

~~Arkansas Department of Education Rules Governing the
Arkansas Comprehensive Testing, Assessment and Accountability Program (ACTAAP)
and the Academic Distress Program~~

~~May 2016~~

~~**Section 9.13.1 Updated 03/18/16 (Emergency Adoption)/May 2016 (Permanent)~~

~~1.0 — Regulatory Authority~~

- ~~1.01 — These Rules shall be known as the Arkansas Department of Education Rules Governing the Arkansas Comprehensive Testing, Assessment and Accountability Program (ACTAAP) and the Academic Distress Program.~~
- ~~1.02 — The State Board of Education promulgated these Rules pursuant to Ark. Code Ann. §§ 6-11-105, 6-15-401 et seq., 6-15-2009, and 25-15-204 and Acts 600, 1073, 1081 and 1429 of 2013.~~
- ~~1.03 — These Rules reflect the decision of the United States Department of Education (US Ed) to grant flexibility to the Arkansas Department of Education (ADE) from certain provisions of the Elementary and Secondary Education Act (ESEA). As indicated throughout these Rules, certain provisions of these Rules shall only apply during time periods designated by the US Ed for which the ADE receives flexibility from certain provisions of ESEA.~~
- ~~1.04 — These Rules include the applicable requirements formerly contained within the Arkansas Department of Education Rules Governing Public School End-of-Course Assessments and Remediation.~~

~~2.0 — Purposes of Rules~~

- ~~2.01 — To develop a single comprehensive testing, assessment and accountability program, which applies to and governs all public schools and public school districts in Arkansas.~~
- ~~2.02 — To develop a single comprehensive testing, assessment and accountability program which utilizes the most current and effective testing, evaluation, and assessment research information designed to achieve the following purposes:~~
 - ~~2.02.1 Set clear academic standards that are periodically reviewed and revised;~~
 - ~~2.02.2 Establish professional development standards for all administrators, teachers and instructional support personnel;~~

- ~~2.02.3 Establish expected achievement levels;~~
- ~~2.02.4 Report on student achievement and other indicators;~~
- ~~2.02.5 Provide evaluation data;~~
- ~~2.02.6 Recognize academic success and failure;~~
- ~~2.02.7 Apply awards and sanctions; and~~
- ~~2.02.8 Comply with current federal and state law and State Board rules and regulations.~~
- ~~2.03 — To ensure that all students in the public schools of Arkansas have an equal opportunity to demonstrate grade level and subject area academic proficiency through the application of knowledge and skills in the core academic subjects consistent with state curriculum frameworks, performance standards and assessments.~~
- ~~2.04 — To improve student learning and classroom instruction and to support high academic standards for all students, including identifiable subgroups, by establishing the provisions, procedures and requirements for the student assessment program.~~
- ~~2.05 — To require point in time intervention when it is determined that a student(s) is not performing at grade level or subject area academic proficiency.~~
- ~~2.06 — To outline testing and assessment security and confidentiality requirements.~~
- ~~2.07 — To establish a program to identify, evaluate, assist and advise public schools and public school districts in academic distress.~~
- ~~3.0 — Definitions — For the purpose of these Rules, the following terms mean:~~
 - ~~3.01 — “Academic Content Standards” — standards that are approved by the State Board of Education and that set the skills to be taught and mastery level for each grade and content area.~~
 - ~~3.02 — “Academic Distress:”~~
 - ~~3.02.1 — A classification assigned to any public school district:~~
 - ~~3.02.1.1 — In which 49.5% or less of its students achieve proficient or advanced in math and literacy on the~~

~~state-mandated criterion-referenced assessments administered in that district for the most recent three (3)-year period; or~~

~~3.02.1.2 — Has a Needs Improvement (Priority) school within the school district that has not made the progress required under the school's Priority Improvement Plan (PIP).~~

~~3.02.2 — A classification assigned to any public school:~~

~~3.02.2.1 — In which 49.5% or less of its students achieve proficient or advanced in math and literacy on the state-mandated criterion-referenced assessments administered in that district for the most recent three (3)-year period; or~~

~~3.02.2.2 — Is a Needs Improvement (Priority) school that has not made the progress required under the school's Priority Improvement Plan (PIP).~~

~~3.02.3 — The ADE shall re-establish the thresholds listed in Sections 3.02.1 and 3.02.2 of these Rules when the Partnership for Assessment of Readiness for College and Careers (PARCC) assessments become fully operational.~~

~~3.03 — "Academic Improvement Plan (AIP)" — a plan detailing supplemental or intervention and remedial instruction, or both, in deficient academic areas for any student who is not proficient on a portion or portions of the state-mandated Arkansas Comprehensive Assessment Program. Academic improvement plans shall be created and implemented by appropriate teachers, counselors, and any other pertinent school personnel. All academic improvement plans shall be reviewed annually and revised to ensure an opportunity for student demonstration of proficiency in the targeted academic areas on the next state-mandated Arkansas Comprehensive Assessment Program. A cumulative review of all academic improvement plans shall be part of the data used by the school in creating and revising its comprehensive school improvement plan. All academic improvement plans shall be subject to review by the Department of Education.~~

~~NOTE: For the purposes of these Rules, "Academic Improvement Plan (AIP)" and "Individualized Academic Improvement Plan (IAIP)" may be used interchangeably.~~

- 3.04 ~~“ACT” the ACT assessment for college placement administered by ACT, Inc.~~
- 3.05 ~~“Adequate Yearly Progress” the level of academic performance required of public schools or school districts on the state mandated augmented criterion referenced, or norm referenced assessments and other indicators as required in the Arkansas Comprehensive Testing, Assessment, and Accountability Program, which shall comply with the Elementary and Secondary Education Act as reauthorized in the No Child Left Behind Act of 2001.~~
- 3.06 ~~“Advanced Placement Test” the test administered by the College Board for a high school preparatory course that incorporates the topics specified by the College Board on its standard syllabus for a given subject area and is approved by the College Board.~~
- 3.07 ~~“Approved Early Reading Assessments” Those assessments that identify students’ strengths and weaknesses in all of the elements of reading as described in the Report of the National Reading Panel.~~
- 3.08 ~~“Approved Intensive Reading Program” Programs of high quality instruction that include the essential elements of reading described in the Report of the National Reading Panel.~~
- 3.09 ~~“Annexation” The joining of an affected school district or part of the school district with a receiving district under Ark. Code Ann. § 6-153-1401 et seq. or § 6-13-1601 et seq.~~
- 3.10 ~~“Arkansas Comprehensive Assessment Program” The testing component of Arkansas Comprehensive, Testing, Assessment and Accountability Program, which shall consist of: (1) developmentally appropriate, augmented, criterion referenced, or norm referenced assessments in kindergarten through grade twelve (K-12) as determined by the State Board; (2) Any other assessments as required by the State Board; (3) other assessments that are based on researched best practices as determined by qualified experts that would be in compliance with federal and state law; and (4) end-of-course examinations for designated grades and content areas, and the high school literacy assessment.~~
- 3.11 ~~“Arkansas Comprehensive Testing, Assessment and Accountability Program” a system of measurement and reporting designed to ensure that all students in the public schools of this state demonstrate academic achievement through the application of knowledge and skills in core academic subjects consistent with state curriculum frameworks and performance standards. During the time periods designated by the US Ed~~

~~for which the ADE may receive flexibility from certain provisions of ESEA as set forth in Section 13.00 of these Rules, the measurement system will ensure that all students in the public schools of Arkansas demonstrate performance and growth toward College and Career Readiness.~~

- ~~3.12 “Arkansas Comprehensive School Improvement Plan (ACSIP)”—the individual school’s comprehensive plan developed by a local school team and based on priorities indicated by assessment and other pertinent data and designed to provide an opportunity for all students to demonstrate proficiency on all portions of the state-mandated Arkansas Comprehensive Assessment Program. This plan shall be reviewed annually by the district and monitored by the Arkansas Department of Education in accordance with Ark. Code Ann. § 6-15-426.~~
- ~~3.13 “Assessment” means an examination instrument designed to measure certain levels of knowledge; as measured by established requisite scale scores, for those academic courses that are the subject of end-of-course testing as required by these Rules.~~
- ~~3.14 “Augmented Test”—An assessment required by state statute, rule or regulation which combines both criterion-referenced and norm-referenced instruments.~~
- ~~3.15 “Awards”—financial or other recognition of a public school structured to recognize schools that demonstrate and maintain high performance over time and to recognize schools that demonstrate growth on the state-mandated indicators. Awards also can be used to highlight individual schools so that their practices can be adopted in other schools and districts across the state.~~
- ~~3.16 “Benchmarks/Grade Level Benchmarks”—Academic Content Standards and/or grade-level statements of what a student should know and be able to do. The Grade Level Benchmarks provide guidance to classroom teachers in planning instruction aligned with the Academic Content Standards.~~
- ~~3.17 “Board” or “State Board”—The Arkansas State Board of Education.~~
- ~~3.18 “College and career readiness” means the acquisition of the knowledge and skills a student needs to be successful in future endeavors, including:~~
- ~~3.18.1 Successfully completing credit-bearing, first-year courses at a postsecondary institution; and~~
- ~~3.18.2 Embarking on a chosen career.~~

- 3.19 ~~“College and career readiness assessment” means a set of criterion-referenced assessments of a student’s acquisition of the knowledge and skills the student needs to be successful in future endeavors, including credit bearing, first year courses at a postsecondary institution, such as two year or four year college, trade school, or technical school, or to embark on a career.~~
- 3.20 ~~“Consolidation” The joining of two (2) or more school districts or parts of the school districts to create a new single school district under Ark. Code Ann. § 6-153-1401 et seq. or § 6-13-1601 et seq.~~
- 3.21 ~~“Criterion-Referenced Test (CRT)” an assessment required by state statute, rule or regulation which is designed by the State to measure student performance/achievement on the State’s Academic Content Standards.~~
- 3.22 ~~“Department” or “ADE” The Arkansas Department of Education.~~
- 3.23 ~~“District Improvement Plan” a district wide plan coordinating the actions of the various comprehensive school improvement plans within a school district. The main focus of the district improvement plan shall be to ensure that all students demonstrate proficiency on all portions of state-mandated Arkansas Comprehensive Assessment Program.~~
- 3.24 ~~“Early Intervention” short term, intensive, focused, individualized instruction developed from ongoing, daily, systematic diagnosis that occurs while a child is in the initial, kindergarten through grade one (K-1), stages of learning early reading, writing, and mathematical strategies to ensure acquisition of the basic skills and to prevent the child from developing poor problem-solving habits that become difficult to change. The goal is to maintain a student’s ability to function proficiently at grade level.~~
- 3.25 ~~“Elementary School” public school(s) having some combination of grades kindergarten through four (K-4).~~
- 3.26 ~~“Essential Elements—Early Reading” Comprehension—Ability to understand and communicate; Decoding and Word Recognition (Phonics)—Ability to match the letters of written language and the individual sounds of spoken language in order to read and write words; Fluency—Ability to read text accurately, and with expression, volume, phrasing, smoothness and appropriate pace; Phonemic Awareness—Ability to hear and manipulate the sounds of spoken language; Vocabulary—Ability to understand words and their meanings in order to communicate and comprehend effectively.~~

