

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
89th General Assembly
Regular Session, 2013

As Engrossed: S2/28/13
A Bill

SENATE BILL 295

By: Senator Elliott

For An Act To Be Entitled

AN ACT TO ESTABLISH THE ARKANSAS EDUCATION BILL OF RIGHTS AND RESPONSIBILITIES; AND FOR OTHER PURPOSES.

Subtitle

TO ESTABLISH THE ARKANSAS EDUCATION BILL OF RIGHTS AND RESPONSIBILITIES.

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

SECTION 1. DO NOT CODIFY. LEGISLATIVE FINDINGS. The General Assembly finds that:

(1) A high-quality, highly competitive education for all students is imperative for the economic growth and productivity of Arkansas for its effective economic development;

(2) The state has a duty to ensure that all students in public elementary and secondary schools have an opportunity to learn;

(3) Arkansas students have a right to the educational resources needed to succeed academically and in life;

(4) Arkansas students have a right to an education that enables them to acquire the knowledge and skills necessary:

(A) To be responsible citizens;

(B) To participate fully in the political process through informed electoral choices; and

(C) To be able to compete and succeed in a global economy;

(5) Students and their parents or guardians have a right to know what the objectives are for each student, and members of the community at large have a right to know what the objectives are and the degree to which



those objectives are being met for all students and student subgroups in Arkansas through information provided by the state system of public education; and

(6) Arkansas students have a duty to participate responsibly in the educational opportunities provided.

SECTION 2. Arkansas Code Title 6, Chapter 11, is amended to add an additional subchapter to read as follows:

Subchapter 3 – Arkansas Education Bill of Rights and Responsibilities

6-11-301. Definitions.

As used in this subchapter:

(1) "Achieving school" means a public school that meets performance, graduation rate, and growth annual measurable objectives, as established by the State Board of Education, for all student groups for a three-year period;

(2) "Equal opportunity to learn" means the equitable distribution to all public school students in the state of the educational opportunities under § 6-11-303;

(3) "Parent" means a child's parent, guardian, or other person having custody or care of the child;

(4) "Statistically significant subgroup" means any group of students identified by race, ethnicity, or socioeconomic status that composes more than ten percent (10%) of a school's or school district's student population;

(5) "Targeted achievement gap group" means a group that includes students who meet one (1) or more of the following characteristics:

(A) Economically disadvantaged;

(B) English language learners; and

(C) Students with disabilities; and

(6) "Teacher of excellence" means a classroom teacher who either:

(A) Scores in the top two-thirds (2/3) of a Praxis II exam; or

(B) Is certified by the National Board for Professional Teaching Standards.

6-11-302. Standards.

(a) The State Board of Education, in consultation with the Department of Education, school district personnel, teacher preparation program personnel, and a diverse group of parents, shall develop standards to describe and measure the extent to which the state provides students an equal opportunity to learn.

(b)(1) The state board shall assess access to the educational opportunities identified in § 6-11-303 for:

(A) The student population as a whole; and

(B) Targeted achievement gap groups.

(2) The standard for access is the access available to students in achieving public schools in the state.

(c)(1) A school district as part of its Arkansas Comprehensive School Improvement Plan, in consultation with district personnel and a diverse group of parents, shall measure the extent to which the district provides to its students the components of an equal opportunity to learn as identified by the state board.

(2) As part of its review of school improvement plans, the department shall:

(A) Evaluate whether a district or school has properly assessed the access of all students to an equal opportunity to learn; and

(B) Ensure that a school's or school district's school improvement plan includes remedies if needed.

(3) If a school district fails to provide the opportunities to learn provided in its school improvement plan, the school district shall be identified as being in academic distress under § 6-15-428 and subject to the remedies for academic distress.

6-11-303. Educational opportunities.

(a) All public school students shall have equitable access to the following educational opportunities in each school in the school district:

(1) Teachers of excellence and teacher support specialists, including without limitation:

(A) Teachers who are adequately trained in the subject matter taught;

(B) Teachers who receive ongoing professional development and training;

(C) Teachers with sufficient time to devote to each student's development;

(D) Teachers who teach in classrooms with a reasonable teacher-student ratio; and

(E) Counselors who are available to meet with students at regular intervals to advise students regarding educational requirements and choices;

(2) Early childhood education, including without limitation access to high-quality preschool programs for children who qualify for the Arkansas Better Chance program to the extent funding is available;

(3) College preparatory curricula, including without limitation:

(A) Access to challenging curricula in elementary and middle school that prepare students to succeed in college preparatory curricula;

(B) Access to a sequence or combination of courses required for entry into the state's public colleges and universities; and

