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2 88th General Assembly
3 Regular Session, 2011
4

A Bill

HOUSE BILL 1617

5 By: Representatives J. Roebuck, D. Hutchinson, Carnine, English
6 By: Senator J. Jeffress
7

For An Act To Be Entitled

9 AN ACT TO INCREASE PUBLIC SCHOOL STUDENT ACCESS TO
10 POSTSECONDARY PREPARATORY PROGRAMS IN ARKANSAS; TO
11 PROVIDE PUBLIC ACCESS TO INFORMATION CONCERNING
12 POSTSECONDARY PREPARATORY PROGRAMS IN ARKANSAS; TO
13 DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.
14
15

Subtitle

16 TO INCREASE PUBLIC SCHOOL STUDENT ACCESS TO
17 POSTSECONDARY PREPARATORY PROGRAMS AND TO
18 DECLARE AN EMERGENCY.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

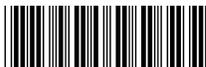
24 SECTION 1. Arkansas Code § 6-15-441(c) -- (e), concerning the Arkansas
25 College and Career Readiness Planning Program, is amended to read as follows:

26 (c)(1) Each public school administering the college readiness
27 assessments under this section shall use the college readiness assessments
28 to:

29 (A) ~~assist~~ Assist students with college and workforce
30 readiness skills, course selection in high school, and improved academic
31 achievement; and

32 (B) Provide the basis for the counseling under § 6-16-603
33 concerning postsecondary preparatory programs.

34 (2) ~~By the 2011-2012 school year, each~~ Each public school shall
35 fully incorporate the results from college readiness assessments listed in
36 subdivision (b)(1) of this section into the college and career planning



1 process for each student.

2 (d) Data collection shall be maintained by the Department of Education
 3 for the purpose of:

- 4 (1) Increasing college and career readiness skills;
- 5 (2) Improving instruction;
- 6 (3) Enhancing school improvement plans; ~~and~~
- 7 (4) Reducing the college remediation rates of students; and
- 8 (5) Developing and implementing postsecondary preparatory

9 programs under § 6-16-601 et seq.

10 (e)~~(1)~~ The department shall report to the House Committee on Education
 11 and the Senate Committee on Education no later than ~~September 31, 2010, and~~
 12 December 31 of each year thereafter, on the:

13 (A) ~~implementation~~ Implementation and effectiveness of the
 14 Arkansas College and Career Readiness Planning Program; and

15 (B) Statistical analysis of postsecondary preparatory
 16 programs under § 6-16-601 for each postsecondary preparatory program.

17 (2) The report may be posted on the department's website with a
 18 notification to the committees.

19
 20 SECTION 2. Arkansas Code Title 6, Chapter 16, Subchapter 6, is amended
 21 to read as follows:

22 6-16-601. Authority.

23 (a) As used in this section:

24 (1) "College readiness assessment" means a test that measures
 25 student readiness for postsecondary learning and is:

26 (A) Administered under the Arkansas College and Career
 27 Readiness Planning Program, § 6-15-441; or

28 (B) Used by institutions of higher education as part of
 29 their admissions, placement, and scholarship processes;

30 (2)(A) "College readiness benchmark" means the minimum score on
 31 a college readiness assessment in mathematics, English, or reading indicating
 32 that a student has a high probability of success in entry level postsecondary
 33 education.

34 (B) College readiness benchmarks are determined by the
 35 Arkansas Higher Education Coordinating Board and the State Board of
 36 Education;

1 (3) "Eligible student" means a public school student in Arkansas
 2 who:

3 (A) Is enrolled in any of grades eight through eleven (8-
 4 11);

5 (B) Is identified through a college readiness assessment
 6 as scoring below the college readiness benchmark in mathematics, English, or
 7 reading;

8 (C) Has received the counseling required under § 6-16-602;
 9 and

10 (D) Desires to enroll in postsecondary education.

11 (4) "Placement test" means a test for entrance to postsecondary
 12 education that is either:

13 (A) Approved by the State Board of Education; or

14 (B) Designated by the Department of Higher Education; and

15 (5) "Postsecondary preparatory program" means an intensive
 16 program approved under this subchapter that is focused on preparing students
 17 for entry level postsecondary work in the areas of mathematics, English, and
 18 reading based on identified needs for college enrollment and placement.

