

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 87th General Assembly
3 Regular Session, 2009

A Bill

HOUSE BILL 1959

4
5 By: Representatives Abernathy, Barnett, Betts, T. Bradford, Breedlove, J. Brown, J. Burris, M. Burris,
6 Carnine, Carter, Cook, L. Cowling, Dale, Davenport, J. Dickinson, Dunn, Hopper, D. Hutchinson,
7 Lindsey, Ragland, Reep, J. Rogers, Saunders, Slinkard, Summers, Tyler, B. Wilkins, Woods
8 By: Senators J. Jeffress, Altes, G. Baker, Bledsoe, Broadway, Bryles, Crumbly, Hendren, G. Jeffress,
9 Salmon, Steele, D. Wyatt

For An Act To Be Entitled

10
11
12 AN ACT TO AMEND THE REQUIREMENTS FOR PUBLIC
13 SCHOOL END-OF-COURSE ASSESSMENTS; AND FOR OTHER
14 PURPOSES.
15

Subtitle

16
17
18 TO AMEND THE REQUIREMENTS FOR PUBLIC
19 SCHOOL END-OF-COURSE ASSESSMENTS.
20

21
22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. Arkansas Code § 6-15-419 is amended to read as follows:
25 6-15-419. Definitions.

26 The following definitions shall apply in this subchapter and in ~~§§ 6-~~
27 ~~15-2001 et seq., 6-15-2101 et seq., 6-18-227, 6-15-2201, 6-15-2301, and 6-15-~~
28 ~~2401:~~ §§ 6-15-2001 et seq., 6-15-2101 et seq., 6-15-2301, 6-15-2401, and 6-
29 18-227:

30 (1) “ACT” means the ACT assessment for college placement
31 administered by ACT, Inc;

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

35 ~~(2)(A)(3)(A)~~ “Academic improvement plan” means a plan detailing
36 supplemental or intervention and remedial instruction, or both, in deficient



1 academic areas for any student who is not proficient on a portion or portions
2 of the state-mandated Arkansas Comprehensive Assessment Program.

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

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

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

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

14 (C) In any instance in which a student with disabilities
15 identified under the Individuals with Disabilities Education Act has an
16 individualized education program that already addresses any academic area or
17 areas in which the student is not proficient on state-mandated augmented,
18 criterion-referenced, or norm-referenced assessments, the individualized
19 education program shall serve to meet the requirement of an academic
20 improvement plan;

21 ~~(3)~~(4) “Adequate yearly progress” means ~~that~~ the level of
22 academic improvement required of public schools or school districts on the
23 state-mandated augmented, criterion-referenced, or norm-referenced
24 assessments and other indicators as required in the Arkansas Comprehensive
25 Testing, Assessment, and Accountability Program, which shall comply with the
26 Elementary and Secondary Education Act as reauthorized in the No Child Left
27 Behind Act of 2001;

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

32 ~~(4)~~(6) “Annexation” means the joining of an affected school
33 district or part of the school district with a receiving district under § 6-
34 13-1401 et seq., or § 6-13-1601 et seq.;

35 ~~(5)~~(7) “Annual improvement gains” or “student learning gains”
36 means calculating a student’s academic progress from one (1) year to the

1 next, based on a same series nationally normed assessment given in the same
 2 time frame from one (1) year to the next, used as a pre-post measure of
 3 learning for the content areas tested;

4 ~~(6)~~(8) “Annual performance” means ~~that~~ the level of academic
 5 achievement required of public schools or school districts on the state-
 6 mandated augmented, criterion-referenced, or norm-referenced assessments;

7 ~~(7)~~(9) “Arkansas Comprehensive Assessment Program” means the
 8 testing component of the Arkansas Comprehensive Testing, Assessment, and
 9 Accountability Program, which shall consist of:

10 (A) Developmentally appropriate augmented, criterion-
 11 referenced, or norm-referenced assessments in kindergarten through grade
 12 twelve (K-12), as determined by the state board;

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

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

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

19 ~~(8)~~(10) “Arkansas Comprehensive Testing, Assessment, and
 20 Accountability Program” means a comprehensive system that focuses on high
 21 academic standards, professional development, student assessment, and
 22 accountability for schools;