- 3.27 ~~“Grade Level” appropriate grade classification indicated by the performance of a student (or group of students) at the proficient or advanced level on state-mandated Arkansas Comprehensive Assessment Program tests.~~
- 3.28 ~~“End of Course Assessment” a criterion-referenced assessment taken during a course of study set by the State Board of Education:~~
- ~~(a) to determine whether a student demonstrates, according to a requisite scale score established by rule of the State Board, attainment of sufficient knowledge and skills to indicate a necessary and satisfactory mastery of the subject level content in that end-of-course assessment; and~~
- ~~(b) for which failure to meet that requisite scale score requires sufficient remediation before a student is entitled to receive full academic credit for the course.~~
- 3.29 ~~“High School” grades nine through twelve (9-12).~~
- 3.30 ~~“High School Literacy Assessment” an end-of-level literacy assessment given to all students in grade eleven (11).~~
- 3.31 ~~“Individualized Academic Improvement Plan (IAIP)” a written plan detailing supplemental or intervention and remedial instruction, or both, in deficient areas for any student who has not met the requisite scale score on an end-of-course assessment.~~
- ~~NOTE: For the purposes of these Rules, “Academic Improvement Plan (AIP)” and “Individualized Academic Improvement Plan (IAIP)” may be used interchangeably.~~
- 3.32 ~~“Individualized Education Program (IEP)” a written statement for each child with a disability that is developed, reviewed, and revised in a meeting in accordance with 34 C.F.R. 300.320 through 300.324.~~
- 3.33 ~~“Intensive Reading Improvement Plan (IRI)” An intervention program for any K-2 student identified with substantial reading difficulties.~~
- 3.34 ~~“International Baccalaureate Assessment” an assessment administered by the International Baccalaureate Organization for a course offered under the International Baccalaureate Diploma Program.~~
- 3.35 ~~“Longitudinal Tracking” tracking individual student yearly academic achievement gains based on scheduled and annual assessments.~~

- 3.36 ~~“Middle School” or “Middle Level”—grades five through eight (5—8).~~
- 3.37 ~~“No Child Left Behind Act”—the No Child Left Behind Act of 2001 as signed into federal law on January 8, 2002.~~
- 3.38 ~~“Norm Referenced Test (NRT)”—an assessment required by state law, rule or regulation to measure the performance/achievement of Arkansas students relative to the achievement of students who comprised the norm or standardization group for a particular commercial instrument, which may include the assessments developed under the Partnership for Assessment of Readiness for College and Careers (PARCC).~~
- 3.39 ~~“Parent”—a parent, parents, legal guardian, a person standing in loco parentis, or legal representative, as appropriate, of a student, or the student if the student is eighteen (18) years of age or older.~~
- 3.40 ~~“Participation in Remediation”—The amount of student involvement required in a student academic improvement plan that addresses those deficiencies for that student.~~
- 3.41 ~~“Pass Rate”—The pass rate for the Benchmark Exams and the developmental appropriate assessments for K—2 shall be proficiency.~~
- 3.42 ~~“Point in Time Intervention and Remediation”—intervention and remediation applied during the academic year upon the discovery that a student is not performing at grade level.~~
- 3.43 ~~“Public School District/Public School”—those school districts and schools (including open enrollment charter schools) created pursuant to Title 6 of the Arkansas Code and subject to the Arkansas Comprehensive Testing, Assessment and Accountability Program specifically excluding those schools or educational programs created by or receiving authority to exist under §6-15-501; §9-28-205, and §12-29-301 through §12-29-310, or other provisions of Arkansas law.~~
- 3.44 ~~“Reconstitution”—a reorganization intervention in the administrative unit or governing body of a public school district, including without limitation the suspension, reassignment, replacement, or removal of a current superintendent or the suspension, removal, or replacement of some or all of the current school board members, or both.~~
- 3.45 ~~“Remediation”—a process of using diagnostic instruments to provide corrective, specialized supplemental instruction to help a student in grades two through four (2-4) overcome academic deficiencies. For students in grades five through twelve (5-12), remediation shall be a detailed, sequential set of instructional strategies, implemented to remedy any~~

~~academic deficiencies indicated by below basic or basic performance on the state mandated augmented, criterion-referenced, or norm-referenced assessments. Remediation shall not interfere with or inhibit student mastery of current grade-level academic learning expectations.~~

- ~~3.46 “Safe Harbor”—An alternate method of demonstrating Adequate Yearly Progress under the No Child Left Behind Act determined by decreasing the percent of students not performing at the proficient level on the Criterion Referenced Assessments by at least ten percent. Safe Harbor can only be applied if the school meets the secondary indicator condition and tests 95% or more of eligible students. Safe harbor shall not apply during the time periods designated by the US Ed for which the ADE may receive flexibility from certain provisions of ESEA as set forth in Section 13.00 of these Rules.~~
- ~~3.47 “Sanction”—intervention by the state to assist teaching and learning at a public school or a public school district that fails to meet expected performance goals on the state-mandated criterion-referenced assessments and/or other indicators.~~
- ~~3.48 “SAT”—the standardized college entrance examination administered by the College Board.~~
- ~~3.49 “School Improvement”—the initial classification applied to a school that fails to meet adequate yearly progress for two successive years. During the time periods designated by the US Ed for which the ADE may receive flexibility from certain provisions of ESEA, the classifications and interventions for schools in need of improvement shall be as set forth in Section 13.00 of these Rules.~~
- ~~3.50 “Secure Examination or Assessment”—an assessment instrument, materials or other student achievement evaluation method required by State statute, rule or regulation that is administered to assess student performance or achievement and takes place on the dates specified on the testing/assessment calendar developed by the Commissioner of the Department.~~
- ~~3.51 “Starting Point”—a specific figure for grade-level clusters K-5, 6-8, and 9-12 in the content areas of literacy and mathematics which was derived by determining the school at the 20th percentile in the state based on total enrollment, among all schools ranked by the percentage of students at the proficient level, using data for the 2001-2002 school year or subsequent year for which there is a recalculation.~~
- ~~3.52 “Substantial Reading Deficiency”—a determination for first and second grade students who score in the Below Basic Category on the State~~

~~Reading Assessment in the previous school year and for kindergarten students who are rated as Delayed in both oral communication and written language on the Uniform Reading Scale (URS).~~

~~3.53—Uniform School Readiness Screening” uniform, objective evaluation procedures that are geared to either kindergarten or first grade, as appropriate, and developed by the State Board and specifically formulated for children entering public school for the first time.~~

~~4.0—Academic Content Standards~~

~~4.01—The Board shall establish clear, specific, challenging academic content standards, which define what students shall know and be able to do in each content area. Instruction in all public schools shall be based on these academic content standards.~~

~~4.02—The Board shall establish a schedule for periodic review and revision of academic content standards to ensure that Arkansas academic content standards are rigorous and equip students to compete in the global workforce. For each review, the Department will provide the following:~~

~~4.02.1 Study and consideration of academic content standards from across the nation and international levels as appropriate;~~

~~4.02.2 Study and consideration of evaluations from national groups or organizations as appropriate;~~

~~4.02.3 Revisions by committees composed of Arkansas teachers and instructional supervisory personnel from public schools, assisted by teachers from institutions of higher education;~~

~~4.02.4 Review and input by the Departments of Higher Education and Career Education as well as community members; and~~

~~4.02.5 Public dissemination of revised academic content standards at the Board meeting and on the Department web site.~~

~~4.03—The Board shall provide for external review of academic content standards by nationally recognized content experts in the discipline/area under consideration.~~

~~4.04—The Board shall establish a clear, concise system of reporting the academic performance of each school on the state’s mandated augmented criterion-referenced or norm-referenced assessments, that conform with the requirements of current state and federal law.~~

~~4.05—Academic standards for every level of the grades kindergarten through twelve (K-12) education system and education financial resources shall be aligned with student performance expectations at each level of the grades kindergarten through twelve (K-12) education system.~~

~~4.06—The State Board voted to participate in the Common Core State Standards for English Language Arts (ELA) and Mathematics in July 2010. The Common Core State Standards can be found at:~~

~~<http://www.corestandards.org/the-standards>~~

~~The Common Core State Standards for ELA and Mathematics, as they existed on July 9, 2012, are hereby incorporated into these Rules by reference.~~

~~5.0—Arkansas Comprehensive Assessment Program~~

~~The Board shall establish a statewide assessment system for grades K through 12 to be implemented in each public school in the State by the Department. All districts shall comply with the requirements of the assessment system. Failure to do so shall result in a recommendation to the Board for Probationary status or loss of accreditation as set out in the Standards for Accreditation, or for other intervention or sanction as allowed or required by these rules, state or federal law. The Arkansas Department of Education shall transition to the PARCC assessments by the 2014-2015 school year.~~

~~School district boards of directors shall not establish school calendars that jeopardize or limit the valid testing and comparison of student learning gains.~~

~~Every student attending an Arkansas public school shall participate in the statewide program of educational assessments required in Ark. Code Ann. §§ 6-15-419, 6-15-433, 6-15-2009 and established by the State Board.~~

~~5.01—Kindergarten, Grade One and Grade Two~~

~~5.01.1—The Board shall adopt and the Department shall implement a developmentally appropriate uniform school readiness screening to validate a child's school readiness as part of a comprehensive evaluation design. The Department shall require that all school districts administer the uniform school readiness screening to each kindergarten student in the district upon the student's entry into kindergarten. Children who enter public school for the first time in first grade must be administered the uniform school readiness screening developed for use in the first grade.~~

~~5.01.2 Grades 1 and 2: The Department shall select a developmentally appropriate assessment to be administered to all students in first grade and second grade in reading and mathematics.~~

~~5.02—Criterion Referenced Tests—Grades three through eight and high school~~

~~5.02.1 The Department shall develop and implement an augmented, criterion referenced, or norm referenced assessment as follows: (1) Grades three (3) through eight (8) which measures application of knowledge and skills in English language arts, and mathematics and science in Grades 5 and 7; (2) End of Course testing in Algebra I, Geometry and Biology; (3) (2) High school literacy that measures application of knowledge and skills in English language arts; and (4) social studies as funds are available and approved by the State Board of Education.~~

~~5.02.2 All criterion referenced assessments shall be based on the Arkansas Curriculum Frameworks and Academic Content Standards.~~

~~5.02.3 All students in Grades 3—8 as well as all students enrolled in courses for which End of Course assessments are administered, shall take the criterion referenced assessments on the testing dates established by the Department. This requirement includes the high school literacy assessment. This authority shall include field testing and any other requirements needed to establish fully-developed assessment instruments and methodologies.~~

~~5.02.4 Each school district shall administer augmented criterion-referenced assessments to its students according to procedures established by the Commissioner of Education and specified in the applicable assessment administration materials.~~

~~5.02.5 Accounting for Students with Disabilities and Limited English Proficient Students~~

~~5.02.5.1 ——— Each student in the specified grades or courses shall participate as outlined in the test coordinator's handbook. A student shall participate in the Arkansas Alternate Assessment Program only upon the formal determination of the student's individual education program (IEP) committee, as documented in the student's individual educational program.~~

~~5.02.5.2 ——— The Individual Education Program (IEP) committee shall determine whether participation in the~~

~~standard state assessment program is appropriate for students with IEPs. Students with disabilities for whom it is deemed inappropriate to take the standard state assessments (augmented benchmarks, End of Course, and High School Literacy) with the established accommodations shall participate in the Arkansas Alternate Assessment Program following the guidelines established by the Board.~~

~~5.02.5.3 — Scores for students with disabilities shall be reported with other assessment results from the school.~~

