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2 91st General Assembly  
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4

As Engrossed: S3/20/17

# A Bill

SENATE BILL 596

5 By: Senator J. English  
6 By: Representative Cozart  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND PROVISIONS OF THE ARKANSAS CODE  
10 CONCERNING PUBLIC SCHOOL EDUCATION; AND FOR OTHER  
11 PURPOSES.  
12  
13

### Subtitle

15 TO AMEND PROVISIONS OF THE ARKANSAS CODE  
16 CONCERNING PUBLIC SCHOOL EDUCATION.  
17  
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
20

21 *SECTION 1. Arkansas Code § 6-5-904(b)(3)(B)(i), concerning positive*  
22 *youth development grant applications, is amended to read as follows:*

23 *(i) The applicant operates or will operate the program within*  
24 *the geographic boundaries of a public school district that contains at least*  
25 *one (1) school ~~in school improvement, as designated~~ identified as targeted or*  
26 *comprehensive by the Department of Education; and*  
27

28 *SECTION 2. Arkansas Code § 6-5-904(d)(2)(B), concerning positive youth*  
29 *development grant applications, is amended to read as follows:*

30 *(B) A public school district has been ~~designated by~~*  
31 *identified to receive Level 5 – Intensive support from the department ~~as~~*  
32 *~~being in school improvement.~~*  
33

34 *SECTION 3. Arkansas Code § 6-13-112(c), concerning responsibilities of*  
35 *the State Board of Education and Commissioner of Education regarding school*  
36 *districts under state authority, is amended to read as follows:*



1           (c) A person appointed by the state board or the commissioner to  
 2 operate a school district under the authority of the state board or the  
 3 commissioner shall not have previously been an administrator responsible for  
 4 a school district that was placed in fiscal distress, academic distress,  
 5 facilities distress, Level 5 - Intensive support, or in violation of the  
 6 Standards for Accreditation of Arkansas Public Schools and School Districts.

7  
 8           SECTION 4. Arkansas Code § 6-13-112(e), concerning responsibilities of  
 9 the State Board of Education and Commissioner of Education regarding school  
 10 districts under state authority, is repealed.

11           ~~(e) Before the appointment of an interim school district board of~~  
 12 ~~directors, permanent school district board of directors, or community~~  
 13 ~~advisory board for the school district under the authority of the state board~~  
 14 ~~or the commissioner, the commissioner or the state board through the~~  
 15 ~~commissioner shall seek recommendations for individuals to serve as members~~  
 16 ~~of the interim school district board of directors, permanent school district~~  
 17 ~~board of directors, or community advisory board from the members of the~~  
 18 ~~General Assembly who represent the area in which the school district is~~  
 19 ~~located.~~

20  
 21           SECTION 5. Arkansas Code § 6-13-1305(4), concerning school district  
 22 policy, is amended to read as follows:

23           (4) ~~School~~ School-level improvement plans, including the form  
 24 and function of strategic planning and its relationship to school district  
 25 planning;

26  
 27           SECTION 6. Arkansas Code § 6-13-1403(a)(1), concerning conditions  
 28 under which the State Board of Education may annex school districts, is  
 29 amended to read as follows:

30           (1) The state board, after providing thirty (30) days' written  
 31 notice to the affected school districts, determines that annexation is in the  
 32 best interest of the affected district or districts and the receiving  
 33 district based upon failure to meet standards for accreditation, ~~or~~ failure  
 34 to meet ~~academic, fiscal, or facilities distress requirements, or failure to~~  
 35 meet the requirements to exit Level 5 - Intensive support pursuant to The  
 36 Quality Education Act of 2003, § 6-15-201 et seq., ~~the Arkansas Comprehensive~~

1 ~~Testing, Assessment, and Accountability Program Act, § 6-15-401 et seq., the~~  
2 ~~Arkansas Fiscal Assessment and Accountability Program, § 6-20-1901 et seq.,~~  
3 ~~and the Arkansas Public School Academic Facilities Program Act, § 6-21-801 et~~  
4 ~~seq., and the Arkansas Educational Support and Accountability Act, § 6-15-~~  
5 ~~2901 et seq.;~~

6  
7 SECTION 7. Arkansas Code § 6-13-1403(b)(1), concerning conditions  
8 under which the State Board of Education may annex school districts, is  
9 amended to read as follows:

10 (1) The state board, after providing thirty (30) days written  
11 notice to the affected districts, may on its own motion based on a school  
12 district's failure to meet standards for accreditation, ~~or failure to meet~~  
13 ~~academic or fiscal distress requirements, or failure to meet the requirements~~  
14 to exit Level 5 - Intensive support pursuant to The Quality Education Act of  
15 2003, § 6-15-201 et seq., ~~the Arkansas Comprehensive Testing, Assessment, and~~  
16 ~~Accountability Program Act, § 6-15-401 et seq., and the Arkansas Fiscal~~  
17 ~~Assessment and Accountability Program, § 6-20-1901 et seq., and the Arkansas~~  
18 Educational Support and Accountability Act, § 6-15-2901 et seq.; or

19  
20 SECTION 8. Arkansas Code § 6-13-1404(a)(1), concerning conditions  
21 under which the State Board of Education may consolidate school districts, is  
22 amended to read as follows:

