

Arkansas Department of Education Rules Governing the
Arkansas Comprehensive Testing, Assessment and Accountability Program (ACTAAP)
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) and the Academic Distress Program.
- 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 and Acts 600, 1073, 1081 and 1429 of 2013.
- 1.03 These Rules ~~have been amended to~~ reflect the decision of the United States Department of Education (USDOE US Ed) to grant flexibility to the Arkansas Department of Education (ADE) from certain provisions of the Elementary and Secondary Education Act (ESEA). As indicated throughout these Rules, certain provisions of these Rules shall only apply during time periods designated by the USDOE US Ed for which the ADE receives flexibility from certain provisions of ESEA.
- 1.04 These Rules include the applicable requirements formerly contained within the Arkansas Department of Education Rules Governing Public School End-of-Course Assessments and Remediation.
- 2.0 Purposes of Rules
- 2.01 To develop a single comprehensive testing, assessment and accountability program, which applies to and governs all public schools and public school districts in Arkansas.
- 2.02 To develop a single comprehensive testing, assessment and accountability program which utilizes the most current and effective testing, evaluation, and assessment research information designed to achieve the following purposes:
- 2.02.1 Set clear academic standards that are periodically reviewed and revised;
- 2.02.2 Establish professional development standards for all administrators, teachers and instructional support personnel;
- 2.02.3 Establish expected achievement levels;
- 2.02.4 Report on student achievement and other indicators;
- 2.02.5 Provide evaluation data;

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- 2.02.6 Recognize academic success and failure;
- 2.02.7 Apply awards and sanctions; and
- 2.02.8 Comply with current federal and state law and State Board rules and regulations.
- 2.03 To ensure that all students in the public schools of Arkansas have an equal opportunity to demonstrate grade-level and subject area academic proficiency through the application of knowledge and skills in the core academic subjects consistent with state curriculum frameworks, performance standards and assessments.
- 2.04 To improve student learning and classroom instruction and to support high academic standards for all students, including identifiable subgroups, by establishing the provisions, procedures and requirements for the student assessment program.
- 2.05 To require point-in-time intervention when it is determined that a student(s) is not performing at grade level or subject area academic proficiency.
- 2.06 To outline testing and assessment security and confidentiality requirements.
- 2.07 To establish a program to identify, evaluate, assist and advise public schools and public school districts in academic distress.
- 3.0 Definitions – For the purpose of these Rules, the following terms mean:
 - 3.01 “Academic Content Standards” – standards that are approved by the State Board of Education and that set the skills to be taught and mastery level for each grade and content area.
 - 3.02 “Academic Distress:”
 - 3.02.1 A classification assigned to any public school district:
 - 3.02.1.1 In which 49.5% or less of its students achieve proficient or advanced in math and literacy on the state-mandated criterion referenced assessments administered in that district for the most recent three (3) year period; or
 - 3.02.1.2 Has a Needs Improvement (Priority) school within the school district that has not made the progress required under the school's Priority Improvement Plan (PIP).

3.02.2 A classification assigned to any public school:

- 3.02.2.1 In which 49.5% or less of its students achieve proficient or advanced in math and literacy on the state-mandated criterion referenced assessments administered in that district for the most recent three (3) year period; or
- 3.02.2.2 Is a Needs Improvement (Priority) school that has not made the progress required under the school's Priority Improvement Plan (PIP).

3.02.23 The ADE shall re-establish the thresholds listed in Sections 3.02.1-4 and 3.02.2 of these Rules when the Partnership for Assessment of Readiness for College and Careers (PARCC) assessments become fully operational.

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

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

- 3.04 "ACT" – the ACT assessment for college placement administered by ACT, Inc.
- 3.045 "Adequate Yearly Progress" – the level of academic performance required of public schools or school districts on the state-mandated augmented criterion-referenced, or norm-referenced assessments and other indicators as required in the Arkansas Comprehensive Testing, Assessment, and Accountability Program, which shall comply with the Elementary and Secondary Education Act as reauthorized in the No Child Left Behind Act of 2001.
- 3.06 "Advanced Placement Test" – the test administered by the College Board for a high school preparatory course that incorporates the topics specified by the College Board on its standard syllabus for a given subject area and is approved by the College Board.

