

Arkansas Department of Education
Rules Governing the
Arkansas Comprehensive Testing, Assessment and Accountability Program
and the Academic Distress Program
January 2013

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).
- 1.02 The State Board of Education promulgated these Rules pursuant to implementation of Ark. Code Ann. §§ 6-11-105, 6-15-401 et seq., 6-15-2009, and 25-15-204.
- 1.03 These Rules have been amended to reflect the decision of the United States Department of Education (USDOE) 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 USDOE for which the ADE receives flexibility from certain provisions of ESEA.

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 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.
- 2.06 To outline testing and assessment security and confidentiality requirements.
- 2.07 To establish a program to identify, evaluate, assist and advise 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 The ADE shall re-establish the threshold listed in Section 3.02.1.1 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.
- 3.04 "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.
- 3.05 "Alternative Education Intervention Program" – A special instructional program for students who have been retained for two consecutive years. The program shall include research-based learning opportunities and instructional strategies.
- 3.06 "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.
- 3.07 "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.
- 3.08 "Annexation" – The joining of an affected school district or part of the school district with a receiving district under Ark. Code Ann. § 6-15-1401 et seq. or § 6-13-1601 et seq.
- 3.09 "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.

- 3.10 “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 USDOE 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.
- 3.11 “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.
- 3.12 “Augmented Test” – An assessment required by state statute, rule or regulation which combines both criterion-referenced and norm-referenced instruments.
- 3.13 “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.
- 3.14 “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.
- 3.15 “Board” – The Arkansas State Board of Education.
- 3.16 “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. § 6-15-1401 et seq. or § 6-13-1601 et seq.
- 3.17 “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.
- 3.18 “Department” – The Arkansas Department of Education.

- 3.19 “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.
- 3.20 “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.
- 3.21 “Elementary School” – public school(s) having some combination of grades kindergarten through four (K – 4).
- 3.22 “End-of-Course Exam” – a criterion-referenced assessment taken upon the successful completion of a course of study to determine whether a student demonstrates, according to a requisite scale score established by rule of the Board, attainment of necessary knowledge and skills. End-of-Course exams include both general end-of-course assessments and high-stakes end-of-course assessments as further defined herein and as further explained in the Arkansas Department of Education Rules Governing End-of-Course Assessments and Remediation.
- 3.23 “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.
- 3.24 “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.
- 3.25 “General End-of-Course Assessment” – a criterion-referenced assessment taken upon successful completion of 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.

(c) Further guidance concerning the administration and remediation of general end-of-course assessments may be found in the Arkansas Department of Education Rules Governing Public School End-of-Course Assessments and Remediation.

- 3.26 “High School” –grades nine through twelve (9-12).
- 3.27 “High School Literacy Assessment” – an end-of-level literacy assessment given to all students in grade eleven (11).
- 3.28 “High-Stakes End-of-Course Assessment” – a criterion-referenced assessment taken upon the successful completion of both the Algebra I and the English II course of study under Ark. Code Ann. § 6-15-433(b)(3)(A)(iii):
- (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 passing standard of the subject level content in that particular end-of-course assessment; and
- (b) for which failure to meet the requisite scale score requires that the student shall not receive academic credit for the course of study for which the assessment was taken until the student meets the requisite scale score on the initial, a subsequent, or an alternative high-stakes end-of-course assessment as allowed or required by Arkansas law or by State Board rules.
- (c) Further guidance concerning the administration and remediation of high-stakes end-of-course assessments may be found in the Arkansas Department of Education Rules Governing Public School End-of-Course Assessments and Remediation.
- 3.29 “Intensive Reading Improvement Plan (IRI)” – An intervention program for any K-2 student identified with substantial reading difficulties.
- 3.30 “Longitudinal Tracking” –tracking individual student yearly academic achievement gains based on scheduled and annual assessments.
- 3.31 “Middle School” or “Middle Level”– grades five through eight (5 – 8).
- 3.32 “No Child Left Behind Act” – the No Child Left Behind Act of 2001 as signed into federal law on January 8, 2002.
- 3.33 “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, including the assessments developed under the Partnership for Assessment of Readiness for College and Careers (PARCC).