23 (1) The state board, after providing thirty (30) days' written  
24 notice to the affected school districts, determines consolidation is in the  
25 best interest of the affected district or districts and the resulting  
26 district based upon failure to meet standards for accreditation, ~~or academic,~~  
27 failure to meet fiscal, or facilities distress requirements, or failure to  
28 meet the requirements to exit Level 5 - Intensive support, pursuant to The  
29 Quality Education Act of 2003, § 6-15-201 et seq., ~~the Arkansas Comprehensive~~  
30 ~~Testing, Assessment, and Accountability Program Act, § 6-15-401 et seq., the~~  
31 ~~Arkansas Fiscal Assessment and Accountability Program, § 6-20-1901 et seq.,~~  
32 ~~and the Arkansas Public School Academic Facilities Program Act, § 6-21-801 et~~  
33 ~~seq., and the Arkansas Educational Support and Accountability Act, § 6-15-~~  
34 2901 et seq.; or

35  
36 SECTION 9. Arkansas Code § 6-13-1404(b)(1), concerning conditions

1 under which the State Board of Education may consolidate school districts, is  
2 amended to read as follows:

3 (1) After providing thirty (30) days written notice to the  
4 affected districts, may consolidate school districts upon its own motion  
5 based upon a school district's failure to meet standards for accreditation,  
6 ~~or academic or~~ failure to meet fiscal distress requirements, or failure to  
7 meet the requirements to exit Level 5 - Intensive support pursuant to The  
8 Quality Education Act of 2003, § 6-15-201 et seq., ~~the Arkansas Comprehensive~~  
9 ~~Testing, Assessment, and Accountability Program Act, § 6-15-401 et seq., and~~  
10 ~~the Arkansas Fiscal Assessment and Accountability Program, § 6-20-1901 et~~  
11 ~~seq., and the Arkansas Educational Support and Accountability Act, § 6-15-~~  
12 2901 et seq.; or

13  
14 SECTION 10. Arkansas Code § 6-13-1411(b), concerning use of fund  
15 balances, is amended to read as follows:

16 (b) The provisions of this section shall not apply if the  
17 consolidation or annexation is because of the school district's failure to  
18 meet standards for accreditation, ~~or failure to meet academic, fiscal, or~~  
19 ~~facilities distress requirements, or failure to meet the requirements to exit~~  
20 Level 5 - Intensive support pursuant to The Quality Education Act of 2003, §  
21 6-15-201 et seq., ~~the Arkansas Comprehensive Testing, Assessment, and~~  
22 ~~Accountability Program Act, § 6-15-401 et seq., the Arkansas Fiscal~~  
23 ~~Assessment and Accountability Program, § 6-20-1901 et seq., and the Arkansas~~  
24 ~~Public School Academic Facilities Program Act, § 6-21-801 et seq., and the~~  
25 Arkansas Educational Support and Accountability Act, § 6-15-2901 et seq.

26  
27 SECTION 11. Arkansas Code § 6-13-1613(a)(3)(D), concerning minimum  
28 school district size waiver, is amended to read as follows:

29 (D) A statement of assurance that the school district is  
30 not currently classified in ~~academic distress~~ Level 5 - Intensive support,  
31 fiscal distress, or facilities distress.

32  
33 SECTION 12. Arkansas Code § 6-13-1613(b)(2)(A), concerning minimum  
34 school district size waiver, is amended to read as follows:

35 (A) The school district is not currently classified in  
36 ~~academic distress~~ Level 5 - Intensive support, fiscal distress, or facilities

1 *distress;*

2

3 *SECTION 13. Arkansas Code § 6-15-202(f)(7), concerning accreditation,*  
4 *is amended to read as follows:*

5 *(7) ~~Section 6-15-401 et seq. concerning the Arkansas~~*  
6 *~~Comprehensive Testing, Assessment, and Accountability Program~~ 6-15-2901 et*  
7 *seq. concerning the Arkansas Educational Support and Accountability Act;*

8

9

10 *SECTION 14. Arkansas Code § 6-15-1003(c)(2), concerning academically*  
11 *competent students, is amended to read as follows:*

12 *(2) School districts, schools, and students shall participate in*  
13 *the state assessments in the basic core of knowledge and skills as defined by*  
14 *the Department of Education in the ~~Arkansas Comprehensive Testing,~~*  
15 *~~Assessment, and Accountability Program~~ Arkansas Educational Support and*  
16 *Accountability Act, § 6-15-2901 et seq.*

17

18 *SECTION 15. Arkansas Code § 6-15-1005(e)(2), concerning safe,*  
19 *equitable, and accountable public schools, is amended to read as follows:*

20 *(2) Every school will develop and implement a data-driven ~~school~~*  
21 *school-level improvement plan based on these analyses that leads to increased*  
22 *student achievement and continuous school improvement; and*

23

24 *SECTION 16. Arkansas Code § 6-15-1005(f)(3), concerning safe,*  
25 *equitable, and accountable public schools, is amended to read as follows:*

26 *(3) Every school will involve parents in developing school goals*  
27 *and priorities and evaluating the effectiveness of the ~~school~~ school-level*  
28 *improvement plan.*

29

30 *SECTION 17. Arkansas Code § 6-15-1005(g)(2), concerning safe,*  
31 *equitable, and accountable public schools, is amended to read as follows:*

32 *(2) All schools will participate in the ~~Arkansas Comprehensive~~*  
33 *~~Testing, Assessment, and Accountability Program~~ Arkansas Educational Support*  
34 *and Accountability Act, § 6-15-2901 et seq.*

35

36 *SECTION 18. Arkansas Code § 6-15-1005(g)(5), concerning safe,*

1 equitable, and accountable public schools, is amended to read as follows:

2 (5) Each school will issue a school achievement report to the  
3 community on all ~~state-required~~ statewide student assessments.