- ~~3.05~~ ~~“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.~~
- 3.067 “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.
- 3.078 “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.
- 3.089 “Annexation” – The joining of an affected school district or part of the school district with a receiving district under Ark. Code Ann. § 6-153-1401 et seq. or § 6-13-1601 et seq.
- 3.0910 “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.
- 3.1011 “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 US Ed for which the ADE may receive flexibility from certain provisions of ESEA as set forth in Section 13.00 of these Rules, the measurement system will ensure that all students in the public schools of Arkansas demonstrate performance and growth toward College and Career Readiness.
- 3.1412 “Arkansas Comprehensive School Improvement Plan (ACSIP)” – the individual school’s comprehensive plan developed by a local school team and based on priorities indicated by assessment and other pertinent data and designed to provide an opportunity for all students to demonstrate proficiency on all portions of the state-mandated Arkansas Comprehensive Assessment Program. This plan shall be reviewed annually by the district and monitored by the Arkansas Department of Education in accordance with Ark. Code Ann. § 6-15-426.

- 3.13 "Assessment" means an examination instrument designed to measure certain levels of knowledge, as measured by established requisite scale scores, for those academic courses that are the subject of end-of-course testing as required by these Rules.
- 3.1214 "Augmented Test" – An assessment required by state statute, rule or regulation which combines both criterion-referenced and norm-referenced instruments.
- 3.1315 "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.
- 3.1416 "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.
- 3.1517 "Board" or "State Board"– The Arkansas State Board of Education.
- 3.18 "College and career readiness" means the acquisition of the knowledge and skills a student needs to be successful in future endeavors, including:
- 3.18.1 Successfully completing credit-bearing, first-year courses at a postsecondary institution; and
- 3.18.2 Embarking on a chosen career.
- 3.19 "College and career readiness assessment" means a set of criterion-referenced assessments of a student's acquisition of the knowledge and skills the student needs to be successful in future endeavors, including credit-bearing, first-year courses at a postsecondary institution, such as two-year or four-year college, trade school, or technical school, or to embark on a career.
- 3.1620 "Consolidation" – The joining of two (2) or more school districts or parts of the school districts to create a new single school district under Ark. Code Ann. § 6-153-1401 et seq. or § 6-13-1601 et seq.
- 3.1721 "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.
- 3.1822 "Department" or "ADE" – The Arkansas Department of Education.

- 3.1923 "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.
- 3.2024 "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.
- 3.2425 "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.~~
- 3.2326 "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.
- 3.2427 "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.
- 3.2528 "General End-of-Course Assessment" – a criterion-referenced assessment taken ~~upon successful completion of~~ during a course of study set by the State Board of Education:
- (a) to determine whether a student demonstrates, according to a requisite scale score established by rule of the State Board, attainment of sufficient knowledge and skills to indicate a necessary and satisfactory mastery of the subject level content in that end-of-course assessment; and

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

~~(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.~~

~~3.2629~~ "High School" –grades nine through twelve (9-12).

~~3.2730~~ "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.~~

3.31 "Individualized Academic Improvement Plan (IAIP)" – a written plan detailing supplemental or intervention and remedial instruction, or both, in deficient areas for any student who has not met the requisite scale score on an end-of-course assessment.

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

3.32 "Individualized Education Program (IEP)" – a written statement for each child with a disability that is developed, reviewed, and revised in a meeting in accordance with 34 C.F.R. 300.320 through 300.324.

- 3.2933 "Intensive Reading Improvement Plan (IRI)" – An intervention program for any K-2 student identified with substantial reading difficulties.
- 3.34 "International Baccalaureate Assessment" – an assessment administered by the International Baccalaureate Organization for a course offered under the International Baccalaureate Diploma Program.
- 3.3035 "Longitudinal Tracking" –tracking individual student yearly academic achievement gains based on scheduled and annual assessments.
- 3.3436 "Middle School" or "Middle Level"-- grades five through eight (5 – 8).
- 3.3237 "No Child Left Behind Act" – the No Child Left Behind Act of 2001 as signed into federal law on January 8, 2002.
- 3.3338 "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 which may include the assessments developed under the Partnership for Assessment of Readiness for College and Careers (PARCC).
- 3.3439 "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.
- 3.3540 "Participation in Remediation" - The amount of student involvement required in a student academic improvement plan that addresses those deficiencies for that student.
- 3.3641 "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)~~
- 3.3742 "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.
- 3.3843 "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.
- 3.3944 "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.