23 ~~(9)~~(11) “Comprehensive school improvement plan” means the
 24 individual school’s comprehensive plan based on priorities indicated by
 25 assessment and other pertinent data and designed to provide an opportunity
 26 for all students to demonstrate proficiency on all portions of the state-
 27 mandated Arkansas Comprehensive Assessment Program;

28 ~~(10)~~(12) “Consolidation” means the joining of two (2) or more
 29 school districts or parts of the school districts to create a new single
 30 school district under § 6-13-1401 et seq. or § 6-13-1601 et seq.;

31 ~~(11)~~(A)~~(13)~~(A) “District improvement plan” means a districtwide
 32 plan coordinating the actions of the various comprehensive school improvement
 33 plans within a school district.

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

1 ~~(12)(A)~~(14)(A) “Early intervention” means short-term, intensive,
 2 focused, individualized instruction developed from ongoing, daily, systematic
 3 diagnosis that occurs while a child is in the initial, kindergarten through
 4 grade one (K-1), stages of learning early reading, writing, and mathematical
 5 strategies to ensure acquisition of the basic skills and to prevent the child
 6 from developing poor problem-solving habits that become difficult to change.

7 (B) The goal is to maintain a student’s ability to
 8 function proficiently at grade level;

9 ~~(13)~~ “End of course” means an examination taken at the
 10 completion of a course of study to determine whether a student demonstrates
 11 attainment of the knowledge and skills necessary to mastery of that subject;

12 (15) "General end-of-course assessment" means a criterion-
 13 referenced assessment taken upon successful completion of a course of study
 14 set by the State Board of Education;

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

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

22 ~~(14)~~(16) “Grade inflation rate” means the statistical gap
 23 between actual grades assigned for core classes at the secondary level and
 24 student performance on corresponding subjects on nationally normed college
 25 entrance exams such as the ~~American College Test~~ ACT;

26 ~~(15)~~(17) “Grade level” means performing at the proficient or
 27 advanced level on state-mandated Arkansas Comprehensive Assessment Program
 28 tests;

29 ~~(16)~~(18) “High school” means grades nine through twelve (9-12);

30 (19) "High-stakes end-of-course assessment" means a criterion-
 31 referenced assessment taken upon the successful completion of both the
 32 Algebra I and the English II course of study under § 6-15-433(b)(3)(A)(iii):

33 (A) To determine whether a student demonstrates, according
 34 to a requisite scale score established by rule of the state board, attainment
 35 of sufficient knowledge and skills to indicate a necessary and satisfactory
 36 passing standard of the subject level content in that particular end-of-

1 course assessment; and

2 (B) For which failure to meet the requisite scale score
 3 requires that the student shall not receive academic credit for the course of
 4 study for which the assessment was taken until the student meets the
 5 requisite scale score on the initial, a subsequent, or an alternative high-
 6 stakes end-of-course assessment as allowed or required by Arkansas law or by
 7 state board rules;

8 (20) “International Baccalaureate assessment” means an
 9 assessment administered by the International Baccalaureate Organization for a
 10 course offered under the International Baccalaureate Diploma Program;

11 ~~(17)~~(21) “Longitudinal tracking” means tracking individual
 12 student yearly academic achievement gains based on scheduled and annual
 13 assessments;

14 ~~(18)~~(22) “Middle level” means grades five through eight (5-8);

15 ~~(19)~~(23) “No Child Left Behind Act” means the No Child Left
 16 Behind Act of 2001 signed into federal law on January 8, 2002;

17 ~~(20)~~(24) “Parent” means:

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

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

22 ~~(21)~~(25) “Point-in-time intervention and remediation” means
 23 intervention and remediation applied during the academic year upon the
 24 discovery that a student is not performing at grade level;

25 ~~(22)~~(26) “Primary” means kindergarten through grade four (K-4);

26 ~~(23)~~(27) “Public school” means those schools or school districts
 27 created pursuant to Title 6 of the Arkansas Code and subject to the Arkansas
 28 Comprehensive Testing, Assessment, and Accountability Program except
 29 specifically excluding those schools or educational programs created by or
 30 receiving authority to exist pursuant to ~~under~~ under § 6-15-501, § 9-28-205, § 12-
 31 29-301 et seq., or other provisions of Arkansas law;

