

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

A Bill

DRAFT CLR/KFW
HOUSE BILL

5 By: Representative J. Roebuck
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
17 TO INCREASE PUBLIC SCHOOL STUDENT ACCESS TO
18 POSTSECONDARY PREPARATORY PROGRAMS AND TO
19 DECLARE AN EMERGENCY.
20
21

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

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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) 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 September 30 of each year ~~thereafter~~, on the implementation and effectiveness
 13 of the Arkansas College and Career Readiness Planning Program.

14
 15 SECTION 2. Arkansas Code § 6-15-1402(b)(3)(A), concerning the contents
 16 of the annual school performance reports for middle schools, junior high
 17 schools, and high schools, is amended to read as follows:

18 (3) The report for middle schools, junior high schools, and high
 19 schools shall:

20 (A) Include three-year trend data and allow parents or
 21 guardians to compare the school's performance with state and national
 22 averages in areas ~~which that~~ shall include, ~~but not be limited to,~~ without
 23 limitation the following:

- 24 (i) School safety;
- 25 (ii) Norm-referenced test results;
- 26 (iii) Augmented criterion-referenced assessment
 27 results;
- 28 (iv) Certified staff qualifications;
- 29 (v) Per pupil spending;
- 30 (vi) Assessment of the local taxpayer investment in
 31 the school district;
- 32 (vii) Percentage of students eligible to receive
 33 free or reduced-price meals;
- 34 (viii) Average salary of the staff;
- 35 (ix) Average attendance rates for students;
- 36 (x) Drop-out rate;

- 1 (xi) Graduation or completion rates;
- 2 (xii) College remediation rate for high schools
- 3 only; ~~and~~
- 4 (xiii) Collegiate admission test results; and
- 5 (xiv) The statistical analysis of postsecondary
- 6 preparatory programs under § 6-16-601 for each postsecondary preparatory
- 7 program within the education service cooperative area where the school is
- 8 located; and

9

10 SECTION 3. Arkansas Code Title 6, Chapter 16, Subchapter 6, is amended

11 to read as follows:

12 6-16-601. Authority.

13 (a) As used in this section:

14 (1) “College readiness assessment” means a test that measures

15 student readiness for postsecondary learning and is:

16 (A) Administered under the Arkansas College and Career

17 Readiness Planning Program, § 6-15-441; or

18 (B) Used by institutions of higher education as part of

19 their admissions, placement, and scholarship processes;

20 (2)(A) “College readiness benchmark” means the minimum score on

21 a college readiness assessment in mathematics, English, or reading indicating

22 that a student has a high probability of success in entry level postsecondary

23 education.

24 (B) College readiness benchmarks are determined by the

25 Arkansas Higher Education Coordinating Board;

26 (3) “Eligible student” means a public school student in Arkansas

27 who:

28 (A) Is enrolled in any of grades eight through eleven (8-

29 11);

30 (B) Is identified through a college readiness assessment

31 as scoring below the college readiness benchmark in mathematics, English, or

32 reading;

33 (C) Has received the counseling required under § 6-16-602;

34 and

35 (D) Desires to enroll in postsecondary education.

36 (4) “Placement test” means a test for entrance to postsecondary

1 education that is either:

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

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

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

8 (b) The State Board of Education is authorized and directed to shall:

9 (1) develop Develop and implement an intensive postsecondary
 10 preparatory instruction program for public school students in designated
 11 grades who choose to participate in these programs postsecondary preparatory
 12 programs located in Arkansas for eligible students; and

13 (2)(A) Operate the postsecondary preparatory programs or
 14 contract with local school districts or institutions of higher education to
 15 operate postsecondary preparatory programs.

16 (B) The Department of Education is not required to operate
 17 or fund postsecondary preparatory programs at a cost in excess of the funds
 18 appropriated and funded in the Public School Fund for this purpose.

19 (c)(1) The state board shall promulgate the forms, applications, and
 20 rules to implement this subchapter.

21 (2) The rules shall include without limitation the:

22 (A) Number and location of sites for postsecondary
 23 preparatory programs; and

24 (B) Minimum and maximum class sizes for postsecondary
 25 preparatory programs.

26 (d) The Department of Education shall:

27 (1) Develop course content guides for postsecondary preparatory
 28 programs with assistance from the Department of Higher Education; and

29 (2)(A) Approve or disapprove the annual application of a
 30 postsecondary preparatory program that is not operated by the Department of
 31 Education.