- 3.4045 "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.
- 3.4146 "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 ~~USD OE~~ US Ed for which the ADE may receive flexibility from certain provisions of ESEA as set forth in Section 13.00 of these Rules.
- 3.4247 "Sanction" – intervention by the state to assist teaching and learning at a public school or a public school district that fails to meet expected performance goals on the state-mandated criterion-referenced assessments and/or other indicators.
- 3.48 "SAT" – the standardized college entrance examination administered by the College Board.
- 3.4349 "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 ~~USD OE~~ US Ed for which the ADE may receive flexibility from certain provisions of ESEA, the classifications and interventions for schools in need of improvement shall be as set forth in Section 13.00 of these Rules.
- 3.4450 "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.
- 3.4551 "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.

3.4652 "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).

3.4753 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.

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

5.01 Kindergarten, Grade One and Grade Two

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

5.01.2 ~~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~~ English language arts 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-English language arts;~~ and (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 or courses shall participate as outlined in the test coordinator's handbook. A student shall participate in the Arkansas Alternate Assessment Program only upon the formal determination of the student's individual education program (IEP) committee, as documented in the student's individual educational program.

5.02.5.2 The Individual Education Program (IEP) committee shall determine whether participation in the standard state assessment program is appropriate for students with IEPs. Students with disabilities for whom it is deemed inappropriate to take the

standard state assessments (augmented benchmarks, ~~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~~ English Learners (ELs) students shall participate in all required criterion referenced assessments. ~~LEP students~~ ELs may access state approved accommodations provided such accommodations have been recommended by the language proficiency assessment committee and are used regularly in classroom instruction and assessment.
- 5.02.5.5 ~~LEP students~~ ELs with less than one year in a U.S. school will not be required to take the State required literacy benchmark test or the High School Literacy Assessment. Districts may exercise this option. ~~LEP students~~ ELs must take the appropriate mathematics and science tests.

5.02.6 End-of-Course Assessments

- 5.02.6.1 Every student attending an Arkansas public school in Arkansas shall participate in the actual course and statewide program of end-of-course assessments as designated by the State Board.
- 5.02.6.2 Every student required to participate in the statewide program of educational assessments required by Ark. Code Ann. § 6-15-2009 shall not receive credit on his or her transcript for Algebra, Geometry, Biology, or any other course that requires an end-of-course assessment for which the student has not received the requisite scale score on a general end-of-course assessment, until the student is identified as having participated in remediation through an individual academic improvement plan.
- 5.02.6.3 The individual academic improvement plan shall include remediation activities focuses on those areas for need for students who failed to meet the requisite score on an end-of-course assessment.

- 5.02.6.4 For the purpose of an end-of course assessment, remediation does not require that a student retake a subsequent end-of-course assessment in order to receive academic credit for a course.
- 5.02.6.5 The end-of-course assessment program shall be maintained in such a manner as to meet the requirements of state and federal law, including the full range of students with disabilities.
- 5.02.6.6 The superintendent of each public school district shall be responsible for the proper administration of Ark. Code Ann. § 6-15-2009 and these Rules to implement the requirements of Ark. Code Ann. § 6-15-2009.
- 5.02.6.7 To the extent that a public school district is determined to have knowingly failed to administer the provisions of applicable law or these Rules, the superintendent's license shall be subject to probation, suspension, or revocation under Ark. Code Ann. § 6-17-410.
- 5.02.6.8 The ADE shall establish and publish by Commissioner's Memo each school year an end-of-course assessment cycle for end-of-course assessments that shall be strictly followed by school districts unless a school district has received a written waiver from the ADE because of a catastrophic occurrence.
- 5.02.6.9 The ADE shall prepare and develop the form of end-of-course assessments along with any and all documents, manuals, forms and protocols necessary for the proper administration, completion, submission and scoring of the assessment. The assessment shall be composed of sections that may include both multiple choice and open-response test items.
- 5.02.6.10 All Arkansas laws and ADE rules governing test administration, security and confidentiality that apply to examinations given to Arkansas public schools from K-12 grade shall apply in full to all end-of-course assessments and alternative assessments set forth under Ark. Code Ann. § 6-15-2009.
- 5.02.6.11 The ADE shall take steps to ensure that the end-of-course assessments are properly aligned with state standards and that professional development

training is available for teachers teaching courses for which an end-of-course assessment is required.