19 ~~(b)(1) The State Board of Education is authorized and directed to~~
 20 ~~develop and implement an intensive postsecondary preparatory instruction~~
 21 ~~program for public school students in designated grades who choose to~~
 22 ~~participate in these programs shall promulgate rules under which the~~
 23 following may operate postsecondary preparatory programs in Arkansas:

24 (A) School districts;

25 (B) Institutions of higher education; or

26 (C) A partnership of a school district and an institution
 27 of higher education.

28 (2) The rules shall include without limitation:

29 (A) The number and location of sites for postsecondary
 30 preparatory programs, if necessary;

31 (B) The minimum and maximum class sizes for postsecondary
 32 preparatory programs;

33 (C) That a school district may use national school lunch
 34 student categorical funding received under § 6-20-2305 to operate and support
 35 a postsecondary preparatory program; and

36 (D) The forms and procedures necessary to implement this

1 subchapter.

2 (c) The Department of Education shall:

3 (1) Approve content guides for postsecondary preparatory
4 programs with assistance from the Department of Higher Education; and

5 (2)(A) Approve or disapprove the annual application of a
6 postsecondary preparatory program after:

7 (i) Reviewing evidence of the postsecondary
8 preparatory program's performance and success; and

9 (ii) Giving priority for approval and funding to a
10 postsecondary preparatory program operated by a partnership between a school
11 district and an institution of higher education.

12 (B) The Department of Education shall not approve an
13 application under this subdivision (c)(2) unless the postsecondary
14 preparatory program meets the criteria under this subchapter and established
15 by state board rules.

16 (d)(1) In collaboration with the Department of Higher Education, the
17 Department of Education shall collect and analyze the following data from
18 postsecondary preparatory programs:

19 (A) The total number of participants;

20 (B) The number of participants who were eligible for free
21 and reduced-price meals under the National School Lunch Act;

22 (C) The total number of participants in each curriculum
23 area identified in § 6-16-602;

24 (D) The progress of participants monitored in the
25 postsecondary preparatory program through the use of college readiness
26 assessments;

27 (E) The placement test scores of participants;

28 (F) The number of participants who enrolled in
29 postsecondary preparatory programs in Arkansas and:

30 (i) Scored lower than the statewide minimum scores
31 established by the Arkansas Higher Education Coordinating Board for college
32 placement; or

33 (ii) Scored at or higher than the statewide minimum
34 scores established by the Arkansas Higher Education Coordinating Board for
35 college placement;

36 (G) The number and type of postsecondary preparatory

1 programs approved;

2 (H) The school operating the postsecondary preparatory
 3 programs approved; and

4 (I) The amount of funding the Department of Education
 5 distributed to each postsecondary preparatory program.

6 (2) The Department of Education shall:

7 (A) Store the student data collected under this subsection
 8 (d) in the Arkansas Public School Computer Network;

9 (B) Present the data analysis under this subsection (d) in
 10 the annual school performance reports as required under § 6-15-1402; and

11 (C) Annually release to the General Assembly the data
 12 collected under this subsection (d) after removing any personally
 13 identifiable student information.

14
 15 6-16-602. Programs generally.

16 (a) The postsecondary preparatory programs established under authority
 17 of this subchapter shall:

18 (1) Provide advice ~~which~~ that will better prepare eligible
 19 students for entry-level postsecondary work in the areas of mathematics,
 20 English, and reading; and

21 (2) Improve diagnostic efforts, counseling, placement, and
 22 instruction for ~~secondary school students based on identified needs for~~
 23 ~~college enrollment and placement~~ eligible students;

24 (3)(A) Provide intensive remedial instruction to eligible
 25 students enrolled in the postsecondary preparatory program in one (1) or more
 26 of the following curriculum areas:

27 (i) Mathematics;

28 (ii) English; or

29 (iii) Reading.

30 (B) Each curriculum area shall consist of twenty-five (25)
 31 hours or more of instruction;

32 (4)(A) Use instructors with appropriate content knowledge and
 33 specialized training developed by the Department of Education for instructors
 34 of developmental education.

35 (B) A postsecondary preparatory program may use an
 36 instructor who does not hold an Arkansas teaching license if the non-licensed

1 instructor works together with an instructor who holds a current Arkansas
 2 teaching license;

3 (5) Effectively use college readiness assessments to monitor the
 4 progress of participants in the postsecondary preparatory program;

5 (6) Use innovative teaching and learning strategies that are
 6 designed to be effective with participants in the postsecondary preparatory
 7 program;

8 (7) Document evidence of its performance and the success of its
 9 participants; and

10 (8) Meet other requirements established by rule.

