

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

1 State of Arkansas  
2 85th General Assembly  
3 Regular Session, 2005

# A Bill

HOUSE BILL 2745

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

8  
9 AN ACT TO REQUIRE STUDENT ASSESSMENT AND  
10 REMEDIATION; AND FOR OTHER PURPOSES.  
11

## Subtitle

12  
13 AN ACT TO REQUIRE STUDENT ASSESSMENT AND  
14 REMEDIATION.  
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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19 SECTION 1. Arkansas Code Title 6, Chapter 15, Subchapter 20 is amended  
20 to add new sections to read as follows:

21 6-15-2009. Public school assessments and remediation.

22 (a)(1) Each student shall participate in the statewide program of  
23 educational assessments required in § 6-15-433 and as established by the  
24 State Board of Education.

25 (2) Students in grades three through eight (3-8) shall  
26 participate in the benchmark assessments required in § 6-15-433 and as  
27 established by the State Board of Education.

28 (3) Students in appropriate grades shall participate in the end-  
29 of-course assessments required by § 6-15-433 and as established by the State  
30 Board of Education.

31 (4) The State Board of Education shall determine by rule a  
32 passing score for each assessment required in subdivisions (a)(1) - (a)(3) of  
33 this section.

34 (b)(1) A student who does not achieve a passing score on a benchmark  
35 assessment shall participate in remediation activities as required in the  
36 student's individualized academic improvement plan during the school year



1 that the student's benchmark assessment results are reported.

2 (2) Each school district shall notify the student's parent,  
 3 guardian, or caregiver of the parent's role and responsibilities as well as  
 4 the consequences of the student's failure to participate in the  
 5 individualized academic improvement plan. The notice may be provided in  
 6 student handbooks issued to students.

7 (3) Beginning with the 2005-2006 school year, each student in  
 8 grades three through eight (3-8) who does not achieve a passing score on a  
 9 benchmark assessment and who fails to participate in the subsequent  
 10 individualized academic improvement plan shall not be promoted to the next  
 11 appropriate grade until:

12 (A) The student has participated in an individualized  
 13 academic improvement plan to the satisfaction of the school district; or

14 (B) The student achieves a passing score on the benchmark  
 15 assessment for the student's current grade level.

16 (c)(1) Beginning with the 2005-2006 school year, a student who is  
 17 required to take an end-of-course assessment and who does not achieve a  
 18 passing score on the assessment shall participate in remediation activities  
 19 as required in his or her individualized academic improvement plan in the  
 20 school year that the student's assessment results are reported.

21 (2)(A) In addition to remediation activities, the individualized  
 22 academic improvement plan shall provide for up to three (3) additional  
 23 opportunities for the student to take and pass an equivalent end-of-course  
 24 assessment.

25 (B) The State Board of Education shall promulgate rules  
 26 that establish and govern the process for school districts to provide  
 27 multiple opportunities for a student to take and pass an end-of-course  
 28 assessment.

29 (3)(A) For school years prior to the 2009-2010 school year, a  
 30 student who does not achieve a passing score on an end-of-course assessment  
 31 shall not receive credit on his or her transcript for the course related to  
 32 the end-of-course assessment until the student has participated in  
 33 remediation through an individualized academic improvement plan.

34 (B) A student engaged in remediation activities is not  
 35 required to pass a subsequent end-of-course assessment in order to receive  
 36 credit for the course.

1           (d)(1)(A) Beginning with the 2009-2010 school year, all initial end-  
2 of-course assessments shall be administered to each student by grade ten  
3 (10).

4           (B) A student who does not achieve a passing score on an  
5 initial end-of-course assessment shall participate in an individualized  
6 academic improvement plan that shall include remediation activities and  
7 multiple opportunities for the student to take and pass subsequent equivalent  
8 end-of-course assessments.

9           (2) The individualized academic improvement plan shall identify  
10 the student's:

11           (A) Specific areas of deficiency on the end-of-course  
12 assessment;

13           (B) The desired levels of performance necessary for the  
14 student to meet the satisfactory pass levels; and

15           (C) The instructional and support services to be provided  
16 to meet the desired levels of performance.

17           (3) Each school shall also provide for frequent monitoring of  
18 the student's progress in meeting the desired levels of performance.  
19 Remedial activities and instruction provided during high school shall not be  
20 in lieu of English, mathematics, science, history, or other core courses  
21 required for graduation.

22           (e)(1) Beginning with the 2009-2010 school year, a student who fails  
23 to achieve a passing score on an initial end-of-course assessment shall not  
24 receive a credit on his or her transcript for the course related to the end-  
25 of-course assessment until:

26           (A) The student achieves a passing score on a subsequent  
27 equivalent end-of-course assessment; or

28           (B) By the end of grade twelve (12), the student completes  
29 an appropriate alternative exit course and achieves a passing score on an  
30 alternative assessment that is directly related to the alternative exit  
31 course pursuant to § 6-15-2010.

32           (2) If a student does not achieve a passing score on an initial  
33 end-of-course assessment or does not satisfy the remediation requirements of  
34 subsection (c) of this section, the student shall not be entitled to graduate  
35 with a high school diploma from an Arkansas high school or open-enrollment  
36 charter school.

