



Division of Elementary and Secondary Education

Transforming Arkansas to lead the nation in student-focused education

Jacob Oliva
Secretary

July 15, 2025

Stacy Smith
Deputy
Commissioner

Ms. Rebecca Miller-Rice
Rules Administrator
Bureau of Legislative Research
One Capitol Mall, Fifth Floor
Little Rock, AR 72201

**State Board of
Education**

**Re: For Legislative Council Review: Division of Elementary and Secondary
Education Rules Governing the Public School Rating System on Annual School
Performance Reports and the School Recognition Program**

Adrienne Woods
Bentonville
Chair

Dear Ms. Miller-Rice:

Lisa Hunter
White Hall
Vice Chair

Attached is a copy of proposed new Division and Elementary and Secondary Education Rules Governing the Public School Rating System on Annual School Performance Reports and the School Recognition Program. This filing also contains the financial impact statement, markup version of the rules, post-public comment summary, and public comments with division responses. The Division respectfully requests that these proposed rules amendments be placed on the ALC Administrative Rules Subcommittee agenda in August.

Dr. Gary Arnold
Little Rock

Randy Henderson
Blytheville

This rule was approved by the Governor's Office and released for public comment release by the State Board of Education on May 11, 2025. The public comment period ran from March 22, 2024, to January 27, 2025. A public comment hearing was held on May 22, 2025, at the Arch Ford Building, Four Capitol Mall, Little Rock, AR, 72201. On July 10, 2025, the State Board gave its approval for this rule.

Jeff Wood
Little Rock

Ken Bragg
Sheridan

Thank you for your assistance. If you have any questions or require further information, please do not hesitate to call me at (501) 682-4234.

Leigh Keener
Little Rock

Respectfully submitted,

/s/ Daniel Shults
Chief Legal Counsel
Arkansas Department of Education

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY.

DEPARTMENT _____
BOARD/COMMISSION _____
PERSON COMPLETING THIS STATEMENT _____
TELEPHONE NO. _____ **EMAIL** _____

To comply with Ark. Code Ann. § 25-15-204(e), please complete the Financial Impact Statement and email it with the questionnaire, summary, markup and clean copy of the rule, and other documents. Please attach additional pages, if necessary.

TITLE OF THIS RULE _____

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 Does this proposed, amended, or repealed rule have a financial impact?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 no, please explain:

(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 reason for adoption of the more costly rule is based on the interests of public health, safety, or welfare, and if so, how; and

(d) whether the reason for adoption of the more costly rule is within the scope of the agency's statutory authority, and if so, how.

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

Total _____

Next Fiscal Year

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

Total _____

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

Current Fiscal Year

\$ _____

Next Fiscal Year

\$ _____

6. What is the total estimated cost by fiscal year to a state, county, or 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

\$ _____

Next Fiscal Year

\$ _____

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.



Division of Elementary and Secondary Education

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Proposed Rule Governing Public School Rating System on Annual School Performance Reports and the School Recognition Program

**State Board of
Education**

Dr. Sarah Moore
Stuttgart
Chair

PURPOSE

Pursuant to Acts 474 of 2025, the Department is required to establish a new accountability system to pursuant to rule making authority established in A.C.A. § 6-15-2106. This rule will ensure improvements are made to the accountability system to better agency priority and the LEARNS act's goals of improving k-12 education in Arkansas.

KEY POINTS

- Updates the rule governing school ratings to set defined parameters with technical minutiae removed consistent with the Code of Arkansas Rules style.
- Updates the rule to reflect the combination of the Arkansas School for the Blind and the Arkansas School for the Deaf and Hearing impaired to the Arkansas School for the Deaf and Blind.
- Complies with the statutory requirements and allows the division to better tailor the rating system to ensure fair and accurate information to Arkansans regarding the state of Arkansas Schools.

Kathy Rollins
Springdale
Vice-Chair

Adrienne Woods
Rogers

Randy Henderson
Blytheville

Lisa Hunter
White Hall

Jeff Wood
Little Rock

Ken Bragg
Sheridan

Leigh Keener
Little Rock

DISCUSSION

This rule is promulgated to allow the agency to comply with Act 474 of 2025 which requires that the ADE establish an accountability system for public schools. In addition rulemaking will allow important updates to the school rating system to better reflect the relative academic growth and achievement in Arkansas Schools

Public Comment

No changes were made based on public comments.

