

**DEPARTMENT OF EDUCATION**

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**SUBJECT:** Public School End-of-Course Assessments & Remediation

**DESCRIPTION:** These rules implement the end-of-course assessments and remediation required by Ark. Code Ann. § 6-15-2009.

The rules have been revised as follows:

Section 1.01 has been revised to remove an obsolete citation.

Grammatical, technical, and stylistic corrections have been made to sections 3.03, 3.04, 3.10, and 7.06.

Obsolete date references have been deleted from sections 4.03, 5.01, 5.05, and 7.05.

The start date for the English II high-stakes EOC has been revised from 2013-2014 to 2014-2015, per Act 989 of 2011, in sections 5.02 through 5.04, 5.07, 5.09, 5.10, 5.18, and 6.02.

Section 5.07 has been rewritten to clarify that students with an IEP must still demonstrate competency on alternative assessments.

After the public comment period, a grammatical correction was made to section 5.06, and Sections 3.03 and 4.01 were amended to delete references to a repealed statute (6-15-2010).

**PUBLIC COMMENT:** The public hearing was held on November 2, 2011. The public comment period ended on November 17, 2011. The following comment was submitted to the Department:

Tripp Walter, Staff Attorney, Arkansas Public School Resource Center

**Comment:**

- 5.07 – The last three (3) lines of this Section are now proposed to read “unless exempted under an because of the nature of his or her disabilities the student demonstrates alternative levels of competency as contained in the student’s IEP.” The current wording of this Section of the Rules properly captures the language of Ark. Code Ann. § 6-15-2009(d)(1)(B)(iii). The proposed change to the Rules is not contained within, and goes beyond the language of, the statute and therefore should not be adopted.

**Response:**

- Comment considered. The proposed language avoids confusion and makes the statutory intent more clear. The statutory language is subject to a misinterpretation, namely that any student with an IEP is exempt altogether from the State’s assessment system. The proposed revision clarifies that students must

be assessed in accordance with the provisions of the IEP, so as to implement the express legislative purpose that “[e]ach student shall participate in the statewide program of educational assessment....” Ark. Code Ann. § 6-15-2009(a)(1).

The proposed effective date is February 15, 2011.

**CONTROVERSY:** This is not expected to be controversial.

**FINANCIAL IMPACT:** There is no financial impact.

**LEGAL AUTHORIZATION:** Arkansas Code Annotated §6-11-105 (d) gives the Department general authority to make rules and regulations.

This rule has been promulgated to implement the changes in the law made by Act 989 of 2011.

MNH 12-30-11

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**BUREAU OF  
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**ARKANSAS DEPARTMENT OF EDUCATION  
RULES GOVERNING PUBLIC SCHOOL  
END-OF-COURSE ASSESSMENTS AND REMEDIATION**  
October 2009

1.0 AUTHORITY

1.01 These Rules are promulgated pursuant to Ark. Code Ann. §§ 6-11-105, 6-15-419, 6-15-433, 6-15-2009, ~~(as amended by Act 1307 of 2009)~~ and § 25-15-201 et seq.

2.0 PURPOSE

2.01 The purpose of these Rules is to execute the requirements of the Arkansas End-Of-Course Assessments and Remediation Program as required by Ark. Code Ann. § 6-15-2009.

3.0 DEFINITIONS – For the purpose of these Rules, the following terms mean:

3.01 ACT means the ACT assessment for college placement administered by ACT, Inc;

3.02 Advanced placement test means the test administered by the College Board for a high school preparatory course that incorporates the topics specified by the College Board on its standard syllabus for a given subject area and is approved by the College Board;

3.03 Arkansas Department of Education (ADE) —~~That means that~~ means that certain state agency, established pursuant to Ark. Code Ann. § 25-6-102, that is responsible for administering the statewide assessment system in Arkansas K-12 grade public schools, including but not limited to those assessments set forth in Ark. Code Ann. §§ 6-15-419, 6-15-433, and 6-15-2009, ~~and 6-15-2010~~.

3.04 Assessment —~~An~~ means an examination instrument designed to measure certain levels of knowledge; as measured by established requisite scale-scores, for those academic courses that are the subject of End-of-Course testing as required by these Rules.

