

**QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS**  
**WITH THE ARKANSAS LEGISLATIVE COUNCIL**

DEPARTMENT/AGENCY Arkansas Department of Education  
DIVISION Legal Services  
DIVISION DIRECTOR Lori Freno  
CONTACT PERSON Courtney Salas-Ford  
ADDRESS Four Capitol Mall, Room 301-A, Little Rock, AR 72201  
PHONE NO. 501-682-4752 FAX NO. 501-682-4249 E-MAIL Courtney.Salas-Ford@arkansas.gov  
NAME OF PRESENTER AT COMMITTEE MEETING Courtney Salas-Ford  
PRESENTER E-MAIL Courtney.Salas-Ford@arkansas.gov

**INSTRUCTIONS**

- A. Please make copies of this form for future use.  
B. Please answer each question **completely** using layman terms. You may use additional sheets, if necessary.  
C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.  
D. Submit two (2) copies of this questionnaire and financial impact statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

**Donna K. Davis**  
**Administrative Rules Review Section**  
**Arkansas Legislative Council**  
**Bureau of Legislative Research**  
**One Capitol Mall, 5<sup>th</sup> Floor**  
**Little Rock, AR 72201**

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- ADE EMERGENCY Rules Governing the Public School Rating
1. What is the short title of this rule? System ("A-F")
2. What is the subject of the proposed rule? The Public School Rating System ("A-F") and the School Recognition Program
3. Is this rule required to comply with a federal statute, rule, or regulation? Yes ☐ No ☒  
If yes, please provide the federal rule, regulation, and/or statute citation. \_\_\_\_\_
4. Was this rule filed under the emergency provisions of the Administrative Procedure Act? Yes ☒ No ☐  
If yes, what is the effective date of the emergency rule? March 2018

When does the emergency rule expire? June 2018

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act?

Yes ☒ No ☐

Revised January 2017

5. Is this a new rule? Yes ☒ No ☐

If yes, please provide a brief summary explaining the regulation. These proposed new rules implement the school rating system (A-F) established by Ark. Code Ann. § 6-15-2101 et seq., and designate school performance category levels or ratings pursuant to Ark. Code Ann. § 6-15-2106. The previous Emergency Rules Governing the Public School Rating System became effective March 18, 2016, and expired July 16, 2016. Permanent rules were not promulgated. Act 20 of the Third Extraordinary Session of 2016 provided a “pause” of the school rating system for the 2016-2017 school year. New rules are required to comply with Ark. Code Ann. § 6-15-2106.

Does this repeal an existing rule? Yes ☐ No ☒

If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does. \_\_\_\_\_

Is this an amendment to an existing rule? Yes ☐ No ☒

If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. **Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled “mark-up.”**

6. Cite the state law that grants the authority for this proposed rule? If codified, please give the Arkansas Code citation. Ark. Code Ann. §§ 6-11-105, 6-15-2106, and 25-15-201 et seq.

7. What is the purpose of this proposed rule? Why is it necessary? These proposed new rules are necessary to implement the school rating system (“A-F”) established by Ark. Code Ann. § 6-15-2101 et seq., designate school performance category levels or ratings pursuant to Ark. Code Ann. § 6-15-2106, and implement the School Recognition Program established by Ark. Code Ann. § 6-15-2107 to provide financial awards to public schools that experience high student performance and those with high student academic growth. These proposed rules also incorporate new requirements of Act 744 of 2017.

8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b). <http://www.arkansased.gov/divisions/legal/rules/pending>

9. Will a public hearing be held on this proposed rule? Yes ☐ No ☒

If yes, please complete the following:

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Place: \_\_\_\_\_

10. When does the public comment period expire for permanent promulgation? (Must provide a date.)  
\_\_\_\_\_

11. What is the proposed effective date of this proposed rule? (Must provide a date.)

April 1, 2018

12. Please provide a copy of the notice required under Ark. Code Ann. § 25-15-204(a), and proof of the publication of said notice. Notice will be published after approval by the State Board.

13. Please provide proof of filing the rule with the Secretary of State and the Arkansas State Library as required pursuant to Ark. Code Ann. § 25-15-204(e). Rule will be filed after approval.
14. Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide their position (for or against) if known. Public school districts

## **FINANCIAL IMPACT STATEMENT**

**PLEASE ANSWER ALL QUESTIONS COMPLETELY**

**DEPARTMENT** Arkansas Department of Education

**DIVISION** Legal Services

**PERSON COMPLETING THIS STATEMENT** Courtney Salas-Ford

**TELEPHONE** 501-682-4752 **FAX** 501-682-4249 **EMAIL:** [Courtney.Salas-Ford@arkansas.gov](mailto:Courtney.Salas-Ford@arkansas.gov)

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

**SHORT TITLE OF THIS RULE** ADE EMERGENCY Rules Governing the Public School Rating System ("A-F")

1. Does this proposed, amended, or repealed rule have a financial impact? Yes ☐ No ☒
2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule? Yes ☒ No ☐
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes ☒ No ☐

If an agency is proposing a more costly rule, please state the following:

- (a) How the additional benefits of the more costly rule justify its additional cost;

\_\_\_\_\_

- (b) The reason for adoption of the more costly rule;

\_\_\_\_\_

- (c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and;

\_\_\_\_\_

- (d) Whether the reason is within the scope of the agency's statutory authority; and if so, please explain.

\_\_\_\_\_

4. If the purpose of this rule is to implement a federal rule or regulation, please state the following:

- (a) What is the cost to implement the federal rule or regulation?

**Current Fiscal Year**

General Revenue	_____
Federal Funds	_____
Cash Funds	_____
Special Revenue	_____
Other (Identify)	_____
Total	_____

**Next Fiscal Year**

General Revenue	_____
Federal Funds	_____
Cash Funds	_____
Special Revenue	_____
Other (Identify)	_____
Total	_____

(b) What is the additional cost of the state rule?

**Current Fiscal Year**

General Revenue	<u>0</u>
Federal Funds	<u>0</u>
Cash Funds	<u>0</u>
Special Revenue	<u>0</u>
Other (Identify)	<u>0</u>
Total	<u>0</u>

**Next Fiscal Year**

General Revenue	<u>0</u>
Federal Funds	<u>0</u>
Cash Funds	<u>0</u>
Special Revenue	<u>0</u>
Other (Identify)	<u>0</u>
Total	<u>0</u>

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

**Current Fiscal Year**

\$ 0

**Next Fiscal Year**

\$ 0

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6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

**Current Fiscal Year**

\$ 0

**Next Fiscal Year**

\$ 0

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7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes ☐ No ☒

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
  - (a) justifies the agency's need for the proposed rule; and
  - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;

- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
  - (a) the rule is achieving the statutory objectives;
  - (b) the benefits of the rule continue to justify its costs; and
  - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.



# Arkansas Department of Education

*Transforming Arkansas to lead the nation in student-focused education*

Johnny Key  
Commissioner

February 23, 2018

Via Email: [garritym@blr.arkansas.gov](mailto:garritym@blr.arkansas.gov)

State Board  
of Education

Ms. Marty Garrity, Director  
Bureau of Legislative Research

Dr. Jay Barth  
Little Rock  
Chair

**Re: Administrative Rules for Emergency Promulgation**

- **ADE Rules Governing the Public School Rating System on Annual School Performance Reports and the School Recognition Program**

Joe Black  
Newport  
Vice Chair

Dear Ms. Garrity:

Susan Chambers  
Bella Vista

The Arkansas Department of Education respectfully requests that your office place the subject proposed emergency rules on the agenda of the ALC Executive Subcommittee. Included in this email is a BLR Questionnaire, as well as a Financial Impact Statement, summary of rule, and copy of the proposed emergency rule. On February 26, 2018, ADE will also file the permanent promulgation version of these rules with BLR for Administrative Rules and Regulations Subcommittee review. The State Board of Education approved these rules for emergency promulgation on February 23, 2018.