32 (B)(i) The Department of Education shall not approve an
 33 application under this subdivision (d)(2) unless the postsecondary
 34 preparatory program meets the criteria under this subchapter and established
 35 by state board rules.

36 (ii) For a postsecondary preparatory program that

1 operated prior to the date of filing an application, the Department of
 2 Education shall review evidence of the postsecondary preparatory program's
 3 performance and success.

4 (e)(1) In collaboration with the Department of Higher Education, the
 5 Department of Education shall collect and analyze the following data from
 6 postsecondary preparatory programs:

7 (A) The total number of participants;

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

10 (C) Which courses were the most needed among English,
 11 mathematics, and reading;

12 (D) The progress of participants monitored in the
 13 postsecondary preparatory program through the use of college readiness
 14 assessments;

15 (E) The placement test scores of participants;

16 (F) The number of participants who enrolled in
 17 postsecondary preparatory education in Arkansas and required remediation;

18 (i) Required remediation; or

19 (ii) Did not require remediation;

20 (G) The number and type of postsecondary preparatory
 21 programs approved;

22 (H) Who operated the postsecondary preparatory programs
 23 approved; and

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

26 (2) The Department of Education shall:

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

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

31 (C) Annually release to the General Assembly the data
 32 collected under this subsection (d) after removing any personally
 33 identifiable student information.

34
 35 6-16-602. Programs generally.

36 (a) The postsecondary preparatory programs established under authority

1 of this subchapter shall:

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

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

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

11 (i) Mathematics;

12 (ii) English; or

13 (iii) Reading.

14 (B) Each course shall consist of twenty-five (25) hours or
15 more of instruction;

16 (4)(A) Use instructors with appropriate content knowledge or
17 specialized training for the course the instructor will teach.

18 (B) A postsecondary preparatory program may use an
19 instructor who does not hold an Arkansas teaching license if the non-licensed
20 instructor works together with an instructor who holds a current Arkansas
21 teaching license;

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

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

27 (7) Document evidence of its performance and the success of its
28 participants; and

29 (8) Meet other requirements established by rule.

30 (b) ~~Guidelines for the testing and postsecondary preparatory programs~~
31 ~~shall be prepared and promulgated by the Department of Education~~ A
32 postsecondary preparatory program that is not operated by the Department of
33 Education shall not receive funding under this subchapter unless the
34 postsecondary preparatory program files an annual application with the
35 Department of Education and the application is approved under § 6-16-601.

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

- 1 (1) On one (1) or more days from Monday through Saturday; and
- 2 (2) During any hours that participants are not required to
- 3 attend public school.

4

5 6-16-603. Local programs mandated – Placement test.

6 ~~(a) The following programs shall be in effect in the public schools of~~

7 ~~Arkansas:~~

8 ~~(1) Every public school in Arkansas shall develop a local plan~~

9 ~~for diagnosis of its students' academic deficiencies;~~

10 ~~(2) Based on the diagnosis of deficiencies, counseling~~

11 ~~shall be provided to encourage students to enroll in secondary school courses~~

12 ~~that would result in the improvement of academic skills in mathematics,~~

13 ~~English, and reading; and~~

14 ~~(3) Local plans shall provide for parental involvement in~~

15 ~~student counseling and placement for students.~~

16 (1) Identify eligible students under this subchapter using the

17 results from college readiness assessments under the Arkansas College and

18 Career Readiness Program, § 6-15-441; and

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

20 this section.

21 (B) The public school shall make every reasonable effort

22 to involve parents or guardians in student counseling and placement of

23 students.

24 (b) A public school counselor serving students in any of grades eight

25 through eleven (8-11) shall:

26 (1) Counsel and strongly encourage each student enrolled in

27 grades eight through eleven (8-11) who is identified through college

28 readiness assessments as not meeting the college readiness benchmarks in

29 mathematics, English, or reading to enroll in a postsecondary preparatory

30 program;

31 ~~(2) Every eleventh grade student enrolled in a public school of~~

32 ~~Arkansas who chooses to do so may take a placement test which has been~~

33 ~~approved by the State Board of Education during a time frame set by the state~~

34 ~~board. Advise each public school student enrolled in grade eleven (11) in~~

35 ~~Arkansas that the student may take a placement test under § 6-16-605; and~~

36 ~~(3) Students who score less than Counsel and strongly encourage~~

1 each student who takes a placement test under § 6-16-605 and scores below the
 2 statewide minimum scores established by the Arkansas Higher Education
 3 Coordinating Board for mathematics, English, or reading shall receive
 4 counseling and strong encouragement to enroll during their the student's
 5 senior year of high school in regular school instructional courses designated
 6 by:

7 (A) Local Local school officials to assist in the
 8 improvement of the student's scores in the areas of deficiency; and

9 (B) The Department of Education and the Department of
 10 Higher Education as an appropriate course for college readiness.

