schools
34 designated as performance grade category "D" or "F" or their corresponding
35 description.

36 (3) The department shall provide technical assistance to each

1 school designated as performance grade category "D" or "F" or the
 2 corresponding description to develop a revised school improvement plan.
 3 Notice shall be given to the public of the department's intervention and
 4 shall identify each school without an approved school improvement plan.

5 (4) The local school district shall assign a comprehensive
 6 school improvement team to each school designated as performance grade
 7 category "D" or "F" to review the school performance data and determine
 8 causes for the low performance. The team shall make recommendations to the
 9 school board for implementing a revised school improvement plan that will
 10 address the causes of the school's low performance. The comprehensive school
 11 improvement team shall include, but not be limited to, parents, business
 12 representatives, educators, and community activists and shall represent the
 13 demographics of the community from which they are appointed. Each
 14 comprehensive school improvement team shall receive training prior to
 15 deployment, including, but not limited to, data disaggregation.

16 (f) As a part of the system of educational accountability, the
 17 department shall:

18 (1) Develop minimum performance standards for various grades and
 19 subject areas, as required in §§ 6-15-1901 et seq., 6-15-403, and 6-15-433;

20 (2) Administer the statewide assessment testing program created
 21 by § 6-15-433; and

22 (3) Conduct or contract with a provider to conduct the program
 23 assessments required by § 6-15-403; and

24 (4) Perform any other functions that may be involved in
 25 educational planning, research, and evaluation or that may be required by the
 26 state board rules and regulations or federal or state law.

27
 28 SECTION 9. Arkansas Code Title 6, Chapter 15 is amended to add an
 29 additional subchapter to read as follows:

30 6-15-2101. Best financial management practices for school districts –
 31 Standards – Reviews – Designation of school districts.

32 (a) The purpose of best financial management practices reviews are to
 33 improve Arkansas school district management's use of resources and to
 34 identify cost savings. The Department of Education and the Division of
 35 Legislative Audit of the Legislative Joint Auditing Committee of the General
 36 Assembly are directed to develop a system for reviewing the financial

1 management practices of school districts. In this system, the division shall
2 assist the department in examining district operations to determine whether
3 they meet "best financial management code practices".

4 (b)(1) The best financial management practices adopted by the State
5 Board of Education may be updated periodically after consultation with the
6 Legislative Council, the Governor, the department, school districts, and the
7 division. The department shall submit to the state board for review and
8 adoption proposed revisions to the best financial management practices
9 adopted by the state board and reviewed by the Legislative Council. The best
10 financial management practices, at a minimum, shall instill public confidence
11 by addressing the school district's use of resources, identifying ways that
12 the district could save funds, and improving districts' performance
13 accountability systems, including public accountability. To achieve these
14 objectives, best practices shall be developed for, but need not be limited
15 to, the following areas:

16 (A) Management structures;

17 (B) Performance accountability;

18 (C) Efficient delivery of educational services, including
19 instructional materials;

20 (D) Administrative and instructional technology;

21 (E) Personnel systems and benefits management;

22 (F) Facilities construction;

23 (G) Facilities maintenance;

24 (H) Student transportation;

25 (I) Food service operations;

26 (J) Cost control systems, including asset management, risk
27 management, financial management, purchasing, internal auditing, and
28 financial auditing;

29 (K) Athletics; and

30 (L) Other extra-curricular activities.

31 (2) In areas for which the state board has not adopted best
32 practices, the department may develop additional best financial management
33 practices with input from a broad range of stakeholders. The department
34 shall present any additional best practices to the state board for review and
35 adoption. Revised best financial management practices adopted by the state
36 board shall be used in the next year's scheduled school district reviews

1 conducted according to this section.

2 (c) The department shall conduct the reviews or contract with a
3 private firm selected through a formal request for proposal process to
4 perform the review. The General Assembly shall appropriate and fund
5 sufficient funds to implement this subsection. At least one (1) member of
6 the private firm review team shall have expertise in school district
7 finance. The scope of the review shall focus on the best practices adopted
8 by the state board pursuant to subsection (b) of this section. The state
9 board may include additional items in the scope of the review after seeking
10 input from the school district and the department.