~~5.02.5.4 — English Learners (ELs) shall participate in all required criterion referenced assessments. ELs may access state approved accommodations provided such accommodations have been recommended by the language proficiency assessment committee and are used regularly in classroom instruction and assessment.~~

~~5.02.5.5 — ELs with less than one year in a U.S. school will not be required to take the State required literacy benchmark test or the High School Literacy Assessment. Districts may exercise this option. ELs must take the appropriate mathematics and science tests.~~

~~5.02.6 End of Course Assessments~~

~~5.02.6.1 — Every student attending an Arkansas public school in Arkansas shall participate in the actual course and statewide program of end-of-course assessments as designated by the State Board.~~

~~5.02.6.2 — Every student required to participate in the statewide program of educational assessments required by Ark. Code Ann. § 6-15-2009 shall not receive credit on his or her transcript for Algebra, Geometry, Biology, or any other course that requires an end-of-course assessment for which the student has not received the requisite scale score on a general end-of-course assessment, until the student is identified as having participated in remediation through an individual academic improvement plan.~~

- ~~5.02.6.3 — The individual academic improvement plan shall include remediation activities focuses on those areas for need for students who failed to meet the requisite score on an end of course assessment.~~
- ~~5.02.6.4 — For the purpose of an end of course assessment, remediation does not require that a student retake a subsequent end of course assessment in order to receive academic credit for a course.~~
- ~~5.02.6.5 — The end of course assessment program shall be maintained in such a manner as to meet the requirements of state and federal law, including the full range of students with disabilities.~~
- ~~5.02.6.6 — The superintendent of each public school district shall be responsible for the proper administration of Ark. Code Ann. § 6-15-2009 and these Rules to implement the requirements of Ark. Code Ann. § 6-15-2009.~~
- ~~5.02.6.7 — To the extent that a public school district is determined to have knowingly failed to administer the provisions of applicable law or these Rules, the superintendent's license shall be subject to probation, suspension, or revocation under Ark. Code Ann. § 6-17-410.~~
- ~~5.02.6.8 — The ADE shall establish and publish by Commissioner's Memo each school year an end of course assessment cycle for end of course assessments that shall be strictly followed by school districts unless a school district has received a written waiver from the ADE because of a catastrophic occurrence.~~
- ~~5.02.6.9 — The ADE shall prepare and develop the form of end of course assessments along with any and all documents, manuals, forms and protocols necessary for the proper administration, completion, submission and scoring of the assessment. The assessment shall be composed of sections that may include both multiple choice and open response test items.~~

~~5.02.6.10 — All Arkansas laws and ADE rules governing test administration, security and confidentiality that apply to examinations given to Arkansas public schools from K-12 grade shall apply in full to all end-of-course assessments and alternative assessments set forth under Ark. Code Ann. § 6-15-2009.~~

~~5.02.6.11 — The ADE shall take steps to ensure that the end-of-course assessments are properly aligned with state standards and that professional development training is available for teachers teaching courses for which an end-of-course assessment is required.~~

~~5.02.6.12 — In administering the assessments under Ark. Code Ann. § 6-15-2009 and these Rules, the school district shall provide state-approved accommodations for students with state-recognized disabilities and for English language learners as allowed by law and ADE rules.~~

~~5.02.6.13 — The ADE shall establish and promulgate by way of these Rules the requisite scale score requirement for any Arkansas public school student taking each end-of-course assessment and alternative assessment.~~

~~5.03 — Norm-Referenced Tests~~

~~5.03.1 The Board shall adopt a norm-referenced test to be administered in grade 3 through grade 9 in mathematics and reading and in science at grades 5 and 7, which shall be administered by the Department annually.~~

~~5.03.2 Each school district shall administer the norm-referenced tests to its students according to procedures established by the Department and specified in the applicable test administration materials.~~

~~5.04 — National Assessment of Educational Progress~~

~~5.04.1 Selected schools shall participate in any and all components of the National Assessment of Educational Progress (NAEP).~~

~~5.04.2 Any school that fails to participate in the administration of any NAEP assessment shall be reported to the Board and may be~~

~~subject to probationary status as set out in the Standards for Accreditation.~~

~~5.05—Test Administration~~

- ~~5.05.1 The Department shall establish mandatory training sessions for local district testing coordinators and other appropriate school personnel to ensure understanding of the administration of assessments and effective use of assessment reporting data to improve classroom instruction and learning to provide program evaluation;~~
- ~~5.05.2 The superintendent or his/her designee in each school district shall be responsible for coordinating all local assessment activities including:~~
- ~~5.05.2.1 Scheduling testing times of all affected campuses according to the testing calendar developed by the Department;~~
- ~~5.05.2.2 Ensuring that security is maintained as specified in the appropriate testing administration materials;~~
- ~~5.05.2.3 Ensuring that all district personnel involved in the testing have been properly trained as specified by the Department;~~
- ~~5.05.2.4 Ensuring that all testing instruments are administered to all students according to the procedures established by the Commissioner of Education and specified in the applicable assessment administration materials;~~
- ~~5.05.2.5 Ensuring that all assessment documents and student identification information are properly and accurately coded;~~
- ~~5.05.2.6 Attesting whether ALL students have participated in the appropriate grade level assessment(s); and~~
- ~~5.05.2.7 Recommending for adoption by local school boards a school calendar that in no way jeopardizes or limits the valid testing and comparison of students' learning gains.~~
- ~~5.05.3 The appropriate test administration materials shall specify any allowable accommodations available to students participating in the administration of standard state assessments.~~
- ~~5.05.4 All students enrolled in a State tested grade shall be accounted for in the Arkansas Comprehensive Assessment Program.~~

~~5.06—A Technical Advisory Committee composed of nationally recognized testing experts and psychometricians shall be selected by the Commissioner of Education and shall advise the Department in all technical aspects of the assessment system.~~

~~5.07—Test Security and Confidentiality~~

~~5.07.1 Violation of the security or confidential integrity of any test or assessment is prohibited.~~

~~5.07.2 The Board shall sanction a person who engages in conduct prohibited by this section. Sanctions shall be considered and imposed in compliance with the Department’s rules Governing Alleged Testing Improprieties or in the Department’s Rules Governing Background Checks and License Revocation, as appropriate. Additionally, the Board may sanction a school district or school, or both, in which conduct prohibited in this section occurs. Sanctions imposed by the Board may include without limitation one (1) or more of the following:~~

~~5.07.2.1—Revocation, suspension, or probation of an individual’s license;~~

~~5.07.2.2—Issuance of a letter of reprimand to a licensed individual to be placed in his or her state personnel professional licensure file;~~

~~5.07.2.3—Additional training or professional development to be completed by a licensed individual within the time specified;~~

~~5.07.2.4—Additional professional development to be administered by the school district or open-enrollment public charter school to all licensed school district personnel involved in test administration within the time specified;~~

~~5.07.2.5—Issuance of a letter of warning to the school district or open-enrollment public charter school; and~~

~~5.07.2.6—Establishment of a school district or open-enrollment public charter school plan containing strict test security guidelines that will implement procedures to ensure the security and confidential integrity of all assessment instruments.~~

~~5.07.2.7 Professional development required pursuant to this section as a result of violating test security or confidentiality may be in addition to professional development required for licensure.~~

~~5.07.3 Procedures for maintaining the security and confidential integrity of all testing and assessment instruments and procedures shall be specified in the appropriate test or assessment administration instructions. Conduct that violates the security or confidential integrity of a test or assessment is defined as any departure from either the requirements established by the Commissioner of Education for the administration of the assessment or from the procedures specified in the applicable test administration materials. Conduct of this nature may include, but is not limited to, the following acts and omissions:~~

~~5.07.3.1 Viewing secure assessment materials;~~

~~5.07.3.2 Duplicating secure assessment materials;~~

~~5.07.3.3 Disclosing the contents of any portion of secure assessment materials;~~

~~5.07.3.4 Providing, suggesting, or indicating to an examinee a response or answer to any secure assessment items;~~

~~5.07.3.5 Aiding or assisting an examinee with a response or answer to any secure assessment item;~~

~~5.07.3.6 Changing or altering any response or answer of an examinee to a secure assessment item;~~

~~5.07.3.7 Failing to follow the specified testing procedures or to proctor students;~~

~~5.07.3.8 Failing to administer the assessment on the designated testing dates;~~

~~5.07.3.9 Encouraging or assisting an individual to engage in the conduct described herein;~~

~~5.07.3.10 Failing to report to the appropriate authority that an individual has engaged in conduct set forth in this section;~~

5.07.3.11 — Failing to follow the specified procedures and required criteria for alternate assessments; or

5.07.3.12 — Failing to return the secured test booklets to the testing company in a timely manner.

5.07.4 The superintendent of each school district shall develop procedures to ensure the security and confidential integrity of all assessment instruments and test items. The superintendent shall be responsible for immediately notifying the Department in writing of conduct that violates the security or confidential integrity of an examination or assessment.

6.0 — Student Performance Levels

6.01 — The Board shall establish four (4) performance levels for each criterion-referenced assessment administered as part of ACTAAP. The Board shall establish five (5) performance levels for the Alternate Assessment for Students with Disabilities as part of ACTAAP. Those performance levels shall be: (1) Not Evident; (2) Emergent; (3) Supported Independence; (4) Functional Independence; and (5) Independent. Performance levels shall be established for mathematics, reading/language arts and science independently. Additionally, the Board shall establish a pass/proficiency rate for each end-of-course assessment.

6.02 — The Board shall establish four (4) performance levels for Grades K-2 for the norm-referenced assessment administered as part of the Arkansas Comprehensive Assessment Program for reading and mathematics. The following numerical scores define those performance levels.

| Mathematics Norm Referenced Assessment standard score cut scores* | | | | |
|--|-------------|---------|------------|----------|
| Grade | Below Basic | Basic | Proficient | Advanced |
| K | 0-120 | 121-128 | 129-136 | 137-400 |
| 1 | 0-134 | 135-146 | 147-159 | 160-400 |
| 2 | 0-148 | 149-164 | 165-181 | 182-400 |

*Lowest possible standard score value is 80

| Reading Norm Referenced Assessment standard score cut scores* | | | | |
|--|-------------|---------|------------|----------|
| Grade | Below Basic | Basic | Proficient | Advanced |
| K | 0-119 | 120-127 | 128-137 | 138-400 |
| 1 | 0-136 | 137-145 | 146-158 | 159-400 |
| 2 | 0-153 | 154-165 | 166-182 | 183-400 |

*Lowest possible standard score value is 80

6.03—The following numerical scores define the performance levels on the criterion-referenced assessments and on the Alternate Assessments for Students with Disabilities for Not Evident, Emergent, Supported Independence, Functional Independence and Independent. Functional Independence and Independent are considered to be grade level.