32 ~~(24)~~(28) “Public school in school improvement” or “school in
 33 need of immediate improvement” means any public school or public school
 34 district identified as failing to meet certain established levels of academic
 35 achievement on the state-mandated augmented, criterion-referenced, or norm-
 36 referenced assessments as required by the state board in the program;

1 ~~(25)~~(29) “Reconstitution” means a reorganization intervention in
 2 the administrative unit or governing body of a public school district,
 3 including, ~~but not limited to,~~ without limitation the suspension,
 4 reassignment, replacement, or removal of a current superintendent or the
 5 suspension, removal, or replacement of some or all of the current school
 6 board members, or both;

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

11 (ii) For students in grades five through twelve (5-
 12 12), remediation shall be a detailed, sequential set of instructional
 13 strategies implemented to remedy any academic deficiencies indicated by
 14 below-basic or basic performance on the state-mandated augmented, criterion-
 15 referenced, or norm-referenced assessments.

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

18 ~~(27)~~(31) “SAT” means the college entrance examination known as the
 19 "Scholastic Assessment Test" administered by the College Board;

20 ~~(27)~~(32) “School district in academic distress” means any public
 21 school district failing to meet the minimum level of academic achievement on
 22 the state-mandated augmented, criterion-referenced, or norm-referenced
 23 assessments as required by the state board in the program;

24 ~~(28)~~(33) “School improvement plan” means the individual school’s
 25 comprehensive plan based on priorities indicated by assessment and other
 26 pertinent data and designed to ensure that all students demonstrate
 27 proficiency on all portions of the state-mandated Arkansas Comprehensive
 28 Assessment Program examinations;

29 ~~(29)~~(34) “Social promotion” means the passage or promotion from
 30 one (1) grade to the next of a student who has not demonstrated knowledge or
 31 skills required for grade-level academic proficiency;

32 ~~(30)~~(35) “Uniform school readiness screening” means uniform,
 33 objective evaluation procedures that are geared to either kindergarten or
 34 first grade, as appropriate, and developed by the state board and
 35 specifically formulated for children entering public school for the first
 36 time; and

1 ~~(31)~~(36) “Value-added computations of student gains” means the
 2 statistical analyses of the educational impact of the school’s instructional
 3 delivery system on individual student learning, using a comparison of
 4 previous and posttest student achievement gains against a national cohort.
 5

6 SECTION 2. Arkansas Code § 6-15-433(a), concerning a statewide
 7 assessment program, is amended to read as follows:

8 (a) Upon approval by the State Board of Education or as required by
 9 law, the Department of Education shall implement a statewide program of
 10 educational assessment that provides information for the improvement of the
 11 operation and management of the public schools and tests the requisite
 12 knowledge and skills of students.
 13

14 SECTION 3. Arkansas Code § 6-15-433(b)(3)(A), concerning a statewide
 15 assessment program, is amended to read as follows:

16 (3)(A) Implement student achievement testing as part of the
 17 statewide assessment program, to be administered annually to measure reading,
 18 writing, and mathematics and ~~that~~ includes:

19 (i) Developmentally appropriate testing for grades
 20 kindergarten through two (K-2);

21 ~~(ii)(a)~~(ii) Either:

22 (a) Developmentally appropriate augmented,
 23 criterion-referenced, or norm-referenced assessments in kindergarten through
 24 grade twelve (K-12), as determined by the state board and as required by law;
 25 or

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

29 (iii)(a) ~~Any other tests required by the state~~
 30 ~~board; and~~ High-stakes end-of-course assessments administered under § 6-15-
 31 2009 for Algebra I and English II only.

32 (b) The state board shall identify by rule
 33 Algebra I and English II high-stakes courses and establish the high-stakes
 34 end-of-course assessments;

35 (iv) ~~End-of-course examinations shall be~~
 36 ~~administered for Algebra I, geometry, literacy, and other content areas as~~

1 ~~directed by the state board~~ General end-of-course assessments administered
2 for other content course subject areas as determined by state board rule; and
3 (v) Any other assessments required by the state
4 board.

5
6 SECTION 4. Arkansas Code § 6-15-2009 is amended to read as follows:
7 6-15-2009. Public School Assessments and Remediation.

8 (a)(1) Each student shall participate in the statewide program of
9 educational assessment required in §§ 6-15-419, ~~and 6-15-433,~~ and this
10 section, and by the State Board of Education.