Charisse Dean  
Little Rock

Dr. Fitz Hill  
Little Rock

Ouida Newton  
Poyen

Mireya Reith  
Fayetteville

R. Brett Williamson  
El Dorado

The emergency clause in the rule more fully explains the need for the emergency promulgation. However, in short, these rules are necessary to implement the Public School Rating System which requires that the "rating" of each school be published annually by April 15. In order to provide meaningful stakeholder engagement, and align the School Rating System with the state's federal ESSA plan, it is necessary to promulgate these rules as an emergency rule in order to meet the April 15 deadline.

Diane Zook  
Melbourne

If you have any questions, please do not hesitate to call me at (501) 682-4752.

Respectfully submitted,

Courtney Salas-Ford  
Deputy General Counsel  
Arkansas Department of Education

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Little Rock, AR  
72201-1019  
(501) 682-4475  
[ArkansasEd.gov](http://ArkansasEd.gov)

cc: Ms. Donna Davis ([donna@blr.arkansas.gov](mailto:donna@blr.arkansas.gov))  
Ms. Rebecca Miller-Rice ([miller-ricer@blr.arkansas.gov](mailto:miller-ricer@blr.arkansas.gov))

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**SUMMARY OF RULES:**  
**ARKANSAS DEPARTMENT OF EDUCATION EMERGENCY RULES GOVERNING**  
**THE PUBLIC SCHOOL RATING SYSTEM ON ANNUAL SCHOOL PERFORMANCE REPORTS AND**  
**THE SCHOOL RECOGNITION PROGRAM**

These proposed new rules implement the school rating system (“A-F”) established by Ark. Code Ann. § 6-15-2101 et seq., designate school performance category levels (“ratings”) pursuant to Ark. Code Ann. § 6-15-2106, and implement the School Recognition Program established by Ark. Code Ann. § 6-15-2107 to provide financial awards to public schools that experience high student performance and those with high student academic growth. These proposed rules also incorporate new requirements of Act 744 of 2017.



**ARKANSAS DEPARTMENT OF EDUCATION RULES GOVERNING  
THE PUBLIC SCHOOL RATING SYSTEM ON ANNUAL SCHOOL PERFORMANCE REPORTS  
AND THE SCHOOL RECOGNITION PROGRAM  
EMERGENCY RULE – Effective 2018**

**1.00 REGULATORY AUTHORITY**

- 1.01 These rules shall be known as the Arkansas Department of Education (“Department”) Rules Governing the Public School Rating System on Annual School Performance Reports and the School Recognition Program (“Rules”).
- 1.02 These rules are enacted pursuant to the State Board of Education’s authority under Ark. Code Ann. §§ 6-11-105, 6-15-2101 et seq., and 25-15-201 et seq., and Acts 744 and 869 of 2017.

**2.00 PURPOSE**

The purpose of these Rules is to establish the school rating system and designate school performance category levels or ratings pursuant to Ark. Code Ann. §§ 6-15-2105 and 6-15-2106 and provide financial awards to public schools that experience high student performance and those with high student academic growth in accordance with Ark. Code Ann. § 6-15-2107.

**3.00 SCHOOL RATING SYSTEM**

- 3.01 Each public school will receive a performance category level designation or rating (hereafter collectively referred to as “rating”) of “A”, “B”, “C”, “D”, or “F” as described in Appendix A.
- 3.02 For 2017-2018 ratings, the Department will utilize the 2017 “all students” data from the ESSA School Index total score.
- 3.03 If a school district has an alternative learning environment (ALE) or an alternative education (AE) program and the ALE or AE has a local education agency (LEA) number, the school district shall, for purposes of a rating pursuant to these rules only, include the ALE or AE students in their respective area schools.
- 3.04 Each school’s rating shall be included in the annual School Performance Report, which shall be posted on the Department’s and school districts’ websites.

3.05 For purposes of these rules only, the following entities shall be exempt from the designation of a school rating:

3.05.1 An open-enrollment public charter school whose mission and enrollment are primarily focused on students who have dropped out of high school or are identified as at risk of dropping out of school;

3.05.2 A conversion public charter school whose mission and enrollment are primarily focused on students who have dropped out of high school or are identified as at risk of dropping out of school;

3.05.3 An adult charter school serving students age 19 or older;

3.05.4 The Arkansas School for the Blind;

3.05.5 The Arkansas School for the Deaf; and

3.05.6 The Division of Youth Services System of Education.

#### **4.00 SCHOOL RECOGNITION PROGRAM**

4.01 Pursuant to Ark. Code Ann. § 6-15-2107, public schools that experience high student performance and those with high student academic growth, which includes high school graduation rate comparisons for secondary schools, shall be eligible for the Arkansas School Recognition Program.

4.01.1 For purposes of the School Recognition Program, student performance will be calculated using weighted achievement as described in Appendix A. Recognition will be determined based on the ranking of all schools of the total score for the weighted achievement indicator.

4.01.2 For purposes of the School Recognition Program, student academic growth and school value-added scores will be calculated as described in Appendix A. Recognition for high student academic growth, which includes high school graduation rate comparisons for secondary schools, will be determined based on the ranking of all schools using the following criteria:

4.01.2.1 For public schools that include at least one of the tested grade levels of grades 3-10 but do not include a terminal grade level of grade 12, recognition will be determined based on the rank of the school value-added score.

- 4.01.2.2 For public schools that only include grade levels lower than grades 3-10 (feeder schools), recognition will be determined based on the rank of the school value-added score of the school with tested grade levels that is paired with the feeder school within a district.
- 4.01.2.3 For public schools that include at least one of the tested grade levels of grades 3-10 and a terminal grade level of grade 12, recognition will be determined based on the rank of the sum of the school value added score (35% weight) and the adjusted cohort graduation rate score (15% weight), multiplied by two (2).
- 4.01.2.3.1 For public schools that only include grade levels higher than grades 3–10 that have a terminal grade of 12, recognition will be determined based on the rank of the sum of the school value-added score (35% weight) of the school paired with it and the adjusted cohort graduation rate score (15% weight), multiplied by two (2).

#### Emergency Clause

Whereas, Ark. Code Ann. § 6-15-2105 requires each school to receive a letter grade rating of “A”, “B”, “C”, “D”, or “F” to be published in the annual School Performance Report;

Whereas, Ark. Code Ann. § 6-15-1402 requires the annual School Performance Report to be made available no later than April 15 each year;

Whereas, Ark. Code Ann. § 6-15-2106 authorizes the Arkansas State Board of Education to adopt rules to designate the levels of performance and improvement categories and establish the method for determining the letter grade for each school, and the State Board has done so in these rules;

Whereas, the Department of Education sought to align the state’s School Rating System with the Every Student Succeeds Act Arkansas State Plan by using the ESSA School Index, and the State Plan was approved on January 16, 2018; and

Whereas, the Department held multiple stakeholder meetings during the month of January to gather public input;

THEREFORE, the State Board of Education hereby determines pursuant to Ark. Code Ann. § 25-15-204 that immediate peril to the welfare of Arkansas public school and students will result without the immediate promulgation of these rules in order to meet to the April 15 deadline.

## APPENDIX “A”

In accordance with Ark. Code Ann. § 6-15-2108 (Act 744 of 2017), the School Rating System shall be a multiple-measures approach that includes achievement, growth, graduation rate, English Learner progress, and at least one other indicator. The School Rating System uses the ESSA School Index which is comprised of multiple, robust indicators for each grade span responsive to stakeholders and state and federal requirements.

The ESSA School Index is the sum of weighted indicator scores. The ESSA School Index consists of the following indicators:

- Weighted Achievement
- School Mean Growth plus English Learner Growth
  - Content growth (ELA and math growth scores combined for each student).
  - English Learner progress to English Language Proficiency at a rate that is proportional to number of English Learners.
- Adjusted Cohort Graduation Rate
  - Four-year Adjusted Cohort Graduation Rate
  - Five-year Adjusted Cohort Graduation Rate
- School Quality and Student Success

### Weighted Achievement Score: Measure of Academic Achievement

A Weighted Achievement measure is used to incorporate academic achievement into the School Rating System. To calculate schools’ Weighted Achievement scores, point values are assigned to each of the four academic achievement levels on Arkansas’s grade level assessments for math and English language arts as described in Table A-1.