- 3.34 “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.
- 3.35 “Participation in Remediation” - The amount of student involvement required in a student academic improvement plan that addresses those deficiencies for that student.
- 3.36 “Pass Rate” – The pass rate for the Benchmark Exams and the developmental appropriate assessments for K – 2 shall be proficiency. However, the pass rate for end-of-course and high school literacy shall be those scores established and independently approved by the State Board of Education. (See 6.04 for the proficiency definition)
- 3.37 “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.
- 3.38 “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.
- 3.39 “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.
- 3.40 “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.
- 3.41 “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 USDOE for which the ADE may receive flexibility from certain provisions of ESEA as set forth in Section 13.00 of these Rules.

- 3.42 “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.
- 3.43 “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 USDOE 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.
- 3.44 “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.
- 3.45 “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.
- 3.46 “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).
- 3.47 “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.
- 3.48 “Value-Added Computations of Student Gains” – statistical analyses of the educational impact of the school’s instructional delivery system on individual student learning using a comparison of previous and post student achievement gains against a national cohort.

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.

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 Kindergarten, 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 reading and writing literacy and mathematics and science in Grades 5 and 7; (2) End-of-Course testing in Algebra I, Geometry and Biology; (3) High school literacy that measures application of knowledge and skills in reading and writing literacy; (4) social studies as funds are available and approved by the State Board of Education; and (5) for the 2014-2015 school year and thereafter, End-of-Course testing in English II.

- 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 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, General and High-Stakes 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 LEP students shall participate in all required criterion referenced assessments. LEP students 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 LEP students 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. LEP students must take the appropriate mathematics and science tests.

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 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 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; and
 - 5.07.2.6 Establishment of a school district 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 rate for each high-stakes 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 All initial high-stakes end-of course assessments for Algebra I shall be administered by grade ten (10). Beginning with the 2014-2015 school year, all initial high-stakes end-of-course assessments for English II shall be administered by grade ten (10). The Board shall establish a requisite scale score of student performance on the High-Stakes End-of-Course Algebra I Examination. The following numerical scores define that performance level.

High-Stakes End-of-Course Algebra I Pass Scale Score	
Not Pass	Pass
158 and Below	159 and Above

- 6.04 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

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

General End-of-Course Geometry			
Scale Score Ranges			
Below Basic	Basic	Proficient	Advanced
0 - 151	152 - 199	200 - 249	250 & above

General 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 - 249	250 & 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 IRI) 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 passing a benchmark 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 a general 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 pass a general end-of-course assessment.
- 7.03.3.2 A student who is identified as not meeting the requisite scale score for a general end-of-course assessment shall not receive academic credit on his or her transcript for the courses related to the general end-of-course assessment until the student is identified as having participated in remediation through an individualized AIP. For the purpose of a general end-of-course assessment, remediation does not require that a student pass a subsequent end-of-course assessment in order to receive academic credit for a course.
- 7.03.4 Remedial instruction may not be in lieu of English, mathematics, science or social studies, or other core subjects required for graduation.
- 7.03.5 Any student who does not score at the Proficient level on the criterion-referenced assessments in reading, writing 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 A student who does not meet the requisite scale score on the relevant high-stakes end-of-course assessment shall participate in an individualized academic improvement plan.
- 7.03.8.1 An individualized academic improvement plan shall include research-based remediation activities and multiple opportunities for the student to take and pass subsequent high-stakes end-of-course assessments as long as the student remains enrolled in an Arkansas public school and has not reached twenty-one (21) years of age.
- 7.03.8.2 If after two subsequent high-stakes end-of-course assessments a student does not meet the requisite scale score on the initial high-stakes end-of-course assessment, the student shall participate in strand analysis or formative analysis remediation provided and supported by the department before taking a third or subsequent high-stakes end-of-course assessment.
- 7.03.8.3 Subsequent high-stakes end-of-course assessments and associated remediation programs may be administered in electronic format.
- 7.04 The results of general and high-stakes 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). Each course for which a student completes the high-stakes end-of-course assessment shall be recorded with the pass level (pass, not pass) and by performance level (Below Basic, Basic, Proficient, Advanced).
- 7.05 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.
- 7.06 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.
- 7.07 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.
- 7.08 Reading Deficiency for Students in Kindergarten through Grade Two

- 7.08.1 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.
- 7.08.2 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.
- 7.08.3 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.
- 7.08.4 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.
- 7.08.5 The evaluation shall include the Dynamic Indicators of Basic Early Literacy Skills (DIBELS).
- 7.08.6 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.
- 7.08.7 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.
- 7.08.8 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.