11 (d) The state board shall consult with the department throughout the
12 best practices review process to ensure that the technical expertise of the
13 department benefits the review process and supports the school districts
14 before, during, and after the review.

15 (e)(1) It is the intent of the General Assembly that each school
16 district shall be subject to a best financial management practices review.
17 The General Assembly also intends that all school districts shall be reviewed
18 annually either by electronic data analysis or on-site visits and shall be
19 given one of the following designations:

20 (A) "A", schools comprehensively complying with best
21 financial practices;

22 (B) "B", schools complying with best financial practices
23 at significant levels;

24 (C) "C", schools adequately complying with best financial
25 practices;

26 (D) "D", schools less than adequately complying with best
27 financial practices; and

28 (E) "F", schools failing to comply with best financial
29 practices.

30 (2) The department shall prepare annual reports of the results
31 of the best financial management practices reviews and shall post to its
32 website the school and district financial grades pursuant to subsection (b)
33 of this section. The report, which shall be part of the overall school and
34 district report card requirement pursuant to § 6-15-1901, shall include both
35 revenue sources and expenditures. The reporting of expenditures shall
36 include breakdowns of administrative, instructional, support, and operations

1 expenditures, as well as any other financial commitments of the school and
2 district.

3 (f) The Legislative Council may adjust the schedule of districts to be
4 reviewed when unforeseen circumstances prevent initiation of reviews
5 scheduled.

6 (g) The department, subject to funding by the General Assembly, may
7 conduct or contract with a private firm to conduct, up to two (2) additional
8 best financial management practices reviews.

9 (h) Reviews shall be conducted by the division, the department, or the
10 consultant. Funds may be used for the cost of reviews by the division and
11 private consultants contracted by the state board. Costs may include
12 professional services, travel expenses of the department and of the staff of
13 the division, and any other necessary expenses incurred as part of a best
14 financial management practices review and as preapproved by the department.

15 (i) Districts shall complete a self-assessment instrument provided by
16 the department that indicates the school district's evaluation of its
17 performance on each best practice. The district shall begin the self-
18 assessment no later than sixty (60) days prior to the commencement of the
19 review. The completed self-assessment instrument and supporting
20 documentation shall be submitted to the department no later than the date of
21 commencement of the review as notified by the department. The best practices
22 review team will use this self-assessment information during their review of
23 the district.

24 (j) During the review, the department or the consultant conducting the
25 review, if any, shall hold at least one (1) advertised public forum as part
26 of the review in order to explain the best financial management practices
27 review process and obtain input from students, parents or guardians, the
28 business community, and other district residents regarding their concerns
29 about the operations and management of the school district.

30 (k) District reviews conducted under this section shall be completed
31 within six (6) months after commencement. The department shall issue a final
32 report to the Legislative Council regarding the district's use of best
33 financial management practices and cost savings recommendations within sixty
34 (60) days after completing the reviews. Copies of the final report shall be
35 provided to the Governor, the state board, the district superintendent, and
36 the districts' school board members. The district superintendent shall

1 notify the press that the final report has been delivered. The notification
2 shall state the department's website address at which an electronic copy of
3 the report is available.

4 (l) After receipt of the final report, or if no action plan was
5 required because the district was found to be using the best practices, the
6 district school board shall hold an advertised public forum to accept public
7 input and review the findings and recommendations of the report. The
8 district school board shall advertise and promote this forum in a manner
9 appropriate to inform parents or guardians, school district employees, the
10 business community, and other district residents of the opportunity to attend
11 this meeting.

12 (m)(1) If the district is found not to conform to best financial
13 management practices, the report shall contain an action plan detailing how
14 the district could meet the best practices within two (2) years. The
15 district school board shall develop and approve the implementation schedule
16 within sixty (60) days after receipt of the final report. If a district
17 fails to vote on the action plan within sixty (60) days, the district
18 superintendent and school board members shall be required to appear and
19 present testimony before the state board and the Legislative Council, or
20 both.