4  
5 SECTION 19. Arkansas Code § 6-15-1005(h)(3), concerning safe,  
6 equitable, and accountable public schools, is amended to read as follows:

7 (3) In order for administrators to be able to renew a license,  
8 they must have participated in a continuing education and professional  
9 development program based on their ~~school~~ school-level improvement plans,  
10 performance evaluation results, and student achievement scores.

11  
12 SECTION 20. Arkansas Code § 6-15-1402(b)(2)(A)(ii), concerning the  
13 school performance report, is amended to read as follows:

14 (ii) ~~Norm-referenced test~~ Statewide student  
15 assessment results;

16  
17 SECTION 21. Arkansas Code § 6-15-1402(b)(2)(A)(iii), concerning the  
18 school performance report, is repealed.

19 ~~(iii) Augmented, criterion-referenced, or norm-~~  
20 ~~referenced assessment results;~~

21  
22 SECTION 22. Arkansas Code § 6-15-1402(b)(3)(A)(ii), concerning the  
23 school performance report, is amended to read as follows:

24 (ii) ~~Norm-referenced test~~ Statewide student  
25 assessment results;

26  
27 SECTION 23. Arkansas Code § 6-15-1402(b)(3)(A)(iii), concerning the  
28 school performance report, is repealed.

29 ~~(iii) Augmented criterion-referenced assessment~~  
30 ~~results;~~

31  
32 SECTION 24. Arkansas Code § 6-15-1402(b)(3)(A)(xiv), concerning the  
33 school performance report, is repealed.

34 ~~(xiv) Student participation in the Arkansas College~~  
35 ~~and Career Readiness Planning Program under § 6-15-441; and~~

1           SECTION 25. Arkansas Code § 6-15-1402(b)(4)(B)(i), concerning the  
2 school performance report, is repealed.

3                           ~~(i) Highly qualified teacher;~~

4  
5           SECTION 26. Arkansas Code § 6-15-1402(d)(2), concerning the school  
6 performance report, is amended to read as follows:

7                   (2) Explore the feasibility of incorporating the ~~school school-~~  
8 level improvement plans developed by schools and school district support  
9 plans developed by school districts with the school performance reports.

10  
11          SECTION 27. Arkansas Code § 6-15-1402(e), concerning the school  
12 performance report, is amended to read as follows:

13                   (e) The school performance report shall not include individual student  
14 information if the information is reported in a manner that would identify a  
15 particular student except as permitted under the Family Educational Rights  
16 and Privacy Act of 1974, 20 U.S.C. 1232g, as in effect on January 1, 2017.

17  
18          SECTION 28. Arkansas Code § 6-15-1503 is repealed.

19                   ~~6-15-1503. State mandated exams.~~

20                   ~~(a)(1) The State Board of Education shall ensure that any revisions~~  
21 ~~made to the Arkansas Academic Content Standards and Curriculum Framework~~  
22 ~~process is to be aligned to the state assessment system for core academic~~  
23 ~~areas of reading, writing, mathematics, science, and social studies as~~  
24 ~~funding permits.~~

25                   ~~(2) All end-of-course tests shall be aligned with the content~~  
26 ~~standards and curriculum frameworks.~~

27                   ~~(b) All other components of the Arkansas Comprehensive Testing,~~  
28 ~~Assessment, and Accountability Program should be aligned with the Arkansas~~  
29 ~~Academic Content Standards and Curriculum Framework process.~~

30  
31          SECTION 29. Arkansas Code § 6-15-1602 is repealed.

32                   ~~6-15-1602. Students who have been placed at risk of academic failure—~~  
33 ~~Personal education plans.~~

34                   ~~(a)(1) Local school districts shall identify students in all grades~~  
35 ~~who have been placed at risk of academic failure and shall implement a~~  
36 ~~personal education plan for academic improvement with focused intervention~~

1 ~~and performance benchmarks.~~

2 ~~(2) Identification shall occur as early as can reasonably be~~  
3 ~~done and can be based on grades, observations, and other factors that~~  
4 ~~teachers and administrators consider appropriate without having to await the~~  
5 ~~results of end-of-grade or end-of-course tests.~~

6 ~~(b)(1) At the beginning of the school year, a personal education plan~~  
7 ~~shall be developed for any student not performing at least at grade level, as~~  
8 ~~identified by the state end-of-grade test.~~

9 ~~(2) If a student's performance appears to be falling below state~~  
10 ~~proficiency standards at any time during the school year, a personal~~  
11 ~~education plan shall be developed.~~

12 ~~(c) Focused intervention and acceleration activities may include,~~  
13 ~~among other things, summer school, Saturday school, and extended days.~~

14 ~~(d) Local school districts shall provide the activities identified in~~  
15 ~~subsection (c) of this section, and transportation, free of charge to~~  
16 ~~students.~~

17  
18 SECTION 30. Arkansas Code § 6-15-1704(b)(1)(C)(i) and (ii), concerning  
19 parental involvement plans, are amended to read as follows:

20 (i) ~~School improvement for two (2) consecutive~~  
21 ~~school years Level 4 - Directed support; or~~

22 (ii) ~~Academic distress Level 5 - Intensive support.~~

23  
24 SECTION 31. Arkansas Code § 6-15-2002 is repealed.

