

## SENATE AMENDMENT 1 TO sb703.

inserting "and with the Department of Education" on line 6 on page 3 between "district" and "and"

AND

inserting the following new Sections on line 14 on page 3:

"SECTION 5. ESTABLISHMENT OF A STATE ACADEMIC ACHIEVEMENT TEST FOR ACCOUNTABILITY.

(a) The Department of Education shall contract for a standardized academic achievement test that is nationally norm-referenced and shall use the test for an evaluation of the programs offered by each school district and for a uniform evaluation of each school district.

(b) The academic achievement test shall measure sound rigorous academic subject areas of math, reading, English proficiency, and history in grades two (2) through ten (10).

(c) Individual names shall not be released by the local school district to the Department of Education but teachers and parents shall use the individual results of the evaluations to address each student's progress from year to year.

(d) The academic achievement test shall be independently verified as valid, reliable, and comparable by a nationally recognized testing organization.

(e) No experimental testing outside of academic content areas shall be allowed for state or local accountability measures.

(f) A Social Security number shall not be used for testing or for identification in the school.

SECTION 6. PERFORMANCE REQUIREMENTS.

(a) The State Board of Education shall assign a cut-off percentage of a national norm that school districts may use to begin qualifying for an incentive increase award. For each year thereafter, an award will be issued for continuing efforts if school districts maintain or increase percentiles of core academic achievement areas.

(b) School districts failing to achieve national norm percentages will not qualify for an incentive award and will be audited for courses that are taught in the prospectus.

(c) School districts and teachers in the districts will be advised how to increase scores.

SECTION 7. RULES AND REGULATIONS.

The State Board of Education shall promulgate rules and regulations for the

implementation of this act.

SECTION 8. Arkansas Code Annotated §§ 6-15-1001 through 6-15-1010 are repealed.

~~6-15-1001. Title.~~

~~This subchapter may be cited as "Meeting the National Education Goals: Schools for Arkansas' Future".~~

~~6-15-1002. National education goals—Achievement.~~

~~(a) One (1) year ago the President and the nation's governors adopted the following national education goals:~~

~~(1) By the year 2000, all children in America will start school ready to learn.~~

~~(2) By the year 2000, the high school graduation rate will be increased to at least ninety percent (90%).~~

~~(3) By the year 2000, American students will leave grades four (4), eight (8), and twelve (12) having demonstrated competency over challenging subject matter including English, mathematics, science, history, and geography, and every school in America will ensure that all students learn to use their minds well, so they may be prepared for responsible citizenship, further learning, and productive employment in our modern economy.~~

~~(4) By the year 2000, United States students will be first in the world in mathematics and science achievement.~~

~~(5) By the year 2000, every adult American will be literate and will possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.~~

~~(6) By the year 2000, every school in America will be free of drugs and violence and will offer a disciplined learning environment conducive to learning.~~

~~(b) These goals are ambitious, but they can and must be achieved. They set standards for student performance that Arkansas schools, as well as those in every other state, are far from achieving.~~

~~(c) Achieving these goals will require a serious reexamination of every aspect of Arkansas' education system, and fundamental changes in our schools. The State of Arkansas, through the State Board of Education, and the General Education Division of the Department of Education, must determine what students must know and be able to do in order to meet the goals. This will not simply require more students to learn what is already taught. Instead, it will require a curriculum that places a greater emphasis on teaching students to think, and to apply methods that are appropriate to ensure that all students will master the more challenging curriculum.~~

~~(d) In order to achieve these new levels of performance within existing and limited resources, Arkansas must fundamentally restructure its education system. This means providing educators in every school with the flexibility and tools they need to determine~~

~~the best way to achieve the goals with their students. It means providing them with the training they need to teach new materials in new ways, and with leadership and other skills they need to work together in new ways and succeed in a new education environment. Institutions of higher education must commit themselves to effectively providing new teachers with the content knowledge and pedagogical skills required to help all students achieve the goals. Arkansas schools need new student performance assessment tools that are well matched to new standards for student performance, and that accurately measure what is taught. The results of these performance assessment tools must be incorporated into school report cards so that parents and the general public will be informed as to what students are expected to know and to be able to do and how well Arkansas public schools are performing.~~

~~6 15 1003. Learner outcomes generally.~~

~~The State Board of Education shall by July 1, 1991, adopt learner outcomes that define what Arkansas students must know and be able to do in order to be competitive nationally and internationally, in the context of the national education goals. The learner outcomes should also link to expectations for success in college and should include the implementation of feedback mechanisms from higher education institutions to public schools.~~