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

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

5.03 Norm-Referenced Tests

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

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

5.04 National Assessment of Educational Progress

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

5.04.2 Any school that fails to participate in the administration of any NAEP assessment shall be reported to the Board and may be subject to probationary status as set out in the Standards for Accreditation.

5.05 Test Administration

5.05.1 The Department shall establish mandatory training sessions for local district testing coordinators and other appropriate school personnel to ensure understanding of the administration of assessments and effective use of assessment reporting data to improve classroom instruction and learning to provide program evaluation;

5.05.2 The superintendent or his/her designee in each school district shall be responsible for coordinating all local assessment activities including:

- 5.05.2.1 Scheduling testing times of all affected campuses according to the testing calendar developed by the Department;
 - 5.05.2.2 Ensuring that security is maintained as specified in the appropriate testing administration materials;
 - 5.05.2.3 Ensuring that all district personnel involved in the testing have been properly trained as specified by the Department;
 - 5.05.2.4 Ensuring that all testing instruments are administered to all students according to the procedures established by the Commissioner of Education and specified in the applicable assessment administration materials;
 - 5.05.2.5 Ensuring that all assessment documents and student identification information are properly and accurately coded;
 - 5.05.2.6 Attesting whether ALL students have participated in the appropriate grade-level assessment(s); and
 - 5.05.2.7 Recommending for adoption by local school boards a school calendar that in no way jeopardizes or limits the valid testing and comparison of students' learning gains.
- 5.05.3 The appropriate test administration materials shall specify any allowable accommodations available to students participating in the administration of standard state assessments.
- 5.05.4 All students enrolled in a State-tested grade shall be accounted for in the Arkansas Comprehensive Assessment Program.
- 5.06 A Technical Advisory Committee composed of nationally-recognized testing experts and psychometricians shall be selected by the Commissioner of Education and shall advise the Department in all technical aspects of the assessment system.
- 5.07 Test Security and Confidentiality
- 5.07.1 Violation of the security or confidential integrity of any test or assessment is prohibited.
 - 5.07.2 The Board shall sanction a person who engages in conduct prohibited by this section. Sanctions shall be considered and imposed in compliance with the Department's rules Governing Alleged Testing Improprieties or in the Department's Rules Governing Background Checks and License Revocation, as appropriate. Additionally, the Board may sanction a school district or school, or both, in which conduct prohibited in this section occurs. Sanctions imposed by the Board may include without limitation one (1) or more of the following:

- 5.07.2.1 Revocation, suspension, or probation of an individual's license,
 - 5.07.2.2 Issuance of a letter of reprimand to a licensed individual to be placed in his or her state personnel professional licensure file;
 - 5.07.2.3 Additional training or professional development to be completed by a licensed individual within the time specified;
 - 5.07.2.4 Additional professional development to be administered by the school district or open-enrollment public charter school to all licensed school district personnel involved in test administration within the time specified;
 - 5.07.2.5 Issuance of a letter of warning to the school district or open-enrollment public charter school; and
 - 5.07.2.6 Establishment of a school district or open-enrollment public charter school plan containing strict test security guidelines that will implement procedures to ensure the security and confidential integrity of all assessment instruments.
 - 5.07.2.7 Professional development required pursuant to this section as a result of violating test security or confidentiality may be in addition to professional development required for licensure.
- 5.07.3 Procedures for maintaining the security and confidential integrity of all testing and assessment instruments and procedures shall be specified in the appropriate test or assessment administration instructions. Conduct that violates the security or confidential integrity of a test or assessment is defined as any departure from either the requirements established by the Commissioner of Education for the administration of the assessment or from the procedures specified in the applicable test administration materials. Conduct of this nature may include, but is not limited to, the following acts and omissions:
- 5.07.3.1 Viewing secure assessment materials;
 - 5.07.3.2 Duplicating secure assessment materials;
 - 5.07.3.3 Disclosing the contents of any portion of secure assessment materials;

- 5.07.3.4 Providing, suggesting, or indicating to an examinee a response or answer to any secure assessment items;
- 5.07.3.5 Aiding or assisting an examinee with a response or answer to any secure assessment item;
- 5.07.3.6 Changing or altering any response or answer of an examinee to a secure assessment item;
- 5.07.3.7 Failing to follow the specified testing procedures or to proctor students;
- 5.07.3.8 Failing to administer the assessment on the designated testing dates;
- 5.07.3.9 Encouraging or assisting an individual to engage in the conduct described herein;
- 5.07.3.10 Failing to report to the appropriate authority that an individual has engaged in conduct set forth in this section;
- 5.07.3.11 Failing to follow the specified procedures and required criteria for alternate assessments; or
- 5.07.3.12 Failing to return the secured test booklets to the testing company in a timely manner.