| Mathematics Criterion-Referenced Assessments (Augmented Benchmark Exams) | | | | |
|---|-------------|---------|------------|-------------|
| Scale Score Ranges | | | | |
| Grade | Below Basic | Basic | Proficient | Advanced |
| 3 | 0–408 | 409–499 | 500–585 | 586 & above |
| 4 | 0–494 | 495–558 | 559–639 | 640 & above |
| 5 | 0–543 | 544–603 | 604–696 | 697 & above |
| 6 | 0–568 | 569–640 | 641–721 | 722 & above |
| 7 | 0–621 | 622–672 | 673–763 | 764 & above |
| 8 | 0–654 | 655–699 | 700–801 | 802 & above |

| Literacy Criterion-Referenced Assessments (Augmented Benchmark Exams) | | | | |
|--|-------------|---------|------------|-------------|
| Scale Score Ranges | | | | |
| Grade | Below Basic | Basic | Proficient | Advanced |
| 3 | 0–329 | 330–499 | 500–653 | 654 & above |
| 4 | 0–353 | 354–558 | 559–747 | 748 & above |
| 5 | 0–381 | 382–603 | 604–798 | 799 & above |
| 6 | 0–416 | 417–640 | 641–822 | 823 & above |
| 7 | 0–425 | 426–672 | 673–866 | 867 & above |
| 8 | 0–506 | 507–699 | 700–913 | 914 & above |

| Science Criterion-Referenced Assessments (Augmented Benchmark Exams) | | | | |
|---|-------------|---------|------------|-------------|
| Scale Score Ranges | | | | |
| Grade | Below Basic | Basic | Proficient | Advanced |
| 5 | 0–153 | 154–199 | 200–249 | 250 & above |
| 7 | 0–151 | 152–199 | 200–249 | 250 & above |

| End-of-Course Algebra I | | | |
|--------------------------------|---------|------------|-------------|
| Scale Score Ranges | | | |
| Below Basic | Basic | Proficient | Advanced |
| 0–151 | 152–199 | 200–249 | 250 & above |

| End-of-Course Geometry | | | |
|-------------------------------|-------|------------|----------|
| Scale Score Ranges | | | |
| Below Basic | Basic | Proficient | Advanced |
| | | | |

| | | | |
|-------|---------|---------|-------------|
| 0—151 | 152—199 | 200—249 | 250 & above |
|-------|---------|---------|-------------|

| End-of-Course Biology Scale Score Ranges | | | |
|---|---------|------------|-------------|
| Below Basic | Basic | Proficient | Advanced |
| 0—145 | 146—199 | 200—249 | 250 & above |

| Grade 11 Literacy Scale Score Ranges | | | |
|---|---------|------------|-------------|
| Below Basic | Basic | Proficient | Advanced |
| 0—168 | 169—199 | 200—227 | 228 & above |

| Mathematics Alternate Assessment for Students with Disabilities Scale Score Ranges | | | | | |
|---|-------------|----------|------------------------|-------------------------|-------------|
| Grade | Not Evident | Emergent | Supported Independence | Functional Independence | Independent |
| 3 | 520—672 | 673—703 | 704—708 | 709—723 | 724—733 |
| 4 | 523—673 | 674—707 | 708—712 | 713—721 | 722—736 |
| 5 | 545—674 | 675—708 | 709—713 | 714—725 | 726—733 |
| 6 | 535—677 | 678—708 | 709—714 | 715—722 | 723—731 |
| 7 | 478—675 | 676—705 | 706—713 | 714—720 | 721—731 |
| 8 | 484—697 | 698—717 | 718—725 | 726—727 | 728—738 |

| Literacy Alternate Assessment for Students with Disabilities Scale Score Ranges | | | | | |
|--|-------------|----------|------------------------|-------------------------|-------------|
| Grade | Not Evident | Emergent | Supported Independence | Functional Independence | Independent |
| 3 | 487—663 | 664—685 | 686—710 | 711—730 | 731—734 |
| 4 | 503—672 | 673—692 | 693—712 | 713—727 | 728—733 |
| 5 | 545—664 | 665—692 | 693—717 | 718—730 | 731—735 |
| 6 | 518—637 | 638—684 | 685—709 | 710—721 | 722—732 |

| | | | | | |
|---|-------------|---------|---------|---------|---------|
| 7 | 464— 620 | 621—674 | 675—708 | 709—722 | 723—736 |
| 8 | 442— 622 | 623—690 | 691—719 | 720—726 | 727—742 |

| Science Alternate Assessment for Students with Disabilities | | | | | |
|--|-------------|----------|------------------------|-------------------------|-------------|
| Scale Score Ranges | | | | | |
| Grade | Not Evident | Emergent | Supported Independence | Functional Independence | Independent |
| 5 | 563— 700 | 701—718 | 719—723 | 724—730 | 731—736 |
| 7 | 490— 670 | 671—688 | 689—705 | 706—720 | 721—733 |

| Grade 9 Mathematics Alternate Assessment for Students with Disabilities | | | | |
|--|----------|------------------------|-------------------------|-------------|
| Scale Score Ranges | | | | |
| Not Evident | Emergent | Supported Independence | Functional Independence | Independent |
| 0—99 | 100—149 | 150—199 | 200—249 | 250—300 |

| Science Grade 10 Alternate Assessment | | | | |
|--|----------|------------------------|-------------------------|-------------|
| Scale Score Ranges | | | | |
| Not Evident | Emergent | Supported Independence | Functional Independence | Independent |
| 486—600 | 601—664 | 665—692 | 693—715 | 716—742 |

| Grade 11 Literacy Alternate Assessment for Students with Disabilities | | | | |
|--|----------|------------------------|-------------------------|-------------|
| Scale Score Ranges | | | | |
| Not Evident | Emergent | Supported Independence | Functional Independence | Independent |
| 483—595 | 596—655 | 656—680 | 681—692 | 693—740 |

7.0—~~Student Accountability~~

7.01—~~By the year 2013–2014 all students are expected to perform at the proficient level or above.~~

7.02—~~Students identified as failing to achieve at the proficient level on a) the state mandated CRT (as referenced in Section 6.04 tables: Mathematics Criterion Referenced Assessments, Science Criterion Referenced Assessments, Literacy Criterion Referenced Assessments), b) students in grade K scoring delayed on either written language or oral communications and scoring delayed in mathematics on the state mandated uniform readiness screening (as referenced in Section 3.46 Uniform School Readiness Screening); and c) students in grades 1 and 2 not scoring proficient on the state mandated NRT(as referenced in Section~~

~~6.02 tables, Mathematics Norm Referenced Assessment standard score cut scores and Reading Norm Referenced Assessment standard score cut scores), shall be evaluated by school personnel, who shall jointly develop a remediation plan with the student's parents. The remediation plan (AIP or if appropriate IRD) will assist the student in achieving the expected standard and will describe the parent's role and responsibilities as well as the consequences for the student's failure to participate in the plan.~~

~~7.02.1 The AIP shall be prepared using the format designed by the Department of Education. However, the local school may adjust the format as deemed necessary.~~

~~7.02.2 The AIP shall be developed cooperatively by appropriate teachers and/or other school personnel knowledgeable about the student's performance or responsible for the remediation in consultation with the student's parents. An analysis of student strengths and deficiencies based on test data and previous student records shall be available for use in developing the plan. The plan shall be signed by the appropriate school administrator and the parent/guardian.~~

~~7.02.3 The AIP should be flexible, should contain multiple remediation methods and strategies, and should include an intensive instructional program different from the previous year's regular classroom instructional program. Examples of strategies and methods include, but are not limited to, computer assisted instruction, tutorial, extended year, learning labs within the school day, Saturday school, double blocking instruction in deficient areas during the school day, extended day etc.~~

~~7.02.4 The AIP shall include formative assessment strategies and shall be revised periodically based on results from the formative assessment.~~

~~7.02.5 The AIP shall include standards based supplemental/remedial strategies aligned with the child's deficiencies.~~

~~7.02.6 A highly qualified teacher and/or a highly qualified paraprofessional under the guidance of a highly qualified teacher shall provide instructional delivery under the AIP.~~

~~7.02.7 The AIP should contain an implementation timeline that assures the maximum time for remedial instruction.~~

~~7.02.8 AIPs should be individualized; however, similar deficiencies based on test data, may be remediated through group instruction.~~

~~7.02.9 In any instance where a student with disabilities identified under the Individuals with Disabilities Education Act has an Individualized Education Program (IEP) that already addresses any academic area or areas in which the student is not proficient on state-mandated augmented, criterion-referenced, or norm-referenced assessments, the individualized education program shall serve to meet the requirement of an AIP.~~

~~7.03—Retention for failure to participate in the Academic Improvement Plan~~

~~7.03.1 The public school district where the student is enrolled shall notify the student's parent, guardian, or caregiver of the parent's role and responsibilities as well as the consequences for the student's failure to participate in the plan. This notice may be provided via student handbooks issued to students.~~

~~7.03.2 A student in grades three (3) through eight (8), identified as not meeting the requisite scale score on the criterion-referenced assessment and failing to participate in the subsequent AIP shall be retained and shall not be promoted to the next appropriate grade until the student is deemed to have participated in the AIP, or the student passes the benchmark assessment for the current grade level in which the student is retained. The local district shall determine the extent of the required participation in remediation as set forth in the student academic improvement plan.~~

~~7.03.3 Any student required to take an end-of-course assessment who is identified as not meeting the requisite scale score for a particular assessment shall participate in the remediation activities as required by the student's individualized AIP in the school year that the assessment results are reported in order to receive academic credit on his or her transcript for the course related to the end-of-course assessment.~~

~~7.03.3.1 The individualized AIP shall include remediation activities focused on those areas in which a student failed to meet the requisite scale score of an end-of-course assessment.~~

~~7.03.3.2 A student who is identified as not meeting the requisite scale score for an end-of-course assessment shall not receive academic credit on his or her transcript for the courses related to the end-of-course assessment until the student is identified as having participated in remediation through an individualized AIP.~~

- ~~7.03.4 Remedial activities and instruction provided during high school shall not be in lieu of English language arts, mathematics, science, history or other core courses required for graduation.~~
- ~~7.03.5 Any student who does not score at the Proficient level on the criterion-referenced assessments in English language arts and mathematics shall continue to be provided with remedial or supplemental instruction until the expectations are met or the student is not subject to compulsory school attendance.~~
- ~~7.03.6 Any student that has an AIP and fails to remediate, but scores at the Proficient level on the criterion-referenced assessments, shall not be retained.~~
- ~~7.03.7 Students not proficient on the High School Literacy Test shall participate in a remediation program.~~
- ~~7.03.8 The State Board may require remediation activities and an individualized academic improvement plan for a student in grade eleven (11) or below who does not meet the requisite scale score for a particular college and career readiness measurement.~~
- ~~7.03.8.1 The State Board may require that the individualized academic improvement plan include one (1) or more opportunities for a student to retake the measurement.~~
- ~~7.03.8.2 For the purpose of a college and career readiness measurement, remediation shall not require that a student pass a subsequent college and career readiness measurement in order to graduate from an Arkansas high school.~~
- ~~7.04 The results of end-of-course assessments shall become a part of each student's transcript or permanent record. Each course for which a student completes the general end-of-course assessment shall be recorded with the performance level, (advanced, proficient, basic or below-basic).~~
- ~~7.05 Each year the ADE shall make public item and task prototypes for the English language arts and mathematical assessments required by these rules or a selection of actual items and tasks from the most recent assessments.~~
- ~~7.06 The Department shall implement a statistical system that shall provide the best analysis of classroom, school, and school district effects on student progress based on established, value-added longitudinal calculations, which shall measure the difference in a student's previous year's~~

achievement compared to the current year achievement for the purposes of improving student achievement, accountability, and recognition.