~~6 15 1004. Linking curriculum, assessment, and professional preparation and development to learner outcomes — Task force.~~

~~(a) (1) The General Education Division of the State Department of Education shall develop and present to the State Board of Education a proposed plan for working toward integrating statewide curricula frameworks, student performance assessment tools, and professional development programs to support restructuring the Arkansas education system. In developing the plan, the division may seek the assistance of any national organization for educational reform.~~

~~(2) The Director of General Education shall appoint a task force to advise the General Education Division in the development of this plan. The fifteen member task force shall include curriculum experts, assessment experts, discipline experts, staff developers, and teachers and administrators from restructuring schools. At least three (3) members of the task force shall be faculty members of institutions of higher education. Once a plan has been developed, the task force shall remain in existence to advise the director on its implementation on an ongoing basis.~~

~~(3) The State Board of Education shall accept written comments on the proposed plan from July 1 through August 1, 1991. The State Board of Higher Education shall review the proposed plan during the comment period and provide appropriate comments and recommendations regarding those components of the plan which relate to the responsibilities of institutions of higher education.~~

~~———— (b) (1) Curriculum frameworks will define the broad themes and topics for instruction that will prepare students to demonstrate the learner outcomes.~~

~~———— (2) New learner outcomes and curriculum frameworks will establish new and higher standards for student performance. Tests currently in use will not be adequate to judge student learning against these new standards. Therefore, new student performance assessment tools, not limited to standardized tests, will be used to judge student progress. As more appropriate assessment tools become available, they will be phased in to replace tests currently in use.~~

~~———— (3) Professional development programs will include, but not be limited to, providing teachers, principals, and other administrators, with content knowledge and pedagogical skills required to help all students achieve the learner outcomes.~~

~~———— (c) By July 1, 1992, the State Board of Education shall submit a report to the Governor and the General Assembly that describes the implementation of the activities contained in the plan and identifies any legislation which may be needed in order to continue to link curriculum, assessment, and professional development to the learner outcomes in order to achieve the national education goals.~~

~~———— 6 15 1005. Teacher and administrator licensure standards.~~

~~———— (a) The Director of General Education shall appoint a task force to recommend how to design and implement a system of outcome based licensure of teachers and administrators.~~

~~———— (1) The task force shall be composed of not more than seventeen (17) persons and shall include teachers and administrators from restructuring schools, subject matter experts, higher education faculty and administrators, and public and business representatives.~~

~~———— (2) At least three (3) members shall be higher education faculty or administrators who shall be nominated by the Director of the Department of Higher Education.~~

~~———— (3) The Director of the Department of Higher Education shall also serve as an ex officio member of the task force.~~

~~———— (4) The task force shall:~~

~~———— (A) Define standards for what beginning teachers and administrators must know and be able to do, with specific reference to content knowledge and pedagogical skills, and the knowledge, skills, and capacity to assume beginning professional roles and responsibilities in restructured schools;~~

~~———— (B) Determine the assessment systems and tools required to assess the performance of candidates. Such tools shall not be limited to pencil and paper tests; they must include performance and demonstrations of the ability to apply knowledge and skills to real or simulated educational settings.~~

~~———— (5) The task force shall submit its recommendations to the State Board of Education by January 1, 1992. The State Board of Education shall adopt the recommendations~~

~~of the task force or make such modification in the recommendations as the board deems appropriate consistent with this mandate that the licensure standards be outcome based.~~

~~\_\_\_\_\_ (b) The licensure standards and assessment tools developed through this process and adopted by the State Board of Education shall be applied in the same fashion to candidates for licensure who have completed conventional teacher preparation programs as well as those who have prepared themselves through alternative routes.~~

~~\_\_\_\_\_ 6 15 1006. Support for the restructuring process.~~

~~\_\_\_\_\_ (a) The General Education Division of the State Department of Education shall make available to all schools and school districts involved in a restructuring process the training, technical assistance, networking, and other support they require. In performing these duties, the division may seek the assistance of any national organization for educational reform. The director shall designate no fewer than ten (10) nor more than twenty five (25) schools or school districts which have begun the restructuring process to serve as examples for other schools and school districts.~~

~~\_\_\_\_\_ (b) The General Education Division of the Department of Education shall provide workshops, seminars, visits to schools involved in restructuring, summer programs, and other means of learning so that schools not yet involved in the restructuring process can make informed determinations about the requirements and expectations of involvement.~~