11 (2) Each student in grades three through eight (3-8) shall
12 participate in those benchmark assessments required in §§ 6-15-419 ~~and 6-15-~~
13 ~~433,~~ and this section and ~~as established~~ by the state board.

14 (3) Students in appropriate grades shall participate in ~~those~~
15 the general end-of-course assessments and high-stakes end-of-course
16 assessments required by §§ 6-15-419 and 6-15-433 as established by the ~~State~~
17 ~~Board~~ state board and this section.

18 (4)(A) The state board shall determine ~~a satisfactory passing-~~
19 ~~level~~ the requisite scale score of student performance on each assessment
20 required in subdivisions (a)(1)-(3) of this section.

21 (B) The requisite scale score for any high-stakes end-of-
22 course assessment shall be set only at the cut score necessary to demonstrate
23 the minimum satisfactory passing level of that subject.

24 (5) The state board shall ~~promulgate the passing levels of~~
25 ~~student performance in rules and regulations~~ establish by rule the requisite
26 scale score for a general end-of-course assessment and the requisite scale
27 score for high-stakes end-of-course assessments.

28 (b)(1) Each student identified as not meeting the satisfactory pass
29 levels in the immediate previously administered benchmark assessment shall
30 participate in ~~his or her~~ the remediation activities as required in ~~his or~~
31 ~~her~~ the student's individualized academic improvement plan beginning in the
32 school year the assessment results are reported.

33 (2) ~~If~~ The Department of Education may determine that an
34 individualized education program for a student with disabilities identified
35 under the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et
36 seq., ~~has an~~ meets the requirements of an individualized academic improvement

1 ~~plan under this section if the individualized education program that~~
 2 ~~addresses any one (1) or more academic area or areas in which the student is~~
 3 ~~not proficient on state-mandated augmented, criterion-referenced, or norm-~~
 4 ~~referenced assessments, the individualized education program meets the~~
 5 ~~requirements of an academic improvement plan under this section.~~

6 (3)(A) The public school district where the student is enrolled
 7 shall notify the student's parent, guardian, or caregiver of the parent's
 8 role and responsibilities as well as the consequences for the student's
 9 failure to participate in the plan.

10 (B) This notice may be provided via student handbooks
 11 issued to students.

12 (4) ~~Beginning with the 2005-2006 school year, any A~~ student in
 13 grades three through eight (3-8) identified as not passing a benchmark
 14 assessment and who fails to participate in the subsequent academic
 15 improvement plan shall be retained and shall not be promoted to the next
 16 appropriate grade until:

17 (A) The student is deemed to have participated in an
 18 academic improvement plan; or

19 (B) The student passes the benchmark assessment for the
 20 current grade level in which the student is retained.

21 (c)(1) Beginning with the ~~2005-2006~~ 2009-2010 school year, ~~any a~~
 22 student required to take ~~an a general~~ end-of-course assessment ~~that who~~ is
 23 identified as not meeting the ~~satisfactory pass levels~~ requisite scale score
 24 for a particular assessment shall participate in ~~his or her the~~ remediation
 25 activities as required in ~~his or her the student's~~ individualized academic
 26 improvement plan in the school year that the assessment results are reported
 27 in order to receive academic credit on his or her transcript for the course
 28 related to the end-of-course assessment.

29 (2) The individualized academic improvement plan shall include
 30 remediation activities focused on those areas in which a student failed to
 31 pass ~~an a general~~ end-of-course assessment.

32 (3)(A) ~~Until the 2009-2010 school year, a A~~ student who is
 33 identified as not meeting the ~~satisfactory pass levels~~ requisite scale score
 34 for ~~an a general~~ end-of-course assessment shall not receive academic credit
 35 on his or her transcript for the course related to the general end-of-course
 36 assessment until the student is identified as having participated in

1 remediation through an individualized academic improvement plan.

2 ~~(B) Prior to the 2009-2010 school year, For the purpose of~~
 3 a general end-of-course assessment, remediation does not require that a
 4 student pass a subsequent end-of-course assessment in order to receive
 5 academic credit for a course.