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

6.0 Student Performance Levels

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

6.043 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 <u>227</u>	250 <u>228</u> & 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

	which are not classified as Needs Improvement – Priority schools.	
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 US Ed to help lowest performing schools make targets by:
- 13.09.1.1 Serving the lowest performing schools with Title I and/or NSLA funding using the most appropriate methods aligned to identified student and adult learning needs;
- 13.09.1.2 Designating any Needs Improvement (Focus) or Needs Improvement (Priority) school as a Title I schoolwide program school, even if the school does not have a poverty percentage of forty percent (40%) or more; and
- 13.09.1.3 Transferring up to one hundred percent (100%) of the school district's Title II-A funds into Title I and using them for Title I purposes.
- 13.09.2 School districts have the following continuing obligations for the use of Title I-A Funds:
- 13.09.2.1 Prioritize the school district's lowest achieving students in its lowest performing schools;
- 13.09.2.2 Allocate Title I-A funds equal to the scope of the problem; and
- 13.09.2.3 Demonstrate alignment of federal and NSLA allocations sufficient to support implementation of interventions.

13.10 Process for Notification and Review

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

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

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

**ARKANSAS DEPARTMENT OF EDUCATION RULES GOVERNING
THE ARKANSAS DEPARTMENT OF EDUCATION RULES GOVERNING THE
ARKANSAS COMPREHENSIVE TESTING, ASSESSMENT AND ACCOUNTABILITY
PROGRAM AND THE ACADEMIC DISTRESS PROGRAM**

PUBLIC COMMENTS AND AGENCY RESPONSES

Name: Tripp Walter, Arkansas Public School Resource Center

Comment: 3.35 This section could be improved by replacing “scheduled” with “required.”

Agency Response: Comment considered. The language from this definition is taken verbatim from Ark. Code Ann. § 6-15-419(20).

Name: Tripp Walter, Arkansas Public School Resource Center

Comment: 3.41 Must all students be proficient?

Agency Response: Comment considered. A primary goal of ACTAAP is to ensure that all public school students are proficient. “Proficiency” as it is used in Section 3.41, is to set forth the required “pass rate” for Benchmark Exams and K-2 assessments.

Name: Tripp Walter, Arkansas Public School Resource Center

Comment: 3.42 How does this differ from 3.45? Could combine the two and delete 3.42.

Agency Response: Comment considered. Sections 3.45 and 3.42 define slightly different concepts. The definition in 3.45 is taken verbatim from Ark. Code Ann. § 6-15-419(29).

Name: Tripp Walter, Arkansas Public School Resource Center

Comment: 3.42 - This section could clarify that “Point in Time” can refer to an intervention or remediate that occurs during a regular scheduled class or normal school hours (Not before or after school). Consider adding Diebels since it is mentioned in 7.09.5 and PARCC.

Agency Response: Comment considered. Point-in-time remediation can occur during a regularly scheduled class or normal school hours. The definition and rule do not limit point-in-time interventions to before or after school.

Name: Tripp Walter, Arkansas Public School Resource Center

Comment: 4.02.3 The section could be improved by defining “teachers from institutions of higher education.”

Agency Response: Comment considered. The language in Section 4.02.3 is taken verbatim from Ark. Code Ann. § 6-15-404(c)(5).

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Name: Tripp Walter, Arkansas Public School Resource Center

Comment: 4.02.5 It might be better to separate Career and Higher Ed from community members – Community members should be a discrete citation.

Agency Response: Comment considered. The language in Section 4.02.5 is taken verbatim from Ark. Code Ann. § 6-15-404(c)(6).

Name: Tripp Walter, Arkansas Public School Resource Center

Comment: 4.05 - This could be improved by adding an explanation of how this process will be established.

Agency Response: Comment considered. The process is explained within the entire context of Section 4.00 and Ark. Code Ann. § 6-15-404.

Name: Tripp Walter, Arkansas Public School Resource Center

Comment: 4.06 - It would be helpful to include the citation that the CCSS can have additional content added via the state

Agency Response: Comment considered. The Arkansas Department of Education does not believe that such a citation is necessary in rule.