1           (f)(1)(A) The State Board of Education shall establish the process for  
 2 transitioning to the end-of-course assessment program required beginning in  
 3 the 2009-2010 school year.

4                   (B) During the transition, the end-of-course assessment  
 5 program shall be maintained in such a manner as to meet the requirements of  
 6 state and federal law.

7           (2)(A) The superintendent of each school district shall be  
 8 responsible for the proper administration of this section and the rules  
 9 promulgated by the State Board of Education to implement the requirements of  
 10 this section.

11                   (B) To the extent that a superintendent of any school  
 12 district knowingly fails to administer this subsection (f) or rules  
 13 promulgated by the state board under this section, the superintendent's  
 14 teaching license shall be subject to probation, suspension, or revocation  
 15 pursuant to § 6-17-410.

16           (3) The State Board of Education shall promulgate any rules  
 17 necessary to administer the provisions of this section.

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 19           6-15-2010. Alternative exit course and alternative course exam.

20           (a)(1) A student who fails to achieve a passing score on an initial  
 21 end-of-course assessment may take up to three (3) additional equivalent end-  
 22 of-course assessments.

23                   (2) If the student fails to achieve a passing score after taking  
 24 at least three (3) additional equivalent end-of-course assessments, the  
 25 student must take and pass an alternative exit course and achieve a  
 26 satisfactory alternative level score on a subsequent alternative assessment  
 27 prior to being entitled to graduate with a high school diploma from an  
 28 Arkansas high school or open-enrollment charter school.

29                   (3) An additional equivalent end-of-course assessment permitted  
 30 under subdivision (a)(1) of this section may not be administered within two  
 31 (2) calendar months of a previously administered end-of-course assessment.  
 32 The student shall participate in an individualized academic improvement plan  
 33 in the period between assessments.

34                   (b) The alternative exit course may be offered by the school district  
 35 through a distance learning class, or outside the hours of the normal school  
 36 day, or both.

1        (c) The State Board of Education shall promulgate any rules necessary  
2 to administer the provisions of this section.

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4        SECTION 2. Arkansas Code § 6-15-2003 is repealed.

5        ~~6-15-2003. Assessment and remediation.~~

6        ~~(a)(1) Each student shall participate in the statewide program of~~  
7 ~~educational assessment required by § 6-15-433 and shall participate in an~~  
8 ~~academic improvement plan when required as a result of the assessments. The~~  
9 ~~Department of Education shall determine satisfactory proficiency levels and~~  
10 ~~shall promulgate rules and regulations of the student's academic improvement~~  
11 ~~plan.~~

12                ~~(2)(A)(i) After the development of the plan, each student~~  
13 ~~identified as not meeting satisfactory proficiency levels in the previous~~  
14 ~~spring's test shall participate in his or her activities outlined in his or~~  
15 ~~her academic improvement plan.~~

16                        ~~(ii) The district shall notify the student's parent~~  
17 ~~of the parent's role and responsibilities as well as the consequences for the~~  
18 ~~student's failure to participate in the plan.~~

19                ~~(B)(i) Beginning with the 2005-2006 school year, students~~  
20 ~~in grades one through six (1-6) identified for an academic improvement plan~~  
21 ~~who do not participate in the program shall be retained.~~

22                        ~~(ii) Retention for failure to participate in the~~  
23 ~~academic improvement plan shall expand by at least one (1) grade level for~~  
24 ~~each subsequent academic year after implementation.~~

25                ~~(C)(i) The department shall submit a report to the House~~  
26 ~~Interim Committee on Education and the Senate Interim Committee on Education~~  
27 ~~prior to September 2004 of the established additional course requirements for~~  
28 ~~failure to achieve proficiency on end-of-course examinations. These~~  
29 ~~requirements shall become effective beginning with the 2009-2010 school year.~~

30                        ~~(ii) Multiple opportunities to pass end-of-course~~  
31 ~~examinations shall be provided as defined by the department.~~

32                        ~~(iii) Prior to the 2009-2010 school year, students~~  
33 ~~who are not proficient on the end-of-course examinations shall participate in~~  
34 ~~a remediation program to receive credit for the corresponding course.~~

35                ~~(3) If the student has been identified as having a deficiency in~~  
36 ~~literacy or mathematics, the academic improvement plan shall identify the~~

1 ~~student's specific areas of deficiency in these subjects, the desired levels~~  
2 ~~of performance in these areas, and the instructional and support services to~~  
3 ~~be provided to meet the desired levels of performance.~~

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

8 ~~(b) Each student who does not meet the minimum performance expectations~~  
9 ~~defined by the State Board of Education for the statewide assessment tests in~~  
10 ~~reading, writing, and mathematics shall continue to be provided with remedial~~  
11 ~~or supplemental instruction until the expectations are met or the student is~~  
12 ~~not subject to compulsory school attendance.~~

13 ~~(c) In the event this section is construed to conflict with or violate~~  
14 ~~any federal regulations or guidelines, its enforcement shall be suspended~~  
15 ~~pending compliance with the federal regulations or guidelines.~~

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