*Table A-1. Point Values Assigned to Academic Achievement Levels on Arkansas Grade Level Assessments*

<b>Achievement Level ACT Aspire</b>	<b>Achievement Level MSAA</b>	<b>Points Earned for Each Achievement Level</b>
In Need of Support	Level 1 (L1)	0.00
Close	Level 2 (L2)	0.50
Ready	Level 3 (L3)	1.00
Exceeds: Step one: Number of L4 ≤ Number of L1	Level 4 (L4)	1.00
Exceeds: Step two: Number of L4 > Number of L1	Level 4 (L4)	1.25

Weighted Achievement increases point value for the movement of students from lower-performance levels to higher-performance levels, relative to grade-level proficiency (criteria ii). Schools earn partial points for students close to grade-level proficiency, a single point for students at grade-level proficiency, and 1.25 points for students exceeding grade-level proficiency for the

number of students exceeding that are greater than the number in the lowest achievement level. If the number of students exceeding grade level-proficiency is not greater than the number of students in the lowest achievement level then schools earn a single point for these students. Table A-2 demonstrates how positive movement of students from lower achievement levels to higher achievement levels produces higher Weighted Achievement scores.

Table A-2. How Point Values for Student Achievement Levels Total Weighted Achievement Points Earned

In Need of Support/Level 1 (L1)	Close/Level 2 (L2)	Ready/Level 3 (L3)	Exceeding/Level 4 (L4)	How L4 Points Work: For #L4 ≤ #L1 point value /student = 1.0 For #L4 > #L1 point value /student = 1.25	Point Totals by Level	Total Points Earned	Total Possible Points (based on 1 point per student test)	Weighted Achievement (WA) Score: (Points Earned/Points Possible)*	Points Earned for Students Simply Meeting Ready/Exceeds*
Point Value/Student = 0	Point Value/Student = 0.5	Point Value/Student = 1.0	Point Value/Student = 1.0 or 1.25						
				#L1 ≥ #L4 so L4s count as 1.0	L1 = 0.0 L2 = 4.5 L3 = 5.0 L4 = 2.0	11.50	21	(11.50/21)*100 = 54.76	(7/21)*100 = 33.33
				#L1 = #L4 so L4s count as 1.0 L4 = 3*1.0 = 3	L1 = 0.0 L2 = 3.5 L3 = 8.0 L4 = 3.0	14.50	21	(14.50/21)*100 = 69.00	(11/21)*100 = 52.38
				L4 - L1 > 0 2 L4s count as 1.0 3 L4s count as 1.25 L4 = (2*1.0) + (3*1.25) = 5.75	L1 = 0.0 L2 = 3.5 L3 = 7.0 L4 = 5.75	16.25	21	(16.25/21)*100 = 77.38	(12/21)*100 = 57.14

\*Multiply by 100 to Scale Value of Proportion for Index

Row one represents year one, row two is year two, and row three is year three. These rows each show an example of the number of students at each of the four achievement levels on the state assessment (columns one-four) for the same school over three years (rows one, two, and three). When schools help students attain higher achievement levels those schools earn more points. Also, schools that help students move from lower to higher achievement levels compared to their achievement levels in prior years earn more points. The Weighted Achievement Score (column nine) is the number of points a school earned for full academic year students at each achievement level divided by the number of full academic year students with test scores.

#### Inclusion Rules for Weighted Achievement

Students completing a full academic year (not highly mobile) and completing the math and/or English Language Arts assessments (ACT Aspire or alternative assessment) are included in the Weighted Achievement calculation.

For schools that test 95 percent or more of students enrolled in the school the denominator for Weighted Achievement will include the number of math and English language arts tests of full-academic year students (not highly mobile) for the school. If a school does not test 95 percent of enrolled students the denominator for Weighted Achievement will be 95 percent of the students expected to test in math and English language arts.

## School Value-Added Scores: Measure of Student Academic Growth

### Student Academic Growth (Content Area Growth)

A student growth model describes the change in student achievement over two or more moments in time.

A student growth model is described as value-added when student growth is attributed to a particular entity such as a school or program.

The Department consulted with stakeholders and the Technical Advisory Committee for Assessment and Accountability over a five-year period to evaluate several measures of student growth. A value-added growth model was piloted and selected in 2015 based on policy considerations such as which question about student growth is meaningful to students, parents, teachers, and other stakeholders, as well as the technical considerations given Arkansas's test transitions. Over the five years of development and advisory meetings conducted by the Department, stakeholders concluded their preference for the use of a simple value-added model (VAM) over other options. This model provides information to answer the question, "How much did this student change or grow in achievement compared to how much we thought he/she would grow based on what we know about him/her?"

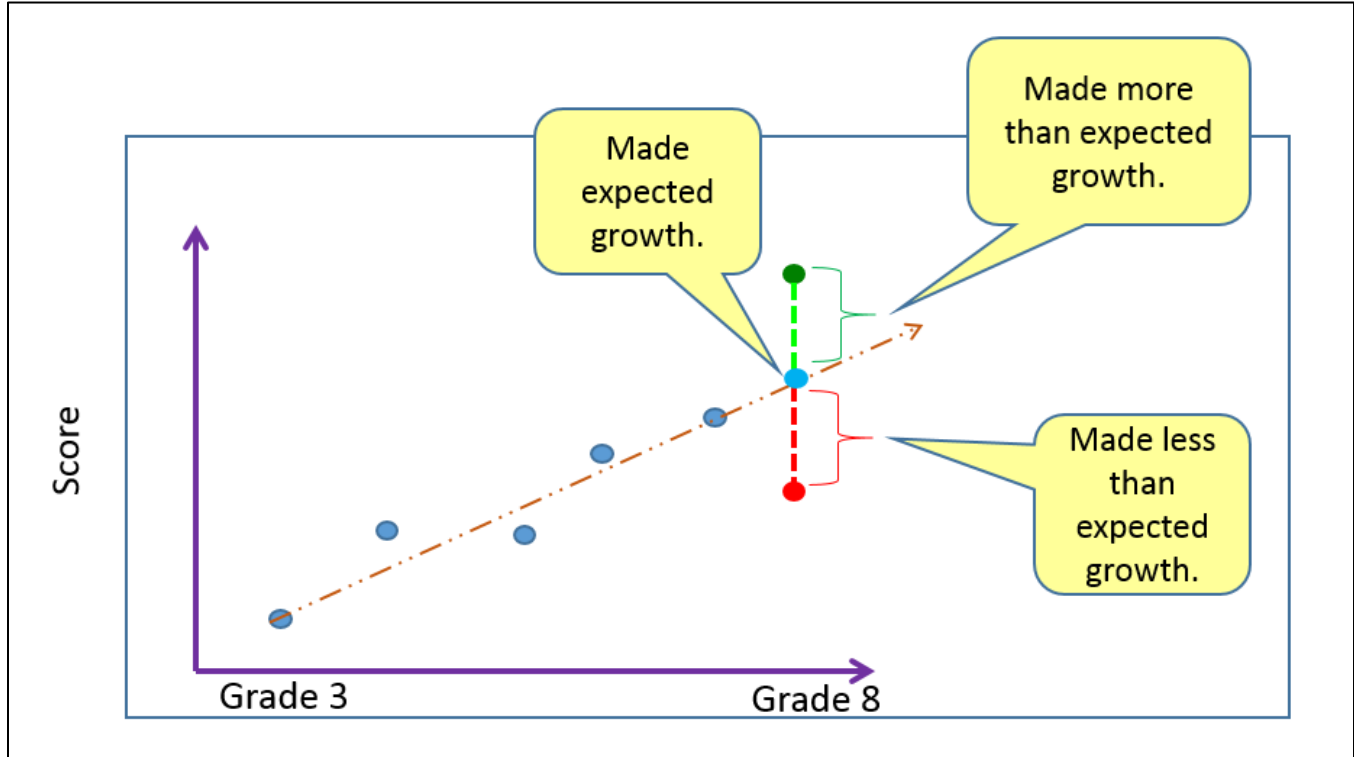
The student longitudinal growth model is a simple value-added model that assesses student growth relative to the student's individual score history and the student's expectation of growth (predicted score). It reflects the difference between observed achievement and expected (predicted) achievement for each student. The computation of the students' value-added scores (VAS) which is the difference score (residual) is carried out in two steps.

