

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

As Engrossed: S2/28/13

A Bill

SENATE BILL 295

5 By: Senator Elliott
6

For An Act To Be Entitled

8 AN ACT TO ESTABLISH THE ARKANSAS EDUCATION BILL OF
9 RIGHTS AND RESPONSIBILITIES; AND FOR OTHER PURPOSES.

Subtitle

10 TO ESTABLISH THE ARKANSAS EDUCATION BILL
11 OF RIGHTS AND RESPONSIBILITIES.
12

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
14

15 SECTION 1. DO NOT CODIFY. LEGISLATIVE FINDINGS. The General Assembly
16 finds that:

17 (1) A high-quality, highly competitive education for all
18 students is imperative for the economic growth and productivity of Arkansas
19 for its effective economic development;

20 (2) The state has a duty to ensure that all students in public
21 elementary and secondary schools have an opportunity to learn;

22 (3) Arkansas students have a right to the educational resources
23 needed to succeed academically and in life;

24 (4) Arkansas students have a right to an education that enables
25 them to acquire the knowledge and skills necessary:

26 (A) To be responsible citizens;

27 (B) To participate fully in the political process through
28 informed electoral choices; and

29 (C) To be able to compete and succeed in a global economy;

30 (5) Students and their parents or guardians have a right to know
31 what the objectives are for each student, and members of the community at
32 large have a right to know what the objectives are and the degree to which
33



1 those objectives are being met for all students and student subgroups in
2 Arkansas through information provided by the state system of public
3 education; and

4 (6) Arkansas students have a duty to participate responsibly in
5 the educational opportunities provided.

6
7 SECTION 2. Arkansas Code Title 6, Chapter 11, is amended to add an
8 additional subchapter to read as follows:

9 Subchapter 3 – Arkansas Education Bill of Rights and Responsibilities

10
11 6-11-301. Definitions.

12 As used in this subchapter:

13 (1) "Achieving school" means a public school that meets
14 performance, graduation rate, and growth annual measurable objectives, as
15 established by the State Board of Education, for all student groups for a
16 three-year period;

17 (2) "Equal opportunity to learn" means the equitable
18 distribution to all public school students in the state of the educational
19 opportunities under § 6-11-303;

20 (3) "Parent" means a child's parent, guardian, or other person
21 having custody or care of the child;

22 (4) "Statistically significant subgroup" means any group of
23 students identified by race, ethnicity, or socioeconomic status that composes
24 more than ten percent (10%) of a school's or school district's student
25 population;

26 (5) "Targeted achievement gap group" means a group that includes
27 students who meet one (1) or more of the following characteristics:

28 (A) Economically disadvantaged;

29 (B) English language learners; and

30 (C) Students with disabilities; and

31 (6) "Teacher of excellence" means a classroom teacher who
32 either:

33 (A) Scores in the top two-thirds (2/3) of a Praxis II
34 exam; or

35 (B) Is certified by the National Board for Professional
36 Teaching Standards.

1
2 6-11-302. Standards.

3 (a) The State Board of Education, in consultation with the Department
4 of Education, school district personnel, teacher preparation program
5 personnel, and a diverse group of parents, shall develop standards to
6 describe and measure the extent to which the state provides students an equal
7 opportunity to learn.

8 (b)(1) The state board shall assess access to the educational
9 opportunities identified in § 6-11-303 for:

10 (A) The student population as a whole; and

11 (B) Targeted achievement gap groups.

12 (2) The standard for access is the access available to students
13 in achieving public schools in the state.

14 (c)(1) A school district as part of its Arkansas Comprehensive School
15 Improvement Plan, in consultation with district personnel and a diverse group
16 of parents, shall measure the extent to which the district provides to its
17 students the components of an equal opportunity to learn as identified by the
18 state board.

19 (2) As part of its review of school improvement plans, the
20 department shall:

21 (A) Evaluate whether a district or school has properly
22 assessed the access of all students to an equal opportunity to learn; and

23 (B) Ensure that a school's or school district's school
24 improvement plan includes remedies if needed.

25 (3) If a school district fails to provide the opportunities to
26 learn provided in its school improvement plan, the school district shall be
27 identified as being in academic distress under § 6-15-428 and subject to the
28 remedies for academic distress.

29
30 6-11-303. Educational opportunities.

31 (a) All public school students shall have equitable access to the
32 following educational opportunities in each school in the school district:

33 (1) Teachers of excellence and teacher support specialists,
34 including without limitation:

35 (A) Teachers who are adequately trained in the subject
36 matter taught;

1 (B) Teachers who receive ongoing professional development
2 and training;

3 (C) Teachers with sufficient time to devote to each
4 student's development;

5 (D) Teachers who teach in classrooms with a reasonable
6 teacher-student ratio; and

7 (E) Counselors who are available to meet with students at
8 regular intervals to advise students regarding educational requirements and
9 choices;

10 (2) Early childhood education, including without limitation
11 access to high-quality preschool programs for children who qualify for the
12 Arkansas Better Chance program to the extent funding is available;

13 (3) College preparatory curricula, including without limitation:

14 (A) Access to challenging curricula in elementary and
15 middle school that prepare students to succeed in college preparatory
16 curricula;

17 (B) Access to a sequence or combination of courses required
18 for entry into the state's public colleges and universities; and