~~\_\_\_\_\_ (c) The General Education Division of the Department of Education, from funds appropriated for such purposes, may provide grants of up to twenty thousand dollars (\$20,000) to schools and school districts involved in the restructuring process. The grants shall be provided on a competitive basis for the purposes of:~~

~~\_\_\_\_\_ (1) Planning and professional development activities to accelerate the restructuring process within a school or district; or~~

~~\_\_\_\_\_ (2) Assisting other schools to learn about school restructuring.~~

~~\_\_\_\_\_ (d) Schools and school districts participating in the restructuring process shall be given priority by the General Education Division of the Department of Education in the allocation of federal funds provided to the division for improvement of math and science education.~~

~~\_\_\_\_\_ 6 15 1007. Academy for Leadership Training and School Based Management.~~

~~\_\_\_\_\_ (a) There is hereby established the Academy for Leadership Training and School Based Management.~~

~~\_\_\_\_\_ (b) The academy will provide a variety of training programs and opportunities to develop the knowledge base and leadership skills of school principals, as well as teachers, superintendents and other administrators, and school board members.~~

~~\_\_\_\_\_ (c) The academy need not be located in a single institution or organization; it may be a consortia of institutions of higher education, local school districts, and other educational institutions or organizations.~~

~~———— (d) By September 1, 1991, the General Education Division of the Department of Education shall develop and publish a request for proposals for the initial structure and operation of the academy. An award for the operation of the academy for its initial term shall be made by the State Board of Education not later than January 1, 1992. The State Board of Education shall have the authority to issue subsequent requests for proposals if the board should determine to change the operator or the location of the academy.~~

~~———— 6 15 1008. Reorienting the General Education Division of the Department of Education to support restructuring.~~

~~———— (a) (1) The leadership and support of the General Education Division of the Department of Education is essential to facilitate the process of restructuring the Arkansas education system. In order to fulfill this function, the role, mission, operations, and resources of the division need to be substantially reoriented, and the staff needs training and support. The General Education Division of the State Department of Education shall develop a plan to accomplish this. In developing the plan, the division may seek the assistance of any national organization for educational reform.~~

~~———— (2) This plan shall address the increased importance of providing support and assistance to schools and districts, the allocation and reallocation of resources, the establishment of comprehensive data bases for planning and monitoring, the need to shift from discreet programmatic efforts to more integrated and cohesive strategies supportive of the goals for education, staff roles and responsibilities, organizational structure, training and professional development needs, and other topics deemed necessary. In developing and implementing this plan, the General Education Division of the Department of Education must model the types of changes required by schools in the restructuring process.~~

~~———— (b) Upon determination by the Director of the General Education Division of the Department of Education that a reallocation of the resources of the division is necessary to provide support and assistance to schools and school districts in restructuring and in meeting the goals of this subchapter, the director, after receiving approval of the Governor, shall request from the Chief Fiscal Officer of the State a transfer of positions, appropriations, and funds within or between appropriations or programs of the General Education Division of the Department of Education. Prior to acting on the requested transfer, the Chief Fiscal Officer of the State shall submit the transfer request with his recommendation to the Legislative Council.~~

~~———— (c) If the Chief Fiscal Officer of the State approves the requested transfer, he shall initiate the necessary transfer documents to reflect the transfer on the fiscal records of the Auditor of State, the Treasurer of State, the Chief Fiscal Officer of the State, and the General Education Division of the Department of Education.~~

~~———— 6 15 1009. Development of a long term plan for restructuring Arkansas' education system.~~

~~\_\_\_\_\_ (a) The General Education Division of the Department of Education shall develop and submit to the State Board of Education a proposed ten year plan for restructuring the Arkansas education system in order to achieve the national education goals. The proposed plan shall include provisions for managing the change process and monitoring progress toward the goals. The definitions of learner outcomes adopted pursuant to § 6-15-1003; the plan for linking curriculum, assessment and professional preparation and development to learner outcomes adopted pursuant to § 6-15-1004; the outcome based system of teacher and administrator licensure adopted pursuant to § 6-15-1005; and the plan for reallocation of the resources of the General Education Division of the Department of Education adopted pursuant to § 6-15-1008 shall be components of the long term plan. The proposed plan shall take into account needed policy and administrative changes at district and state levels to provide a supportive environment for schools to restructure and be presented to the State Board of Education not later than January 1, 1992.~~

~~\_\_\_\_\_ (b) The board, after soliciting and reviewing written comments, shall adopt a long-term restructuring plan not later than April 1, 1992.~~

~~\_\_\_\_\_ 6-15-1010. Advisory committee.~~

~~\_\_\_\_\_ The director shall appoint an advisory committee comprised of individuals from organizations representing teachers, administrators, school board members, and other educators in Arkansas, to provide ongoing advice to the State Board of Education and the director regarding the development and implementation of each of the plans required by the above sections.~~

SECTION 9. Arkansas Code Annotated §§ 6-15-401 through 6-15-407 are repealed.