In the first step, a longitudinal individual growth model is run to produce a predicted score for each student. The individual growth model uses up to five years of prior scores for each student to maximize the precision of the prediction (best estimate) and accounts for students having different starting points (random intercepts). In this value-added model, each student's prior score history acts as the control/conditioning factor for the expectation of growth for the individual student. This has the effect of 'controlling' for factors outside schools' control such as a student's economic status, race, or educational needs status.

In the second step, the student's predicted score is subtracted from his or her actual score to generate the student's value-added score (Actual – Predicted = value-added score). The value-added score indicates the degree to which students did not meet, met, or exceeded expected growth in achievement.

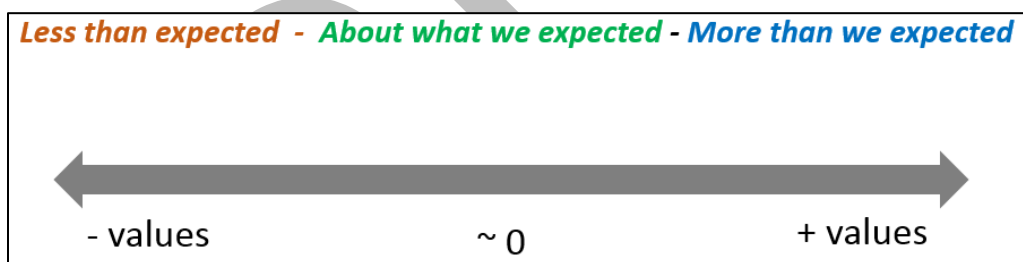
Figure A-1 illustrates how a student's score history is used to determine the predicted or expected score and how the student's actual score is compared to the expected score to obtain the growth score.

Figure A-1. Simplified illustration of how a student's value-added score is obtained.



Students' value-added scores range from negative values to positive values with values of zero representing expected growth (when residual = 0 the student achieved as expected) as illustrated in Figure A-2.

Figure A-2. Interpreting student growth from value-added scores.



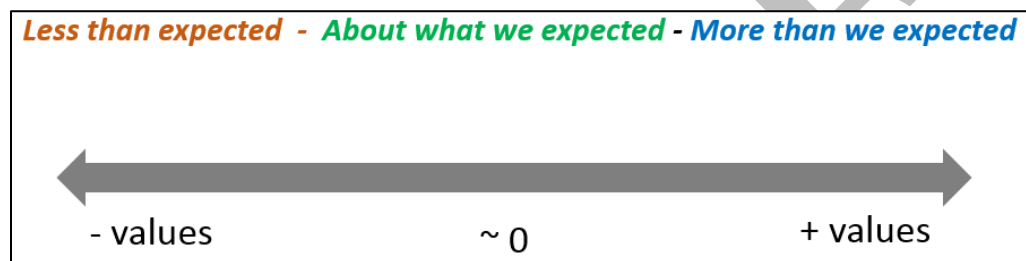
- Positive value-added scores: If the student has a value-added score with a positive value, the student's achievement exceeded growth expectations for the year. The student had higher than expected growth. The greater the value above zero, the more the student exceeded expectations.
- Value-added scores at/around zero: If the student has a value-added score value of zero, the student's achievement met expected achievement. The student grew at least as much as expected.

- Negative value-added scores: If the student has a value-added score with a negative value, the student did not meet expectations for growth in achievement for the year. The student did not grow as much as expected in achievement. The lower the value of the value-added score, the larger the degree to which the student did not grow as much as expected.

### Student Growth in English Language Proficiency

Student value-added scores are calculated for growth in English Learner proficiency, as well as for the content areas of math and English language arts. Each student receives a value-added score based on the student's score history on the English language assessment: ELDA prior to 2016 and ELPA21 for 2016 forward. The process for calculations are the same for student growth in English language proficiency as for math and English language arts growth as illustrated in Figure 1. The score history is from the English language acquisition test rather than the content assessment. Each student receives a value-added score for growth in English language proficiency that will range from negative to positive values with zero representing the student met expected growth as indicated in Figure A-2 (repeated below).

*Figure A-2 (Repeated). Interpreting student growth from value-added scores.*



The English language proficiency growth scores have similar meaning to the content scores as explained below.

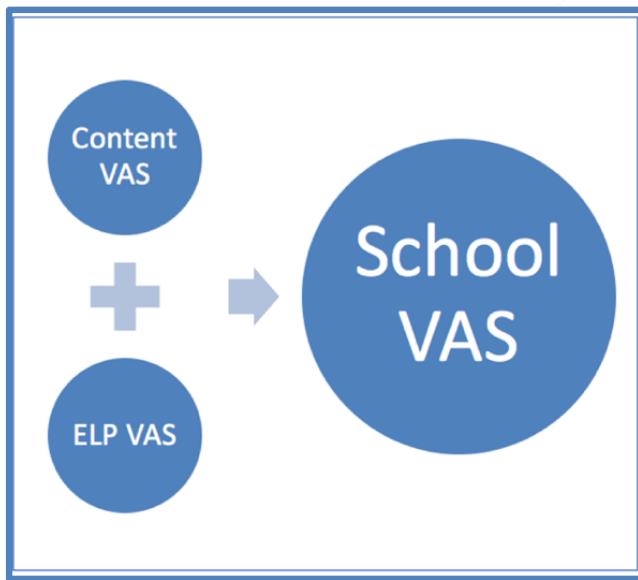
- Positive value-added scores: If the student has a value-added score with a positive value, the student's growth in English language proficiency exceeded growth expectations for the year based on the score history. The student had higher than expected growth in English language proficiency. The greater the value above zero, the more the student exceeded expectations.
- Value-added scores at/around zero: If the student has a value-added score value of zero, the student's English language proficiency met expected growth in English language proficiency. The student grew at least as much as expected.
- Negative value-added scores: If the student has a value-added score with a negative value, the student did not meet expectations for growth in English language proficiency for the year. The student did not grow as much as expected in English language proficiency. The lower the value of the value-added score, the larger the degree to which the student did not grow as much as expected.



### Calculating School Value-added Growth Scores

School Value-added Growth Scores include student growth in the content areas (math and English language arts) as well as student growth in English language proficiency as illustrated in Figure A-3.

Figure A-3. Combining content area student growth and English language proficiency student growth in the School Value-added Growth Score.



The following steps are used to combine content area and English language proficiency growth scores into a single School Growth Score.

1. The mean content area value-added score (Content VAS) is obtained for each school. Students' math and English language arts growth scores are averaged to obtain the Content VAS. The Content VAS for a school indicates, on average, the extent to which students in the school grew in math and English language arts achievement compared to how much we expected them to grow, accounting for how the students had achieved in prior years.
  - a. The Content VAS answers the question, "On average, did students in this school meet, exceed, or not meet expected growth in math and English language arts achievement?"
2. Second, a mean English language proficiency value-added score (ELP VAS) is obtained for each school that has 1 or more English learners. The ELP VAS indicates, on average, the extent to which students in the school grew in English language proficiency compared to what was expected, accounting for how the student had been progressing in English language in prior years.
  - a. The ELP VAS answers the question, "On average, did students in this school meet, exceed, or not meet expected growth in English language proficiency?"