3.05 General end-of-course assessment means a criterion-referenced assessment taken upon successful completion of a course of study set by the State Board of Education (SBE):

3.05.1 To determine whether a student demonstrates, according to a requisite scale score established by ADE Rules, 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

3.05.2 For which failure to meet that requisite scale score requires sufficient remediation before a student is entitled to receive full academic credit for the course.

3.06 High-stakes end-of-course assessment means a criterion-referenced assessment taken upon the successful completion of both the Algebra I and the English II course of study under § 6-15-433 (b)(3)(A)(iii):

3.06.1 To determine whether a student demonstrates, according to a requisite scale score established by rule of the SBE, 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

3.06.2 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 ADE Rules.

3.07 Individualized Education Program (IEP) means a written statement for each child with a disability that is developed, reviewed, and revised in a meeting in accordance with 34 CFR 300.320-300.324.

3.08 Individualized Academic Improvement Plan (IAIP) means a written plan detailing supplemental or intervention and remedial instruction, or both, in deficient areas for any student who has not met the requisite scale score on a high-stakes end-of-course assessment. The requirements for an IAIP are set forth in detail in §§ 5.12 and 5.15 of these Rules.

3.09 International Baccalaureate assessment means an assessment administered by the International Baccalaureate Organization for a course offered under the International Baccalaureate Diploma Program.

3.10 SAT means the standardized college entrance examination known as the "Scholastic Assessment Test" administered by the The College Board.

#### 4.0 GENERAL END-OF-COURSE ASSESSMENTS

4.01 Each and every student attending an Arkansas public school shall participate in the statewide program of educational assessments required

in §§ 6-15-419, 6-15-433, and 6-15-2009 and 6-15-2010 and established by the SBE.

- 4.02 Each and every student shall participate in the actual course and the statewide program of general end-of-course assessments as designated by the SBE.
- 4.03 ~~Beginning with the 2009-2010 school year and each school year thereafter, each~~ Each and every student required to participate in the statewide program of educational assessments required by § 6-15-2009 shall not receive credit on his/her transcript for Biology, Geometry, or any other course that requires a general end-of-course assessment under §§ 4.01 and 4.02 of these Rules for which that student has not received the requisite scale score on a general end-of-course assessment(s), until the student is identified as having participated in remediation through an individual academic improvement plan.
- 4.04 The individualized academic improvement plan shall include remediation activities focused on those areas of need for students who failed to meet the requisite score on a general end-of-course assessment.
- 4.05 For the purpose of a general end-of-course assessment, remediation does not require that a student retake a subsequent end-of-course assessment in order to receive academic credit for a course.

5.0 HIGH-STAKES END-OF-COURSE ASSESSMENTS – DISTRICT OBLIGATIONS

- 5.01 ~~Beginning with the 2009-2010 school year and each school year thereafter, all~~ All initial high-stakes end-of-course assessments for Algebra I shall be administered by grade ten (10).
- 5.02 Beginning with the ~~2013-2014~~ 2014-2015 school year and each school year thereafter, all initial high-stakes end-of-course assessments for English II shall be administered by grade ten (10).
- 5.03 A student from an Arkansas public school who completed and received academic credit on an end-of-course assessment for Algebra I before the 2009-2010 school year or for English II before the ~~2013-2014~~ 2014-2015 school year is not required to participate in and receive academic credit from a high-stakes end-of-course assessment on or after the 2009-2010 school year for Algebra I or on or after the ~~2013-2014~~ 2014-2015 school year for English II.
- 5.04 A student transferring into an Arkansas public school on or after 2009-2010 for Algebra I or ~~2013-2014~~ 2014-2015 for English II whose official

transcript from an out-of-state public, private, or home school, or an Arkansas private or home school demonstrates that he or she has previously obtained academic credit for Algebra I or English II is not required to participate in and receive academic credit from an initial high-stakes end-of-course assessment unless the public school district assesses the student's educational status and determines that the student does not possess the requisite passing knowledge of Algebra I or English II.