- ~~7.07~~ The approach used by the Department shall be in alignment with federal statutes and developed in 2004-2005 to collect data to allow research and evaluation of student achievement growth models.
- ~~7.08~~ The approach shall include value-added longitudinal calculations with sufficient transparency in the model's conception and operation to allow others in the field to validate or replicate the results and an assessment of the model's accurateness in relation to other models.
- ~~7.09~~ Reading Deficiency for Students in Kindergarten through Grade Two
- ~~7.09.1~~ Any student who exhibits a substantial deficiency in reading, based upon statewide assessments conducted in grades kindergarten through two (K-2), or through teacher observations, shall be provided intensive reading instruction utilizing a scientifically-based reading program. The intensive instruction shall systematically, explicitly, and coherently provide instruction in the five essential elements of reading as defined in Section 3.23. The student shall continue to be provided with intensive reading instruction until the reading deficiency is corrected.
- ~~7.09.2~~ The State Board of Education established performance levels for kindergarten, grade 1 and grade 2 that define substantial difficulties in reading based on the state-mandated, developmentally appropriate assessment. The state-mandated Uniform Screening Readiness (USR) instrument shall be used to determine substantial reading difficulty for kindergarten students.
- ~~7.09.3~~ All kindergarten students exhibiting substantial difficulties in reading will be evaluated by school personnel for the purpose of diagnosing specific reading difficulties. This evaluation will occur within 30 days of receiving the USR results.
- ~~7.09.4~~ Within 30 days of the beginning of school, grade 1 and grade 2 students exhibiting substantial difficulties in reading will be evaluated by school personnel for the purpose of diagnosing specific reading difficulties. However, in those school years in which the State Board of Education shall revise the performance levels schools shall be allowed 30 days from the date of the final approval to conduct the evaluation.
- ~~7.09.5~~ The evaluation shall include the Dynamic Indicators of Basic Early Literacy Skills (DIBELS).

- ~~7.09.6 School personnel shall develop an Intensive Reading Improvement plan (IRI) that describes the intervention program for any student identified with substantial reading difficulty. The IRI shall be developed cooperatively by appropriate teachers and/or other school personnel knowledgeable about the student's performance or responsible for remediation.~~
- ~~7.09.7 The IRI shall contain an implementation timeline that assures the maximum time for remedial instruction. The intervention shall occur during the regular school day whenever possible, but may include extended day when appropriate. The intervention shall supplement, and not supplant, core classroom instruction.~~
- ~~7.09.8 The IRI shall include valid and reliable progress monitoring assessments to measure student growth toward the grade-level benchmarks in each essential element of reading.~~
- ~~7.09.9 The intensive reading instruction provided under the IRI shall utilize strategies that are aligned with scientifically-based reading research.~~
- ~~7.09.9.1 The intensive instruction shall systematically, explicitly and coherently provide instruction in the five essential areas of reading. The intensity and focus of the instruction shall be based on the evaluation results, teacher observation, and data from progress monitoring assessments. The intervention plan shall be revised periodically to reflect student needs as indicated on progress monitoring assessments.~~
- ~~7.09.9.2 The IRI should be individualized; however, similar deficiencies may be remediated through group instruction.~~
- ~~7.09.9.3 A highly qualified teacher and/or a highly qualified paraprofessional under the guidance of a highly qualified teacher shall provide instruction under the IRI.~~
- ~~7.09.9.4 The intervention shall continue until the child has reached grade-level benchmarks in all essential areas of reading.~~
- ~~7.09.10 Student achievement in each of the essential elements shall be monitored monthly after students complete the intervention. Students who are not meeting current expectations shall be provided additional interventions.~~

~~7.09.11 In any instance where a student with disabilities identified under the Individuals with Disabilities Act has an IEP that already addresses reading deficiencies, the individual education program shall serve to meet the requirements of the IRI.~~

~~7.10 The parent or guardian of any student identified with a substantial reading deficiency shall be notified in writing to include the following:~~

~~7.10.1 That the child has been identified as having a substantial deficiency in reading;~~

~~7.09.2 A description of the current services that are provided to the child; and,~~

~~7.09.3 A description of the proposed supplemental instructional services and supports that will be provided to the child that are designed to remediate the identified area of reading deficiency.~~

~~8.0 School Accountability~~

~~NOTE: Consult Section 13.00 of these Rules for applicable ESEA flexibility provisions as approved by the US Ed on June 29, 2012.~~

~~8.01 The Department of Education shall provide analyses of data produced by the Arkansas Comprehensive Assessment Program and other reliable measures of student learning to determine classroom, school, and school district academic performance.~~

~~8.02 Student performance trend data shall be included in the components used in developing objectives of the school improvement plan, internal evaluations of instructional and administrative personnel, assignment of staff, allocation of resources, acquisition of instructional materials and technology, performance based budgeting, and assignment of students into educational programs of the local school program.~~

~~8.03 Each school shall develop one (1) Arkansas Comprehensive, School Improvement Plan (ACSIP) focused on student achievement. This requirement is intended to focus the school and school district annually on the school's performance rate data for the purposes of improving student performance based on data and the performance of students on the state assessment system.~~

~~8.04 The purpose of ACSIP is to provide equal opportunity for all students, including identifiable subgroups, to meet the expected performance rate levels established by the Board on all State assessments.~~

- ~~8.05—Consistent with the No Child Left Behind Act, each school must make adequate yearly progress (AYP), based primarily on the administration of the criterion-referenced assessments described in Section 5.02. In order to make AYP, a school or school district must—~~
- ~~—• Demonstrate that at least 95 percent of all students and of students in each applicable subgroup, as provided in Section 8.06, at the tested grade levels, participated in the assessments;~~
 - ~~—• Meet or exceed the annual measurable performance levels described in Section 9.0, based on the percentages of students scoring proficient or above on the assessments, overall and for each applicable subgroup; or alternatively, if the total group or any subgroup does not meet the annual measurable performance levels, demonstrate that the percentage of students in that subgroup who did not meet the proficient level for that year decreased by 10 percent of that percentage from the preceding school year and that the subgroup made progress on one additional academic indicator; and~~
 - ~~—• Show progress for all students on an additional academic indicator, which shall be graduation rate for high schools and percent attendance for elementary and middle schools.~~
- ~~8.06—The following subgroups must be included in the school/school district data disaggregation:~~
- ~~8.06.1 Students with Disabilities;~~
 - ~~8.06.2 Students who are English Language Learners;~~
 - ~~8.06.3 Economically Disadvantaged Students; and~~
 - ~~8.06.4 Ethnic Subgroups;~~
 - ~~8.06.4.1 Caucasian~~
 - ~~8.06.4.2 African American~~
 - ~~8.06.4.3 Hispanic~~
- ~~8.07—A school must meet AYP criteria overall and for each of these subgroups that meets the minimum group size as determined by the Department of Education and approved by the U.S. Department of Education.~~

- 8.08—The Department will determine AYP separately for mathematics and literacy, using appropriate statistical treatments. Based on the single statewide starting point described in this section, annual performance levels assure that ALL students will reach proficient by school year 2013–2014.
- 8.09—The Department will determine for each school in the state the percent of students performing at the proficient or advanced levels. This percentage will be determined by computing the sum of students proficient or advanced for the current year or the most recent three years across each grade for which there is a criterion-referenced assessment. That sum is divided by the total number of students assessed for that year or across those three years and grades. This number shall include students taking alternate assessments. The percentage shall be determined separately for mathematics and reading/literacy.
- 8.10—The AYP starting point regarding percent proficient on state assessments will be determined for grade-level clusters K–5; 6–8; and 9–12 and separately for mathematics and reading/literacy.
- 8.11—The AYP starting point will be determined by ranking each school within the grade-level by the percent proficient. Additionally, the ranking will include the total student enrollment for those grades using October 1, 2002, data or October 1 of a subsequent year for which there is a recalculation.
- 8.12—The goal of NCLB is for all students to be proficient in language arts and math by 2014. Therefore, the Department of Education will determine the “starting point” for AYP as set forth in Section 3.44 above.
- 8.13—The following table establishes the starting point and projected performance level for each year of the twelve years addressed by the No Child Left Behind Act.

Calculating AYP and Annual Expected Performance Levels

| | K-5 Math | K-5 Literacy | 6-8 Math | 6-8 Literacy | 9-12 Math | 9-12 Literacy |
|---------------|-------------|-----------------|-------------|-----------------|--------------|------------------|
| Year 05-06 | 40.00 | 42.40 | 29.10 | 35.20 | 29.20 | 35.50 |
| Year 06-07 | 47.50 | 49.60 | 37.96 | 43.30 | 38.05 | 43.56 |
| Year 07-08 | 55.00 | 56.80 | 46.83 | 51.40 | 46.90 | 51.63 |

| | | | | | | |
|---------------|--------|--------|--------|--------|--------|--------|
| Year 08-09 | 62.50 | 64.00 | 55.69 | 59.50 | 55.75 | 59.69 |
| Year 09-10 | 70.00 | 71.20 | 64.55 | 67.60 | 64.60 | 67.75 |
| Year 10-11 | 77.50 | 78.40 | 73.41 | 75.70 | 73.45 | 75.81 |
| Year 11-12 | 85.00 | 85.60 | 82.28 | 83.80 | 82.30 | 83.88 |
| Year 12-13 | 92.50 | 92.80 | 91.14 | 91.90 | 91.15 | 91.94 |
| Year 13-14 | 100.00 | 100.00 | 100.00 | 100.00 | 100.00 | 100.00 |

~~8.14~~— Each year, in determining whether a school has met the target of percent proficient for that school year as listed on the chart, the Department shall compare the school's percent proficient in the appropriate grade-level cluster and content area with the statewide projected goal for that year. A school shall be deemed to have met AYP for a particular year for a particular grade-level cluster and content area as long as the school attains at least the statewide projected goal.

~~8.15~~— Individual Schools identified by the Department as failing to meet established levels of academic achievement shall be subject to sanctions as specified in school improvement or academic distress.

~~8.16~~— Schools/School Districts exemplifying exceptional performance levels and/or growth patterns shall be recognized for exemplary performance and will be eligible to participate in the rewards program.

~~9.0~~—Accountability

~~NOTE: Consult Section 13.00 of these Rules for applicable ESEA flexibility provisions as approved by the US Ed on June 29, 2012. Sections 9.13 and 9.14 of these Rules continue to apply along with Section 13.00 of these Rules.~~

~~Schools failing to meet Adequate Yearly Progress as determined under these Rules shall be classified subject to the following consequences.~~

~~9.01~~— A school will be identified in alert status if it has not made AYP in the same subject (Mathematics or Literacy) for one year.

~~9.02~~— A school will be identified as in Improvement Status if it has not made AYP in the same subject (Mathematics or Literacy) for two consecutive years.