11 ~~(b) Guidelines for the testing and postsecondary preparatory programs~~
 12 ~~shall be prepared and promulgated by the Department of Education~~ A
 13 postsecondary preparatory program shall not receive funding under this
 14 subchapter unless the postsecondary preparatory program files an annual
 15 application with the Department of Education and the application is approved
 16 under § 6-16-601.

17 (c) A postsecondary preparatory program may be open for attendance:

18 (1) On one (1) or more days from Monday through Saturday; and

19 (2) During any hours that participants are not required to
 20 attend public school.

21
 22 6-16-603. Local programs mandated – Placement test.

23 ~~(a) The following programs shall be in effect in the public schools of~~
 24 ~~Arkansas:~~

25 ~~(1) Every public school in Arkansas shall develop a local plan~~
 26 ~~for diagnosis of its students' academic deficiencies;~~

27 ~~(2) Based on the diagnosis of deficiencies, counseling~~
 28 ~~shall be provided to encourage students to enroll in secondary school courses~~
 29 ~~that would result in the improvement of academic skills in mathematics,~~
 30 ~~English, and reading; and~~

31 ~~(3) Local plans shall provide for parental involvement in~~
 32 ~~student counseling and placement for students.~~

33 (1) Identify eligible students under this subchapter using the
 34 results from college readiness assessments under the Arkansas College and
 35 Career Readiness Program, § 6-15-441; and

36 (2)(A) Provide the counseling required under subsection (b) of

1 this section.

2 (B) The public school shall make every reasonable effort
3 to involve parents or guardians in student counseling and placement of
4 students.

5 (b) A public school counselor serving students in any of grades eight
6 through eleven (8-11) shall:

7 (1) Counsel and strongly encourage each student enrolled in
8 grades eight through eleven (8-11) who is identified through college
9 readiness assessments as not meeting the college readiness benchmarks in
10 mathematics, English, or reading to enroll in a postsecondary preparatory
11 program;

12 ~~(2) Every eleventh-grade student enrolled in a public school of~~
13 ~~Arkansas who chooses to do so may take a placement test which has been~~
14 ~~approved by the State Board of Education during a time frame set by the state~~
15 ~~board. Advise each public school student enrolled in grade eleven (11) in~~
16 ~~Arkansas that the student may take a placement test under § 6-16-605; and~~

17 ~~(3) Students who score less than Counsel and strongly encourage~~
18 ~~each student who takes a placement test under § 6-16-605 and scores below the~~
19 ~~statewide minimum scores established by the Arkansas Higher Education~~
20 ~~Coordinating Board for mathematics, English, or reading shall receive~~
21 ~~counseling and strong encouragement to enroll during their the student's~~
22 ~~senior year of high school in regular school instructional courses designated~~
23 ~~by:~~

24 ~~(A) local Local school officials to assist in the~~
25 ~~improvement of the student's scores in the areas of deficiency; and~~

26 ~~(B) The Department of Education and the Department of~~
27 ~~Higher Education as an appropriate course for college readiness.~~

28 ~~(c) During a time frame to be established by the state board, every~~
29 ~~eleventh-grade student enrolled in a public school of Arkansas who chooses to~~
30 ~~do so may take a placement test which has been designated by the Arkansas~~
31 ~~Higher Education Coordinating Board.~~

32
33 ~~6-16-604. Optional summer program—Testing Student enrollment.~~

34 ~~(a)(1) Students who plan to enroll in postsecondary programs in~~
35 ~~Arkansas may enroll in a state approved intensive noncredit preparatory~~
36 ~~program during the summer following the junior year of high school An~~

1 eligible student may enroll in a postsecondary preparatory program during:

2 (A) A school year;

3 (B) The summer months following a school year in which the
4 student is enrolled in any of grades eight through eleven (8-11) in an
5 Arkansas public school; or

6 (C) Both of the periods described in subdivisions
7 (a)(1)(A) and (B) of this section.

8 (2) An eligible student shall receive priority for enrollment in
9 a postsecondary preparatory program if the eligible student qualifies for
10 free and reduced price meals under the National School Lunch Act, 42 U.S.C. §
11 1751 et seq.

12 ~~(2)(3) The Department of Education is also authorized to permit~~
13 ~~the enrollment in these programs of Arkansas high school graduates~~ If space
14 and funding are available after all eligible students who applied to attend a
15 postsecondary preparatory program are enrolled, the Department of Education
16 may permit a public school student to enroll in a postsecondary preparatory
17 program if the student:

18 (A) Scores below college readiness benchmarks on a college
19 readiness assessment or placement test; and

20 (B) Either:

21 (i) Is enrolled in grade twelve (12) in Arkansas; or
22 (ii) Will enroll in the postsecondary preparatory
23 program within three (3) months of graduating from an Arkansas high school.