- 5.05 ~~Beginning with the 2009-2010 school year, an~~ An Arkansas public school student who is not in grade ten (10), grade eleven (11), or grade twelve (12) in an Arkansas public school, and has not previously received proper academic credit on his or her transcript for Algebra I but has successfully completed an Algebra I course, is required to complete and successfully meet the requisite passing level scale score on the high-stakes end-of-course assessment for Algebra I before the student is entitled to receive academic credit on his or her transcript for Algebra I.
- 5.06 Only a student who ~~is~~ was in grade ten (10), grade eleven (11), or grade twelve (12) in an Arkansas public school in the 2009-2010 school year is exempt from the requirement of taking a high-stakes Algebra I end-of-course assessment under § 5 of this rule, but the student shall meet appropriate general end-of-course assessment requirements for Algebra I in § 4 of this rule.
- 5.07 Any other student, regardless of the school year or the grade level in which he or she completes an Algebra I course or, beginning with the ~~2013-2014~~ 2014-2015 school year, the English II course shall successfully complete an Algebra I and English II high-stakes end-of-course assessment and meet the requisite passing scale score in order to be entitled to receive academic credit for Algebra I or English II on the student's transcript, unless ~~exempted under an~~ because of the nature of his or her disabilities the student demonstrates alternative levels of competency as contained in the student's IEP.
- 5.08 The Arkansas public school providing course instruction in Algebra I and English II shall ensure that such instruction is provided in complete compliance with all required and approved frameworks, and shall be prepared to provide documentation of such compliance to the ADE upon request.
- 5.09 A student transferring into an Arkansas public school district without having obtained academic credit on his or her transcript in or after the 2009-2010 school year for Algebra I and in or after the ~~2013-2014~~ 2014-2015 school year for English II is not exempt from the requirements of § 5.07 of these Rules.

- 5.10 Beginning with the ~~2013-2014~~ 2014-2015 school year, an Arkansas public school student who is in grade ten (10) and who has not previously received academic credit under §§ 5.01 through 5.04 of these Rules for English II shall successfully complete the course and meet the requisite passing scale score on the English II high-stakes end-of-course assessment in order for the student to be entitled to receive academic credit for English II on the student's transcript.
- 5.11 A student who does not meet the requisite scale score on the relevant high-stakes end-of-course assessment shall participate in an IAIP.
- 5.12 An IAIP 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.
- 5.13 If after two subsequent high-stakes end-of-course assessments a student does not meet the requisite passing scale score on the high-stakes end-of-course assessment, the student shall participate in strand analysis or formative analysis remediation provided and supported by the ADE before taking a third subsequent high-stakes end-of-course assessment.
- 5.14 Subsequent high-stakes end-of-course assessments and associated remediation programs may be administered in an electronic format.
- 5.15 For a student required to participate in an IAIP in § 5.11 of these Rules, the IAIP shall identify the student's specific areas of deficiency on the high-stakes end-of-course assessment, the desired levels of performance necessary for the student to meet the requisite passing scale score established by rule of the SBE, and the instructional and support services to be provided to meet the desired levels of performance. The IAIP is to be provided in an electronic format of a type specified by the ADE at a site specified by the ADE.
- 5.16 A public school shall also provide frequent monitoring of the student's progress in meeting the desired levels of performance.
- 5.17 Remedial activities and instruction provided during high school shall not be in lieu of English, mathematics, science, history, or other core courses required for graduation.
- 5.18 Beginning with the 2009-2010 school year for Algebra I and the ~~2013-2014~~ 2014-2015 school year for English II, a student identified as not passing an initial high-stakes end-of-course assessment shall not receive an academic credit on his or her transcript for the course related to the

end-of-course assessment and is not entitled to graduate from an Arkansas public high school until:

5.18.1 The student has received remediation and is identified as meeting the requisite passing scale score on a subsequent high-stakes end-of-course assessment; or

5.18.2 The student has received remediation and is identified as meeting the requisite score established by state board rule on an alternative assessment.

(i) An alternative assessment shall be limited to ACT assessment, SAT assessment, advanced placement test, or International Baccalaureate test.

5.19 A student identified as having not met the satisfactory pass levels for a high-stakes end-of-course assessment shall not receive academic credit on his or her transcript for the related course until the student meets the requirements of § 5.18 of these Rules.