- 9.03—~~A school in Alert Status or Improvement Status that fails to make AYP, but does not fail to make AYP in the same subject for two consecutive years, will remain in its existing status for the following school year.~~
- 9.04—~~The first year a school fails to meet expected performance levels, that school shall be classified as on Alert Status. Any school classified on Alert Status shall be required to review and/or revise the school's ACSIP Plan with special attention given to State designated subgroup(s) which failed to meet expected performance levels.~~
- 9.05—~~The local school board president and the superintendent of a public school or school district identified by the Department in school improvement shall be notified in writing by the Department, via certified mail, return receipt requested, and the school district shall have a right to appeal to the Commissioner of the Department. The written appeal must be received in the Office of the Commissioner of Education within thirty (30) calendar days of the receipt of notice.~~
- 9.06—~~The second year a school fails to make Adequate Yearly Progress, that school shall be classified as Year 1 of School Improvement. Any school classified in Year 1 of School Improvement shall offer eligible students choice options to another school in the district not in school improvement.~~
- 9.07—~~The third year a school fails to make Adequate Yearly Progress, that school shall be classified as Year 2 of School Improvement. Any school classified in Year 2 of School Improvement shall offer eligible students supplementary educational services in keeping with federal guidelines in addition to continued consequences from Year 1 of School Improvement.~~
- 9.08—~~Should a school fail to make Adequate Yearly Progress in the fourth year, the Board shall advance that school into corrective action. Schools in corrective action must continue to offer consequences from School Improvement Year 2, and the school must implement a plan, with the approval of the Department, having specified corrective actions.~~
- 9.09—~~Should a school fail to make Adequate Yearly Progress in the fifth year, the Board shall advance that school into restructuring. In restructuring the Department may require the school to dismiss staff and administrators, annex the school to another school that is not in school improvement, and/or take other such action as deemed necessary by the Department and the Board.~~
- 9.10—~~Once a school has been identified in school improvement, that school must meet the standard(s) for which it failed to meet for two consecutive years to be considered for removal.~~

~~9.11 — Schools that receive Title I funds must meet all funding requirements as specified by federal guidelines. Schools that do not receive Title I funds must implement programming in keeping with the school’s ACSIP Plan as revised.~~

~~9.12 — Schools designated in year two or greater of school improvement shall participate in a scholastic audit conducted by the Department of Education (or its designees).~~

~~9.12.1 — Results of the scholastic audit shall be presented to the superintendent within four (4) weeks of completing the scholastic audit. The audit shall make recommendations to improve teaching and learning for inclusion in the comprehensive school improvement plan.~~

~~9.13 Recognition Awards~~

~~9.13.1 — Pursuant to Ark. Code Ann. § 6-15-2107m schools performing at the top twenty percent (20%) of all public schools in Arkansas in combined student performance, student academic growth, and, for a secondary school, graduate rate, are eligible for Arkansas School Recognition Program rewards and performance based funding.~~

~~9.14 Sanctions~~

~~9.14.1 — Any school or district that is involved in substantiated test security violations will not be eligible to receive the “school of excellence” performance rating.~~

~~10.0 — School District Accountability~~

~~NOTE: During the time periods designated by the US Ed for which the ADE may receive flexibility from certain provisions of ESEA, the school district accountability provisions found in Section 13.00 of these Rules shall apply. Sections 10.04 through 10.07 of these Rules shall remain in place even during time periods designated by the US Ed for which the ADE may receive flexibility from certain provisions of ESEA.~~

~~10.01 — The Department annually reviews each district to determine whether the district is making AYP in the following way:~~

~~10.01.1 — Determine the collective status for all the schools within a district within each grade level grouping (K-5; 6-8 and 9-12);~~

~~10.01.2 — Determine the district percent of participation across each~~

~~grade level group; and~~

~~10.01.3—Determine the district status on secondary indicator across each grade level group.~~

~~10.01.4—A district shall be in school improvement when all levels within a district fail to meet performance standards for two consecutive years in the same subject. A district having status of School Improvement shall be removed from that status when any one level meets the performance standard for two consecutive years in that subject.~~

~~10.02—Before identifying a district for district improvement, the Department will provide the district with an opportunity to review the data on which the identification is based. The district may appeal the identification, and the Department will decide the appeal within 30 days.~~

~~10.03—Each district identified for district improvement shall within three months of identification develop or revise a district improvement plan that complies with the requirements of the No Child Left Behind Act, including the requirement that it spend not less than 10% of its Part A, Title I funds on professional development for each fiscal year in which the district is identified for improvement. The district shall initiate implementation of the plan expeditiously, but not later than the beginning of the next school year after the school year in which the district was identified for improvement. The Department will provide technical assistance to districts in developing and implementing improvement plans under this section.~~

~~10.04—Academic Distress—Procedures for Identification, Classification and Appeal of Public School and Public School Districts in Academic Distress~~

~~10.04.1—A public school or public school district which meets the definition of “Academic Distress” set forth in Section 3.02 of these rules shall be designated in Academic Distress.~~

~~10.04.2—Within thirty calendar days (30) after the release of the state assessment results by the Department or upon making a determination that a school district has a Needs Improvement—Priority school within the school district that has not made the progress required under the school’s Priority Improvement Plan (PIP), the Department shall identify all public schools and public school districts in Academic Distress and shall notify in writing each school district superintendent and board president of the public school and public school districts via certified mail, return receipt requested.~~

- ~~10.04.3~~—Any school district identified or in which a public school is identified in academic distress may appeal to the State Board by filing a written appeal with the Commissioner of Education via certified mail, return receipt requested, within thirty (30) calendar days of receipt of the written notice of academic distress status from the Department.
- ~~10.04.4~~—The State Board shall hear the appeal of the school district within sixty (60) days of receipt of the written appeal in the Commissioner's office.
- ~~10.04.5~~—The State Board's determination shall be final, except that a school district may appeal to Pulaski County Circuit Court under the Arkansas Administrative Procedure Act, Ark. Code Ann. § 25-15-201, et seq.
- ~~10.04.6~~—A school district or public school identified by the Department as being in academic distress shall be classified as a school district or public school in academic distress upon final determination by the State Board.
- ~~10.05~~—Time Limitation of Academic Distress Status
- ~~10.05.1~~—Except as otherwise set forth in these Rules and Ark. Code Ann. § 6-15-429 and § 6-15-430, a public school or public school district identified as in academic distress shall have no more than five (5) consecutive school years from the date of classification of academic distress status to be removed from academic distress status.
- ~~10.05.2~~—The State Board may at any time take enforcement action on any school district in academic distress status including without limitation, annexation, consolidation, or reconstitution of a school district pursuant to Ark. Code Ann. § 6-13-1401 et seq. and the authority of Title 6, Chapter 15, Subchapter 4 of the Arkansas Code.
- ~~10.05.3~~—The State Board may take enforcement action at any time on a public school in academic distress under these Rules and Title 6, Chapter 15, Subchapter 4 of the Arkansas Code.
- ~~10.05.4~~—Except as otherwise set forth in these Rules and Ark. Code Ann. § 6-15-429 and § 6-15-430(d), a public school or school district shall not be allowed to remain in academic distress status for a time period greater than five (5) consecutive school

~~years from the date of the classification of academic distress status.~~

~~10.05.5 — The State Board may grant additional time for a public school or school district to remove itself from academic distress by issuing a written finding supported by a majority of the State Board explaining in detail that the public school or school district could not remove itself from academic distress during the relevant time period due to impossibility caused by external forces beyond the control of the public school or school district.~~

~~10.05.6 — If a public school or school district classified as being in academic distress fails to be removed from academic distress status within the allowed five-year time period and has not been granted additional time under these Rules or Ark. Code Ann. § 6-15-429, the State Board shall annex, consolidate, or reconstitute the public school or school district before July 1 of the next school year.~~

~~10.06 — Procedures for assisting school districts in academic distress~~

~~10.06.1 — Within thirty (30) calendar days of classification by the State Board, each public school and public school district in academic distress shall develop and file with the Department a modified Comprehensive School Improvement Plan (District Plan) to target and address any area in which the public school or public school district is experiencing academic distress.~~

~~10.06.2 — Within fifteen (15) calendar days of classification by the State Board, the Department shall assign a team of educators to evaluate the public school or public school district and determine the need for on-site technical assistance or technical assistance via distance technology.~~

~~10.06.3 — The team of educators shall evaluate and make recommendations to the public school or public school district superintendent within sixty (60) calendar days following the school's or district's classification as being in academic distress.~~

~~10.06.4 — Public schools and public school districts classified as being in academic distress shall provide access to all school and district assessment, instruction, personnel and academic records and reports to assist the team in the formulation of the recommendations for improvement.~~

~~10.06.5—The Department, with assistance from the team of educators, shall review the data relative to the academic status and performance of students in the academically distressed public school or public school district.~~

~~10.06.6—Following the on-site review, the team of educators will submit a written set of recommendations to the academically distressed public school or public school district.~~

~~10.06.7—The Department shall provide relevant technical assistance to each identified public school or public school district based upon the needs identified in the Comprehensive School Improvement Plan.~~

~~10.07—Procedures for evaluating and removal of public schools and public school districts from academic distress status~~

~~10.07.1—The Department shall review and annually report to the Board the academic conditions existing in each academically distressed public school or public school district.~~

~~10.07.2—A public school or public school district designated in Academic Distress shall be removed from Academic Distress only upon vote of a majority of the quorum present of the State Board and only after the Department has certified in writing to the State Board that the school district has corrected all criteria for being classified as in academic distress.~~

~~11.0—State Board Authority~~

~~11.01—The Board shall have the following authority regarding any public school district in academic distress:~~

~~11.01.1—Remove permanently, reassign, or suspend on a temporary basis the superintendent of the school district and:~~

~~11.01.1.1—Appoint an individual in place of the superintendent to administratively operate the school district under the supervision and approval of the Commissioner of Education; and~~

~~11.01.1.2—Compensate from school district funds the individual appointed to operate the school district;~~

- ~~11.01.2—Suspend or remove some or all of the current board of directors and call for the election of a new board of directors for the school district, in which case the school district shall reimburse the county board of election commissioners for election costs as otherwise required by law;~~
- ~~11.01.3—Require the school district to operate without a board of directors under the supervision of the superintendent or an individual or panel appointed by the Commissioner of Education;~~
- ~~11.01.4—Waive the application of Arkansas law, with the exception of The Teacher Fair Dismissal Act of 1983, Ark. Code Ann. § 6-17-1501 et seq., and the Public School Employee Fair Hearing Act, Ark. Code Ann. § 6-17-1701 et seq., or the corresponding State Board rules and regulations;~~
- ~~11.01.5—Require the annexation, consolidation, or reconstitution of the school district;~~
- ~~11.01.6—In the absence of a board of directors, direct the Commissioner to assume all authority of the board of directors as may be necessary for the day-to-day governance of the school district;~~
- ~~11.01.7—Return the administration of the school district to the former board of directors or to a newly elected board of directors if:~~
- ~~11.01.7.1—The Department of Education certifies in writing to the State Board and to the school district that the school district has corrected all issues that caused the classification of academic distress; and~~
- ~~11.01.7.2—The State Board determines that the school district has corrected all issues that caused the classification of academic distress; and~~
- ~~11.01.8—Take any other necessary and proper action, as determined by the State Board, that is allowed by law.~~
- ~~11.02—The State Board shall have the following authority regarding any public school in academic distress:~~
- ~~11.02.1—Require the reorganization of the public school or reassignment of the administrative, instructional, or support staff of the public school;~~

