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Special Points of Interest:

- *The 87th General Assembly began on January 12th, 2009 and ended in April.*
- *There were around 140 education-related acts passed and updated during the 2009 session.*
- *Rep. Bill Abernathy is chair of the House Education Committee and Sen. Jimmy Jeffress is chair of the Senate Education Committee.*

EDUCATION LEGISLATION

After we have had a few months for the dust to settle, we thought it would be a good time to reflect on the events of the 2009 session. We hope this newsletter is useful in explaining some of the new or updated education acts. The largest of these is the scholarship lottery act, which we summarize on page five. We also address the End-of-Course exams, which are now functioning as exit exams, in algebra and literacy. There are several other acts briefly highlighted in the following section that we thought might be of interest, such as the mobile learning technology pilot program, the common spring break, and incentives for teachers in high-priority districts. Of course, we could not provide a

description of all the acts, so we invite you to view a complete list on the Arkansas Department of Education website: <http://arkansased.org/legislative/acts.html>

Finally, while the Arkansas school choice law is believed to be unconstitutional (based on federal rulings in other states), Arkansas legislators did not address the topic. This is the only topic included that is not a passed act. See page 6 for more information.

Enjoy reading about the steps Arkansas is taking towards improving education as we begin yet another school year!

PILOT PROGRAM: MOBILE LEARNING TECHNOLOGY

The idea to employ “mobile learning technology” is the result of a couple of factors. First, students (particularly in rural areas of the state) often spend a great deal of time on the school bus being transported to and from school throughout the year. At the same time, Arkansas schools are under increased pressure to improve academic achievement. Thus we see the creation of a program to transform unproductive bus rides into productive learning environments using mobile learning technology.

The Mobile Learning Technology Pilot Program is a three-year pilot program (beginning in the 2010-2011 school year) in up to 25 public school districts.

Participating districts will equip up to three buses with wireless Internet and laptops with math and science software in order to promote science, technology, engineering, and mathematics learning. In addition to the time on the bus, the students will meet with a classroom teacher weekly and be exposed to careers and professionals in the fields of science, technology, engineering, and mathematics.

This is the limited information we know about the program from the bill, and assume more details will arise as the program begins.

<http://www.arkleg.state.ar.us/assembly/2009/R/Acts/Act827.pdf>

EDUCATION ACTS IN 2009

Common Spring Break

Act 424 established a common spring break for all Arkansas public schools during the 2009-2010 and 2010-2011 school years. Schools that provide a week-long holiday for spring break will schedule five consecutive school days beginning on the Monday of the 38th week of the school year (“calculated by counting as week one the first week in July that begins on a Sunday”).

An advisory committee was created to review the impact.

<http://www.arkleg.state.ar.us/assembly/2009/R/Acts/Act424.pdf>

Birth Through Pre-K Teaching Credential

There has not been a specific pathway for persons seeking to work with children from birth through prekindergarten (the early childhood teaching license is grades pre-k through 4). The creation of a birth through pre-k teaching credential and endorsement provides a professional pathway to working with this age level, as well as professional development in early childhood development and education.

An endorsement in birth—pre-k may be added to the P-4 teaching license, or a credential may be obtained by completing the requirements from an institution of higher education that has created a program.

Colleges and universities will submit their proposals for the creation of a birth—pre-k credential/endorsement to the Department of Education.

Persons holding a teaching credential in birth—pre-k will also be required to complete a minimum amount of professional development hours in early childhood development/education set by the Division of Child Care and early Childhood Education.

<http://staging.arkleg.state.ar.us/ftproot/acts/2009/public/act187.pdf>

Kindergarten Enrollment Age

For the 2009-2010 school year, students may begin kindergarten if they are five years of age on or before September 1, 2009. For the 2010-2011 school year, students may enter kindergarten if they are five years of age on or before August 15, 2010. For the 2011-2012 school year and all years after, students can enter kindergarten if they are five years of age on or before August 1 of the year they wish to enroll. So, older Arkansas students will soon be able to enter school.

However, any student who has been enrolled in a state-approved prekindergarten program for at least 100 days and will be five no later than September 15 (of the school year in which the student wishes to enroll) may also enroll in kindergarten.

<http://www.arkleg.state.ar.us/assembly/2009/R/Acts/Act29.pdf>

Defibrillator Required on Each Campus

By May 31, 2011, each school campus is required to have an automated external defibrillator and the appropriate trained personnel. Schools may apply for a grant through the Department of Health to assist the purchase of the equipment and/or training.