Name: Tripp Walter, Arkansas Public School Resource Center

Comment: 5.01.1 - This section should define the assessment if the section remains in the Rules.

Agency Response: Comment considered. The section remains in the rules pursuant to Ark. Code Ann. § 6-15-404(e).

Name: Tripp Walter, Arkansas Public School Resource Center

Comment: 5.01.2 - This section should also define the assessment.

Agency Response: Comment considered. This section remains in the rules pursuant to Ark. Code Ann. § 6-15-404 (f). The Arkansas Department of Education did remove the “Kindergarten” heading in this subsection of the rule since that requirement is no longer found in Ark. Code Ann. § 6-15-404 (f).

Name: Tripp Walter, Arkansas Public School Resource Center

Comment: 5.02.2 - Including Grade 11 Literacy? If it doesn't include the CCSS, should it?

Agency Response: Comment considered. This section refers to the current Arkansas benchmarks.

Name: Tripp Walter, Arkansas Public School Resource Center

Comment: 5.02.5.2 - This section doesn't address the assessment agreement with the state participating in the National Center and State Collaborative.

Agency Response: Comment considered. The ADE does not believe that it is necessary to address the assessment agreement in the ACTAAP rules.

Name: Tripp Walter, Arkansas Public School Resource Center

Comment: 5.02.5.4 - This section could be improved by naming the assessment.

Agency Response: Comment considered. The ADE does not believe that it is necessary to name the assessment in rule.

Name: Tripp Walter, Arkansas Public School Resource Center

Comment: 5.02.6.12 - This section should define the process for the development of an approved accommodations list.

Agency Response: Comment considered. This language is taken from Ark. Code Ann. § 6-15-2009(e)(8). The ADE can provide information about state-approved accommodations outside the scope of the ACTAAP rules.

Name: Tripp Walter, Arkansas Public School Resource Center

Comment: 5.06 - This section does not address payment.

Agency Response: Comment considered. The ADE does not believe it is necessary to set forth precise payment terms in an administrative rule.

Name: Tripp Walter, Arkansas Public School Resource Center

Comment: 5.07.4 - This section could be improved by a mention of the random sampling of assessment processes by ADE staff.

Agency Response: Comment considered. The language in this section is taken, in part, from Ark. Code Ann. § 6-17-401(g). The ADE provides additional guidance on test security and confidentiality in its Rules Governing Alleged Testing Improprieties.

Name: Tripp Walter, Arkansas Public School Resource Center

Comment: 7.02.3 - This section should include digital coursework.

Agency Response: Comment considered. As indicated in Section 7.02.3, the examples listed therein are not exhaustive.

Name: Tripp Walter, Arkansas Public School Resource Center

Comment: 7.03.2 - Shouldn't this be a local school board decision?

Agency Response: Comment considered. Section 7.03.2 states that the local district shall determine the extent of required participation in remediation as set forth in the student's academic improvement plan.

Name: Tripp Walter, Arkansas Public School Resource Center

Comment: 7.08 - This section could be improved by addressing the Dyslexia rules and regulations.

Agency Response: Comment considered. It appears that this comment addresses Section 7.09 instead of 7.08. In any event, the language in Section 7.09 is taken from Ark. Code Ann. § 6-15-2004. Certainly, a local school district may combine these efforts with those required by Ark. Code Ann. § 6-41-601 et seq. (dyslexia screening).

Name: Tripp Walter, Arkansas Public School Resource Center

Comment: 8.06.4 - Or any ethnic subgroup that is more than 3% of the school population?

Agency Response: Comment considered. This section is not applicable for time periods, like the present, in which Arkansas operates under the flexibility approved by the U.S. Department of Education on June 29, 2012. Please see Section 13.00 of the rules for applicable provisions.

Name: Tripp Walter, Arkansas Public School Resource Center

Comment: 10.06.3 - What instrument, tool or rubric will be utilized to evaluate schools?

Agency Response: Comment considered. The challenges presented by academically distressed school districts and schools will differ from school district to school district and from school to school. For that reason, it is not advisable to compile a one-size-fits all instrument, tool or rubric. As noted in the rules, the Comprehensive School Improvement Plan will be drafted to specifically target and address any area in which the public school or school district experiences academic distress. The efforts will vary based upon the individual challenges of the particular school district or school in question.