(C) Access to advanced placement courses or other courses that offer an advantage to applicants seeking admission to the state's public colleges and universities;

(4) Learning opportunities for developing career readiness skills;

(5) Access to the full array of curricular and extracurricular options offered by a school across the entire school calendar without restrictions that effectively remove the student's option to move into advanced course offerings;

(6) Access to essential supplementary academic services that provide the student with a meaningful opportunity to learn the curriculum and progress toward his or her academic goals;

(7) Instructional resources and facilities that support student learning and state achievement objectives, including without limitation:

(A) Materials necessary to support the instructional program recommended or required by the content standards;

(B) Individual textbooks, workbooks, and other instructional materials for use in and out of the classroom;

(C) Access to reasonably current information technology and the Internet;

(D) Adequate equipment, laboratories, and studios for students to complete rigorous work in science, mathematics, and the arts;

(E) Suitable chairs, desks, and other classroom equipment;

(F) School facilities located within a reasonable commuting distance of a student's home;

(G) Classrooms and other instructional spaces that:

(i) Are clean;

(ii) Have adequate lighting;

(iii) Are not crowded;

(iv) Have adequate ventilation and necessary heating and air-conditioning, reasonably maintained and free of vermin, mold, and other health hazards; and

(H) Bathrooms and sanitary facilities that are:

(i) Unlocked;

(ii) Accessible;

(iii) Stocked with adequate supplies; and

(iv) Maintained in a clean, safe, and sanitary condition;

(8) A supportive learning environment free from harassment and violence, including without limitation:

(A) Protection from harassment or abuse of any kind from any person; and

(B) A fair and nondiscriminatory disciplinary system including a positive behavior intervention support system; and

(9)(A) The engagement of parents and community members representing all students, including without limitation those who are from low-income households, students with disabilities, and minority students.

(B) The information required for effective parent and community engagement includes without limitation:

(i) A clear statement of the academic standards that:

(a) Defines what a student is expected to know and accomplish at every educational level; and

(b) Specifies the basic conditions for

learning that a student and his or her family have a right to expect from the public education system;

(ii) Easily understood, current, and reliable information:

(a) To a parent and student regarding:

(1) The student's achievement;

(2) The school's performance concerning

each of the educational opportunities under this section; and

(b) To parents, students, and the public:

(1) Regarding the performance of each school, school district, and the state in providing the learning opportunities under this section; and

(2) That is provided both in the aggregate and separately for any statistically significant subgroup; and

(iii) Public statistical information:

(a) Regarding disciplinary actions taken by the school, including without limitation suspensions and expulsion;

(b) Regarding students who have dropped out or withdrawn from school and have not enrolled in another school in the state; and

(c) That is provided both in the aggregate and separately for any statistically significant subgroup.

6-11-304. Rulemaking.

(a) The State Board of Education shall promulgate rules to administer this subchapter.

(b) The rules shall:

(1) Ensure that schools and districts are responsive to:

(A) Parent requests for information whether the request is made in person or in writing;

(B) Parent and community requests for meetings with teachers, principals, and district staff, including the superintendent; and

(C) Parent and community requests to bring matters before a school district board of directors;

(2) Address the timeliness of a school's response to parent and community requests; and

(3) Subject to state and federal requirements for student and family privacy, include the procedures for maintaining records on requests and complaints received from parents and the community for the purposes of review and monitoring by representatives of the Department of Education, the General Assembly, and the public through the Freedom of Information Act of 1967, § 25-19-101 et seq.

6-11-305. Parent responsibilities.

(a) A parent and student are responsible for ensuring that the student will:

(1) Attend school except for excused absences;

(2) Arrive for school on time;

(3) Return communications from the school with signatures as requested by the school;

(4) Complete and turn in homework assignments;

(5) Bring to school each day required school books, technology equipment, and supplies; and

(6) Dress in accordance with the school dress code.

(b)(1) A parent shall respond to requests by the school for the parent to attend conferences concerning the student's academic progress or behavior.

(2) If a parent is unable to attend a conference, he or she shall communicate that to the school and make arrangements for a conference at another time or by telephone.

(3) A parent shall communicate to the school as soon as possible information that the teachers or school officials need to work effectively with the student, including without limitation changes in the student's address, family situation, or medical condition.

6-11-306. Construction.

(a) This subchapter does not create a new right of a student, parent, or other person to maintain an action against a public official or employee for failure to provide a learning opportunity specified in this subchapter.

(b) This subchapter does not limit any other right or remedy of a student, parent, or other person under the Arkansas Constitution and other laws of the state.

/s/Elliott