21 (2) Within sixty (60) days after the receipt of the final
22 report, the district school board shall notify the state board and the
23 department in writing of the implementation schedule for the action plan.
24 The department shall contact the school district, assess the situation, and
25 offer technical assistance, if needed.

26 (n) After a district school board votes to implement the action plan:

27 (1) No later than six (6) months after receipt of the final best
28 financial practices report, the district school board shall submit an initial
29 status report to the Governor, the state board, the division, the department
30 and the Legislative Council on progress made toward implementing the action
31 plan and whether changes have occurred in other areas of operation that would
32 affect compliance with the best practices; and

33 (2)(A) A second status report shall be submitted by the school
34 district to the Governor, the state board, the division, the department, and
35 the Legislative Council no later than six (6) months after submission of the
36 initial report, and every six (6) months thereafter, until status reports are

1 not required.

2 (B) Status reports are not required once the state board
3 concludes that the district is using best financial management practices and
4 the district is designated a grade category "C" for its financial practices.

5 (o) After receipt of each of a district's status reports required by
6 subsection (n) of this section, the department shall assess the district's
7 implementation of the action plan and progress toward implementing the best
8 financial management practices in areas covered by the plan. Following each
9 assessment, the department shall issue a report to the Governor, the state
10 board, the division, the district, and the Education Committees of the Senate
11 and the House of Representatives indicating whether the district has
12 successfully implemented the best financial management practices. If a
13 district has failed to implement an action plan adopted pursuant to
14 subsection (m) of this section, district school board members and the
15 district school superintendent may be required to appear before the state
16 board and the Legislative Council to present testimony regarding the
17 district's failure to implement such action plan.

18 (p) School districts that are determined in their review to be using
19 the best practices and are graded a category "A" pursuant to subsection (e)
20 of this section, shall receive a "Seal of Best Financial Management". Upon
21 notification to the department and the state board by the division that a
22 district has been found to be using the best financial management practices,
23 the state board shall award that district a "Seal of Best Financial
24 Management" certifying that the district is adhering to the state's best
25 financial management practices. The state board designation shall be
26 effective until a district's financial accountability grade decreases.
27 During the designation period, the district school board shall annually, not
28 later than the anniversary date of the certification, notify the Governor,
29 the state board, the division, the department, and the press of any changes
30 in policies or operations or any other situations that would not conform to
31 the state's best financial management practices. The state board shall
32 revoke the designation of a district school board at any time if it
33 determines that a district is no longer complying with the state's best
34 financial management practices. If no such changes have occurred and the
35 district school board determines that the school district continues to
36 conform to the best financial management practices, the district school board

1 shall annually report that information to the state board with copies to the
2 division.

3 (q)(1) A district school board that has been awarded a "Seal of Best
4 Financial Management" by the state board and has annually reported to the
5 state board that the district is still conforming to the best financial
6 management practices may request a waiver from undergoing its next scheduled
7 best financial management practices review so long as its financial
8 accountability grade has not decreased.

9 (2) To apply for such waiver, no later than June 1 of the fiscal
10 year prior to the fiscal year in which the district is next scheduled for
11 review, the district school board shall certify to the division and the
12 department the district school board's determination that the school district
13 is still conforming to the best financial management practices.

14 (3) After consultation with the division and review of the
15 district school board's determination, the department may recommend to the
16 Legislative Council that the district be granted a waiver for the next
17 scheduled best financial management practices review. If approved for
18 waiver, the department shall notify the school district that no review of
19 that district will be conducted during the next scheduled review cycle. In
20 that event, the district school board shall continue annual reporting to the
21 state board as required in subsection (p) of this section.

22 (r) District school boards that receive a best financial management
23 practices review shall maintain records that will enable independent
24 verification of the implementation of the action plan and any related fiscal
25 impacts.