6 (d)(1)(A)(i) Beginning with the 2009-2010 school year, all initial
 7 high-stakes end-of-course assessments for Algebra I shall be administered by
 8 grade ten (10) ~~for each student or as allowed in subsection (f) of this~~
 9 ~~section.~~

10 ~~(B) Any student who does not meet the satisfactory pass~~
 11 ~~level on the initial assessment shall participate in an individualized~~
 12 ~~academic improvement plan that shall include remediation activities and~~
 13 ~~multiple opportunities for the student to take and pass subsequent end-of-~~
 14 ~~course assessments.~~

15 (ii) Beginning with the 2013-2014 school year, all
 16 initial high-stakes end-of-course assessments for English II shall be
 17 administered by grade ten (10).

18 (iii) A student from an Arkansas public school who
 19 completed and received academic credit on an end-of-course assessment for
 20 Algebra I before the 2009-2010 school year or for English II before the 2013-
 21 2014 school year is not required to participate in and receive academic
 22 credit from a high-stakes end-of-course assessment on or after the 2009-2010
 23 school year for Algebra I or on or after the 2013-2014 school year for
 24 English II.

25 (iv) A student transferring into an Arkansas public
 26 school on or after 2009-2010 for Algebra I or 2013-2014 for English II who
 27 can demonstrate by official transcript from an out-of-state public, private,
 28 or home school, or an Arkansas private or home school that he or she has
 29 previously obtained academic credit for Algebra I or English II is not
 30 required to participate in and receive academic credit from an initial high-
 31 stakes end-of-course assessment unless the public school district assesses
 32 the student's educational status and determines the student does not possess
 33 the requisite passing knowledge of Algebra I or English II.

34 (B)(i) Beginning with the 2009-2010 school year, an
 35 Arkansas public school student who is not in grade ten (10), grade eleven
 36 (11), or grade twelve (12) in an Arkansas public school, and has not

1 previously received proper academic credit on his or her transcript for
2 Algebra I but has successfully completed an Algebra I course is required to
3 complete and successfully meet the requisite scale score on a high-stakes
4 end-of-course assessment before the student is entitled to receive academic
5 credit on his or her transcript for Algebra I.

6 (ii) Only a student who is in grade ten (10), grade
7 eleven (11), or grade twelve (12) in an Arkansas public school in the 2009-
8 2010 school year is exempt from the requirement of taking a high-stakes
9 Algebra I end-of-course assessment, but the student shall meet any general
10 end-of-course assessment requirements for Algebra I.

11 (iii) Any other student, regardless of the school
12 year or the grade level in which he or she completes an Algebra I course or,
13 beginning with the 2013-2014 school year, the English II course shall
14 successfully complete an Algebra I and English II high-stakes end-of-course
15 assessment and meet the requisite scale score in order to be entitled to
16 receive academic credit for Algebra I or English II on the student's
17 transcript, unless exempted:

18 (a) Under an individualized education program;

19 (b) Due to the provision of appropriate
20 accommodations; or

21 (c) Under subdivision (b)(1)(B)(ii) of this
22 section.

23 (iv) A student transferring into an Arkansas public
24 school district without having obtained academic credit on his or her
25 transcript in or after the 2009-2010 school year for Algebra I and in or
26 after the 2013-1014 school year for English II is not exempt from the
27 requirements of subdivision (b)(1)(B)(iii) of this section.

28 (C) Beginning with the 2013-2014 school year, an Arkansas
29 public school student who is in grade ten (10) and who has not previously
30 received academic credit under (d)(1)(A) for English II shall successfully
31 complete the course and meet the requisite scale score on the English II
32 high-stakes end-of-course assessment in order for the student to be entitled
33 to receive academic credit for English II on the student's transcript.

34 (D)(i) A student who does not meet the requisite scale
35 score on the relevant high-states end-of-course assessment shall participate
36 in an individualized academic improvement plan.

1 (ii) An individualized academic improvement plan
 2 shall include research-based remediation activities and multiple
 3 opportunities for the student to take and pass subsequent high-stakes end-of-
 4 course assessments as long as the student remains enrolled in an Arkansas
 5 public school and has not reached twenty-one (21) years of age.

6 (iii) If after two subsequent high-stakes end-of-
 7 course assessments a student does not meet the requisite scale score on the
 8 initial high-stakes end-of-course assessment, the student shall participate
 9 in strand analysis or formative analysis remediation provided and supported
 10 by the Department of Education before taking a third or subsequent high-
 11 stakes end-of-course assessment.