- 7.08.9 The intensive reading instruction provided under the IRI shall utilize strategies that are aligned with scientifically-based reading research.
- 7.08.9.1 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.
- 7.08.9.2 The IRI should be individualized; however, similar deficiencies may be remediated through group instruction.
- 7.08.9.3 A highly qualified teacher and/or a highly qualified paraprofessional under the guidance of a highly qualified teacher shall provide instruction under the IRI.
- 7.08.9.4 The intervention shall continue until the child has reached grade level benchmarks in all essential areas of reading.
- 7.08.10 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.
- 7.08.11 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.
- 7.09 The parent or guardian of any student identified with a substantial reading deficiency shall be notified in writing to include the following:
- 7.09.1 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 USDOE 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
 - 8.04.4.3 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 USDOE on June 29, 2012. Sections 9.13 through 9.21 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 School Performance Rating System and Performance Category Levels
- 9.13.1 The Department of Education shall prepare an annual report, which shall describe the school rating system. The annual report shall designate two (2) category levels for each school. The first category, annual performance, is based on the performance from the prior year on the criterion-referenced test and end-of-course exams. The second category, growth, shall be based on the schools' improvement gains tracked longitudinally and using value-added calculations on the criterion-referenced assessment
- 9.13.2 The initial annual report shall identify schools as being in one (1) of the following annual performance category levels, based on the criterion-referenced Benchmark exams, as defined in 6-15-404(g)(1), and defined according to rules of the State Board of Education:
- (1) "Level 5", schools of excellence;
 - (2) "Level 4", schools exceeding the standards;
 - (3) "Level 3", schools meeting the standards;
 - (4) "Level 2", schools on alert; or
 - (5) "Level 1", schools in need of immediate improvement.
- 9.14 For the years 2004-2005 through 2008-2009, school will not be assigned annual school performance category levels, unless an annual performance category levels is requested by the school.
- 9.15 Annual School Performance Rating: Weighted Average Approach
- 9.15.1 Since the ACTAAP testing program in Arkansas was designed as a criterion-referenced assessment system with performance standards, the standards for student performance can be used

to develop a rating index of school performance.

- 9.15.2 Numerical values to be used as weighting factors can be assigned to each student's performance category (Advanced = 4; Proficient = 3; Basic = 2; Below Basic = 1)
- 9.15.3 With these weights assigned to the performance levels, a performance index for the school can be computed by multiplying the weights of the performance levels times the number of students scoring in the performance category.
- 9.15.4 The sum of the weighted student performance for each subject and grade in the school is divided by the total number of students testing the subjects and grades. The resulting average for the school is an index of performance that will range between 1.0 and 4.0.

9.16 Achievement Rating Weighted Average Approach

9.16.1 Assigned the following points:

4 points per student scoring in the advanced category,
 3 points per student scoring in the proficient category;
 2 points per student scoring in the basic category,
 1 point per student scoring in the below basic category.

Points = Number of student scoring in category X points assigned to categories

9.16.2 Example

Number of Students	Scoring Category	Points Assigned to Categories	Total
10	Advanced	4	40
30	Proficient	3	90
40	Basic	2	80
20	Below Basic	1	20
Total points for the school for all categories			230

9.17 Achievement Rating: Weighted Average Approach Calculation

- 9.17.1 To calculate the rating score for each school, divide the total point for the school by the number of students in the school.

Points Received	Number of Students	Rating
230	100	2.3

- 9.17.2 At the direction of the state board, a panel of stakeholders was convened to review the statewide performance of schools and conduct the standard setting process. In the school standard setting process, stakeholders representing administrators,

teachers, business, parents, and school board members served as panelists to decide on the quality level represented by various points within the distribution of school index scores. The state board reviewed and adopted the following standards recommended by the stakeholder's advisory panels for the annual performance rating.