6.0 HIGH-STAKES END-OF-COURSE ASSESSMENT - STATE OBLIGATIONS

6.01 If a student does not meet the requisite scale score on an end-of-course assessment and does not satisfy the remedial requirements of § 4.0 of these Rules for general end-of-course assessments and § 5.18 of these Rules for high-stakes end-of-course assessments, the student shall not be entitled to graduate with a high school diploma from an Arkansas public high school or public charter school.

6.02 The SBE shall establish the high-stakes end-of-course assessment program required in §§ 5.01 through 5.17 of these Rules for Algebra I beginning in the 2009-2010 school year and for English II beginning in the ~~2013-2014~~ 2014-2015 school year.

6.03 Throughout this process, the end-of-course assessment program shall be maintained in such a manner as to meet the requirements of state and federal law, including the full range of students with disabilities.

6.04 The superintendent of each public school district shall be responsible for the proper administration of § 6-15-2009 and these Rules promulgated by the ADE to implement the requirements of § 6-15-2009.

6.05 To the extent that a public school district is determined to have knowingly failed to administer these provisions of applicable law or these



Rules, the superintendent's license shall be subject to probation, suspension, or revocation under § 6-17-410.

- 6.06 Each year the ADE shall make public at least fifty percent (50%) of the test questions on the most recent initial end-of-course assessments.

## 7.0 END-OF-COURSE & ALTERNATIVE EXAM TESTING CYCLE

- 7.01 The ADE shall establish and publish by Commissioner's Memo each school year an end-of-course assessment cycle for general end-of-course assessments and high-stakes end-of-course assessments that shall be strictly followed by school districts unless a district has received a written waiver from the ADE because of a catastrophic occurrence.
- 7.02 The end-of-course assessment cycle published by the ADE shall include an assessment cycle for those students who do not meet the requisite scale score for high-stakes end-of-course assessment and are required by § 6-15-2009 to take and pass a subsequent end-of-course assessment before receiving academic credit on the student's transcript for the course that corresponds to the initial end-of-course assessment.
- 7.03 The ADE shall prepare and develop the form of the end-of-course assessments and subsequent end-of-course assessments, along with any and all documents, manuals, forms and protocols necessary for the proper administration, completion, submission and scoring of the assessment. The assessment shall be composed of sections that may include both multiple choice and open-response test items.
- 7.04 Any and all Arkansas laws and ADE Rules covering test administration, security and confidentiality that apply to examinations given in Arkansas public schools from K-12 grade shall apply in full to all end-of-course assessments and Alternative Assessments set forth under § 6-15-2009.
- 7.05 ~~Starting with the school year 2009-2010 and each school year thereafter,~~ The ADE shall take steps to ensure that the end-of-course assessments are properly aligned with state standards and that professional development training is available for teachers teaching courses for which an end-of-course assessment is required.
- 7.06~~8~~ In administering the assessments under § 6-15-2009, the district shall provide state-approved accommodations for students with state-recognized disabilities and for English language learners as allowed by law and ADE Rules.

## 8.0 END-OF-COURSE & ALTERNATIVE ASSESSMENT PASS REQUIREMENTS

- 8.01 Each school year the ADE shall establish and promulgate by way of these Rules the requisite scale score requirement for any Arkansas public school student taking each general or high-stakes end-of-course assessment and Alternative Assessment.
- 8.02 The requisite scale score for any high-stakes end-of-course assessment and Alternative Assessment shall be set only at the cut score necessary to demonstrate the minimum satisfactory passing level of the subject assessed.
- 8.03 Upon the failure of a student to meet the requisite scale score on an initial or subsequent end-of-course assessment required by § 6-15-2009, the school district that the student attends shall provide written notice of such failure to the student's parent or guardian within fifteen (15) business days from the date that the district receives the student's score.
- 8.04 If a student with disabilities identified under the Individuals with Disabilities Act, 20 U.S.C. §1400 et seq., is unable to meet the requirements of § 6-15-2009 because of the nature of his/her disabilities, the student may graduate from high school by demonstrating alternative levels of competency as contained in the student's IEP.