12 (iv) Subsequent high-stakes end-of-course
 13 assessments and associated remediation programs may be administered in an
 14 electronic format.

15 (2) For ~~any~~ a student required to participate in an
 16 individualized academic improvement plan in subdivision ~~(d)(1)(B)~~ (d)(1)(D)
 17 of this section, the individualized academic improvement plan shall identify
 18 the student's specific areas of deficiency on the high-stakes end-of-course
 19 ~~exam~~ assessment, the desired levels of performance necessary for the student
 20 to meet the satisfactory pass levels, and the instructional and support
 21 services to be provided to meet the desired levels of performance.

22 (3)(A) ~~Schools shall also provide for the~~ A public school also
 23 shall provide frequent monitoring of the student's progress in meeting the
 24 desired levels of performance.

25 (B) Remedial activities and instruction provided during
 26 high school shall not be in lieu of English, mathematics, science, history,
 27 or other core courses required for graduation.

28 (e)(1) Beginning with the 2009-2010 school year for Algebra I and the
 29 2013-2014 school year for English II, ~~no~~ a student identified as not passing
 30 an initial high-stakes end-of-course assessment shall not receive ~~a~~ academic
 31 credit on his or her transcript for the course related to the end-of-course
 32 assessment and is not entitled to graduate from an Arkansas public high
 33 school until:

34 (A) The student is identified as meeting ~~a satisfactory~~
 35 ~~pass level~~ the requisite scale score on a subsequent high-stakes end-of-
 36 course assessment; or

1 (B)(i) The student is identified as ~~having finished by the~~
 2 ~~end of grade twelve (12) an appropriate alternative exit course and is~~
 3 ~~identified as having met a satisfactory pass level on an alternative~~
 4 ~~assessment directly related to the alternative exit course pursuant to § 6-~~
 5 ~~15-2010 meeting the requisite score established by state board rule on an~~
 6 alternative assessment.

7 (ii) An alternative assessment shall be an ACT
 8 assessment, SAT assessment, advanced placement test, or International
 9 Baccalaureate test.

10 (2)(A) ~~Any~~ A student identified as having not met the
 11 ~~satisfactory pass levels of an initial requisite scale score for a high-~~
 12 stakes end-of-course assessment shall not receive academic credit on his or
 13 her transcript for the related course until the student meets the
 14 requirements of subdivision (e)(1) of this section.

15 (B) If a student does not meet the ~~satisfactory pass~~
 16 ~~levels on an initial requisite scale score on an~~ end-of-course assessment ~~or~~
 17 and does not satisfy the remedial requirements of ~~subdivisions (d)(1)(B)~~
 18 subsection (c) of this section for general end-of-course assessments and
 19 subdivision (e)(1) of this section for high-stakes end-of-course assessments,
 20 the student shall not be entitled to graduate with a high school diploma from
 21 an Arkansas public high school or public charter school.

22 (f)(1)(A) The state board shall establish the high-stakes end-of-
 23 course assessment program required in subsection (d) of this section for
 24 Algebra I beginning in the 2009-2010 school year and for English II beginning
 25 in the 2013-2014 school year.

26 (B) Throughout this process, the end-of-course assessment
 27 program shall ~~ever~~ be maintained in such a manner as to meet the requirements
 28 of state and federal law, including the full range of students with
 29 disabilities.

30 (2)(A) The superintendent of each public school district shall
 31 be responsible for the proper administration of this section and ~~those~~ the
 32 rules promulgated by the state board to implement the requirements of this
 33 section.

34 (B) To the extent that ~~any~~ a public school district is
 35 determined to have knowingly failed to administer these provisions of law or
 36 rules, the superintendent's license shall be subject to probation,

1 suspension, or revocation pursuant to the process set forth in accordance
 2 with under § 6-17-410.

3 (3) Each year the ~~Department of Education~~ department shall make
 4 public at least fifty percent (50%) of the test questions on the most recent
 5 initial benchmark and end-of-course assessments.

6 (4) The state board shall promulgate ~~any~~ rules to establish cut
 7 scores, remediation programs required in (d)(1)(D), and other components of
 8 the general end-of-course assessment program and high-stakes end-of-course
 9 assessment program necessary to administer the provisions of this subsection.

