

1 State of Arkansas  
2 90th General Assembly  
3 Regular Session, 2015  
4

# A Bill

SENATE BILL 813

5 By: Senator B. Johnson  
6 By: Representative Murdock  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND PROVISIONS OF THE ARKANSAS CODE  
10 CONCERNING NORM-REFERENCED ASSESSMENTS; AND FOR OTHER  
11 PURPOSES.  
12  
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## Subtitle

14 TO AMEND PROVISIONS OF THE ARKANSAS CODE  
15 CONCERNING NORM-REFERENCED ASSESSMENTS.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code § 6-15-102(f)(2), concerning the Division of  
22 Public School Accountability, is amended to read as follows:

23 (2) To coordinate the analysis, dissemination, and reporting of  
24 all ~~augmented, criterion-referenced, or norm-referenced~~ state-mandated  
25 assessment information;  
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27 SECTION 2. Arkansas Code § 6-15-404(d), concerning program  
28 implementation of the Arkansas Comprehensive Testing, Assessment, and  
29 Accountability Program Act, is amended to read as follows:

30 (d) The state board shall establish a clear, concise system of  
31 reporting the academic performance of each school on the state-mandated  
32 ~~augmented, criterion-referenced, or norm-referenced~~ assessments that conforms  
33 with the requirements of the No Child Left Behind Act of 2001, 20 U.S.C. §  
34 6301 et seq.  
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36 SECTION 3. Arkansas Code § 6-15-404(f)(4)(A), concerning program



1 implementation of the Arkansas Comprehensive Testing, Assessment, and  
 2 Accountability Program Act, is amended to read as follows:

3 (4)(A) A public school or public school district classified as in  
 4 "school improvement" shall develop and file with the department a  
 5 comprehensive school improvement plan designed to ensure that all students  
 6 demonstrate proficiency on all portions of state-mandated ~~augmented,~~  
 7 ~~riterion-referenced, or norm-referenced~~ assessments.

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 9 SECTION 4. Arkansas Code § 6-15-404(g)(1), program implementation of  
 10 the Arkansas Comprehensive Testing, Assessment, and Accountability Program  
 11 Act, is amended to read as follows:

12 (g)(1) The department shall develop and implement an augmented,  
 13 ~~criterion-referenced, or norm-referenced~~ assessment program that is valid,  
 14 reliable, ~~externally linked to a national norm,~~ and vertically scaled for  
 15 public school students in grades three through eight (3-8), which measures  
 16 application of knowledge and skills in reading and writing literacy and  
 17 mathematics.

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 19 SECTION 5. Arkansas Code § 6-15-406(5), concerning the assessment of  
 20 basic skills, is amended to read as follows:

21 (5) Meaningful comparisons of Arkansas students with those of  
 22 other states, regions, and the nation through the National Assessment of  
 23 Educational Progress Examination and ~~norm-referenced~~ other examinations; and  
 24

25 SECTION 6. Arkansas Code § 6-15-419(3)(C), concerning the definition  
 26 of "academic improvement plan", is amended to read as follows:

27 (C) In any instance in which a student with disabilities  
 28 identified under the Individuals with Disabilities Education Act has an  
 29 individualized education program that already addresses any academic area or  
 30 areas in which the student is not proficient on state-mandated ~~augmented,~~  
 31 ~~riterion-referenced, or norm-referenced~~ assessments, the individualized  
 32 education program shall serve to meet the requirement of an academic  
 33 improvement plan;  
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35 SECTION 7. Arkansas Code § 6-15-419(4), concerning the definition of  
 36 "adequate yearly progress", is amended to read as follows:

1           (4) "Adequate yearly progress" means the level of academic  
 2 improvement required of public schools or school districts on the state-  
 3 mandated ~~augmented, criterion-referenced, or norm-referenced~~ assessments and  
 4 other indicators as required in the Arkansas Comprehensive Testing,  
 5 Assessment, and Accountability Program, which shall comply with the  
 6 Elementary and Secondary Education Act as reauthorized in the No Child Left  
 7 Behind Act of 2001;

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 9           SECTION 8. Arkansas Code § 6-15-419(8)(A), concerning the definition  
 10 of "Arkansas Comprehensive Assessment Program", is amended to read as  
 11 follows:

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

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 16           SECTION 9. Arkansas Code § 6-15-419(31), concerning the definition of  
 17 "school or school district in academic distress", is amended to read as  
 18 follows:

19                   (31) "School or school district in academic distress" means a  
 20 public school or school district failing to meet the minimum level of  
 21 academic achievement on the state-mandated ~~augmented, criterion-referenced,~~  
 22 ~~or norm-referenced~~ assessments as required by the state board in the program;

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 24           SECTION 10. Arkansas Code § 6-15-420(d)(2), concerning remediation and  
 25 intervention, is amended to read as follows:

26                   (2) Each school and school district shall use multiple assessment  
 27 measures, which shall include, but not be limited to, state-mandated  
 28 ~~augmented, criterion-referenced, or norm-referenced~~ assessments.