Standard Setting Recommendations Stakeholder Advisory Panels				
Cut Scores	Cut 1/2	Cut 2/3	Cut 3/4	Cut 4/5
Administrators	1.7	2.19	2.76	3.02
Teachers	1.6	2.25	3.0	3.5
Business	1.735	2.145	2.7	3.365
Parents	1.75	2.2	2.65	3.0
School Board	1.81	2.30	2.87	3.30
Median	1.735	2.2	2.755	3.300
Average	1.719	2.21	2.79	3.23

9.17.3 After the rating score has been calculated for each school, schools may calculate their annual performance level by locating the established performance standard (cut score) for placing each school in one of five performance categories.

9.17.4 In the example below, if the rating score of the school is between 3.5 and 4.0, it will be in the "schools of excellence" performance category level.

Expert Panel Cut Scores	Performance Categories
3.23 – 4.0	Schools of excellence
2.79 – 3.22	Schools exceeding the standards
2.21 – 2.78	Schools meeting standards
1.719 – 2.20	Schools approaching the standards (alert)
1.0 – 1.718	Schools in need of immediate improvement

9.17.5 The second category, growth shall be based on the schools' improvement gains tracked longitudinally and using value-added calculations on the criterion-referenced assessment. The working taskforce shall continue to assist in the rating system during the establishment of the second category.

9.18 School Choice

9.18.1 For all schools that have received an annual performance category levels of Level 1 for two (2) consecutive years, the students in these schools shall be offered the opportunity public school choice option with transportation provided pursuant to A.C.A. § 6-18-227 et seq.

9.19 Supplemental Educational Services

- 9.19.1 In addition, the school district board shall provide supplemental educational services, approved by the State Board, to affected students.

9.20 Recognition Awards

- 9.20.1 Schools that receive an annual performance category level of Level 5 or Level 4 are eligible for school recognition awards and performance-based funding pursuant to Ark. Code Ann. §§ 6-15-421 and 6-15-2107.

9.21 Sanctions

- 9.21.1 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 USDOE 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 10.08 of these Rules shall remain in place even during time periods designated by the USDOE 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 School Districts in Academic Distress
- 10.04.1 A 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 school districts in Academic Distress and shall notify in writing each school district superintendent and board president via certified mail, return receipt requested.
- 10.04.3 A school district may appeal a determination of the Department identifying the district as an Academic Distress school district by filing an appeal in writing in the Office of the Commissioner of Education within (30) calendar days after receiving the notification, justifying why the district should not be identified as being in Academic Distress.
- 10.04.4 The Board shall render a written decision of a classification on a district’s appeal of identification as an Academic Distress school district within sixty (60) calendar days of the district’s written request.
- 10.04.5 The decision of the Board shall be final with no further right of appeal, except a school district may appeal to the Circuit Court of Pulaski County pursuant to the Administrative Procedures Act, A.C. A. §25-15-201 et seq.
- 10.05 Time Limitation of Academic Distress Status
- 10.05.1 A public school district identified as in academic distress shall have no more than two (2) consecutive school years beginning

on July 1 following the date of notice of identification to be removed from academic distress status.

- 10.05.2 The Board may at any time take enforcement action on any school district in academic distress status including, but not limited to, annexation, consolidation, or reconstitution of a school district pursuant to A.C.A. § 6-13-1401 et seq.
 - 10.05.3 If a public school district fails to be removed from academic distress status within the allowed two (2) year time period, the Board shall annex, consolidate or reconstitute the academic distress school district prior to July 1 of the next school year unless the Board, at its discretion, issues a written finding supported by a majority of the board, explaining in detail that the school district could not remove itself from academic distress during the relevant time period due to external forces beyond the school district's control.
- 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 Academic Distress school district shall develop and file with the Department a modified Comprehensive School Improvement Plan (District Plan) to target and address any area in which the 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 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 district superintendent within sixty (60) calendar days following the district's classification as an Academic Distress school district.
 - 10.06.4 School districts classified as Academic Distress shall provide access to all 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 Academic Distress school district.
 - 10.06.6 Following the on-site review, the team of educators will submit a written set of recommendations to the Academic Distress school district.

