



## Bureau Brief



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## Academic Distress

Academic Distress is the state designation for a school district or individual school that has demonstrated a failure to meet established levels of academic achievement for a sustained period of time. Created in 1995 (Act 915), it is one of three classifications used by the Arkansas Department of Education (ADE) and the Arkansas State Board of Education (State Board) to identify, assist, and potentially sanction struggling school districts. (The other two distress programs are fiscal and facilities distress.)

### Designation Criteria

The academic distress designation is established in Arkansas Code (§6-15-425), but the State Board is responsible for defining the criteria used to classify a district as academically distressed (§6-15-431). Arkansas Department of Education rules specify that a district may be placed in academic distress under two circumstances:

- When 49.5% or less of its students test “proficient” or “advanced” on state benchmark exams over the previous three years (using a weighted average). (The four categories of student test scores are advanced, proficient, basic and below basic.)

OR

- When the district has a school designated “Priority” under the state’s Elementary and Secondary Education Act (ESEA) Flexibility Plan that has not made the required level of progress. (Priority schools are the state’s lowest-performing 5% of schools.)

This academic distress criteria was recently changed to reflect new standards established in the state’s federally approved ESEA Flexibility Plan. Prior to the January 2013 rule change, districts were placed in academic distress only when 75% or more of students tested below basic, the lowest category of scores. Because this bar was

set so high, no districts had been placed in academic distress since 2006.

Following the January 2013 rule change, two districts were placed in academic distress: Strong-Huttig and Lee County. Both designations were the result of low percentages of student proficiency. In Strong-Huttig, 45.44% of students tested proficient on grade level tests, and in Lee County, 47.64% of students tested proficient.

### Requirements

Once a district is placed in academic distress, it is required to modify its school improvement plan (commonly referred to as an ACSIP). The district’s ACSIP must specify strategies for addressing its academic problem areas. ADE is required to assemble a team of educators to evaluate the district and develop recommendations. ADE is also required to assist the district based on the needs identified in the ACSIP.

While a district is in academic distress, the State Board has the authority to:

- Remove the superintendent and/or school board members and appoint replacements.
- Waive the application of Arkansas law (except the Teacher Fair Dismissal Act and the Public School Employee Fair Hearing Act).
- Require the district to be annexed or consolidated with another district.

Additionally, while a school district is in academic distress, its students will be granted the opportunity to transfer to another school district that is not in distress. (This is different from other types of school choice allowed under state law, such as the Public School Choice Act of 2013.)

An academic distress designation is removed only after the district corrects all conditions that resulted in academic distress and the State Board has approved the district’s release. If a

district does not get out of academic distress within a specified time period, the State Board is *required* to annex, consolidate or reconstitute the district [6-15-429(c)]. In 2013, the General Assembly passed Act 600, which extended the time that districts could remain in academic distress from two years to five. The law allows the State Board to grant additional time if the district is unable to be removed from academic distress due to conditions beyond its control.

Since its creation in 1995, the academic distress program has been a designation for school *districts*. However, Act 600 of 2013 created an academic distress designation for individual schools. This designation is in addition to the school-level designations required under the ESEA Flexibility Plan (i.e., “Priority” schools, “Focus” schools, etc.).

The State Board has not yet developed new rules to establish the criteria for designating a school in academic distress. However, the law specifies that when a school is academically distressed, the State Board may require:

- The reorganization of the school.
- The reassignment of administrative, instructional or support staff.
- The removal of the principal and/or the superintendent of the district.
- The removal of the public school from the school district.
- The closure or dissolution of the school.

As with school districts, schools can remain in academic distress for up to five years, and they can be removed from academic distress only if they correct all of the problems that caused the designation.