

1 State of Arkansas
2 89th General Assembly
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4

A Bill

HOUSE BILL 2020

5 By: Representative Collins
6

For An Act To Be Entitled

8 AN ACT TO REQUIRE ACCOUNTABLE AND TRANSPARENT STUDENT
9 EVALUATION AND GRADING PRACTICES; AND FOR OTHER
10 PURPOSES.
11

Subtitle

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13 TO REQUIRE ACCOUNTABLE AND TRANSPARENT
14 STUDENT EVALUATION AND GRADING PRACTICES.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. Arkansas Code Title 6, Chapter 1, is amended to add an
21 additional subchapter to read as follows:
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23 Subchapter 6 – Accountability and Transparency in Student Evaluation and
24 Grading Practices
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26 6-1-601. Legislative intent.

27 The General Assembly finds that:

28 (1) Educators have two (2) primary responsibilities to students
29 and to society:

30 (A) To instruct students in the skills and knowledge
31 needed for success in life; and

32 (B) To fairly and impartially evaluate and record
33 students' mastery of skills and knowledge so that students, parents, other
34 educational institutions, and prospective employers are able to understand
35 how a particular student compares to others;

36 (2) Grade inflation is unfair to all students. When an educator



1 awards grades that indicate higher than actual level of mastery of skills and
 2 knowledge, it is unfair to:

3 (A) A student receiving an inflated grade, because the
 4 student will have a false impression of his or her actual level of mastery of
 5 skills and knowledge; and

6 (B) A student who has mastered the skills and knowledge
 7 but is in a class of students receiving inflated grades, because the
 8 student's performance will be undervalued;

9 (3) Grade inflation is a difficult state policy to govern by
 10 legislative mandate, such as, requiring that a school that has inflated
 11 grades reduce the grade averages; and

12 (4) State policy is better served by requiring comparative
 13 information concerning the grades of other students in the same class as the
 14 student identified on a report card or transcript because:

15 (A) Students and parents will have the information needed
 16 to understand how the individual student compares to others in the class; and

17 (B) Reporting of the grade distribution will highlight
 18 poor grading practices, such as awarding a high proportion of exceptional
 19 grades or failing to distinguish between above-average, average, and below-
 20 average mastery of the knowledge and skills of students in a class.

21
 22 6-1-602. Definitions.

23 As used in this subchapter:

24 (1) "Assigned educator" means the teacher or faculty member who:

25 (A) Is responsible for supervising a student's work in a
 26 course being reported under this subchapter on a report card or transcript;
 27 and

28 (B) Assigns the student's grade;

29 (2) "Public school" means a public elementary school, middle
 30 school, or secondary school or an open-enrollment public charter school; and

31 (3)(A) "State-supported institution of higher education" means
 32 an institution of higher education in this state funded in whole or in part
 33 with state funds.

34 (B) "State-supported institution of higher education" does
 35 not include a privately owned or operated institution of higher education
 36 that receives funds on behalf of a student with a state-funded scholarship.

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2 6-1-603. Reporting of grades on report cards and transcripts.

3 (a)(1) By August 1, 2015, a public school or state-supported
4 institution of higher education shall include on a student's report card or
5 transcript of grades the distribution of grades assigned to all students who
6 were:

7 (A) Taught the same material in the same semester,
8 quarter, or equivalent time frame by the same assigned educator; and

9 (B) Evaluated on the same basis as the student identified
10 on the report card or transcript of grades.

11 (2) For institutions of higher education, this section applies
12 to undergraduate courses only.

13 (b) This distribution of grades may be reported as:

14 (1) For a grading system using standard letter grades with or
15 without pluses and minuses, the number of students in the class:

16 (A) Earning each grade under the grading system; and

17 (B) Withdrawing from the course, if applicable; or

18 (2)(A) For a grading system that allows an assigned educator to
19 report a large number of different grades or scores and that would result in
20 an unreasonably long report card or transcript, the number of students:

21 (i) In each specific range of scores using a
22 reasonable and uniform size for each score range and a reasonable number of
23 ranges; and

24 (ii) Withdrawing from the course, if applicable.