25 ~~6-15-2002, Comprehensive program.~~

26 ~~The State Board of Education shall establish a comprehensive program~~  
27 ~~for student progression that shall include:~~

28 ~~(1) Standards for evaluating each student's performance,~~  
29 ~~including the student's mastery level with respect to the academic content~~  
30 ~~standards;~~

31 ~~(2) Specific levels of performance in reading, writing, and~~  
32 ~~mathematics for each grade level and specific proficiency levels of~~  
33 ~~performance on statewide assessments, including end-of-course examinations,~~  
34 ~~below which a student shall be remediated within an intensive program that is~~  
35 ~~different from the previous year's program and that takes into account the~~  
36 ~~student's learning style; and~~



1 ~~(3) Appropriate alternative education intervention programs as~~  
 2 ~~developed by the local school district in compliance with state and federal~~  
 3 ~~law and approved by the Department of Education for a student who has been~~  
 4 ~~retained two (2) consecutive years.~~

5  
 6 SECTION 32. Arkansas Code § 6-15-2004(a)(2), concerning reading  
 7 deficiency and parental notification, are amended to read as follows:

8 (2)(A) Any student who exhibits a substantial deficiency in  
 9 reading, based upon statewide assessments conducted in grades kindergarten  
 10 through two (K-2), or through teacher observations, shall be given intensive  
 11 reading instruction ~~utilizing a reading program approved by the State Board~~  
 12 ~~of Education~~ based on the science of reading as soon as practicable following  
 13 the identification of the reading deficiency.

14 ~~(B) The student's reading proficiency shall be reassessed~~  
 15 ~~by utilizing assessments within the state board approved reading program.~~

16 ~~(C) The student shall continue to be provided with~~  
 17 ~~intensive reading instruction until the reading deficiency is corrected.~~

18  
 19 SECTION 33. Arkansas Code § 6-15-2006(b) and (c), concerning the  
 20 student progression annual report, are amended to read as follows:

21 (b)(1) A school district board of directors shall publish annually ~~in~~  
 22 ~~the local newspaper~~ the school performance report required by ~~§ 6-15-1402 and~~  
 23 ~~report in writing to the State Board of Education § 6-15-2101 on its website,~~  
 24 with the option of also publishing it in the local newspaper, by October 15  
 25 of each year, and the following information on the prior school year or the  
 26 latest information available:

27 ~~(1)(A)~~ (A) By grade level, economic status, and ethnicity, the  
 28 number and percentage of all students in kindergarten through grade twelve  
 29 (K-12) performing at each category level on the ~~state-mandated examinations~~  
 30 statewide student assessment, the percentile rankings by school and grade  
 31 level on any other assessments as required by the ~~state board~~ State Board of  
 32 Education, the number of students taking advanced placement courses or  
 33 courses offered under the International Baccalaureate Diploma Programme, the  
 34 number taking the advanced placement exams, and the percent of students  
 35 making a 3, 4, or 5 on advanced placement exams;

36 ~~(2)(B)~~ (B) By grade level, the number and percentage of all

1 students retained in grades one through eight (1-8);

2 ~~(3)(C)~~ The graduation rate, grade inflation rate, drop-out  
3 rate for grades nine through twelve (9-12), and college remediation rate;

4 ~~(4)(D)~~ The number of students transferring pursuant to the  
5 unsafe school provision of ~~§ 6-15-432~~ § 6-18-320; and

6 ~~(5)(E)~~ The number of students transferring pursuant to the  
7 Arkansas Opportunity Public School Choice Act of 2004, § 6-18-227.

8 (2) The school performance report shall be easily identifiable on  
9 the website.

10 (c) A printed copy of the school performance report under § 6-15-2101  
11 shall be made available upon request.

12 (d) This section shall apply to the extent that it is not in violation  
13 of applicable state or federal law.

14  
15 SECTION 34. Arkansas Code § 6-15-2009 is repealed.

16 ~~6-15-2009. Public school assessments and remediation.~~

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

20 ~~(2) Each student in grades three through eight (3-8) shall~~  
21 ~~participate in assessments required in §§ 6-15-419, 6-15-433, and this~~  
22 ~~section and by the state board.~~

23 ~~(3) Students in appropriate grades shall participate in the end-~~  
24 ~~of-course assessments and college and career readiness measurements required~~  
25 ~~by §§ 6-15-419 and 6-15-433 as established by the state board and this~~  
26 ~~section.~~

27 ~~(4)(A) The State Board of Education shall determine the~~  
28 ~~requisite scale score of student performance on each assessment or~~  
29 ~~measurement required in subdivisions (a)(1)-(3) of this section.~~

30 ~~(B) The State Board of Education shall make its~~  
31 ~~determination of the requisite scale score of student performance on college~~  
32 ~~and career readiness measurements used for college placement in conjunction~~  
33 ~~with the Arkansas Higher Education Coordinating Board.~~

34 ~~(b)(1) A student identified as not meeting the satisfactory pass~~  
35 ~~levels in the immediate previously administered state-mandated assessment~~  
36 ~~shall participate in the remediation activities as required in the student's~~

1 ~~academic improvement plan beginning in the school year the assessment results~~  
2 ~~are reported.~~

3 ~~(2) The Department of Education may determine that an~~  
4 ~~individualized education program for a student with disabilities identified~~  
5 ~~under the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et~~  
6 ~~seq., meets the requirements of an academic improvement plan under this~~  
7 ~~section if the individualized education program addresses one (1) or more~~  
8 ~~academic areas in which the student is not proficient on state-mandated~~  
9 ~~assessments.~~

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

14 ~~(B) This notice may be provided via student handbooks~~  
15 ~~issued to students.~~

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

20 ~~(A) The student is deemed to have participated in an~~  
21 ~~academic improvement plan; or~~

