

BEFORE THE ARKANSAS STATE BOARD OF EDUCATION

On July 10, 2014, during a regular meeting of the Arkansas State Board of Education (State Board), a hearing was conducted pursuant to the legal authority and jurisdiction vested in the State Board by Ark. Code Ann. § 6-15-428 through § 6-15-431 and the Arkansas Department of Education Emergency Rules Governing the Arkansas Comprehensive Testing, Assessment and Accountability Program (ACTAAP) and the Academic Distress Program. Before the State Board was the appeal of the Marvell-Elaine School District challenging the academic distress identification of the Marvell-Elaine High School by the Arkansas Department of Education.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

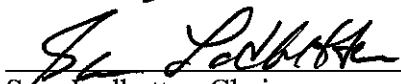
1. On May 2, 2014, pursuant to Ark. Code Ann. § 6-15-428, the Arkansas Department of Education notified the Marvell-Elaine School District that the Marvell-Elaine High School had been identified by the Arkansas Department of Education as being in academic distress for the 2013-2014 school year.
2. The reason for the identification, according to the Arkansas Department of Education, was that the Marvell-Elaine High School was a school in which 49.5% or less of its students achieved proficient or advanced in math and literacy on the state-mandated criterion referenced assessments administered in the Marvell-Elaine School District for the most recent three (3) year period. Specifically, 48.974% of the Marvell-Elaine High School students achieved proficient or advanced in math and literacy on the state mandated criterion referenced assessments administered in the school district for the most recent (3) year period.
3. On May 30, 2014, pursuant to Ark. Code Ann. § 6-15-428, the Marvell-Elaine School District filed an appeal of the Arkansas Department of Education's academic distress identification.

4. Arkansas law requires the State Board to promulgate rules as necessary to identify, evaluate, assist, and address public schools and school districts determined to be in academic distress. Ark. Code Ann. § 6-15-431(a).
5. The academic distress rules and regulations are incorporated as part of the Arkansas Department of Education Emergency Rules Governing the Arkansas Comprehensive Testing, Assessment and Accountability Program (ACTAAP) and the Academic Distress Program (Rules), adopted by the State Board on April 10, 2014.
6. Section 3.02.2.1 of the Rules defines “academic distress” as a classification assigned to any public school “[i]n 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.”
7. Section 10.04.1 of the Rules states that any public school “which meets the definition of ‘Academic Distress’ set forth in Section 3.02” shall be designated in academic distress.
8. Because 48.974% of the Marvell-Elaine High School students achieved proficient or advanced in math and literacy on the state mandated criterion referenced assessments administered in the school district for the most recent (3) year period, the Marvell-Elaine High School meets the criteria for classification as a public school in academic distress.

ORDER

9. The appeal of the Marvell-Elaine School District is hereby denied.

Signed this 24th day of July, 2014


Sam Ledbetter, Chair
Arkansas State Board of Education