3. Third, a weighted sum of the Content VAS and ELP VAS is divided by the total number of students contributing to the Content VAS (each student counting once with a combined math and English language arts value-added score) plus the total number of students contributing an ELP VAS.
  - a. Similar to the concept of a sliding scale, this step allows English Learners' growth scores to contribute to the mean school value-added score proportionate to the population of English Learners in the school. This is illustrated in the equation below.

$$\text{School Value-added Score} = \frac{(\# \text{Students w Content VAS} \times \text{Content VAS}) + (\# \text{ELs w ELP VAS} \times \text{ELP VAS})}{\# \text{ of Students w Content VAS} + \# \text{ ELs w ELP VAS}}$$

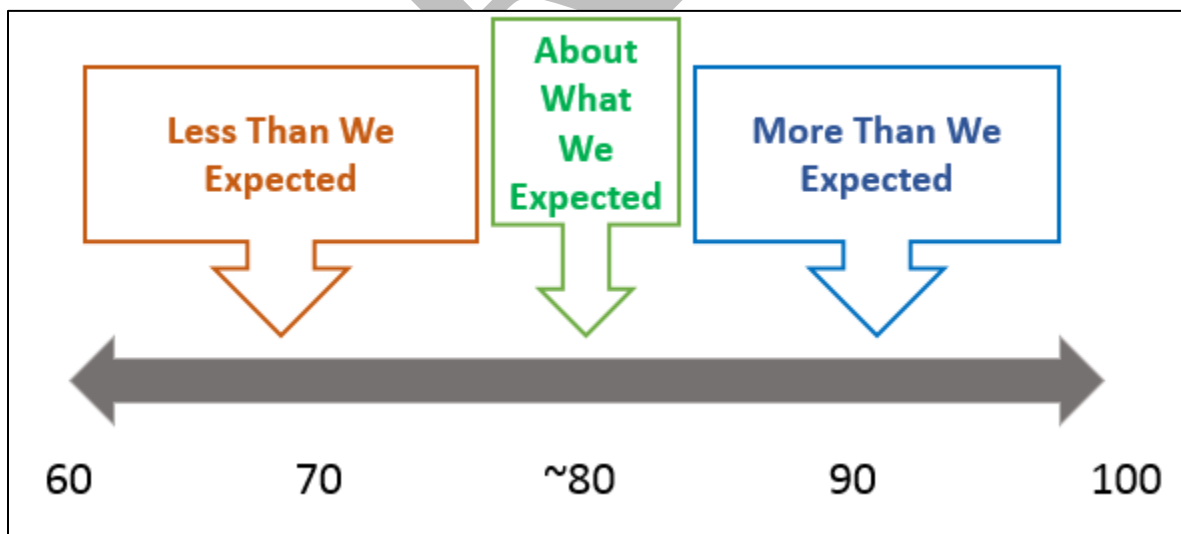
#### Transforming School Value-added Scores to Include in Rating

To include the School value-added growth score in the School Rating System, the values must be transformed to a 100-point scale that will work within the total point scale for the rating system. Value-added scores are transformed using the equation below.

$$\text{School Growth Score} = (\text{School Value-added Score} \times 35) + 80.00$$

The Department determined the intercept to be 80 through a series of input sessions where stakeholders were asked to indicate what "score" a school should earn if students, on average, were meeting their expected growth. Input ranged from a scores of 75 up to scores of 85). Thus, a score of 80 was selected to represent the value-added score of 0. The transformed score of 80 is the School Growth Score that indicates students, on average, met expected growth. Figure A-4 illustrates how the School Growth Scores can be interpreted.

Figure A-4. Interpreting transformed value-added scores.



Sample transformations for mean school value-added scores are provided below.

- Positive value-added score: Mean value-added score = 0.50  

$$\begin{aligned} \text{School Growth Score} &= (0.50 \times 35) + 80.00 \\ &= 17.5 + 80.00 \\ &= 97.50 \end{aligned}$$
- Zero value-added score: Mean value-added score = 0.00  

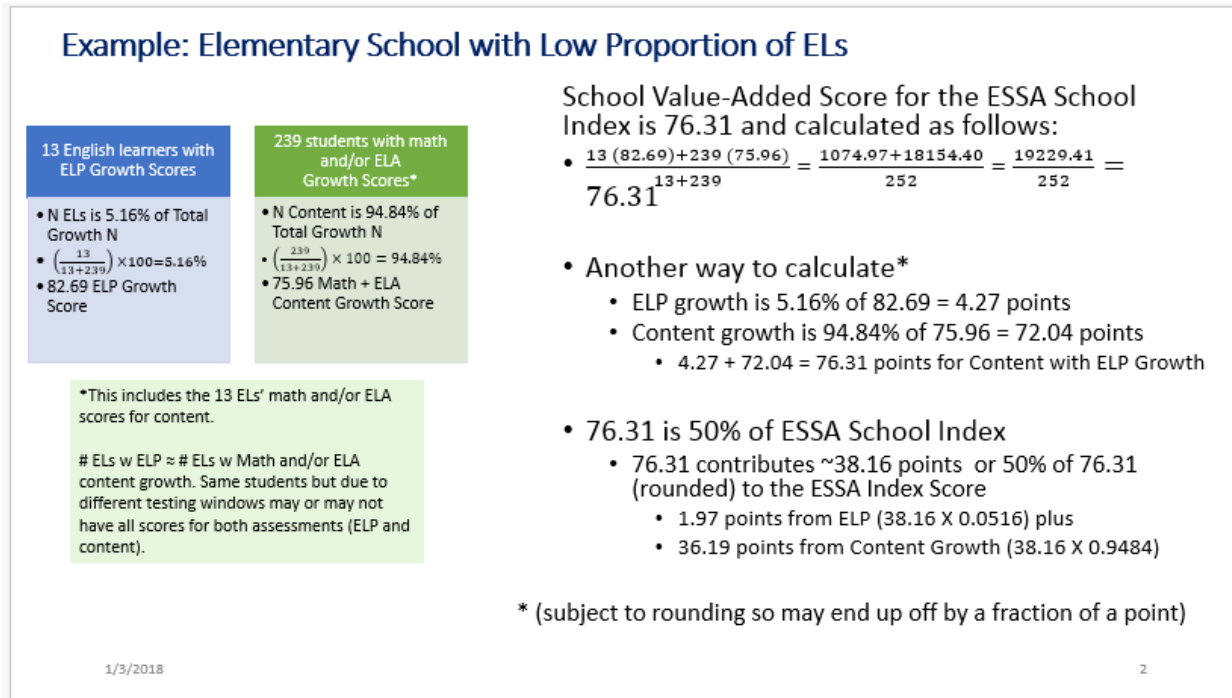
$$\begin{aligned} \text{School Growth Score} &= (0.00 \times 35) + 80.00 \\ &= 0.00 + 80.00 \\ &= 80.000 \end{aligned}$$
- Negative value-added score: Mean value-added score = - 0.21  

$$\begin{aligned} \text{School Growth Score} &= (-0.21 \times 35) + 80.00 \\ &= -7.35 + 80.00 \\ &= 72.65 \end{aligned}$$

School Growth Scores typically range from 60.00 to 100.00 with scores below 70 representing the extremes of lower than expected growth and scores above 90 representing the extremes of higher than expected growth. Please note that at the student level scores have a much wider range of values that must be interpreted within that wider range of values. Averaging at the school level results in less variation among school growth scores which means that values must be interpreted within this narrower range.