10 (5)(A) Each school year, the department shall establish and
 11 publish by commissioner's memo an end-of-course assessment cycle for general
 12 end-of-course assessments and high-stakes end-of-course assessments that a
 13 public school district shall follow unless the public school district has
 14 obtained a written waiver from the department.

15 (B) The end-of-course assessment cycle shall include an
 16 assessment cycle for a student who does not meet the requisite scale score
 17 for an initial high-stakes end-of-course assessment and is required under
 18 this section to pass a subsequent end-of-course assessment before receiving
 19 academic credit on the student's transcript for the course that corresponds
 20 to the initial end-of-course assessment.

21 (6)(A) The department shall develop the form of end-of-course
 22 assessments and subsequent end-of-course assessments with the documents,
 23 manuals, forms, and protocols necessary for the proper administration,
 24 completion, submission, and scoring of the assessment.

25 (B) The assessment shall be composed of sections that may
 26 include both multiple choice and open-response test items.

27 (7) For the 2009-2010 school year and each school year
 28 thereafter, the department shall take steps to ensure that the end-of-course
 29 assessments are aligned with state standards and that professional
 30 development training is available to teachers of courses for which an end-of-
 31 course assessment is required.

32 (8) Within fifteen (15) business days from the date a public
 33 school district receives a student's score that indicates the student did not
 34 meet the requisite scale score on an initial and subsequent end-of-course
 35 assessment required by this section, the public school district shall provide
 36 written notice of the failure to the student's parent or guardian.

1 (9) If a student with disabilities identified under the
 2 Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq. is
 3 unable to meet the requirements of this section because of the nature of the
 4 student’s disabilities, the student may graduate from high school by
 5 demonstrating alternative competencies or alternative levels of competency
 6 under the student’s individualized education program.

7 (10) In administering the assessments under this section, the
 8 public school district shall provide state-approved accommodations for
 9 students with state-recognized disabilities and for English language learners
 10 as allowed by law and state board rules.

11
 12 SECTION 5. Arkansas Code § 6-15-2010 is repealed:

13 ~~6-15-2010. Alternative exit course and alternative course exam.~~

14 ~~(a)(1) No student who is identified as having failed to meet the~~
 15 ~~satisfactory pass levels on an initial end-of-course assessment shall be~~
 16 ~~entitled to take more than three (3) additional subsequent end-of-course~~
 17 ~~assessments.~~

18 ~~(2)(A) Any student who fails to be identified as meeting the~~
 19 ~~satisfactory pass levels after taking at least three (3) subsequent end-of-~~
 20 ~~course exams shall be required to take and pass an alternative exit course~~
 21 ~~and meet a satisfactory alternative level score on a subsequent alternative~~
 22 ~~assessment prior to being entitled to graduate with a high school diploma~~
 23 ~~from an Arkansas high school or open enrollment charter school.~~

24 ~~(B) If a student with disabilities identified under the~~
 25 ~~Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq., is~~
 26 ~~unable to meet the requirements of subdivision (a)(2)(A) of this section~~
 27 ~~because of the nature of his or her disabilities, the student may graduate~~
 28 ~~from high school by demonstrating alternative competencies or alternative~~
 29 ~~levels of competency as contained in the student’s individualized education~~
 30 ~~program.~~

31 ~~(3) Prior to the administration of any additional end-of-course~~
 32 ~~assessment as permitted under § 6-15-2009 (d)(1)(B), a student shall be given~~
 33 ~~a sufficient opportunity and time for remediation.~~

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

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

3
4 SECTION 6. EMERGENCY CLAUSE. It is found and determined by the
5 General Assembly of the State of Arkansas that end-of-course assessments for
6 public school students assist the state in measuring a student's proficiency
7 in reading, writing, and mathematics, which is essential to academic
8 progression for students; that a specified effective date for this act is
9 essential to the continuity of public student assessments, which begin with
10 an early fall testing cycle, and to the efficient operation of the Department
11 of Education and the public schools of this state in preparing for the fall
12 2009 testing cycle; and that this act is immediately necessary because any
13 delay could work irreparable harm to the department, to the public school
14 districts, and to the students. Therefore, an emergency is declared to exist
15 and this act being necessary for the preservation of the public peace,
16 health, and safety shall become effective on July 1, 2009.