19 (C) Access to advanced placement courses or other courses
20 that offer an advantage to applicants seeking admission to the state's public
21 colleges and universities;

22 (4) Learning opportunities for developing career readiness
23 skills;

24 (5) Access to the full array of curricular and extracurricular
25 options offered by a school across the entire school calendar without
26 restrictions that effectively remove the student's option to move into
27 advanced course offerings;

28 (6) Access to essential supplementary academic services that
29 provide the student with a meaningful opportunity to learn the curriculum and
30 progress toward his or her academic goals;

31 (7) Instructional resources and facilities that support student
32 learning and state achievement objectives, including without limitation:

33 (A) Materials necessary to support the instructional
34 program recommended or required by the content standards;

35 (B) Individual textbooks, workbooks, and other
36 instructional materials for use in and out of the classroom;

1 (C) Access to reasonably current information technology and
2 the Internet;

3 (D) Adequate equipment, laboratories, and studios for
4 students to complete rigorous work in science, mathematics, and the arts;

5 (E) Suitable chairs, desks, and other classroom equipment;

6 (F) School facilities located within a reasonable commuting
7 distance of a student's home;

8 (G) Classrooms and other instructional spaces that:

9 (i) Are clean;

10 (ii) Have adequate lighting;

11 (iii) Are not crowded;

12 (iv) Have adequate ventilation and necessary heating
13 and air-conditioning, reasonably maintained and free of vermin, mold, and
14 other health hazards; and

15 (H) Bathrooms and sanitary facilities that are:

16 (i) Unlocked;

17 (ii) Accessible;

18 (iii) Stocked with adequate supplies; and

19 (iv) Maintained in a clean, safe, and sanitary
20 condition;

21 (8) A supportive learning environment free from harassment and
22 violence, including without limitation:

23 (A) Protection from harassment or abuse of any kind from
24 any person; and

25 (B) A fair and nondiscriminatory disciplinary system
26 including a positive behavior intervention support system; and

27 (9)(A) The engagement of parents and community members
28 representing all students, including without limitation those who are from
29 low-income households, students with disabilities, and minority students.

30 (B) The information required for effective parent and
31 community engagement includes without limitation:

32 (i) A clear statement of the academic standards
33 that:

34 (a) Defines what a student is expected to know
35 and accomplish at every educational level; and

36 (b) Specifies the basic conditions for

1 learning that a student and his or her family have a right to expect from the
2 public education system;

3 (ii) Easily understood, current, and reliable
4 information:

5 (a) To a parent and student regarding:

6 (1) The student's achievement;

7 (2) The school's performance concerning
8 each of the educational opportunities under this section; and

9 (b) To parents, students, and the public:

10 (1) Regarding the performance of each
11 school, school district, and the state in providing the learning
12 opportunities under this section; and

13 (2) That is provided both in the
14 aggregate and separately for any statistically significant subgroup; and

15 (iii) Public statistical information:

16 (a) Regarding disciplinary actions taken by
17 the school, including without limitation suspensions and expulsion;

18 (b) Regarding students who have dropped out or
19 withdrawn from school and have not enrolled in another school in the state;
20 and

21 (c) That is provided both in the aggregate and
22 separately for any statistically significant subgroup.

23
24 6-11-304. Rulemaking.

25 (a) The State Board of Education shall promulgate rules to administer
26 this subchapter.

27 (b) The rules shall:

28 (1) Ensure that schools and districts are responsive to:

29 (A) Parent requests for information whether the request is
30 made in person or in writing;

31 (B) Parent and community requests for meetings with
32 teachers, principals, and district staff, including the superintendent; and

33 (C) Parent and community requests to bring matters before
34 a school district board of directors;

35 (2) Address the timeliness of a school's response to parent and
36 community requests; and

1 (3) Subject to state and federal requirements for student and
2 family privacy, include the procedures for maintaining records on requests
3 and complaints received from parents and the community for the purposes of
4 review and monitoring by representatives of the Department of Education, the
5 General Assembly, and the public through the Freedom of Information Act of
6 1967, § 25-19-101 et seq.

7
8 6-11-305. Parent responsibilities.

9 (a) A parent and student are responsible for ensuring that the student
10 will:

11 (1) Attend school except for excused absences;

12 (2) Arrive for school on time;

13 (3) Return communications from the school with signatures as
14 requested by the school;

15 (4) Complete and turn in homework assignments;

16 (5) Bring to school each day required school books, technology
17 equipment, and supplies; and

18 (6) Dress in accordance with the school dress code.

19 (b)(1) A parent shall respond to requests by the school for the parent
20 to attend conferences concerning the student's academic progress or behavior.

21 (2) If a parent is unable to attend a conference, he or she
22 shall communicate that to the school and make arrangements for a conference
23 at another time or by telephone.

24 (3) A parent shall communicate to the school as soon as possible
25 information that the teachers or school officials need to work effectively
26 with the student, including without limitation changes in the student's
27 address, family situation, or medical condition.

28
29 6-11-306. Construction.

30 (a) This subchapter does not create a new right of a student, parent,
31 or other person to maintain an action against a public official or employee
32 for failure to provide a learning opportunity specified in this subchapter.

33 (b) This subchapter does not limit any other right or remedy of a
34 student, parent, or other person under the Arkansas Constitution and other
35 laws of the state.

36

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

/s/Elliott