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

24 ~~(c)(1) A student required to take an end-of-course assessment who is~~  
25 ~~identified as not meeting the requisite scale score for the end-of-course~~  
26 ~~assessment shall participate in the remediation activities as required in the~~  
27 ~~student's academic improvement plan in the school year that the assessment~~  
28 ~~results are reported in order to receive academic credit on his or her~~  
29 ~~transcript for the course related to the end-of-course assessment.~~

30 ~~(2) The academic improvement plan shall include remediation~~  
31 ~~activities focused on those areas in which a student failed to meet the~~  
32 ~~requisite scale score of an end-of-course assessment.~~

33 ~~(3) A student who is identified as not meeting the requisite~~  
34 ~~scale score for an end-of-course assessment shall not receive academic credit~~  
35 ~~on his or her transcript for the course related to the end-of-course~~  
36 ~~assessment until the student is identified as having participated in~~

1 ~~remediation through an academic improvement plan.~~

2 ~~(d)(1) The state board may require remediation activities and an~~  
3 ~~academic improvement plan for a student in grades in which a state mandated~~  
4 ~~assessment is required.~~

5 ~~(2) The state board may require that the academic improvement~~  
6 ~~plan include one (1) or more opportunities for a student to retake the~~  
7 ~~measurement.~~

8 ~~(3) For the purpose of a college and career readiness~~  
9 ~~measurement, remediation shall not require that a student pass a subsequent~~  
10 ~~college and career readiness measurement in order to graduate from an~~  
11 ~~Arkansas high school.~~

12 ~~(e)(1) The end-of-course assessment program shall be maintained in~~  
13 ~~such a manner as to meet the requirements of state and federal law, including~~  
14 ~~the full range of students with disabilities.~~

15 ~~(2)(A) The superintendent of each public school district shall~~  
16 ~~be responsible for the proper administration of this section and the rules~~  
17 ~~promulgated by the state board to implement the requirements of this section.~~

18 ~~(B) To the extent that a public school district is~~  
19 ~~determined to have knowingly failed to administer these provisions of law or~~  
20 ~~rules, the superintendent's license shall be subject to probation,~~  
21 ~~suspension, or revocation under § 6-17-410.~~

22 ~~(3) Each year the department shall make public item and task~~  
23 ~~prototypes for the English language arts and mathematics assessments required~~  
24 ~~by this section or a selection of actual items and tasks from the most recent~~  
25 ~~assessments.~~

26 ~~(4)(A) The state board shall promulgate rules to establish cut~~  
27 ~~scores, remediation programs required in this section, and other components~~  
28 ~~of the state assessment program necessary to administer the provisions of~~  
29 ~~this section.~~

30 ~~(B) Remedial activities and instruction provided during~~  
31 ~~high school shall not be in lieu of English language arts, mathematics,~~  
32 ~~science, history, or other core courses required for graduation.~~

33 ~~(5) Each school year, the department shall establish and publish~~  
34 ~~by commissioner's memo an assessment cycle for state required assessments~~  
35 ~~that a public school district shall follow unless the public school district~~  
36 ~~has obtained a written waiver from the department.~~

1 ~~(6)(A) The department shall develop the form of end-of-course~~  
2 ~~assessments and subsequent end-of-course assessments with the documents,~~  
3 ~~manuals, forms, and protocols necessary for the proper administration,~~  
4 ~~completion, submission, and scoring of the assessment.~~

5 ~~(B) The assessment shall be composed of sections that may~~  
6 ~~include both multiple choice and open response test items.~~

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

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

16  
17 SECTION 35. Arkansas Code § 6-15-2101(a)(2), concerning school rating  
18 system annual reports, is amended to read as follows:

19 (2) The department shall prescribe the design and content of  
20 these reports that shall include without limitation descriptions of  
21 achievement of all schools participating in any assessment program and all of  
22 their major student populations as determined by the department, provided  
23 that the provisions of ~~§ 6-15-415~~ § 6-15-2909 pertaining to student records  
24 apply to this section.

25  
26 SECTION 36. Arkansas Code § 6-15-2101(b), concerning school rating  
27 system annual reports, is amended to read as follows:

28 (b)(1) The department shall provide information regarding performance  
29 of students and educational programs as required under ~~§§ 6-15-433~~ §§ 6-15-  
30 2907 and 6-15-2301 and implement a system of school reports as required by  
31 statute and State Board of Education rule.

32 (2) Annual school performance reports shall be in an easy-to-  
33 read format ~~and shall include both the school improvement and performance~~  
34 ~~level designations.~~

35  
36 SECTION 37. Arkansas Code § 6-15-2101(c), concerning school rating

1 system annual reports, is repealed.

2 ~~(e) The annual report shall designate one (1) school performance~~  
 3 ~~category level for each school based on:~~

4 ~~(1) Student academic performance on state mandated assessments~~  
 5 ~~as required by law or by rule of the state board;~~

6 ~~(2) Student growth based on state mandated assessments as~~  
 7 ~~required by law or by rule of the state board; and~~

8 ~~(3) For a secondary school, the school's graduation rate.~~

9  
 10 SECTION 38. Arkansas Code § 6-15-2101(d)(1) and (2), concerning school  
 11 rating system annual reports, are amended to read as follows:

12 (1) Student performance on ~~state-mandated~~ statewide student  
 13 assessments as required by law or rule of the state board;

14 (2) Student academic growth based on ~~state-mandated~~ statewide  
 15 student assessments as required by law or rule of the state board;

16  
 17 SECTION 39. Arkansas Code § 6-15-2106(b)(1), concerning school rating  
 18 system rules, is amended to read as follows:

19 (1) ~~The Common Core State Standards~~ Arkansas academic standards;

20  
 21 SECTION 40. Arkansas Code § 6-15-2106(b)(3), concerning school rating  
 22 system rules, is amended to read as follows:

23 (3) Rules adopted under the requirements of a law enacted by the  
 24 United States Congress for general education, including without limitation  
 25 the Elementary and Secondary Education Act of 1965, Pub. L. No. 89-10, as  
 26 reauthorized by the ~~No Child Left Behind Act of 2001, 20 U.S.C. § 6301 et~~  
 27 ~~seq.~~ Every Student Succeeds Act of 2015, Pub. L. No. 114-95, or any  
 28 supplementary federal regulations, directives, or decisions of the United  
 29 States Department of Education pertaining to that legislation.