- ~~11.02.2—Require the public school to institute and fully implement a student curriculum and professional development for teachers and administrators that are based on state academic content and achievement standards, with the cost to be paid by the school district in which the public school is located;~~
- ~~11.02.3—Require the principal of the public school to relinquish all authority with respect to the public school;~~
- ~~11.02.4—Waive the application of Arkansas law or the corresponding State Board rules, with the exception of:~~
- ~~11.02.4.1—The Teacher Fair Dismissal Act of 1983, Ark. Code Ann. § 6-17-1501 et seq.; and~~
- ~~11.02.4.2—The Public School Employee Fair Hearing Act, Ark. Code Ann. § 6-17-1701 et seq.;~~
- ~~11.02.5—Under The Teacher Fair Dismissal Act of 1983, Ark. Code Ann. § 6-17-1501 et seq., reassign or remove some or all of the licensed personnel of the public school and replace them with licensed personnel assigned or hired under the supervision of the Commissioner;~~
- ~~11.02.6—Remove the public school from the jurisdiction of the school district in which the public school is located and establish alternative public governance and supervision of the public school;~~
- ~~11.02.7—Require closure or dissolution of the public school;~~
- ~~11.02.8—Remove permanently, reassign, or suspend on a temporary basis the superintendent of the school district in which the public school is located. If the State Board takes an action under Section 11.02.8 of these Rules, it may appoint an individual in place of the superintendent to administratively operate the school district under the supervision and approval of the commissioner and compensate the appointed individual;~~
- ~~11.02.9—Take one (1) or more of the actions under Section 11.01 of these Rules concerning the public school district where the school is located;~~
- ~~11.02.10—Return the administration of the school district to the former board of directors or to a newly elected board of directors if:~~

~~11.02.10.1 The Department certifies in writing to the State Board and to the school district that the public school has corrected all issues that caused the classification of academic distress and that no public school within the school district is classified as being in academic distress; and~~

~~11.02.10.2 The State Board determines the public school has corrected all issues that caused the classification of academic distress and that no public school within the school district is classified as being in academic distress; and~~

~~11.02.11 Take any other appropriate action allowed by law that the State Board determines is needed to assist and address a public school classified as being in academic distress.~~

~~11.03 If the State Board or the Commissioner assumes authority over a public school district in academic distress under Sections 11.01 or 11.02 of these Rules, the State Board may pursue the following process for returning a public school district to the local control of its residents:~~

~~11.03.1 During the second school year following a public school's or school district's classification of academic distress status, the State Board shall determine the extent of the public school or school district's progress toward correcting all criteria for being classified as in academic distress;~~

~~11.03.2 If the State Board determines that sufficient progress has been made by a public school or school district in academic distress toward correcting all issues that caused the classification of academic distress, but the public school or school district has not yet resolved all issues that caused the classification of academic distress, the Commissioner, with the approval of the State Board, may appoint a community advisory board of either five (5) or seven (7) members to serve under the supervision and direction of the Commissioner.~~

~~11.03.2.1 The members of the community advisory board shall be residents of the school district and shall serve on a voluntary basis without compensation.~~

~~11.03.2.2 The Department shall cause to be provided to the community advisory board technical assistance and training in, at a minimum, the areas required in Ark. Code Ann. § 6-13-629.~~

~~11.03.2.3 The duties of a community advisory board include without limitation:~~

- ~~11.03.2.3.1 Meeting monthly during a regularly scheduled public meeting with the state-appointed administrator regarding the progress of the public school or school district toward correcting all issues that caused the classification of academic distress;~~
- ~~11.03.2.3.2 Seeking community input from the residents of the school district regarding the progress of the public school or school district toward correcting all issues that caused the classification of academic distress;~~
- ~~11.03.2.3.3 Conducting hearings and making recommendations to the Commissioner regarding personnel and student discipline matters under the appropriate district policies;~~
- ~~11.03.2.3.4 Working to build community capacity for the continued support of the school district; and~~
- ~~11.03.2.3.5 Submitting quarterly reports to the Commissioner and the State Board regarding the progress of the public school or school district toward correcting all issues that caused the classification of academic distress.~~
- ~~11.03.2.3.6 The members of the community advisory board shall serve at the pleasure of the Commissioner until the school district is returned to local control and a permanent board of directors is elected and qualified; or the State Board annexes, consolidates, or reconstitutes the school district under Ark. Code Ann.~~

~~§ 6-15-430 or under another provision of law;~~

~~11.03.2.4 — By April 1 of each year following the appointment of a community advisory board under 11.03.2 of these Rules, the State Board shall determine the extent of the public school or school district's progress toward correcting all issues that caused the classification of academic distress and shall:~~

~~11.03.2.4.1 — Allow the community advisory board to remain in place for one (1) additional year;~~

~~11.03.2.4.2 — Return the school district to local control by calling for the election of a newly elected board of directors if the Department certifies in writing to the State Board and to the school district that the public school or school district has corrected all issues that caused the classification of academic distress and that no public school within the school district is classified as being in academic distress; and the State Board determines the public school or school district has corrected all issues that caused the classification of academic distress and that no public school within the school district is classified as being in academic distress; or~~

~~11.03.2.4.3 — Annex, consolidate, or reconstitute the school district pursuant to Title 6 of the Arkansas Code.~~

~~11.03.2.5 — If the State Board calls for an election of a new school district board of directors, the school district shall reimburse the county board of election commissioners for election costs as otherwise required by law.~~

~~11.03.2.6 — If the State Board calls for an election of a new school district board of directors, the~~

~~Commissioner, with the approval of the State Board, may appoint an interim board of directors to govern the school district until a permanent school district board of directors is elected and qualified.~~

~~11.03.2.6.1—The interim board of directors shall consist of either five (5) or seven (7) members.~~

~~11.03.2.6.2—The members of the interim board of directors shall be residents of the school and otherwise eligible to serve as school district board members under applicable law.~~

~~11.03.2.6.3—The members of the interim board of directors shall serve on a voluntary basis without compensation.~~

~~11.04—If, by the end of the fifth school year following the public school or public school district’s classification of academic distress status, the public school or school district in academic distress has not corrected all issues that caused the classification of academic distress, the State Board, after a public hearing, shall consolidate, annex, or reconstitute the school district pursuant to Ark. Code Ann. § 6-15-430.~~

~~11.04.1—The State Board may grant additional time for a public school or school district to remove itself from academic distress by issuing a written finding supported by a majority of the State Board explaining in detail that the public school or school district could not remove itself from academic distress during the relevant time period due to impossibility caused by external forces beyond the control of the public school or school district.~~

~~11.05—Nothing in these Rules shall be construed to prevent the Department or the State Board from taking any of the actions listed in these Rules or in Ark. Code Ann. § 6-15-430 at any time to address public schools and school districts in academic distress.~~

~~11.06—To transition to and implement the Common Core State Standards, the Board shall have the authority to:~~

~~11.06.1—Modify curriculum and assessment requirements;~~

~~11.06.2—Adopt new curriculum and assessment requirements; and~~

~~11.06.3—Direct the Department of Education to:~~

~~11.06.3.1—Propose to the state board rules and procedures; and~~

~~11.06.3.2—Develop the professional development needed to train educators on the transition and implementation.~~

~~12.0—School Choice and Academic Distress~~

~~12.01—Any student attending a public school or public school district classified as being in academic distress shall is automatically be eligible and entitled under the Public School Choice Act of 2013, Ark. Code Ann. § 6-18-1901 et seq., or the Arkansas Opportunity Public School Choice Act of 2004, Ark. Code Ann. § 6-18-227, to transfer to another public school or public school district not in academic distress during the time period that the resident public school or public school district is classified as being in academic distress.~~

~~12.02 The cost of transporting the student from the resident district to the nonresident district shall be the cost of the resident district under the Arkansas Opportunity Public School Choice Act of 2004, Ark. Code Ann. § 6-18-227.~~

~~13.00—Elementary and Secondary Education Act (ESEA) Flexibility Provisions~~

~~On June 29, 2012, the United States Department of Education (US Ed) approved the Arkansas Department of Education's (ADE) request for flexibility from certain provisions of the ESEA. The approved ESEA flexibility request can be found at:~~

~~http://www.arkansased.org/public/userfiles/ESEA/AR_ESEA_Flexibility_Amended_10252012.pdf~~

~~The ADE's ESEA flexibility request, as it existed on July 9, 2012, is hereby incorporated into these Rules by reference. Key components of the ESEA flexibility requirements are noted below.~~

~~13.01—The US Ed approved the following waivers of ESEA for the State of Arkansas:~~

~~13.01.1—The requirements in ESEA section 1111(b)(2)(E)-(H) that prescribe how an SEA must establish annual measurable objectives (AMOs) for determining adequate yearly progress (AYP) to ensure that all students meet or exceed the State's proficient level of academic achievement on the State's assessments in~~

~~reading/language arts and mathematics no later than the end of the 2013–2014 school year. Arkansas requested this waiver to develop new ambitious but achievable AMOs in reading/language arts and mathematics in order to provide meaningful goals that are used to guide support and improvement efforts for the State, LEAs, schools, and student subgroups.~~

- ~~13.01.2 — The requirements in ESEA section 1116(b) for an LEA to identify for improvement, corrective action, or restructuring, as appropriate, a Title I school that fails, for two consecutive years or more, to make AYP, and for a school so identified and its LEA to take certain improvement actions. Arkansas requested this waiver so that an LEA and its Title I schools need not comply with these requirements.~~
- ~~13.01.3 — The requirements in ESEA section 1116(c) for an SEA to identify for improvement or corrective action, as appropriate, an LEA that, for two consecutive years or more, fails to make AYP, and for an LEA so identified and its SEA to take certain improvement actions. Arkansas requested this waiver so that it need not comply with these requirements with respect to its LEAs.~~
- ~~13.01.4 — The requirements in ESEA sections 6213(b) and 6224(e) that limit participation in, and use of funds under the Small, Rural School Achievement (SRSA) and Rural and Low Income School (RLIS) programs based on whether an LEA has made AYP and is complying with the requirements in ESEA section 1116. Arkansas requested this waiver so that an LEA that receives SRSA or RLIS funds may use those funds for any authorized purpose regardless of whether the LEA makes AYP.~~
- ~~13.01.5 — The requirement in ESEA section 1114(a)(1) that a school have a poverty percentage of 40 percent or more in order to operate a schoolwide program. Arkansas requested this waiver so that an LEA may implement interventions consistent with the turnaround principles or interventions that are based on the needs of the students in the school and designed to enhance the entire educational program in a school in any of its priority and focus schools that meet the definitions of “priority schools” and “focus schools,” respectively, set forth in the document titled ESEA Flexibility, as appropriate, even if those schools do not have a poverty percentage of 40 percent or more.~~
- ~~13.01.6 — The requirement in ESEA section 1003(a) for an SEA to distribute funds reserved under that section only to LEAs with schools identified for improvement, corrective action, or~~

restructuring. Arkansas requested this waiver so that it may allocate section 1003(a) funds to its LEAs in order to serve any of the State's priority and focus schools that meet the definitions of "priority schools" and "focus schools," respectively, set forth in the document titled *ESEA Flexibility*.