<http://www.arkleg.state.ar.us/assembly/2009/R/Acts/Act496.pdf>

Speech-Language Pathologist Bonuses

\$2,500,000 has been set aside for the payment of incentive bonuses for certified speech-language pathologists for the 2009-2010 year. The bill was not clear as to the individual amounts of the bonuses.

<http://www.arkleg.state.ar.us/assembly/2009/R/Acts/Act607.pdf>

This is just a brief look at a few of the many acts of 2009. To view a complete list of the education acts signed in 2009, visit the Arkansas Department of Education website:

<http://arkansased.org/legislative/acts.html>

INCENTIVES FOR TEACHERS IN HIGH PRIORITY DISTRICTS

Act 969 provides incentives for teacher recruitment and retention in high priority districts. The goal is to equalize teacher salaries between high-priority districts and higher paying surrounding school districts.

A “high-priority district” is defined as a district having 80% or more students eligible for the free or reduced lunch program. The State Board of Education determines these districts by April 15 of each year.

To be eligible for this recruitment bonus, one must be a new teacher—within the first three years of employment—and work for a high-priority district. A teacher can only receive a bonus from the high-priority district for which he or she was first employed.

A new teacher will receive \$5,000 (on top of the salary) for the first year of service in the high-priority district. If the teacher continues to teach at

the same high-priority district a second year, the teacher will receive a \$4,000 bonus. The same bonus is given if the teacher continues for a third year at the same high-priority district. If the teacher completes a fourth year (and any subsequent years) at the same or a new high-priority district, the teacher will receive a \$3,000 bonus.

A retention bonus is available to teachers (who are not “new” teachers) in the amount of \$3,000 who choose to work at a high-priority district.

These incentives were already in place, but the act was updated this year. The bonus amounts increased by \$1,000. Additionally, a teacher must fulfill contractual obligations to receive the bonus; last year, the bonus was pro-rated based on the amount of time the teacher was employed by the district.

<http://www.arkleg.state.ar.us/assembly/2009/R/Acts/Act969.pdf>

DUAL LICENSURE INCENTIVE PROGRAM

The Teacher Opportunity Program is offering reimbursements under the Dual Licensure Incentive Program to encourage classroom teachers to return to college to obtain additional licensure in needed subject areas.

The reimbursements can be up to \$3,000 per year, not to exceed the equivalent of six semester credit hours. The reimbursements can pay for tuition, student fees, books, and/or instructional supplies.

In order to be eligible to receive this tuition reimbursement, a person must have been employed as a classroom teacher no less than three years prior to the application to the program. The teacher also

must be accepted into a college program leading to licensure in needed subject areas, including the following: a subject that has been identified as a subject area with a shortage of classroom teachers by the Department of Education, a subject in which the teacher is already teaching but does not have licensure, or a grade and subject level in which the district has requested a waiver.

The number of classroom teacher participants will be determined by the number of applicants and the amount of funding available for the program.

<http://www.arkleg.state.ar.us/assembly/2009/R/Acts/Act1214.pdf>

ARKANSAS COLLEGE AND CAREER READINESS PROGRAM

Many Arkansas students enter college needing to take remedial courses before they can take regular credit coursework. These remedial courses do not count as credit for the student, thus lengthen time for the student to obtain a degree, as well as provide additional financial burdens on the student.

The Arkansas College and Career Readiness Program aims to address this problem by building on students' skills early on.

Students in grade eight are required to take the EXPLORE exam. This is a pre-ACT assessment to help students explore a broad range of options for high school and post-high school choices. Students in grade ten are required to take PLAN or the PSAT. PLAN is also a pre-ACT assessment that helps students focus on improved achievement and career and post-high school preparation. The PSAT is a

preliminary SAT that gives students feedback on their strengths and weaknesses on college readiness skills. These tests (EXPLORE and PLAN/PSAT) must be administered by the 2010-2011 school year, and each year thereafter.

The goal of this precollege readiness assessment program is to provide data to help schools, parents, and students prepare for college or post-high school activities.

The Department of Education will collect these data and study the impact on college and career readiness skills, instruction, school improvement plans, and college remediation rates of students in September of each year.