30  
 31 SECTION 41. Arkansas Code § 6-21-2106(c) and (d), concerning school  
 32 rating system rules, are repealed.

33 ~~(e) The state board may adopt by rule, criteria that permit the~~  
 34 ~~following entities to be exempt from the identification and classification of~~  
 35 ~~academic distress:~~

36 ~~(1) A public school that is designated solely as an alternative~~

1 ~~learning environment;~~

2 ~~(2) An open enrollment public charter school whose mission and~~  
3 ~~enrollment are primarily focused on students who have dropped out of high~~  
4 ~~school or are identified as at risk of dropping out of school;~~

5 ~~(3) A conversion public charter school whose mission and~~  
6 ~~enrollment are primarily focused on students who have dropped out of high~~  
7 ~~school or are identified as at risk of dropping out of school;~~

8 ~~(4) The Arkansas School for the Blind; and~~

9 ~~(5) The Arkansas School for the Deaf.~~

10 ~~(d) The criteria adopted by the state board under subsection (c) of~~  
11 ~~this section shall include the method to measure student academic performance~~  
12 ~~for a student who attends an entity identified under subsection (c) of this~~  
13 ~~section to meet the requirements of state or federal law or regulation.~~

14  
15 SECTION 42. Arkansas Code § 6-15-2201 is repealed.

16 ~~6-15-2201. Implementation of state system of school improvement and~~  
17 ~~education accountability.~~

18 ~~(a) The Department of Education is responsible for implementing and~~  
19 ~~maintaining a system of intensive school improvement and education~~  
20 ~~accountability that shall include policies and programs to implement the~~  
21 ~~following:~~

22 ~~(1)(A) A system of data collection and analysis that will~~  
23 ~~improve information about the educational success of individual students and~~  
24 ~~schools.~~

25 ~~(B) The information and analyses shall be capable of~~  
26 ~~identifying educational programs or activities in need of improvement, and~~  
27 ~~reports prepared pursuant to this section shall be distributed to the~~  
28 ~~appropriate school district boards of directors prior to distribution to the~~  
29 ~~general public.~~

30 ~~(C) No disclosure shall be made that is in violation of~~  
31 ~~applicable federal or state law;~~

32 ~~(2) A program of school improvement that will analyze~~  
33 ~~information to identify schools' educational programs or educational~~  
34 ~~activities in need of improvement;~~

35 ~~(3) A method of delivering services to assist school districts~~  
36 ~~and schools to improve; and~~

1 ~~(4) A method of coordinating the state educational goals and~~  
2 ~~school improvement plans with any other state program that creates incentives~~  
3 ~~for school improvement.~~

4 ~~(b)(1) The department shall be responsible for the implementation and~~  
5 ~~maintenance of the system of school improvement and education accountability~~  
6 ~~outlined in this section.~~

7 ~~(2) There shall be an annual determination of whether each~~  
8 ~~school is progressing toward implementing and maintaining a system of school~~  
9 ~~improvement.~~

10 ~~(c)(1) If progress is not being made, the local school district shall~~  
11 ~~prepare and implement a revised school improvement plan.~~

12 ~~(2) The department shall monitor the development and~~  
13 ~~implementation of the revised school improvement plan.~~

14 ~~(d)(1)(A) The department shall implement a training program to develop~~  
15 ~~among state and school district educators a cadre of facilitators of school~~  
16 ~~improvement.~~

17 ~~(B) These facilitators shall assist schools and school~~  
18 ~~districts to conduct needs assessments and develop and implement school~~  
19 ~~improvement plans to meet state goals.~~

20 ~~(2)(A)(i) Upon request, the department shall provide technical~~  
21 ~~assistance and training to any school, school district, or school district~~  
22 ~~board of directors for conducting needs assessments, developing and~~  
23 ~~implementing school improvement plans, developing and implementing assistance~~  
24 ~~and intervention plans, or implementing other components of school~~  
25 ~~improvement and accountability.~~

26 ~~(ii) Priority for these services shall be given to~~  
27 ~~schools designated as school districts in academic distress or schools in~~  
28 ~~need of school improvement under state or federal law.~~

29 ~~(B)(i) No less than semiannually, the department shall~~  
30 ~~provide a report to the House Committee on Education and the Senate Committee~~  
31 ~~on Education setting forth the school districts requesting assistance, the~~  
32 ~~state of each request, and the dates and actions taken.~~

33 ~~(ii) The department shall further report the results~~  
34 ~~of the actions taken or assistance provided.~~

35 ~~(e) As a part of the system of educational accountability, the~~  
36 ~~department shall:~~



1 ~~(1) Develop minimum performance standards for various grades and~~  
 2 ~~subject areas, as required in §§ 6-15-404 and 6-15-433;~~