25 (B) If a distribution of grades or scores is reported
26 using ranges under this subdivision (b)(2), the full detail of the
27 distribution of scores or grades for a class shall be made available upon
28 request to anyone who otherwise has the right to the transcript or report
29 card.

30 (c)(1) A report card or transcript required to report the distribution
31 of grades under this section shall include the following notice:

32 "Arkansas state law requires that the distribution of grades in each class be
33 reported in order to allow students, parents, educators, and others with
34 legitimate need the means to compare a student's performance to others
35 studying the same material in a similar time frame with a particular
36 instructor. In some cases, such as classes with limited enrollment,

1 consideration for the privacy of other students may prevent this information
2 from being supplied.”

3 (2) Additional explanatory material may be added at the
4 discretion of the public school or state-supported institution of higher
5 education.

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7 6-1-604. Reporting of grades in teacher evaluations.

8 (a) A public school shall include in a teacher evaluation under the
9 Teacher Excellence and Support System, § 6-17-2801 et seq., a review of the
10 distribution of grades of classes in which the teacher is the assigned
11 educator.

12 (b) A state-supported institution of higher education shall include a
13 review of the distribution of grades of classes in which an instructor or
14 faculty member is an assigned educator in the instructor’s or faculty
15 member’s:

16 (1) Annual evaluation materials;

17 (2) Tenure materials; and

18 (3) Promotion materials.

19 (c) For the purpose of this section, a person evaluating the materials
20 shall:

21 (1) Consider whether the distribution of grades for classes in
22 which the instructor or faculty member is the assigned educator demonstrate
23 good grading practices; and

24 (2) Require a teacher to explain an unusual grade distribution
25 or unusual number of high or low grades in a class.

26
27 6-1-605. Reporting of grade distribution on the annual school
28 performance report.

29 (a) A public school shall report the distribution of grades for the
30 school by grade level and subject on the annual school performance report
31 under § 6-15-1402.

32 (b) A state-supported institution of higher education shall report the
33 distribution of grades for the institution by course to the Department of
34 Higher Education for inclusion in the Comprehensive Arkansas Higher Education
35 Annual Report under § 6-60-704.

36

1 6-1-606. Compliance with privacy laws.

2 (a) A public school or state-supported institution of higher education
3 shall comply with the standards under § 6-15-415 in reporting the
4 distribution of grades earned by students other than a student identified on
5 a report card or transcript under this subchapter.

6 (b) To prevent a violation of state or federal privacy laws, a public
7 school or state-funded institution of higher education may:

8 (1) Establish a reasonable minimum number students in a class or
9 in a grade distribution as twenty (20) or less to be reported under this
10 section:

11 (A) On a report card;

12 (B) On a transcript of grades; or

13 (C) In publically available records; or

14 (2) For purposes of the grade reporting required under this
15 subchapter, combine classes or sections of classes in which students were:

16 (A) Taught the same material in the same semester,
17 quarter, or equivalent time frame by the same assigned educator; and

18 (B) Evaluated on the same basis.

19 (c) No grade distribution shall be reported on a report card,
20 transcript of grades, or other publicly available material if all students in
21 the class received the same grade.

22 (d) The restrictions on privacy under this section do not apply to
23 grade distribution information provided to the evaluator under § 6-1-604.

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25 SECTION 3. Arkansas Code § 6-15-1402(b)(2), concerning the school
26 performance report for elementary schools, is amended to add an additional
27 subdivision to read as follows:

28 (C) Include the distribution of student grades by subject
29 as required under § 6-1-605.

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31 SECTION 4. Arkansas Code § 6-15-1402(b)(3), concerning the school
32 performance report for middle schools, junior high schools, and high schools,
33 is amended to add an additional subdivision to read as follows:

34 (C) Include the distribution of student grades by subject
35 as required under § 6-1-605.

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