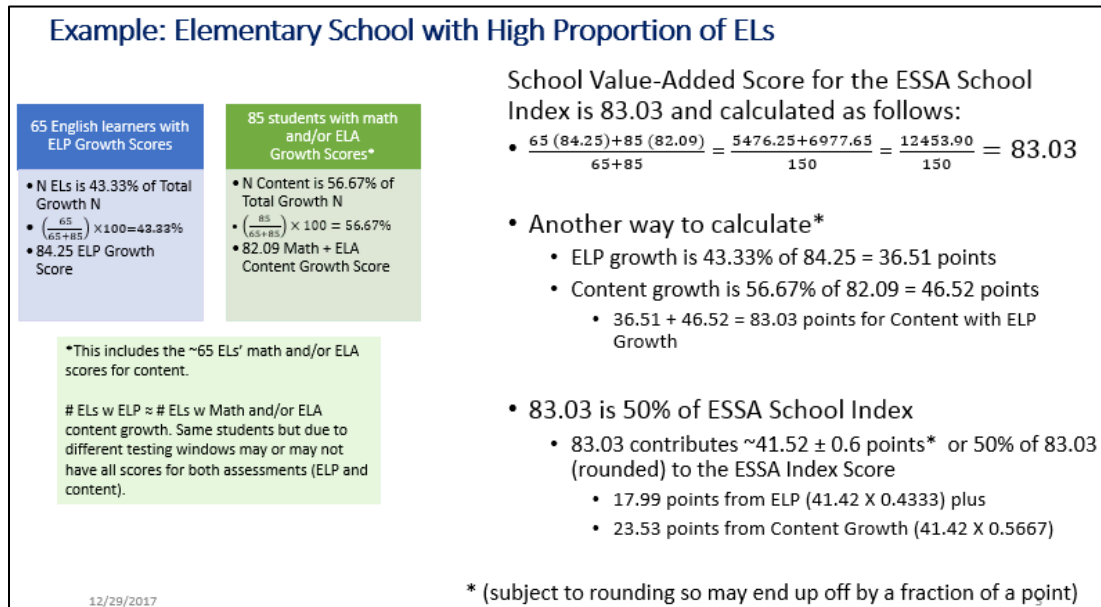
Figures A-5a. through A-5b. provide examples of the calculation for content and ELP value-added scores as the scores are combined to create the school value-added score used in the ESSA School Index.

Figure A-5a. Elementary school example of how the ELP indicator is incorporated and weighted proportional to the population of English Learners at the school.



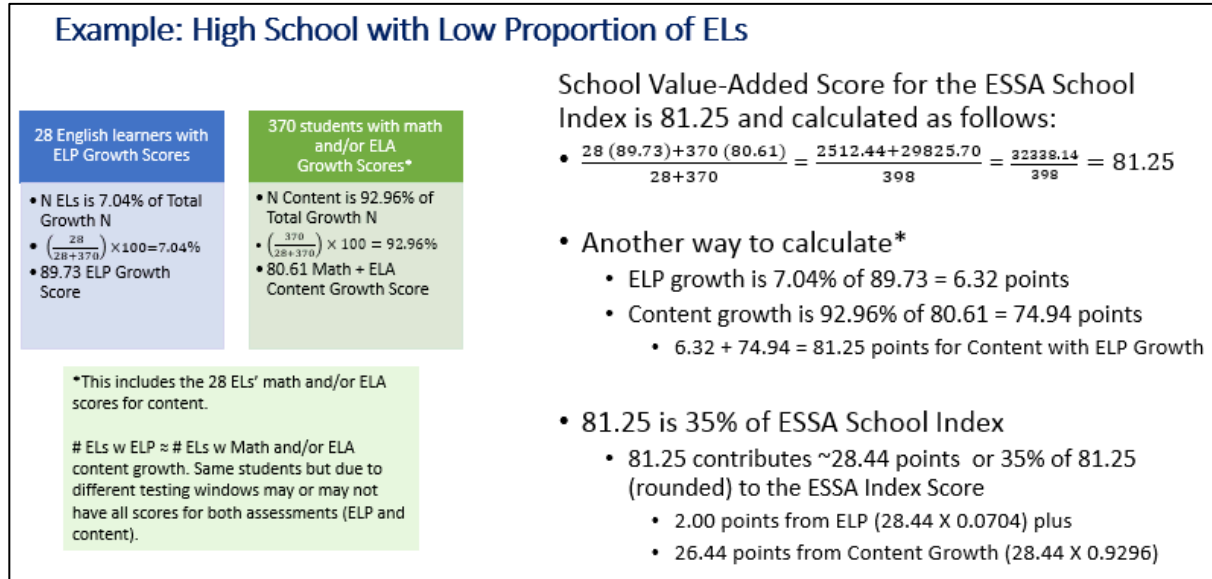
In Figure A-5a. the school has 13 English learners out of 239 students. If the universal weight of 10 percent were used for the English Learner Progress indicator then this school would not have met the minimum N and the progress of these students would have been silent in the ESSA School Index score. Instead, the 13 English Learners had greater than expected growth, on average, and this progress is included in the ESSA School Index score as 5.16% of the number of scores included in the growth and contributes 4.27 points to the School Value-added Growth Score. Since growth is 50 percent of the elementary ESSA School Index, or 38.16 points as indicated in Figure 5.a., 1.97 points are contributed to the ESSA School Index score by the 13 English Learners and 36.19 points are contributed by the 239 students' content value-added growth scores. The contribution of English Learners to the total points in the ESSA School Index score reflects the progress (value-added growth in English language proficiency) of these students at a proportionate rate to their density in the school population.

Figure A-5b. Elementary school with high proportion of English Learners.



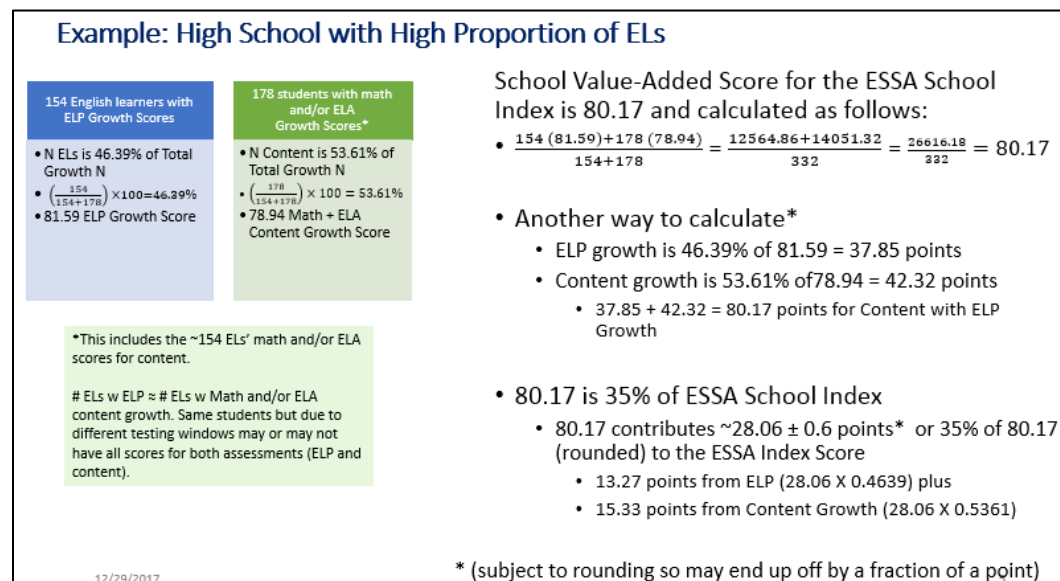
In Figure A-5b. the school has 65 English learners out of 85 students. If the universal weight of 10 percent were used for the English Learner Progress indicator then this school would have met the minimum N and the progress of these students would have counted for only 10 percent of the ESSA School Index score. Instead, the 65 English Learners had greater than expected growth, on average, and this progress is included in the ESSA School Index score proportionate to the number of English learner value-added growth scores for progress to English language proficiency. In this case, 17.99 of the 41.52 points contributed for by the other academic indicator come from English learner progress. This is a much larger contribution than would have been accomplished with a universal weight of 10 percent for the English language progress indicator.

Figure A-5c. High school with low proportion of English learners.



In the case of high schools, the School Value-added Growth score is part of the academic achievement indicator and is weighted at half of the 70 percent of the academic achievement indicator within the ESSA School Index. This results in a nominal weight of 35% of the ESSA School Index score for value-added growth in academic achievement. In Figure A-5c. note the 28 English learners account for 7.04 percent of the students. If the universal weight of 10 percent were used for the progress to English language proficiency indicator the ESSA School Index score for this school would be inflated by the very high English learner value-added score for progress to English language proficiency. This would bias the growth score disproportionately higher given the proportion of students in the content growth value-added score. Instead, the small proportion of students accounts for 2.00 points in the ESSA School Index score, appropriately weighting the growth values.

Figure A-5d. High school with high proportion of English learners.