<http://www.arkleg.state.ar.us/assembly/2009/R/Acts/Act730.pdf>

END-OF-COURSE EXAMS NOW "HIGH-STAKES"

Act 1307 amended the requirements for end-of-course (EOC) assessments. As stated in section two of the act, "the Department of Education shall implement a statewide program of educational assessment that provides information for the improvement of the operation and management of the public schools and tests the requisite knowledge and skills of students."

Students in kindergarten through grade twelve are currently required to take a developmentally appropriate augmented, criterion- or norm-referenced assessment. Students in grades three through eight participate in the state benchmark assessments, and high school students take EOC exams in various subjects.

Two of the EOC exams that high school students have been taking, will begin acting as "high-stakes" exams. In 2009, the Algebra I EOC exam will begin being administered to students by grade ten. In 2013, students by grade ten will begin taking the English II EOC exam.

The EOC exams are now considered "high-stakes" because students will need to demonstrate the

minimum satisfactory passing level in order to pass the course. If a student does not meet the passing level, the student does not receive credit for the course (thus, could not graduate) until the student has participated in remediation. Remediation activities and instruction cannot be in lieu of core courses required for graduation. The student will receive academic credit once the student has passed a subsequent high-stakes EOC assessment or meets the requirements on an alternative assessment, such as the ACT, SAT, Advanced Placement, or International Baccalaureate test. Students will have three chances to take the EOC assessment, and can then take an alternative assessment.

Next year, when students are required to pass the algebra EOC, students must score at least a 24 out of the 100 points to pass, which is a "basic" level of achievement (or the student has some understanding, but is not at the state grade-level). There has been discussion over whether this is a rigorous enough requirement.

<http://www.arkleg.state.ar.us/assembly/2009/R/Acts/Act1307.pdf>

ARKANSAS SCHOLARSHIP LOTTERY ACT

Act 606

One of the hottest topics this session was the Arkansas Scholarship Lottery Act. The act created a lottery commission to oversee a state lottery. The net proceeds from the lottery will be used to fund scholarships and grants to Arkansas students attending a public or private, 2-year or 4-year institution in Arkansas.

The act defines the members and responsibilities of the lottery commission and rulemaking guidelines for the lottery. Salary guidelines and vendor and retailer information are addressed, as well as the establishment of an oversight committee.

The commission pays for all operating expenses from lottery proceeds, and a set amount of this money, to be determined, will be set aside for prizes. Of the net proceeds disbursed as scholarships and grants, 10% will be saved in a scholarship shortfall reserve trust until the account has fifty million dollars.

Arkansas Academic Challenge Scholarship Program

Beginning with the 2010-2011 school year, the General Assembly may use net proceeds from the lottery to fund Arkansas Academic Challenge Scholarships. The Academic Challenge Scholarship Program is an existing program, but requirements to receive a scholarship have changed in order to reach more students (ex: there is not an income requirement anymore). To be eligible for the Arkansas Academic Challenge Scholarship, a student must be a graduate from an Arkansas high school (and residence of Arkansas at least one year before graduation), a U.S. citizen, and accepted at an approved institution in Arkansas. Graduates after 2009 must also have completed the Smart Core Curriculum and pass End-of-Course exams. Students must have a GPA of 3.0 if enrolling in a 4-year institution or a 2.75 if enrolling in a 2-year institution, and score a 19 or higher on the ACT.

After receiving the scholarship, a student may agree to volunteer as a literacy tutor in grades preK-6 for 20 hours per semester for each year the scholarship is awarded. The student completes training and receives

college credit for the literacy tutoring.

Students who are undergraduate students, including those close to completing their degree, are also eligible to receive a scholarship. The Arkansas Department of Higher Education is developing guidelines for qualifications. In addition, part-time students may also receive a scholarship in half of the total amount. Students can keep the scholarship following years if a 2.5 GPA or higher is maintained.

Based on the amount of lottery sales, the scholarships will range between \$2,500 and \$6,000 for students in four-year colleges.