~~\_\_\_\_\_ 6-15-401. Title.~~

~~\_\_\_\_\_ The title of this subchapter shall be the "Competency and Outcome Based Assessment Act".~~

~~\_\_\_\_\_ 6-15-402. Purpose.~~

~~\_\_\_\_\_ (a) The purpose of this subchapter is to provide the statutory framework necessary to ensure that all students in the public schools of this state demonstrate their competency in academic subjects and higher order thinking skills consistent with state and national goals for the year 2000.~~

~~\_\_\_\_\_ (b) The purposes of the assessment program developed pursuant to the provisions of this subchapter shall be to:~~

~~\_\_\_\_\_ (1) Improve classroom instruction and learning;~~

~~\_\_\_\_\_ (2) Provide public accountability by exemplifying expected achievement levels and reporting on student and school performance;~~

~~\_\_\_\_\_ (3) Provide program evaluation data; and~~

~~\_\_\_\_\_ (4) Assist policymakers in decision making.~~

~~6 15 403. Authority of State Board of Education.~~

~~The State Board of Education through the Department of Education is hereby authorized to:~~

~~(1) Develop a comprehensive testing and assessment program which utilizes the most current and effective testing, evaluation, and assessment research information designed to achieve the purposes set forth in this subchapter.~~

~~(2) Promulgate such rules and regulations as may be necessary to administer the testing program during the transition period and to develop and implement the comprehensive testing and assessment program.~~

~~(3) Employ staff and enter into contracts as may be necessary to carry out the provisions of this subchapter.~~

~~6 15 404. Transition period.~~

~~(a) (1) During a transition period, to be determined by the State Board of Education and to end no later than June 30, 1996, the Department of Education shall continue to test public school students at grades three (3), six (6), and eight (8) using the Arkansas Minimum Performance Test, or similar criterion referenced, basic skills tests in areas to include reading, language arts, and mathematics.~~

~~(2) However, the State Board of Education may grant a waiver of this requirement to any school or district participating in a Department of Education sponsored pilot program and using any new curricula or alternative assessment.~~

~~(b) For any school or district receiving a waiver pursuant to subsection (a) of this section, the Department of Education shall select the type of assessment method that the school or district will administer.~~

~~(c) During the transition period, the State Board of Education shall continue to establish expected levels of mastery on the Arkansas Minimum Performance Test, or its successor.~~

~~(d) During the transition period, a student failing to achieve expected levels of mastery on the Arkansas Minimum Performance Test, or its successor, shall be evaluated by the student's school principal, teachers, and counselor, who shall jointly develop an academic skills plan to assist the student in achieving mastery in subject areas in which performance is deficient.~~

~~(e) During the transition period, any school or school district that has a definable group of students failing to achieve mastery levels on the Arkansas Minimum Performance Test, or its successor, at a rate significantly different from that of the general student population in Arkansas shall develop and implement a plan, reviewed and approved by the Department of Education, to assist the identifiable group to achieve mastery.~~

~~(f) During the transition period, performance on the Arkansas Minimum Performance Test, or its successor, may not be used as the sole criterion for promotion or retention of~~

~~a student.~~

~~\_\_\_\_\_ (g) During the transition period, any school or school district that has less than eighty five percent (85%) of its students achieving mastery on the Arkansas Minimum Performance Test, or its successor, shall participate in a school improvement program approved by the Department of Education.~~

~~\_\_\_\_\_ (h) During the transition period, the State Board of Education is hereby authorized to promulgate regulations regarding the appropriate use of the Arkansas Minimum Performance Test for students with disabilities and under what circumstances the scores of those students shall be included in calculating a school's or school district's mastery percentages.~~

~~\_\_\_\_\_ (i) During the transition period, the Department of Education shall continue to test public school students at grades four (4), seven (7), and ten (10) with a nationally norm-referenced test to be selected by the State Board of Education.~~

~~\_\_\_\_\_ (j) During the transition period, any school or district that has more than twenty-five percent (25%) of its students in the lowest quartile of the norm referenced test shall participate in a school improvement plan approved by the Department of Education.~~

~~\_\_\_\_\_ (k) During the transition period, the Department of Education and the local school districts shall annually compile and disseminate to the general public results of administering the Arkansas Minimum Performance Test, or its successor, and the nationally norm referenced test.~~