The final example, Figure A-5d., illustrates the weight of the English learner progress to English language proficiency indicator in a high school with a high proportion of English learners. In this case, given the high proportion of English learners (154 out of 178 students) it is appropriate that the English learner progress to English language proficiency have an impact on almost half of the points for the School Value-added Growth score.

### Inclusion Rules for School Growth Scores

Students completing a full academic year (not highly mobile) and completing the math and/or English Language Arts assessments (ACT Aspire or alternative assessment) or the English language proficiency assessment (ELPA21) are included in the Weighted Achievement calculation.

### Adjusted Cohort Graduation Rates

The four-year Adjusted Cohort Graduation Rate and the five-year Adjusted Cohort Graduation Rate will be used in the School Rating System. Both the four-year and five-year Adjusted Cohort Graduation Rate will be directly integrated by multiplying each rate by the weight assigned: 10 percent for four-year Adjusted Cohort Graduation Rate and five percent for five-year Adjusted Cohort Graduation Rate. The total points possible for each Adjusted Cohort Graduation Rate would reflect the weight assigned, 10 and five, respectively.

The Adjusted Cohort Graduation Rates would function as continuous values in the total School Rating System adjusted by weight for the indicator. For example, a school with a four-year Adjusted Cohort Graduation Rate of 85 would earn 85 points adjusted by the assigned weight of 10 percent which would result in the four-year Adjusted Cohort Graduation Rate contributing 8.5 points to the overall score. A five-year Adjusted Cohort Graduation Rate of 96 at an assigned rate of five percent would contribute 4.8 points to the overall score.

## School Quality and Student Success Indicators

Ark. Code Ann. § 6-15-2108(b) and (c) specify that the school rating system shall consider without limitation at least one or more school quality and/or student success indicators provided those indicators allow for meaningful differentiation of schools and are valid, reliable, comparable and applicable statewide. Stakeholders communicated a desire to have multiple measures included in this indicator as soon as possible.

The Department created a student-focused aggregation of indicators that meet these requirements. The measures for this indicator focus on each student meeting important educational milestones (such as reading proficiently), important readiness criteria (minimum ACT score of 19 for Arkansas Academic Challenge Scholarship), and important postsecondary success indicators (attainment of AP, IB, concurrent credits). In essence, the School Quality and Student Success indicator combines measures of engagement, access, readiness, completion, and success criteria. To calculate this indicator a student level table is constructed to include the indicators listed in Table A-3.

For each component of this indicator a student is included in the denominator of the calculation using a comparable standard. The student engagement component can be used for an example. If a student is in grades kindergarten through 11 and the student is enrolled at a particular school, then the student is listed as enrolled at that school in a district's annual cycle 7 (June 15) data submission to the statewide information system. The cycle 7 data submission of enrolled students at each school and LEA provides the denominator for the student engagement component. A student level table is constructed that includes all students enrolled at each school and LEA as of June 15. The cycle 7 data submission includes the number of days absent and the number of days present for each student enrolled at the school.

The number of days absent and the number of days present are used to calculate the attendance rate of the student and that rate is used to determine the risk level for engagement. Chronic absence represents high risk that the student is not engaged in school.

- If a student is absent less than five percent of the days the student is enrolled, the student is considered low risk, and the student receives 1 point for the student engagement component out of 1 point possible.
- If a student is absent from five percent to less than 10 percent of the days enrolled, the student is considered moderate risk and the student receives 0.5 points for the student engagement component out of 1 point possible.

The number of points for all students enrolled (as submitted and certified in cycle 7 data) are summed for the numerator of this component. The number of students enrolled (as submitted and certified in cycle 7 data) are the denominator of this component. The use of submitted, certified cycle 7 enrollment data provides a comparable denominator for this component for schools statewide. This process—determining and summing points received for each student and points possible for each student—is replicated for each component of the School Quality and Student



Success indicator. The final School Quality and Student Success indicator score is the sum of points per student across all components and the sum of points possible across all components. This summation results in a denominator for each component that is standard and comparable across schools and a numerator for each component that reflects the degree to which each student accessed or achieved a desired outcome for the component. To calculate this indicator a student level table is constructed to include the indicators listed in Table A-3.

Table A-3. School Quality and Student Success Indicators Available for Inclusion

Indicator	Grade Level or Cohort for Points Possible	Points for Student
Student Engagement	Grades K-11 Students Enrolled in School	Point based on Chronic Absence (CA) risk level: CA < 5% = 1.0 Point 5 ≤ CA < 10% = 0.5 Point CA ≥ 10% = 0.0 Point
Science Achievement	Grades 3–10 Students tested on Required State Assessment	Ready or Exceeds = 1.0 Point Not Ready = 0.0 Point
Science Value-Added Growth	Grades 4–10 Students tested on Required State Assessment	Using ACT Aspire Science Value-Added Score Percentile Ranks VAS PR ≥ 75 = 1.0 Point 25 ≤ VAS PR < 75 = 0.5 Point
Reading at Grade Level	Grades 3-10 Students tested on Required State Assessment	Ready or Exceeds = 1.0 Point Not Ready = 0.0 Point
ACT	Grade 12 Students enrolled in school	Best ACT Composite Score ≥ 19 = 1.0 Point Use best ACT score from prior 3 years.
ACT Readiness Benchmark	Grade 12 Students enrolled in school	ACT Reading ≥ 22 = 0.5 point ACT Math ≥ 22 = 0.5 point ACT Science ≥ 23 = 0.5 point Use best ACT score from prior 3 years for each subject.
GPA 2.8 or better on 4.0 scale	Grade 12 Students enrolled in school	High school final GPA ≥ 2.8 = 1.0 Point
Community Service Learning Credits Earned	Grade 12 Students enrolled in school	1 or more SL credits earned = 1.0 Point Act 648 of 1993 course #496010, #999120, or other state approved courses. Credits earned at any time during grades 9–12.
On-time Credits	Grades 9-11 Students enrolled in school	Grade 9 completed ≥ 5.5 credit = 1.0 Point Grade 10 completed ≥ 11.0 credits = 1.0 Point Grade 11 completed ≥ 16.5 credits = 1.0 Point

Computer Science Course Credits Earned	Grade 12 Students enrolled in school	Credits earned $\geq 1$ = 1.0 Point Credits earned at any time during grades 9–12.
Advanced Placement/International Baccalaureate or Concurrent Credit Courses (ACE included)	Grade 12 Students enrolled in school	Credits earned $\geq 1$ = 1.0 Point Credits earned at any time during grades 9–12.

To communicate the focus on student access, readiness, and success for this indicator, and to ensure comparability across schools and grade spans the School Quality and Student Success Indicator is calculated first at the student level.

Each student has a score that is the percentage of points earned out of points possible to earn. These student-level scores are aggregated to the school level. This student-level focus is necessary first because it aligns with the goals of the Vision and second because schools will have different grade configurations and students in different grades will have different points possible. The mean percentage of points earned per student is used to calculate a school-level statistic which represents the average earned points per student based on each student's possible points. The following steps were taken to model this student-focused School Quality and Student Success Indicator.

The mean percentage of points earned per student is used to calculate a school-level statistic which represents the average earned points per student based on each student's possible points. The following steps were taken to model this student-focused School Quality and Student Success Indicator:

- A student-level table was constructed that included two columns per indicator: points possible and points earned. If an indicator listed in Table A-3 applied to the student, the points possible were set equal to one. If the indicator did not apply, the points possible were set to a null value to exclude them from the total points possible for the student.
- When a student's data record indicated he/she earned a full or partial point the point/partial point was added to the student row for that indicator. If a student's data record showed the student did not meet the criteria to earn a point for the indicator, a zero was assigned for points earned for that particular indicator.
- Students' possible points were summed across all indicators (indicators with a null value did not apply and thus were not included in possible points).
- Students' earned points were summed across all applicable indicators.

- The percentage of points earned out of possible points was calculated for each student.
- School means were calculated for the percentage of points earned per student to produce the school-level School Quality and Student Success indicator.