24 ~~(b)(1) The length of the summer school term shall be five (5) weeks,~~
25 ~~during which time a school shall provide not less than:~~

26 ~~(A) Twenty (20) days of instruction; and~~

27 ~~(B) Seventy five (75) hours of instruction.~~

28 ~~(2) The number and location of sites for these programs are to~~
29 ~~be determined by the Department of Education.~~

30 ~~(c) Course content guides for summer school preparatory courses shall~~
31 ~~be developed by the Department of Education with assistance from the~~
32 ~~Department of Higher Education.~~

33 ~~(d)(1) The Department of Education may operate the noncredit~~
34 ~~preparatory programs or may contract with local school districts or~~
35 ~~institutions of higher education to operate these programs.~~

36 (b) An eligible student may enroll in one (1) or more of the

1 curriculum areas in which the eligible student has scored below the college
 2 readiness benchmark as identified by college readiness assessments.

3 ~~(2)(c)~~ The opportunity to participate in a ~~noncredit~~ postsecondary
 4 preparatory program ~~afforded to students by~~ under this subchapter shall not
 5 be interpreted as mandating the Department of Education to ~~operate or~~ fund
 6 ~~noncredit~~ postsecondary preparatory programs at a cost in excess of the funds
 7 appropriated and funded in the Public School Fund for this purpose.

8 ~~(e)~~ ~~The State Board of Education shall adopt rules and regulations for~~
 9 ~~the implementation of this program, including minimum and maximum class sizes~~
 10 ~~for the programs.~~

11 ~~(f)~~ ~~Students who choose to do so may take a placement test which has~~
 12 ~~been approved by the state board and the Arkansas Higher Education~~
 13 ~~Coordinating Board upon completion of their summer school studies.~~

14 ~~(g)~~ ~~Students who complete the summer College Preparatory Enrichment~~
 15 ~~Program successfully and who enroll in an appropriate mathematics or English~~
 16 ~~course, as determined by the Department of Education and the Department of~~
 17 ~~Higher Education during the senior year of high school may take the placement~~
 18 ~~test designated by the Arkansas Higher Education Coordinating Board under §~~
 19 ~~6-16-603(b) at no cost to the student.~~

20
 21 6-16-605. Testing -- Acceptance of test scores.

22 (a) A student may take a placement test at no cost to the student at
 23 the date, time, and location set by the State Board of Education if the
 24 student:

25 (1) Is enrolled in grade eight (8) or grade (10) in a public
 26 school of Arkansas; or

27 (2) Completes a postsecondary preparatory program successfully
 28 and in the student's senior year of high school enrolls in a mathematics or
 29 English language arts course that is designated by the Department of
 30 Education and the Department of Higher Education as an appropriate course for
 31 college readiness.

32 (b) At the request of those students a student, scores the student's
 33 score on placement tests approved by the Arkansas Higher Education
 34 Coordinating Board and taken by students enrolled in a public school of
 35 Arkansas a placement test taken under authority of this subchapter will be
 36 made available to and will be accepted by and recognized toward meeting

1 enrollment requirements of state-supported colleges, universities, and
2 postsecondary vocational schools in Arkansas.

3
4 6-11-606. Elective credit.

5 (a) A public high school shall award one (1) unit of credit as an
6 elective for successfully completing a postsecondary preparatory program
7 under this subchapter.

8 (b) The unit of credit awarded under this section does not count
9 toward the minimum number of credits required by law for high school
10 graduation.

11
12 SECTION 4. EMERGENCY CLAUSE. It is found and determined by the
13 General Assembly of the State of Arkansas that preparing public school
14 students for college and career readiness is a high priority of the state's
15 educational and economic development systems; that the substantial cost to
16 remediate high school students at the postsecondary level will be reduced by
17 increasing access to postsecondary preparatory programs for public school
18 students in grades eight through eleven (8-11) who are identified as scoring
19 below college readiness benchmarks; and that this act is immediately
20 necessary so that the Department of Education may approve applications and
21 distribute funding for the expanded postsecondary preparatory programs for
22 the current school year. Therefore, an emergency is declared to exist, and
23 this act being immediately necessary for the preservation of the public
24 peace, health, and safety shall become effective on:

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

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

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

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