26 (s) Unrestricted cost savings resulting from implementation of the
27 best financial management practices shall be spent at the school and
28 classroom levels for teacher salaries, teacher training, improved classroom
29 and school facilities, student supplies, textbooks, classroom technology, and
30 other direct student instruction activities. Cost savings identified for a
31 program that has restrictive expenditure requirements shall be used for the
32 enhancement of the specific program. If the district is in fiscal distress,
33 the cost savings may be used in accordance with the fiscal distress plan.

34
35 SECTION 10. Arkansas Code Title 6, Chapter 15 is amended to add an
36 additional subchapter to read as follows:

1 6-15-2201. Postsecondary feedback of information to high schools.

2 (a) The State Board of Education shall adopt rules that require the
3 Department of Higher Education to report to the state board, the General
4 Assembly, and the district school boards on the performance of each first-
5 time-in-postsecondary education student from each public high school in this
6 state who is enrolled in a public postsecondary institution or public
7 technical center. Such reports shall be based on information databases
8 maintained by the department. In addition, the public postsecondary
9 educational institutions and technical centers shall provide district school
10 boards access to information on student performance in regular and
11 preparatory courses and shall indicate students referred for remediation.

12 (b) The department shall report, by high school, to the state board
13 and the General Assembly, no later than November 30 of each year, on the
14 number of prior-year Arkansas high school graduates who enrolled for the
15 first time in public postsecondary education in this state during the
16 previous summer, fall, or spring term indicating the number of students whose
17 scores on the common placement test indicated the need for remediation
18 through college-preparatory instruction.

19 (c) The department shall organize school summary reports and student-
20 level records by school district and high school in which the postsecondary
21 education students were enrolled and report the information to each school
22 district no later than January 31 of each year.

23 (d) As a part of the school improvement plan pursuant to § 6-15-2001,
24 the state board shall ensure that each school district and high school
25 develops strategies to improve student readiness for the public postsecondary
26 level based on annual analysis of the feedback report data.

27 (e) The department shall biennially recommend to the General Assembly
28 statutory changes to reduce the incidence of postsecondary remediation in
29 mathematics, reading, and writing for first-time-enrolled recent high school
30 graduates.

31
32 SECTION 11. Arkansas Code Title 6, Chapter 18, Subchapter 9 is amended
33 to add an additional section to read as follows:

34 6-18-902. Student records and reports – Rights of parents and students
35 – Notification – Penalty.

36 (a) The purpose of this section is to protect the rights of students

1 and their parents with respect to student records and reports as created,
2 maintained, and used by public educational institutions in the state. The
3 intent of the General Assembly is that students and their parents shall have
4 rights of access, rights of challenge, and rights of privacy with respect to
5 records and reports and that rules shall be available for the exercise of
6 these rights.

7 (b) Rights of access and rights of privacy. No student records or
8 identifiable student information shall be released except as allowed by the
9 Arkansas Freedom of Information Act of 1967, § 25-19-101 et seq., and the
10 Federal Educational Rights and Privacy Act.

11 (c) Right to challenge and hearing. A parent or student shall have
12 the right to challenge the content of any record or report to which such
13 person is granted access under subsection (c) of this section, in order to
14 ensure that the record or report is not inaccurate, misleading, or otherwise
15 in violation of the privacy or other rights of the student and to provide an
16 opportunity for the correction, deletion, or expunction of any inaccurate,
17 misleading, or otherwise inappropriate data or material contained therein.
18 Any challenge arising under the provisions of this subsection may be settled
19 through informal meetings or discussions between the parent or student and
20 appropriate officials of the educational institution. If the parties at such
21 a meeting agree to make corrections, to make deletions, to expunge material,
22 or to add a statement of explanation or rebuttal to the file, such agreement
23 shall be reduced to writing and signed by the parties and the appropriate
24 school officials shall take the necessary actions to implement the agreement.
25 If the parties cannot reach an agreement, upon the request of either party, a
26 hearing shall be held on such challenge under rules adopted by the State
27 Board of Education. Upon the request of the parent or guardian or student,
28 the hearing shall be exempt from the requirements of the Arkansas
29 Administrative Procedure Act, § 25-15-201 et seq. Such rules shall include
30 at least the following provisions:

31 (1) The hearing shall be conducted within a reasonable period of
32 time following the request for the hearing;

33 (2) The hearing shall be conducted and the decision rendered by
34 an official of the educational institution or other party who does not have a
35 direct interest in the outcome of the hearing;

36 (3) The parent or student shall be afforded a full and fair

1 opportunity to present evidence relevant to the issues raised under this
 2 subsection;

3 (4) The decision shall be rendered in writing within a
 4 reasonable period of time after the conclusion of the hearing; and

5 (5) The appropriate school officials shall take the necessary
 6 actions to implement the decision.

7
 8 SECTION 12. Arkansas Code § 6-15-419 is amended to read as follows:
 9 6-15-419. Definitions.

10 The following definitions shall apply in this subchapter, unless the
 11 context otherwise requires:

12 (1) "Academic Content Standards" means standards which are
 13 approved by the State Board of Education and set the skills to be taught and
 14 mastery level for each grade and content area;

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

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

22 (ii) All academic improvement plans shall be
 23 annually reviewed and revised to ensure an opportunity for student
 24 demonstration of proficiency in the targeted academic areas on the next
 25 state-mandated ~~critierion referenced~~ Arkansas Comprehensive Assessment Program
 26 assessments.

27 (iii) A cumulative review of all academic
 28 improvement plans shall be part of the data used by the school in creating
 29 and revising its comprehensive school improvement plan.

30 (iv) All academic improvement plans shall be subject
 31 to review by the Department of Education.

32 (C) In any instance where a student with disabilities
 33 identified under the Individuals with Disabilities Education Act has an
 34 individualized education program that already addresses any academic area or
 35 areas in which the student is not proficient on state-mandated criterion-
 36 referenced assessments, the individualized education program shall serve to

1 meet the requirement of an academic improvement plan;

2 ~~(2)(3)~~ "Adequate yearly progress" "Annual performance" means
 3 that level of academic ~~improvement~~ achievement required of public schools or
 4 school districts on the state-mandated criterion-referenced examinations ~~and~~
 5 ~~other indicators as required in the Arkansas Comprehensive Testing,~~
 6 ~~Assessment, and Accountability Program, which shall comply with The~~
 7 ~~Elementary and Secondary Education Act as reauthorized in The No Child Left~~
 8 ~~Behind Act of 2001;~~

9 (4) "Adequate yearly progress" means that level of academic
 10 improvement required of public schools or school districts on the state-
 11 mandated examinations and other indicators as required in the Arkansas
 12 Comprehensive Testing, Assessment, and Accountability Program, which shall
 13 comply with The Elementary and Secondary Education Act as reauthorized in The
 14 No Child Left Behind Act of 2001, 20 U.S.C. § 6301, et seq. (2002);

15 ~~(3)(5)~~ "Annexation" means the joining of an affected school
 16 district or part of the school district with a receiving district under §§ 6-
 17 13-1401 et seq.;

18 (6) "Annual improvement gains" or "student learning gains" means
 19 calculating a student's learning gains from one year to the next, based on a
 20 same series nationally-normed assessment given in the same time frame from
 21 one (1) year to the next, used as a pre-post measure of learning for the
 22 content areas tested;

23 (7) "Arkansas Comprehensive Assessment Program " means the
 24 testing component of Arkansas Comprehensive, Testing, Assessment, and
 25 Accountability Program which shall consist of developmentally appropriate
 26 assessments for Kindergarten, grades one and two (K-2), national norm-
 27 referenced tests in grades three through nine (3-9), any other assessments as
 28 required by the State Board of Education, criterion-referenced tests for
 29 grades three through eight (3-8), or national normed tests augmented for
 30 Arkansas Standards in grades three through nine (3-9), and end-of-course
 31 exams for designated grades and content areas

32 (8) "Arkansas Comprehensive Testing, Assessment, and
 33 Accountability Program" means a comprehensive system that focuses on high
 34 academic standards, professional development, student assessment, and
 35 accountability for schools;