Recent Lottery News

“The lottery is the No. 1 issue in terms of complexity and in terms of the potential to provide benefit for the state.” - House Speaker Robbie Wills

By May 2009, Governor Beebe had appointed the members of the Arkansas Lottery Commission. On July 1, Ernie Passailaigue, of the South Carolina Education Lottery, began as the executive director of the Arkansas lottery. Passailaigue has appointed two vice-presidents, also

from South Carolina. According to the *Arkansas Democrat-Gazette*, Passailaigue said 90% of the lottery’s employees will be Arkansans. (Staff openings are available on the Arkansas Lottery Commission website at: lotterycommission.arkansas.gov)

Passailaigue’s hiring plan required legislative approval because the act provides for 20 staff positions, but Passailaigue has requested around 75. There has been debate about the salaries, with some people claiming they are high compared to similar positions. Others say that highly qualified employees are absolutely necessary in getting the lottery moving.

It is estimated that the lottery annual revenue will be about \$100 million. According to the *Arkansas Times*, Passailaigue said that with every passing day, the state loses \$1 million in gross sales, or about \$250,000 in scholarship funds.

The goal is to have scratch-off tickets available by November, and online games available by the first of the year, in effort to have enough scholarship money by fall of 2010.

<http://www.arkleg.state.ar.us/assembly/2009/R/Acts/Act606.pdf>

UNTOUCHED SCHOOL CHOICE LAWS

As we discussed in a detailed policy brief last year, the Supreme Court recently issued a decision condemning school integration plans in Louisville and Seattle that used racial restrictions to determine whether students could transfer between schools. Under that decision, two school choice laws in Arkansas—the Arkansas Public School Choice Act of 1989 and the Arkansas Opportunity Public School Choice Act of 2004 (part of Act 35)—are almost indisputably unconstitutional, because their racial restrictions are little different from those found in the Seattle and Louisville plans.

Despite the Supreme Court’s holding, the Arkansas legislature chose to leave these two school choice laws untouched. As was reported in the *Arkansas Democrat-Gazette*, “race is making school

assignments provided too contentious an issue to take up, some officials said. ‘We could not get everybody together on the same page in agreement,’ said Sen. Jimmy Jeffress, D-Crossett, chairman of his chamber’s Education Committee.”

“We could not get everybody together on the same page.”

- Senator Jimmy Jeffress, Education Committee Chair

Given the legislature’s inaction, the issue may be resolved later this year by a federal judge. A few Malvern students who, except for their race, would be allowed to attend school outside the district, have filed a lawsuit that is currently pending before U.S. District Judge Robert T. Dawson of the Western District in Arkansas. Judge Dawson has set a trial date of November 30, 2009.

A more detailed paper will be published about this topic later this year. We will provide a link to the policy brief on the OEP website.

QUOTES FROM 2009 SESSION

Untouched School Choice Laws

“At the end of the day, there wasn’t a consensus on what to do, if anything.” - Sen. Shane Broadway

“I don’t know how we’re going to deal with that racial (issue). Sometimes, we want to make a change, but we can’t come up with a solution.” - Sen. Sue Madison

Scholarship Lottery

“We wanted to make the scholarship program apply as broadly as possible. There are no income requirements. And if you attend an accredited public or private 2- or 4-year school in the state, you will be eligible to receive a scholarship.” - Lt. Gov. Bill Halter

“We look forward to the General Assembly establishing a world-class lottery and a scholarship program that will transform the educational possibilities for all Arkansans who work hard.” - Lt. Gov. Bill Halter

Overall

“I hope, by now, that everybody has made the connection between Arkansas’ budget priorities and K-12 education. The connection is simple. We have no higher budget priority than public education.”—House Speaker Robbie Willis

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The Office for Education Policy seeks to be a resource that aids state policymakers, educators, administrators, and other leaders in thoughtful decision-making concerning K-12 education in the State of Arkansas.

LETTER FROM THE EDITOR

Dear Colleagues,

In a past issue of *Education Policy News*, we focused on the issues we imagined would be important during the 87th General Assembly of the Arkansas legislature. This issue, we highlight a few of the key education-related acts that were passed and/or updated during the session.

We hope this is a useful guide to explain some of the new education acts, such as the scholarship lottery and the End-of-Course exams that will be functioning as exit exams. We also highlight a few other acts that might be of interest, such as the common spring break, birth—pre-K

credential, and incentives for teachers in high priority districts, to name a few. This is not a complete list of the education acts, as there were over 140 signed. But this will give you a good glimpse at the improvements our lawmakers are attempting to make in Arkansas.

Be sure to also read our second summer newsletter, which focuses on the OEP teacher quality conference. Have a great 2009-10 year and please let us know if we can be of any assistance.

Respectfully,
Gary Ritter

Director, *Office for Education Policy*



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