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 30           SECTION 11. Arkansas Code § 6-15-421(c), concerning awards and  
 31 sanctions, is amended to read as follows:

32                   (c) The State Board of Education shall develop a clear, concise system  
 33 of reporting the academic performance of each public school on the state-  
 34 mandated ~~augmented, criterion-referenced, or norm-referenced~~ assessments,  
 35 developmentally appropriate assessments for grades kindergarten through two  
 36 (K-2), benchmark examinations, and end-of-course examinations, which conforms

1 with current state and federal law.

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3 SECTION 12. Arkansas Code § 6-15-424 is amended to read as follows:  
4 6-15-424. Rules and regulations.

5 The State Board of Education shall establish rules as may be necessary  
6 to require the Department of Education to implement a program for  
7 identifying, evaluating, assisting, and addressing public schools or public  
8 school districts failing to meet established levels of academic achievement  
9 on the state-mandated ~~augmented, criterion-referenced, or norm-referenced~~  
10 assessments as required in the Arkansas Comprehensive Testing, Assessment,  
11 and Accountability Program.

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13 SECTION 13. Arkansas Code § 6-15-426(e), concerning school improvement  
14 plans, is amended to read as follows:

15 (e) Each public school or school district shall develop and file with  
16 the department a comprehensive school improvement plan which shall be  
17 reviewed by the department and shall be designed to ensure that all students  
18 have an opportunity to obtain an adequate education and demonstrate  
19 proficiency on all portions of the state-mandated ~~augmented, criterion-~~  
20 ~~referenced, or norm-referenced~~ assessments.

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

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

28  
29 SECTION 15. Arkansas Code § 6-15-433(c)(2)(A), concerning the  
30 statewide assessment program, is amended to read as follows:

31 (2)(A) The testing program, as determined by the state board,  
32 shall consist of ~~augmented, criterion-referenced, or norm-referenced~~  
33 ~~assessments or other~~ assessments as defined in subdivision (b)(3)(A)(ii)(b)  
34 of this section.

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36 SECTION 16. Arkansas Code § 6-15-504(a), concerning achievement tests

1 for home-schooled students, is amended to read as follows:

2 (a) Each student enrolled in a home school program who is considered to  
 3 be at grade level or no more than two (2) years beyond the normal age for the  
 4 appropriate grade for which the state mandates ~~norm-referenced~~ tests for  
 5 public school students shall be tested using a nationally recognized ~~norm-~~  
 6 ~~referenced-achievement~~ test selected by the State Board of Education.

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 8 SECTION 17. Arkansas Code § 6-15-2006(b)(1), concerning annual reports  
 9 by school districts, is amended to read as follows:

10 (b) ~~Beginning with the 2004-2005 school year, each~~ A school district  
 11 board of directors shall publish annually in the local newspaper the school  
 12 performance report required by § 6-15-1402 and report in writing to the State  
 13 Board of Education by October 15 of each year the following information on  
 14 the prior school year or the latest information available:

15 (1) By grade level, economic status, and ethnicity, the number  
 16 and percentage of all students in grades kindergarten through twelve (K-12)  
 17 performing at each category level on the ~~benchmark examinations and end-of-~~  
 18 ~~course~~ state-mandated examinations, the percentile rankings by school and  
 19 grade level on ~~norm-referenced exams~~, any other assessments as required by  
 20 the state board, the number of students taking advanced placement courses or  
 21 courses offered under the International Baccalaureate Diploma Program, the  
 22 number taking the advanced placement exams, and the percent of students  
 23 making a 3, 4, or 5 on advanced placement exams;

24  
 25 SECTION 18. Arkansas Code § 6-15-2009(b), concerning public school  
 26 assessments and remediation, is amended to read as follows:

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

32 (2) The Department of Education may determine that an  
 33 individualized education program for a student with disabilities identified  
 34 under the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et  
 35 seq., meets the requirements of an ~~individualized~~ academic improvement plan  
 36 under this section if the individualized education program addresses one (1)

1 or more academic areas in which the student is not proficient on state-  
2 mandated ~~augmented, criterion-referenced, or norm-referenced~~ assessments.

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

7 (B) This notice may be provided via student handbooks  
8 issued to students.

9 (4) A student in grades three through eight (3-8) identified as  
10 not passing a ~~benchmark~~ state-mandated assessment and who fails to  
11 participate in the subsequent academic improvement plan shall be retained and  
12 shall not be promoted to the next appropriate grade until:

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

15 (B) The student passes the ~~benchmark~~ state-mandated  
16 assessment for the current grade level in which the student is retained.

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