3 ~~(2) Administer the statewide assessment testing program created~~  
 4 ~~by § 6-15-433;~~

5 ~~(3) Conduct or contract with a provider to conduct the program~~  
 6 ~~assessments required by § 6-15-403;~~

7 ~~(4) Conduct or contract with any provider for implementation for~~  
 8 ~~any part or portion of this act; and~~

9 ~~(5) Perform any other functions that may be involved in~~  
 10 ~~educational planning, research, and evaluation or that may be required by the~~  
 11 ~~State Board of Education rules and regulations or federal or state law.~~

12  
 13 SECTION 43. Arkansas Code § 6-15-2202(a)(1), concerning access to  
 14 school improvement plans, is amended to read as follows:

15 (1) Improve student achievement and close achievement gaps among  
 16 student subgroups by providing public access to ~~comprehensive school~~ school-  
 17 level improvement plans;

18  
 19 SECTION 44. Arkansas Code § 6-15-2202(b)(1), concerning access to  
 20 school improvement plans, is repealed.

21 ~~(1)(A) The comprehensive school improvement plan developed under~~  
 22 ~~the Arkansas Comprehensive Testing, Assessment, and Accountability Program~~  
 23 ~~Act, § 6-15-401 et seq., for each public school in the public school~~  
 24 ~~district.~~

25 ~~(B) [Repealed.]~~

26  
 27 SECTION 45. Arkansas Code § 6-15-2202(b)(3)-(5), concerning access to  
 28 school improvement plans, is amended to read as follows:

29 (3) A parent-friendly explanation of:

30 (A) ~~The school improvement status of~~ level of support  
 31 being provided to the public school district;

32 (B) ~~The school improvement status of each public school in~~  
 33 ~~the public school district, including the identification of any supplemental~~  
 34 ~~educational services available to each public school; and~~

35 (C) ~~Why the public school district or any of its public~~  
 36 ~~schools are under academic distress, school improvement~~ is receiving Level 5

1 – Intensive support, a school is identified as targeted or comprehensive, or  
 2 the public school district is in fiscal distress and what the public school  
 3 district is doing to be removed from ~~academic distress, school improvement~~  
 4 Level 5 - Intensive support, to remove the school or schools within the  
 5 public school district from being identified as targeted or comprehensive, or  
 6 to be removed from fiscal distress;

7 (4) The public school district's parental involvement plan and  
 8 the parental involvement plan of all public schools in the public school  
 9 district and informational packets required under § 6-15-1702 ~~and under the~~  
 10 ~~No Child Left Behind Act of 2001, 20 U.S.C. § 6301 et seq.~~; and

11 (5) Teacher qualifications for all public schools in the public  
 12 school district ~~under the No Child Left Behind Act of 2001, 20 U.S.C. § 6301~~  
 13 ~~et seq.~~

14  
 15 SECTION 46. Arkansas Code § 6-15-2202(c)(2), concerning access to  
 16 school improvement plans, is amended to read as follows:

17 (2) Assists a school with its ~~comprehensive school~~ school-level  
 18 improvement plan or school district support plan.

19  
 20 SECTION 47. Arkansas Code § 6-17-705(c), concerning professional  
 21 development credit, is repealed.

22 ~~(e) Licensed personnel may earn up to twelve (12) hours of~~  
 23 ~~professional development credit required under subsection (a) of this section~~  
 24 ~~through online professional development credit approved by the Department of~~  
 25 ~~Education and related to the:~~

26 ~~(1) School district's comprehensive school improvement plan; or~~  
 27 ~~(2) Teacher's professional growth plan under the Teacher~~  
 28 ~~Excellence and Support System, § 6-17-2801 et seq.~~

29  
 30 SECTION 48. Arkansas Code § 6-17-707(c)(1)-(3), concerning the  
 31 Arkansas Online Professional Development Initiative, are amended to read as  
 32 follows:

33 (1) Are aligned to the required focus areas identified in the  
 34 State Board of Education rules governing professional development and the  
 35 ~~Arkansas Comprehensive Testing, Assessment, and Accountability Program~~  
 36 Arkansas Educational Support and Accountability Act, § 6-15-2901 et seq.;

1           (2) Are aligned with the clear, specific, and challenging  
2 academic content areas as established by the Department of Education as  
3 required under ~~§ 6-15-404~~ § 6-15-2906;

4           (3) Are aligned with the ~~state curriculum frameworks~~ Arkansas  
5 academic standards established by the department for each class level or  
6 subject area included in the respective professional development programs;

7  
8           SECTION 49. Arkansas Code § 6-17-707(h) and (i), concerning the  
9 Arkansas Online Professional Development Initiative, are amended to read as  
10 follows:

11           (h)(1) As part of a ~~school improvement plan~~ school district support  
12 plan, the department may include guidelines for the professional development  
13 programs to be delivered to the licensed personnel employed by ~~a school in~~  
14 ~~school improvement status or a school district in school improvement status~~  
15 ~~or academic distress~~ receiving Level 3 - Coordinated, Level 4 - Directed, or  
16 Level 5 - Intensive support.

17           (2)(A) As part of the ~~school improvement~~ school district support  
18 plan, the department may require the participation and completion of  
19 professional development courses or programs by licensed personnel in ~~the a~~  
20 ~~school or school district as appropriate for the licensed personnel's job~~  
21 ~~assignments and duties~~.