- 10.06.7 The Department shall provide relevant technical assistance to each identified school district based upon the needs identified in the Comprehensive School Improvement Plan.
- 10.08 Procedures for evaluating and removal of school districts from academic distress status
 - 10.08.1 The Department shall review and annually report to the Board the academic conditions existing in each Academic Distress school district.
 - 10.08.2 A 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 Board Authority
 - 11.01 The Board shall have the following authority regarding any public school district in academic distress:
 - 11.01.1 Require the superintendent of the school district to relinquish all authority with respect to the district and to appoint an individual to administratively operate the school district under the supervision of the Commissioner of Education, with the cost to be paid from school district funding;
 - 11.01.2 Suspend or remove some or all of the current board of directors and call for the election of a new school 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 Allow the school district to operate without the local school board of directors under the supervision of the local school district administration or an administration chosen 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, A.C.A. § 6-17-1501 et seq., and the Public School Employee Fair Hearing Act, A.C.A. § 6-17-1701 et seq., or Department Rules.
 - 11.01.5 Require the annexation, consolidation, or reconstitution of the public school district.

- 11.01.6 The Board has exclusive jurisdiction to determine the boundary lines of the receiving or resulting school district and to allocate assets and liability of the district.
 - 11.01.7 Take any other necessary and proper action as determined by the Board that is allowed by law.
 - 11.01.8 After providing thirty (30) calendar days written notice, via certified mail return receipt requested, to a school district, the Department may petition the Board or the Board on its own motion, at any time, may take action pursuant to this section 11.0 as allowed by Act 1467 of 2003, in order to secure and protect the best interest of students in the public school district or to secure and protect the best interest of the educational resources of the state.
 - 11.01.9 The School District shall have a right of appeal to a public hearing before the Board after filing a written notice of appeal with the office of the Commissioner of the Department at least thirty (30) calendar days prior to the appeal hearing.
 - 11.01.10 The State Board shall consolidate, annex or reconstitute a school district that fails to remove itself from the classification of a school district in academic distress within two (2) consecutive school years of receipt of notice of identification unless the Board, at its discretion, issues a written finding supported by a majority of the Board, explaining in detail that the school district could not remove itself from academic distress due to impossibility caused by external forces beyond the school district's control.
 - 11.01.11 After a public hearing, the Board shall consolidate, annex, or reconstitute the school district in academic distress to another non-academic distress school district upon a majority vote of a quorum of the members of the Board as permitted or required by this subchapter.
 - 11.01.12 The Board's classification of a school district in Academic Distress shall be final except that the school district shall have a right of appeal to the Circuit Court of Pulaski County pursuant to the Arkansas Administrative Procedures Act, A.C.A. § 25-15-201 et seq.
- 11.02 To transition to and implement the Common Core State Standards, the Board shall have the authority to:
- 11.02.1 Modify curriculum and assessment requirements;
 - 11.02.2 Adopt new curriculum and assessment requirements; and
 - 11.02.3 Direct the Department of Education to:

11.02.3.1 Propose to the state board rules and procedures; and

11.02.3.2 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 district classified as being in academic distress shall automatically be eligible and entitled pursuant to A.C.A. § 6-18-206, the “Arkansas Public School Choice Act”, to transfer to another geographically contiguous school district not in academic distress during the time period that a school district is classified as being in academic distress, and therefore, not be required to file a petition by July 1 but shall meet all other requirements and conditions of the Arkansas Public School Choice Act.

12.02 The cost of student transportation to the nonresident district shall be borne by the resident district.

12.03 The nonresident district shall count the student for average daily membership purposes.

13.00 Elementary and Secondary Education Act (ESEA) Flexibility Provisions

On June 29, 2012, the United States Department of Education (USDOE) 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/Flexibility/AR%20Final%206.18.12%20Revised%20.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 USDOE 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 USDOE 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.
 - 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 USDOE 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 than sixty percent (60%) over a period of several years and which are not classified as Needs Improvement – Priority schools. 	<ul style="list-style-type: none"> • High ADE engagement • Low district autonomy
Needs Improvement – Priority	<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 USDOE 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 USDOE 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.