- 13.01.7 — The provision in ESEA section 1117(c)(2)(A) that authorizes an SEA to reserve Title I, Part A funds to reward a Title I school that (1) significantly closed the achievement gap between subgroups in the school; or (2) has exceeded AYP for two or more consecutive years. Arkansas requested this waiver so that it may use funds reserved under ESEA section 1117(c)(2)(A) for any of the State's reward schools that meet the definition of "reward schools" set forth in the document titled *ESEA Flexibility*.
- 13.01.8 — The requirements in ESEA section 2141(a), (b), and (c) for an LEA and SEA to comply with certain requirements for improvement plans regarding highly qualified teachers. Arkansas requested this waiver to allow the SEA and its LEAs to focus on developing and implementing more meaningful evaluation and support systems.
- 13.01.9 — The limitations in ESEA section 6123 that limit the amount of funds an SEA or LEA may transfer from certain ESEA programs to other ESEA programs. Arkansas requested this waiver so that it and its LEAs may transfer up to 100 percent of the funds it receives under the authorized programs among those programs and into Title I, Part A.
- 13.01.10 — The requirements in ESEA section 1003(g)(4) and the definition of a Tier I school in Section I.A.3 of the School Improvement Grants (SIG) final requirements. Arkansas requested this waiver so that it may award SIG funds to an LEA to implement one of the four SIG models in any of the State's priority schools that meet the definition of "priority schools" set forth in the document titled *ESEA Flexibility*.
- 13.02 — US Ed Flexibility Principle 1: College and Career Ready Expectations for All Students
- 13.02.1 — Definition of College and Career Ready: The acquisition of the knowledge and skills a student needs to be successful in all future endeavors including credit bearing, first year courses at a postsecondary institution (such as a two or four year college, trade school, or technical school) or to embark successfully on a chosen career. The State Board will make its determination of the

~~requisite scale score of student performance on college and career readiness measurements used for college placement in conjunction with the Arkansas Higher Education Coordinating Board.~~

~~13.02.1 The State Board voted to participate in the Common Core State Standards for English Language Arts (ELA) and Mathematics in July 2010.~~

~~13.02.2 The following timeline will lead to full implementation of the Common Core State Standards during the 2013-2014 school year:~~

~~13.02.2.1 Grades K-2 implemented the Common Core State Standards during the 2011-2012 school year.~~

~~13.02.2.2 Grades 3-8 will implement the Common Core State Standards during the 2012-2013 school year.~~

~~13.02.2.3 Grades 9-12 will implement the Common Core State Standards during the 2013-2014 school year.~~

~~13.03 US Ed Flexibility Principle 2: State-Developed Differentiated Recognition, Accountability and Support~~

~~13.03.1 The requirements contained within Section 13.03 of these rules shall comprise the Arkansas Differentiated Accountability, Recognition and Tiered Support System (DARTSS).~~

~~13.03.2 The goals of DARTSS are, without limitation:~~

~~13.03.2.1 To move toward a unified federal and state accountability system beginning in 2012-2013; and~~

~~13.03.2.2 To establish the flexibility and opportunity to direct additional resources to schools with the lowest achieving students.~~

~~13.03.3 DARTSS differs from the current ESEA accountability system in the following ways:~~

~~13.03.3.1 The ESEA goal of 100 percent (100%) proficient by 2013-2014 is hereby replaced with a new goal of reducing proficiency gaps by half by the 2016-2017 school year.~~

~~13.03.3.2 — Traditional ESEA accountability status labels are replaced by accountability and assistance levels for all schools.~~

~~13.03.3.3 — Adequate Yearly Progress (AYP) is replaced with accountability levels based upon Annual Measurable Objectives (AMOs) for public schools and school districts.~~

~~13.03.3.4 — Performance (proficiency), growth and graduation rate indicators will now use a minimum N, or sample size, of 25 students for accountability purposes.~~

~~13.03.3.5 — DARTSS will place enhanced focus on subgroups through the Targeted Achievement Gap Group (TAGG).~~

~~13.03.3.6 — Federal SES and school choice requirements are replaced by supports and interventions responsive to identified needs of students and schools.~~

~~13.04 — The following groups of students will be included in DARTSS for the purposes of determining accountability status for school districts and schools:~~

~~13.04.1 — All Students Group: All students in the school and school district.~~

~~13.04.2 — Targeted Achievement Gap Group (TAGG), which includes the following students:~~

~~13.04.2.1 — Economically Disadvantaged;~~

~~13.04.2.2 — English Learners (EL); and~~

~~————— 13.04.2.3 — Students with Disabilities (SWD).~~

~~13.05 — The following groups of students will be included in DARTSS for the purposes of ACSIP and ESEA reporting:~~

~~13.05.1 — African American;~~

~~13.05.2 — Hispanic;~~

~~13.05.3 — White;~~

~~13.05.4 — Economically Disadvantaged;~~

~~13.05.5 — English Learners; and~~

~~13.05.6 — Students with Disabilities.~~

~~13.06 — Each group of students shall be measured according to the following Annual Measurable Objectives (AMOs):~~

~~13.06.1 — Math Proficiency;~~

~~13.06.2 — Math Growth (Grades 4-8);~~

~~13.06.3 — Literacy Proficiency;~~

~~13.06.4 — Literacy Growth (Grades 4-8); and~~

~~13.06.5 — Graduation Rate (High School).~~

~~13.07 — AMO Calculations~~

~~13.07.1 — The ADE shall give schools and school districts full credit for meeting a particular AMO when the growth, performance or graduation rate meets or exceeds ninety-four percent (94%).~~

~~13.07.2 — The ADE shall initially calculate performance (proficiency) and growth AMOs based upon 2011 test results.~~

~~13.07.3 — The ADE shall use a lagging graduation rate in its annual accountability determination.~~

~~13.07.3.1 — The ADE shall calculate graduation rate AMOs using 2010 four-year cohort graduation rates in accordance with its flexibility proposal.~~

~~13.07.4 — AMO calculations will be based upon a minimum N of 25. For schools with too few students to calculate the AMO in 2011, the AMO calculations shall be based on a two (2)-year weighted average.~~

~~13.07.5 — In order to be eligible to be classified as Achieving or Exemplary, schools and school districts must test ninety-five percent (95%) of students in the All Students and TAGG groups.~~

~~13.08 — DARTSS Accountability Labels~~

~~13.08.1 — School districts shall be broadly classified as either:~~

- 13.08.1.1 — ~~Achieving; or~~
- 13.08.1.2 — ~~Needs Improvement.~~
- 13.08.1.3 — ~~School districts will be broadly classified based upon criteria similar to that used for the classification of individual schools. To be classified as “Achieving,” a school district must meet performance or growth AMOs for math and literacy for All Students and the TAGG, as well as graduation rate AMOs for All Students and the TAGG.~~
- 13.08.2 — ~~ADE engagement and school district autonomy shall be determined by the extent of the needs identified within the district. The extent of needs will be identified based upon the presence of identified Needs Improvement Focus and Needs Improvement Priority schools in the district, the number and type of AMOs not met for performance, growth, and graduation rate, and the number of district AMOs not met for performance, growth and graduation rate.~~
- 13.08.3 — ~~Individual schools within school districts shall be classified as one of the following:~~
- 13.08.3.1 — ~~Exemplary;~~
- 13.08.3.2 — ~~Achieving;~~
- 13.08.3.3 — ~~Needs Improvement;~~
- 13.08.3.4 — ~~Needs Improvement (Focus); or~~
- 13.08.3.5 — ~~Needs Improvement (Priority):~~
- 13.08.3.5.1 — ~~Within a time period determined by the ADE, a school classified as a Needs Improvement (Priority) school must develop and file with the ADE a Priority Improvement Plan (PIP) that is integrated into the school’s ACSIP plan.~~
- 13.08.3.5.2 — ~~A school district with a Needs Improvement (Priority) school that~~

has not made the progress required under the school's Priority Improvement Plan (PIP) may be identified by the ADE as a school district in academic distress.

13.08.4 The following table lists the ADE engagement and district autonomy associated with school accountability status:

| Status | Description | ADE Engagement/District Autonomy |
|--------------------------------|---|--|
| Exemplary | <ul style="list-style-type: none"> • High Performance • High Progress • High TAGG high performance • High TAGG high progress | <ul style="list-style-type: none"> • Very low ADE engagement • Very high district autonomy |
| Achieving | <ul style="list-style-type: none"> • Three-year ACSIP—Meet all performance, graduate rate and growth AMOs for All Students Group and TAGG • One-year ACSIP—Meet all performance and graduation rate AMOs for All Students Group and TAGG, but miss growth AMOs for All Students Group or TAGG | <ul style="list-style-type: none"> • Very low ADE engagement • High district autonomy |
| Needs Improvement | <ul style="list-style-type: none"> • Does not meet performance, graduation rate or growth AMOs for All Students and TAGG | <ul style="list-style-type: none"> • Low to moderate ADE engagement • Moderate district autonomy |
| Needs Improvement—Focus | <ul style="list-style-type: none"> • Schools with largest, persistent gaps between non-TAGG and TAGG students • Graduation rates less | <ul style="list-style-type: none"> • High ADE engagement • Low district autonomy |

| | | |
|--|---|---|
| | <p>than sixty percent (60%) over a period of several years and which are not classified as Needs Improvement Priority schools.</p> | |
| <p>Needs Improvement Priority</p> | <ul style="list-style-type: none"> ● Schools with persistently lowest achievement in math and literacy over three years for the All Students Group ● Graduation rates less than sixty percent (60%) over a period of several years. | <ul style="list-style-type: none"> ● Very high ADE engagement ● Low district autonomy |

13.09 Strategic Use of Title I Funds

13.09.1 School districts may use the flexibility granted by the US Ed to help lowest performing schools make targets by:

13.09.1.1 Serving the lowest performing schools with Title I and/or NSLA funding using the most appropriate methods aligned to identified student and adult learning needs;

13.09.1.2 Designating any Needs Improvement (Focus) or Needs Improvement (Priority) school as a Title I schoolwide program school, even if the school does not have a poverty percentage of forty percent (40%) or more; and

13.09.1.3 Transferring up to one hundred percent (100%) of the school district's Title II A funds into Title I and using them for Title I purposes.

13.09.2 School districts have the following continuing obligations for the use of Title I A Funds:

- ~~13.09.2.1~~ — Prioritize the school district's lowest achieving students in its lowest performing schools;
- ~~13.09.2.2~~ — Allocate Title I-A funds equal to the scope of the problem; and
- ~~13.09.2.3~~ — Demonstrate alignment of federal and NSLA allocations sufficient to support implementation of interventions.

~~13.10 Process for Notification and Review~~

- ~~13.10.1~~ — Prior to the first possible day of school, as defined by Ark. Code Ann. § 6-10-106, the Arkansas Department of Education shall notify the school board president and superintendent of each public school district of the following in writing, via certified mail, return receipt requested:
 - ~~13.10.1.1~~ — The school district's preliminary classification under Section 13.08.1 of these rules; and
 - ~~13.10.1.2~~ — The preliminary classification of each individual school within a school district under Section 13.08.3 of these rules.
- ~~13.10.2~~ — Contemporaneous with the notice required by Section 13.10.1 of these rules, the Arkansas Department of Education shall make available to the school board president and superintendent the data upon which the preliminary classifications of school districts and individual public schools were based.
- ~~13.10.3~~ — School districts shall have thirty (30) days from receipt of the notification required by Section 13.10.1 of these rules to review the data upon which the preliminary classifications of school districts and individual public schools were based, to submit to the Arkansas Department of Education any requests for corrections to the data, and to submit any other reason(s) for which the preliminary classifications should be modified. School districts may request revisions to the preliminary classifications for school districts and individual public schools during the same thirty (30) day period.
- ~~13.10.4~~ — Prior to January 1 of each school year, the Arkansas Department of Education shall review the information submitted by school districts pursuant to Section 13.10.3 of these rules and publish a

~~final classification for each school district and individual public school.~~

~~13.11—US Ed Flexibility Principle 3: Supporting Effective Instruction and Leadership~~

~~Arkansas’s requirements for supporting effective instruction and leadership may be found in the Teacher Excellence and Support System (Ark. Code Ann. § 6-17-2801 et seq.) and the Arkansas Department of Education Rules Governing the Teacher Excellence and Support System.~~