~~\_\_\_\_\_ 6 15 405. Competency based testing and assessment program — Minimum achievement levels.~~

~~\_\_\_\_\_ (a) As a part of the comprehensive testing and assessment program, the Department of Education shall institute a comprehensive competency based testing and assessment program that includes teacher observations and classroom evaluations in grades one (1), two (2), and three (3) in reading and mathematics, beginning in the 1993-94 school year.~~

~~\_\_\_\_\_ (b) The State Board of Education shall establish a minimum expected level of achievement for the grades one (1), two (2), and three (3) reading and mathematics test.~~

~~\_\_\_\_\_ (c) Any student who fails to achieve the minimum expected level on any of the tests shall participate in a program specifically designed to achieve competency.~~

~~\_\_\_\_\_ 6 15 406. Competency based testing and assessment program — Student performance assessment and data collection.~~

~~\_\_\_\_\_ The comprehensive testing and assessment program to be developed by the State Board of Education shall include, but is not limited to, the following components or characteristics:~~

~~\_\_\_\_\_ (1) Performance assessments at grade levels selected to be tested by the Department of Education;~~

~~\_\_\_\_\_ (2) Performance assessments of the core concepts, abilities, thinking, and problem-~~

~~solving skills defined in the Arkansas Learner Outcomes and the Arkansas Curriculum Frameworks;~~

~~\_\_\_\_\_ (3) Longitudinal data collection;~~

~~\_\_\_\_\_ (4) A variety of testing and assessment methods;~~

~~\_\_\_\_\_ (5) Construction of a data base that will allow the Department of Education, over time, to identify those instructional strategies or programs that are particularly successful or unsuccessful; and~~

~~\_\_\_\_\_ (6) Meaningful comparisons of Arkansas students with those of other states, regions, and the nation.~~

~~\_\_\_\_\_ 6 15 407. Basic competency tests generally.~~

~~\_\_\_\_\_ (a) Beginning with the 1996-97 school year, all public school students must successfully complete an outcome based assessment examination in order to receive a high school diploma. The Director of General Education shall have the authority, through rules and regulations, to extend the deadline by which students must successfully complete such examination in order to receive a high school diploma. However, all school districts must administer the examination beginning with the 1996-97 school year.~~

~~\_\_\_\_\_ (b) Students may take this examination during the eleventh and/or twelfth grades.~~

~~\_\_\_\_\_ (c) School districts shall develop an academic improvement plan for each student who fails to pass this examination.~~

~~\_\_\_\_\_ (d) However, students with disabilities, as defined by the Individuals With Disabilities Education Act, must receive a high school diploma if they fulfill the requirements of their individual educational program.~~

~~\_\_\_\_\_ (c) (1) Students with disabilities, as defined by Section 504 of the Rehabilitation Act of 1973, shall be required to take this test only if it appropriately measures the student's abilities.~~

~~\_\_\_\_\_ (2) The local school district shall determine whether the assessment tool appropriately measures a student's abilities and whether a particular student must successfully pass the outcome based assessment before receiving a high school diploma.~~

~~\_\_\_\_\_ (f) The Department of Education is authorized to do any and all things necessary to develop an outcome based assessment test and to cooperate with the General Educational Development Testing Service to fulfill the requirements of this section.~~

~~\_\_\_\_\_ (g) For purposes of determining whether a General Educational Development test is an appropriate alternative to an outcome based assessment, the State Board of Education shall establish a pilot program during the 1994-95 school year whereby General Educational Development tests will be administered to public high school seniors in a maximum of ten (10) Arkansas school districts that differ in location and in size and which agree to participate in the pilot program.~~

~~\_\_\_\_\_ (h) The State Board of Education is authorized to promulgate rules and regulations to implement this program.~~

~~(i) "Competency and outcome based assessment" means an age appropriate test or assessment of student academic knowledge in science, arts, humanities, mathematics, history, social studies, language, communication, foreign language, physical education, health, technology, or related academic skills.~~

~~(j) Neither competency and outcome based assessment nor any other assessment or testing procedure used in the public schools shall test or assess student religious beliefs, political beliefs, ethics, attitudes, or values.~~

~~(k) Public school testing or assessment of student self esteem, mental health, emotional health, or home or family life shall not be permitted for the purpose of determining academic grades or high school graduation.~~

~~(l) The nonacademic assessment of student conduct for the purpose of encouraging good behavior and decorum at school shall be permitted."~~

AND

appropriately renumbering subsequent sections of the bill.