## Grade Spans and Grade Configurations

The Department will identify each school based on the grade span, grades PK-5, grades 6-8, or grades 9-12. Each school is assigned to a grade span based on the grades the school serves (grade range of school). Grade span categories for each grade range are indicated below. The grade spans are determined in a logical manner based on the grade levels assessed on the statewide assessments. If a school grade range includes the majority of tested grades within a span, then the school is assigned to the grade span with other schools whose majority of grades are within the same grade span for comparability purposes. When a school configuration has an equal number of assessed grades for two grade spans, then the school is included in the higher grade span for comparability purposes. This is important given the weights of weighted achievement and growth in the ESSA School Index and the different components of the School Quality Student Success indicator.

*Figure A-6. Grade Spans and Configurations*

Grade Span	Grade Ranges											
PK-5	P - P	P - K	P - 1	P - 2	P - 3	P - 4	P - 5	P - 6	K - K	K - 1	K - 2	K - 3
	K - 4	K - 5	K - 6	1 - 2	1 - 3	1 - 4	1 - 5	1 - 6	2 - 3	2 - 4	2 - 5	2 - 6
	3 - 3	3 - 5	3 - 6	4 - 5	4 - 6	5 - 5						
Grades 6-8	P - 8	K - 8	4 - 7	4 - 8	5 - 6	5 - 7	5 - 8	6 - 6	6 - 7	6 - 8	7 - 8	7 - 9
	8 - 8											
Grades 9-12	8 - 9	9 - 9	K - 12	5 - 12	6 - 12	7 - 12	8 - 12	9 - 12	10 - 12	11 - 12		

## Total Score and Rating

The Department will weight each indicator according to the table below:

*Table A-4. Indicator Weights*

Indicator	Weight of Indicator within Index Grades K-5 & 6-8	Indicator	Weight of Indicator within Index High Schools
Weighted Achievement Indicator	35%	Weighted Achievement and Academic Growth	70% total with Weighted Achievement accounting for half (35%) and School Growth Score accounting for half (35%)
Growth Indicator Academic Growth English Language Progress	50%		
Progress to English Language Proficiency*	Proportionately weighted in School Growth Score by Number of English Learners 1:1 ELP to Content Growth	Progress to English Language Proficiency*	Proportionately weighted in School Growth Score by Number of English Learners 1:1 ELP to Content Growth
Graduation Rate Indicator 4-Year Adjusted Cohort Rate 5-Year Adjusted Cohort Rate	NA	Graduation Rate Indicator 4-Year Adjusted Cohort Rate 5-Year Adjusted Cohort Rate	15% total 4-Yr = 10% 5-Yr = 5%
School Quality and Student Success Indicator	15%	School Quality and Student Success Indicator	15%

All ESSA School Index scores and indicator scores will be rounded and reported to the nearest hundredths by applying standard rounding rules. If the thousandths place of a decimal is five or greater, or can be rounded to five or greater, the score will be rounded up to the nearest hundredth. (Example: 78.7864 will be reported as 78.79). If the thousandths place of a decimal is four or less, or can be rounded to four or less, the score rounds down to the nearest hundredth. (Example: 98.5442 will be reported as 98.54).

The total score for each school will determine the school rating. The Department will assign the school rating according to the tables below:

Table A-5. K-5 Grade Span Ratings

Rating	Total Score Range
A	$80.35 \leq \text{Score}$
B	$73.47 - 80.34$
C	$65.98 - 73.46$
D	$58.97 - 65.97$
F	$\text{Score} \leq 58.96$

Table A-6. Grades 6-8 Grade Span Ratings

Rating	Total Score Range
A	$78.37 \leq \text{Score}$
B	$72.58 - 78.36$
C	$65.93 - 72.57$
D	$56.24 - 65.92$
F	$\text{Score} \leq 56.23$

Table A-7. Grades 9-12 Grade Span Ratings

Rating	Total Score Range
A	$75.40 \leq \text{Score}$
B	$69.58 - 75.39$
C	$62.78 - 69.57$
D	$54.48 - 62.77$
F	$\text{Score} \leq 54.47$

**Subject:** RE: Notice of filing of Emergency Rule - ADE Rules Governing the Public School Rating System  
**Date:** Friday, February 23, 2018 at 2:45:13 PM Central Standard Time  
**From:** Jami Triplett  
**To:** Courtney Salas-Ford (ADE)

Hi Courtney,  
As soon as we receive the paper copy of this emergency rule, we can file it for you.

Jami Triplett  
Arkansas Secretary of State  
Elections Division  
501-682-3476

-----Original Message-----

From: Courtney Salas-Ford (ADE) [<mailto:Courtney.Salas-Ford@arkansas.gov>]  
Sent: Friday, February 23, 2018 2:27 PM  
To: Arkansas Register <[ArkansasRegister@sos.arkansas.gov](mailto:ArkansasRegister@sos.arkansas.gov)>  
Subject: Notice of filing of Emergency Rule - ADE Rules Governing the Public School Rating System

Please find attached the following emergency rules approved by the Arkansas State Board of Education on February 23, 2018:

- \* ADE Rules Governing the Public School Rating System on Annual School Performance Reports and the School Recognition Program

A financial impact statement and rule summary are also attached. These rules will be presented to the ALC Executive Subcommittee on Monday, March 5, 2018, for final approval.

Thank you,

Courtney Salas-Ford  
Deputy General Counsel  
Ark. Dep't of Education  
Four Capitol Mall, Rm. 301-A  
Little Rock, AR 72201  
(501) 682-4752



**State of Arkansas**  
**Bureau of**  
**Legislative Research**

Marty Garrity, Director  
Kevin Anderson, Assistant Director  
for Fiscal Services  
Tim Carlock, Assistant Director  
for Information Technology  
Matthew Miller, Assistant Director  
for Legal Services  
Richard Wilson, Assistant Director  
for Research Services

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## **Memorandum**

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**TO: Members, ALC – Executive Subcommittee**

**FROM: Rebecca Miller-Rice, Legislative Attorney, Administrative Rules Review Section, Legal Services Division**

**CC: Marty Garrity, Director, Bureau of Legislative Research;  
Jessica Sutton, Administrator, Administrative Rules Review Section,  
Legal Services Division**

**DATE: February 26, 2018**

**SUBJECT: Legal Authorization for Emergency Promulgation of the Rules Governing  
the Public School Rating System on Annual School Performance Reports  
and the School Recognition Program by the Arkansas Department of  
Education**

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The State Board of Education (“State Board”) shall qualify and standardize public schools and prescribe requirements for accrediting and grading public schools. *See* Ark. Code Ann. § 6-11-105(a)(5). Pursuant to Arkansas Code Annotated § 6-15-2101(a)(1), the Department of Education (“Department”) shall prepare annual reports of the results of the statewide assessment program that describe student achievement in each school district and each school in the state and the school performance category levels under Ark. Code Ann. § 6-15-2103. The State Board shall adopt rules necessary to implement Title 6, Chapter 15, Subchapter 21 of the Arkansas Code, concerning a school rating system, pursuant to the Arkansas Administrative Procedure Act, Ark. Code Ann. § 25-15-201 et seq. *See* Ark. Code Ann. § 6-15-2106(a).

Per the Department, the instant proposed rules also incorporate the provisions of Act 744 of 2017, which concerned the accountability system developed by the State of Arkansas under the Every Student Succeeds Act, 20 U.S.C. § 6301 et seq. Arkansas Code Annotated § 6-15-2108, as amended by Act 744, § 4, provides that the school rating system shall be a multiple-measures approach that shall include without limitation academic achievement on the annual statewide

student assessment, student growth on the annual statewide student assessment, school-level graduation rate or rates, and English-learner progress or growth in acquiring English, and the school rating system shall consider without limitation at least one (1) or more of certain indicators set forth in the statute. *See* Ark. Code Ann. § 6-15-2108(a)–(b), as amended by Act 744, § 4. Further authority for the rulemaking can be found in Ark. Code Ann. § 6-15-2108(d), as amended by Act 744, § 4, which requires that the Department shall promulgate rules to implement Ark. Code Ann. § 6-15-2108, pertaining to the school-rating system.