36 ~~(4)(9)~~ "Comprehensive school improvement plan" means the

1 individual school's comprehensive plan based on priorities indicated by
 2 assessment and other pertinent data and designed to provide an opportunity
 3 for all students to demonstrate proficiency on all portions of state-mandated
 4 ~~riterion-referenced~~ Arkansas Comprehensive Assessment Program assessments;

5 ~~(5)~~(10) "Consolidation" means the joining of two (2) or more
 6 school districts or parts of the school districts to create a new single
 7 school district under §§ 6-13-1401 et seq.;

8 ~~(6)~~(11) "Department" means the Department of Education;

9 ~~(7)~~(12) "District improvement plan" means a districtwide plan
 10 coordinating the actions of the various comprehensive school improvement
 11 plans within a district. The main focus of the district improvement plan
 12 shall be to ensure that all students demonstrate proficiency on all portions
 13 of state-mandated ~~riterion-referenced~~ Arkansas Comprehensive Assessment
 14 Program assessments;

15 ~~(8)~~(13) "Early intervention" means short-term, intensive,
 16 focused, individualized instruction developed from ongoing, daily, systematic
 17 diagnosis that occurs while a child is in the initial, kindergarten through
 18 grade one (K-1), stages of learning early reading, writing, and mathematical
 19 strategies to ensure acquisition of the basic skills and to prevent the child
 20 from developing poor problem-solving habits which become difficult to change.
 21 The goal is to maintain a student's ability to function proficiently at grade
 22 level;

23 ~~(9)~~(14) "End of course" means an examination taken at the
 24 completion of a course of study to determine whether a student demonstrates
 25 attainment of the knowledge and skills necessary to mastery of that subject;

26 (15) "Grade inflation rate" means the statistical gap between
 27 actual grades assigned for core classes at the secondary level and student
 28 performance on corresponding subjects on nationally normed college entrance
 29 exams, such as the American College Test;

30 ~~(10)~~(16) "Grade level" means performing at the proficient or
 31 advanced level on state-mandated ~~riterion-referenced~~ Arkansas Comprehensive
 32 Assessment Program tests;

33 ~~(11)~~(17) "High school" means grades nine through twelve (9-12);

34 (18) "Longitudinal tracking" means based on scheduled and annual
 35 assessments, tracking individual student yearly academic achievement gains;

36 ~~(12)~~(19) "Middle level" means grades five through eight (5-8);

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

3 ~~(19)~~(29) "School district in academic distress" means any public
4 school district failing to meet the minimum level of academic achievement on
5 the state-mandated criterion-referenced examinations as required by the State
6 Board of Education in the program;

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

12 ~~(20)~~(31) "Social promotion" means the passage or promotion from one
13 grade to the next of a student who has not demonstrated knowledge or skills
14 required for grade-level academic proficiency;

15 ~~(21)~~(32) "State board" means the State Board of Education; ~~and~~

16 ~~(22)~~(33) "Uniform school readiness screening" means uniform,
17 objective evaluation procedures which are geared to either kindergarten or
18 first grade, as appropriate, and developed by the state board and
19 specifically formulated for children entering public school for the first
20 time; and

21 (34) Value-added computations of student gains are statistical
22 analyses of the educational impact of the school's instructional delivery
23 system on individual student learning, using a comparison of previous and
24 post student achievement gains against a national, demographically matched
25 cohort.

26
27 SECTION 13. Arkansas Code Title 6, Chapter 13 is amended to add the
28 following new subchapter:

29 6-13-1601. Parent advisory council – Establishment.

30 Each school shall establish a parent advisory council based on the
31 following tenets:

32 (1) A student's education is a responsibility shared by the
33 school and family during the entire time that he or she spends in school;

34 (2) Schools and parents or guardians shall work as knowledgeable
35 partners in order to support the goal of the schools to educate all students
36 effectively;

1 (3) Parents or guardians are integral components of a school's
2 ability to provide for the educational success of students, although parents
3 or guardians and students are diverse in culture, language, and needs;

4 (4) The engagement of parents or guardians is essential to
5 improve student achievement; and

6 (5) Schools should foster a safe and secure environment that
7 supports active parental involvement.