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

15
 16 6-16-604. ~~Optional summer program—Testing~~ Student enrollment.

17 (a)(1) ~~Students who plan to enroll in postsecondary programs in~~
 18 ~~Arkansas may enroll in a state-approved intensive noncredit preparatory~~
 19 ~~program during the summer following the junior year of high school~~ An
 20 eligible student may enroll in a postsecondary preparatory program during a
 21 school year or during the summer months following a school year in which the
 22 student is enrolled in any of grades eight through eleven (8-11) in an
 23 Arkansas public school.

24 (2) An eligible student shall receive priority for enrollment in
 25 a postsecondary preparatory program if the eligible student qualifies for
 26 free and reduced price meals under the National School Lunch Act, 42 U.S.C. §
 27 1751 et seq.

28 ~~(2)(3) The Department of Education is also authorized to permit~~
 29 ~~the enrollment in these programs of Arkansas high school graduates~~ If space
 30 and funding are available after all eligible students who applied to attend a
 31 postsecondary preparatory program are enrolled, the Department of Education
 32 may permit a public school student to enroll in a postsecondary preparatory
 33 program if the student:

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

36 (B) Either:

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

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

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

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

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

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

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

16 (b) An eligible student may enroll in a course in one (1) or more of
17 the curriculum areas in which the eligible student has scored below the
18 college readiness benchmark as identified by college readiness assessments.

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

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

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

30 ~~(g) Students who complete the summer College Preparatory Enrichment~~
31 ~~Program successfully and who enroll in an appropriate mathematics or English~~
32 ~~course, as determined by the Department of Education and the Department of~~
33 ~~Higher Education during the senior year of high school may take the placement~~
34 ~~test designated by the Arkansas Higher Education Coordinating Board under §~~
35 ~~6-16-603(b) at no cost to the student.~~

36

1 6-16-605. Testing -- Acceptance of test scores.

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

5 (1) Is enrolled in grade eleven (11) in a public school of
6 Arkansas; or

7 (2) Completes a summer postsecondary preparatory program
8 successfully and in the student's senior year of high school enrolls in a
9 mathematics or English course that is designated by the Department of
10 Education and the Department of Higher Education as an appropriate course for
11 college readiness.

12 (b) At the request of ~~those students~~ a student, ~~scores the student's~~
13 score on placement tests approved by the Arkansas Higher Education
14 Coordinating Board and taken by students enrolled in a public school of
15 Arkansas a placement test taken under authority of this subchapter will be
16 made available to and will be accepted by and recognized toward meeting
17 enrollment requirements of state-supported colleges, universities, and
18 postsecondary vocational schools in Arkansas.

19
20 6-11-606. Elective course credit.

21 (a) A public high school shall award one (1) hour of course credit as
22 an elective for each college preparatory course a student successfully
23 completes in a postsecondary preparatory program under this subchapter.

24 (b) Course credit awarded under this section does not count toward the
25 minimum number of credits required for high school graduation.

26
27 SECTION 4. EMERGENCY CLAUSE. It is found and determined by the
28 General Assembly of the State of Arkansas that preparing public school
29 students for college and career readiness is a high priority of the state's
30 educational and economic development systems; that the substantial cost to
31 remediate high school students at the postsecondary level will be reduced by
32 increasing access to postsecondary preparatory programs for public school
33 students in grades eight through eleven (8-11) who are identified as scoring
34 below college readiness benchmarks; and that this act is immediately
35 necessary so that the Department of Education may approve applications and
36 distribute funding for the expanded postsecondary preparatory programs for

1 the current school year. Therefore, an emergency is declared to exist, and
2 this act being immediately necessary for the preservation of the public
3 peace, health, and safety shall become effective on:

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

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

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

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