22           ~~(B) Licensed personnel employed by any school in school~~  
23 ~~improvement or school district in school improvement or academic distress~~  
24 ~~shall participate in, complete, and pass the assessment for the professional~~  
25 ~~development requirements included in the school's or school district's school~~  
26 ~~improvement plan.~~

27           ~~(i) The department shall further enhance its leadership role in~~  
28 ~~professional development for licensed personnel by:~~

29           ~~(1) Developing technology-based professional development~~  
30 ~~programs and other enhanced professional development options for school~~  
31 ~~districts and licensed personnel; and~~

32           ~~(2) Employing two (2) persons who have a high level of expertise~~  
33 ~~in professional development for the purpose of enhancing professional~~  
34 ~~development opportunities as set forth in this section.~~

35  
36           SECTION 50. Arkansas Code § 6-18-901(b), concerning maintenance of

1 permanent student records, is amended to read as follows:

2 (b) The permanent student record shall include all information  
3 concerning educational programming ~~provided a student who fails to achieve~~  
4 ~~mastery level performance on all administrations of the basic competency~~  
5 ~~tests including statewide student assessments required under the Arkansas~~  
6 ~~Comprehensive Testing, Assessment, and Accountability Program Act, § 6-15-401~~  
7 ~~et seq Arkansas Educational Support and Accountability Act, § 6-15-2901 et~~  
8 ~~seq.~~

9  
10 SECTION 51. Arkansas Code § 6-20-2305(b)(4)(C)(iv)(a), concerning  
11 public school funding, is amended to read as follows:

12 (iv)(a) Upon review of the school district's  
13 ~~comprehensive school~~ school-level improvement plan, if the Commissioner of  
14 Education determines that the school district has met the needs of students  
15 in the school district for whom the funding for additional educational  
16 categories this subsection is provided, has met the requirements of  
17 subdivisions (b)(4)(C)(ii) and (iii) of this section, and has prudently  
18 managed its resources, the commissioner shall give written approval of the  
19 detailed planned flexible use of excess national school lunch student  
20 categorical funds provided to the school district.

21  
22  
23 SECTION 52. Arkansas Code § 6-20-2305(b)(4)(C)(ix)(b)(5)-(7),  
24 concerning public school funding, is amended to read as follows:

25 (5) The school district shall include  
26 with its ~~comprehensive school~~ school-level improvement plan a written  
27 detailed narrative or plan concerning how the school district will use its  
28 excess national school lunch categorical funds each school year and  
29 explaining in detail the amount of funds and percent of total funds to be  
30 used to supplement all classroom teacher salaries as allowed in this  
31 subdivision (b)(4)(C)(ix);

32 (6) Upon review of the school district's  
33 ~~comprehensive school~~ school-level improvement plan, if the commissioner  
34 determines that the school district has met or is meeting the needs of  
35 students in the school district for which the funding for additional  
36 educational categories under this subdivision (b)(4)(C)(ix) and has prudently

1 managed its resources, the commissioner shall give written approval of the  
 2 detailed planned flexible use of excess national school lunch student  
 3 categorical funds provided to the school district; and

4 (7) Upon review of the school district's  
 5 ~~comprehensive school~~ school-level improvement plan and other indicators, if  
 6 the commissioner determines that a school district has not met the needs of  
 7 students that may be served with national school lunch student categorical  
 8 funds, the commissioner may require that any and all national school lunch  
 9 categorical funds dedicated for use or application in the teacher salary fund  
 10 shall be removed from and not used to meet the classroom teacher salary  
 11 obligation and redirected and applied to meet the needs of students in a  
 12 school district.

13  
 14 SECTION 53. Arkansas Code § 6-20-2305(b)(4)(E)(ii)(c), concerning  
 15 public school funding, is amended to read as follows:

16 (c) The analysis of student achievement data  
 17 evaluated in student achievement growth models as defined under ~~§ 6-15-435~~ §  
 18 6-15-2908 shall be expanded to include the evaluation of the best estimates  
 19 of classroom, school, and school district effects on narrowing the  
 20 achievement gap, in addition to the examination of student progress based on  
 21 established value-added longitudinal calculations.

22  
 23 SECTION 54. Arkansas Code § 6-23-107(b)(2)(A), concerning reporting  
 24 requirements for public charter schools, is amended to read as follows:

25 (2)(A) For all students enrolled in the public charter school,  
 26 the scores for assessments required under the ~~Arkansas Comprehensive Testing,~~  
 27 ~~Assessment, and Accountability Program Act, § 6-15-401 et seq., including~~  
 28 ~~without limitation benchmark assessments and end-of-course assessments~~  
 29 Arkansas Educational Support and Accountability Act, § 6-15-2901 et seq.

30  
 31 SECTION 55. Arkansas Code § 10-3-2102(f)(2)-(5), concerning duties of  
 32 the adequacy committee, are amended to read as follows:

33 (2) Reviewing the ~~curriculum frameworks~~ Arkansas academic  
 34 standards developed by the Department of Education;

35 (3) Reviewing the ~~Arkansas Comprehensive Testing, Assessment,~~  
 36 ~~and Accountability Program Act, § 6-15-401 et seq~~ Arkansas Educational

1 Support and Accountability Act, § 6-15-2901 et seq.;

2 (4) ~~Reviewing fiscal, academic, and facilities distress~~  
3 ~~programs;~~

4 (5) ~~Reviewing the state's standing under the No Child Left~~  
5 ~~Behind Act of 2001, 20 U.S.C. § 6301 et seq. Elementary and Secondary~~  
6 ~~Education Act of 1965, Pub. L. No. 89-10, as reauthorized by the Every~~  
7 ~~Student Succeeds Act of 2015, Pub. L. No. 114-95;~~

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/s/J. English

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