8
9 6-13-1602. Parent advisory council – Membership.

10 The parent advisory council shall consist of the school principal and
11 no fewer than six (6) parents or legal guardians, representative of the grade
12 levels, race, gender, and socio-economic status of the school's population.
13 No parent or legal guardian representative on the parent advisory council may
14 be an employee of that school. Each school shall establish policies
15 regarding individual member's length of service on the council and filling
16 vacancies. Membership on the council shall be by nomination from the school
17 principal and that school's organized parent group. The school district
18 board of directors will confirm nominations.

19
20 16-13-1603. Parent advisory council – Meetings.

21 The parent advisory council shall be convened at least quarterly during
22 the school year.

23
24 16-13-1604. Parent advisory council – Roles and responsibilities.

25 The parent advisory council shall recognize the principal as the chief
26 academic and operational officer of the school. It also shall:

27 (1) Annually review the school improvement plan including the
28 disaggregation of achievement data from each tested grade or course in the
29 school as well as the performance of the various student subgroups;

30 (2) Annually review the school's report card including the
31 narrative of yearly progress based on current state and federal requirements;

32 (3) Make recommendations encouraging regular, two-way meaningful
33 communication with parents and legal guardians such as publishing the
34 school's process for resolving parental concerns, including whom to approach
35 first and how to develop solutions;

36 (4) Make recommendations regarding the school's parental

1 involvement program, including activities such as sponsoring seminars to
2 inform parents or legal guardians of high school students about how to be
3 involved in the decisions affecting course selection, career planning, and
4 preparation for postsecondary opportunities, as well as other activities to
5 promote parent participation;

6 (5) Provide input into the development of parental involvement
7 activities as required in the school improvement plan;

8 (6) Make recommendations regarding appropriate professional
9 development activities to be included as part of the required professional
10 development for teachers and administrators. These professional activities
11 shall enhance the understanding of effective parent involvement; and

12 (7) Make recommendations regarding the school's collaboration
13 with community organizations for the purpose of enhancing student
14 achievement.

15
16 16-13-1605. Parent advisory council – School roles and
17 responsibilities.

18 (a) With input from the parent advisory council, each school shall
19 develop a written parent involvement policy to encourage parents or legal
20 guardians to participate as full partners in the decisions that affect his or
21 her child and family. The policy shall be distributed to all parents or
22 guardians of students in that school.

23 (b) Each school shall annually disseminate through multi-media an
24 explanation of the appropriate state or federal accreditation standards,
25 curriculum standards, and assessment and accountability requirements. The
26 school shall also report how the school complies with those established
27 standards and requirements.

28
29 16-13-1606. Parent Advisory Council – Monitoring.

30 The organization of the parent advisory council and its required
31 activities shall be monitored by the Department of Education during the
32 official scheduled compliance review of the school.

33
34 SECTION 14. Effective date.

35 Unless otherwise provided herein, this subchapter shall become
36 effective on July 1, 2004.

1
2 SECTION 15. EMERGENCY CLAUSE. It is found and determined by the
3 General Assembly of the State of Arkansas that the Arkansas Supreme Court in
4 Lake View School District No. 25 v. Huckabee, 351 Ark. 31 (2002) has declared
5 the now current system of education to be unconstitutional because it is both
6 inequitable and inadequate; that the Arkansas Supreme Court has set forth the
7 test for a constitutional system to be one in which the state has an
8 "absolute duty" to provide and "equal opportunity to an adequate education";
9 that the Arkansas Supreme Court has instructed the General Assembly to define
10 and provide what is necessary to provide an adequate and equitable education
11 for the children of Arkansas. Therefore, an emergency is declared to exist
12 and this act being immediately necessary for the preservation of the public
13 peace, health, and safety shall become effective on:

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

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

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

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