

State of Arkansas  
89th General Assembly  
Regular Session, 2013

# A Bill

HOUSE BILL 2020

By: Representative Collins

## For An Act To Be Entitled

AN ACT TO REQUIRE ACCOUNTABLE AND TRANSPARENT STUDENT  
EVALUATION AND GRADING PRACTICES; AND FOR OTHER  
PURPOSES.

### Subtitle

TO REQUIRE ACCOUNTABLE AND TRANSPARENT  
STUDENT EVALUATION AND GRADING PRACTICES.

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

SECTION 1. Arkansas Code Title 6, Chapter 1, is amended to add an  
additional subchapter to read as follows:

Subchapter 6 – Accountability and Transparency in Student Evaluation and  
Grading Practices

6-1-601. Legislative intent.

The General Assembly finds that:

(1) Educators have two (2) primary responsibilities to students  
and to society:

(A) To instruct students in the skills and knowledge  
needed for success in life; and

(B) To fairly and impartially evaluate and record  
students' mastery of skills and knowledge so that students, parents, other  
educational institutions, and prospective employers are able to understand  
how a particular student compares to others;

(2) Grade inflation is unfair to all students. When an educator



awards grades that indicate higher than actual level of mastery of skills and knowledge, it is unfair to:

(A) A student receiving an inflated grade, because the student will have a false impression of his or her actual level of mastery of skills and knowledge; and

(B) A student who has mastered the skills and knowledge but is in a class of students receiving inflated grades, because the student's performance will be undervalued;

(3) Grade inflation is a difficult state policy to govern by legislative mandate, such as, requiring that a school that has inflated grades reduce the grade averages; and

(4) State policy is better served by requiring comparative information concerning the grades of other students in the same class as the student identified on a report card or transcript because:

(A) Students and parents will have the information needed to understand how the individual student compares to others in the class; and

(B) Reporting of the grade distribution will highlight poor grading practices, such as awarding a high proportion of exceptional grades or failing to distinguish between above-average, average, and below-average mastery of the knowledge and skills of students in a class.

#### 6-1-602. Definitions.

As used in this subchapter:

(1) "Assigned educator" means the teacher or faculty member who:

(A) Is responsible for supervising a student's work in a course being reported under this subchapter on a report card or transcript; and

(B) Assigns the student's grade;

(2) "Public school" means a public elementary school, middle school, or secondary school or an open-enrollment public charter school; and

(3)(A) "State-supported institution of higher education" means an institution of higher education in this state funded in whole or in part with state funds.

(B) "State-supported institution of higher education" does not include a privately owned or operated institution of higher education that receives funds on behalf of a student with a state-funded scholarship.

6-1-603. Reporting of grades on report cards and transcripts.

(a)(1) By August 1, 2015, a public school or state-supported institution of higher education shall include on a student's report card or transcript of grades the distribution of grades assigned to all students who were:

(A) Taught the same material in the same semester, quarter, or equivalent time frame by the same assigned educator; and

(B) Evaluated on the same basis as the student identified on the report card or transcript of grades.

(2) For institutions of higher education, this section applies to undergraduate courses only.

(b) This distribution of grades may be reported as:

(1) For a grading system using standard letter grades with or without pluses and minuses, the number of students in the class:

(A) Earning each grade under the grading system; and

(B) Withdrawing from the course, if applicable; or

(2)(A) For a grading system that allows an assigned educator to report a large number of different grades or scores and that would result in an unreasonably long report card or transcript, the number of students:

(i) In each specific range of scores using a reasonable and uniform size for each score range and a reasonable number of ranges; and

(ii) Withdrawing from the course, if applicable.

(B) If a distribution of grades or scores is reported using ranges under this subdivision (b)(2), the full detail of the distribution of scores or grades for a class shall be made available upon request to anyone who otherwise has the right to the transcript or report card.

(c)(1) A report card or transcript required to report the distribution of grades under this section shall include the following notice:

"Arkansas state law requires that the distribution of grades in each class be reported in order to allow students, parents, educators, and others with legitimate need the means to compare a student's performance to others studying the same material in a similar time frame with a particular instructor. In some cases, such as classes with limited enrollment,

consideration for the privacy of other students may prevent this information from being supplied.”

(2) Additional explanatory material may be added at the discretion of the public school or state-supported institution of higher education.

6-1-604. Reporting of grades in teacher evaluations.

(a) A public school shall include in a teacher evaluation under the Teacher Excellence and Support System, § 6-17-2801 et seq., a review of the distribution of grades of classes in which the teacher is the assigned educator.

(b) A state-supported institution of higher education shall include a review of the distribution of grades of classes in which an instructor or faculty member is an assigned educator in the instructor’s or faculty member’s:

(1) Annual evaluation materials;

(2) Tenure materials; and

(3) Promotion materials.

(c) For the purpose of this section, a person evaluating the materials shall:

(1) Consider whether the distribution of grades for classes in which the instructor or faculty member is the assigned educator demonstrate good grading practices; and

(2) Require a teacher to explain an unusual grade distribution or unusual number of high or low grades in a class.

6-1-605. Reporting of grade distribution on the annual school performance report.

(a) A public school shall report the distribution of grades for the school by grade level and subject on the annual school performance report under § 6-15-1402.

(b) A state-supported institution of higher education shall report the distribution of grades for the institution by course to the Department of Higher Education for inclusion in the Comprehensive Arkansas Higher Education Annual Report under § 6-60-704.

6-1-606. Compliance with privacy laws.

(a) A public school or state-supported institution of higher education shall comply with the standards under § 6-15-415 in reporting the distribution of grades earned by students other than a student identified on a report card or transcript under this subchapter.

(b) To prevent a violation of state or federal privacy laws, a public school or state-funded institution of higher education may:

(1) Establish a reasonable minimum number students in a class or in a grade distribution as twenty (20) or less to be reported under this section:

(A) On a report card;

(B) On a transcript of grades; or

(C) In publically available records; or

(2) For purposes of the grade reporting required under this subchapter, combine classes or sections of classes in which students were:

(A) Taught the same material in the same semester, quarter, or equivalent time frame by the same assigned educator; and

(B) Evaluated on the same basis.

(c) No grade distribution shall be reported on a report card, transcript of grades, or other publicly available material if all students in the class received the same grade.

(d) The restrictions on privacy under this section do not apply to grade distribution information provided to the evaluator under § 6-1-604.

SECTION 3. Arkansas Code § 6-15-1402(b)(2), concerning the school performance report for elementary schools, is amended to add an additional subdivision to read as follows:

(C) Include the distribution of student grades by subject as required under § 6-1-605.

SECTION 4. Arkansas Code § 6-15-1402(b)(3), concerning the school performance report for middle schools, junior high schools, and high schools, is amended to add an additional subdivision to read as follows:

(C) Include the distribution of student grades by subject as required under § 6-1-605.