Proposed Rulemaking

Title

Promulgated by:
Division of Elementary and Secondary Education

Title 6. Education

Chapter I. Division of Elementary and Secondary Education

Subchapter C. Educational Quality, Standards, and Assessment

Part 64. Rules Governing the Public School Rating System on Annual School Performance Reports and the School Recognition Program

Subpart 1. Generally

6 CAR § 64-101. Purpose.

The purpose of this part is to:

- (1) Establish the school rating system and designate school performance category levels or ratings pursuant to Arkansas Code §§ 6-15-2105 and 6-15-2106; and
- (2) Provide financial awards to public schools that experience high student performance and those with high student academic growth in accordance with Arkansas Code § 6-15-2107.

6 CAR § 64-102. School rating system.

(a) 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.

(b) The Division of Elementary and Secondary Education shall assign the annual public school rating under this section using the following indicators for each designated grade span based on the grade configurations of the school:

DRAFT

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(1) In elementary and middle schools, the following indicators shall be used; without limitation:

(A) The percent of students meeting proficiency or exceeding proficiency on state summative exams in ELA, math and science;

(B) The percent of students meeting or exceeding individual growth score in ELA, math, and science; and

(C) The percent of students meeting or exceeding his or her individual growth in the lowest 25% of achievement on the previous state summative exams in ELA, math, and science.

(2) In high schools, the following indicators shall be used; without limitation:

(A) The percent of students meeting or exceeding proficiency on state summative exams in ELA, math and science;

(B) The percent of students meeting or exceeding his or her individual growth score in ELA, math, and science;

(C) The percent of students meeting individual growth in the lowest 25% of achievement on the previous state summative exams in ELA, math, and science combined;

(D) The four year graduation rate; and

(E) The number of students earning a diploma of merit or distinction that lead to enrollment, enlistment, or employment.

(c) For a school that does not have a complete data set due to grade configuration or the number of students per grade, the use of feeder school data, pairing, or proportional cuts, may be used to assign a school rating.

(d) The Division shall publish the annual Public School Rating Business Rules used to assign school ratings on the Division's website.

(e)(1) The Division shall recommend cut scores for each rating to the State Board of Education.

(2) The Division shall implement an "Automatic Grading Scale Increase" in any year in which 65 percent or more of the school statewide aggregate earn a grade of A or B, and raise the scale required to earn a school grade by five percent until the

scale reaches 90-100 = A, 80-89 = B, 70-79 = C, 60-69 = D, and 0-59 = F.

~~(f)~~ The ~~Department of Education Division will shall~~ engage stakeholder groups in the school rating process and utilize feedback from the stakeholder groups to make a final recommendation to the State Board of Education for the total score range for each rating.

~~(e)(g)~~ 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 this part only, include the ALE or AE students in their respective area schools.

~~(d)-(h)~~ Each school's rating shall be included in the annual school performance report, which shall be posted on the ~~department's Division's~~ and school districts' websites.

~~(e)(i) For purposes of this part only, t~~ The following entities shall be exempt from ~~the designation of receiving~~ a school rating:

(1) An open-enrollment public charter school whose mission and enrollment are primarily focused on students who:

(A) Have dropped out of high school; or

(B) Are identified as at risk of dropping out of school;

(2) A conversion public charter school whose mission and enrollment are primarily focused on students who:

(A) Have dropped out of high school; or

(B) Are identified as at risk of dropping out of school;

(3) An adult charter school serving students aged nineteen (19) or older;

(4) The Arkansas School for the Deaf and Blind; and

~~(5) The Arkansas School for the Deaf; and~~

~~(6)~~ The Division of Youth Services' system of education.

6 CAR § 64-103. Arkansas School Recognition Program.

DRAFT

(a) Pursuant to Arkansas Code § 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.

— ~~(b)(1)(A)~~ For purposes of the Arkansas School Recognition Program, student performance in overall achievement will be calculated using ~~weighted percent of students meeting proficiency in ELA, math and science as describe in the annual Public School Rating Business Rules~~ achievement as described in Appendix A.

(B) Schools recognized for overall achievement shall have a school-wide value-added score that meets or exceeds expected growth to qualify for the Arkansas School Recognition Program.

(2) Recognition will be determined based on the ranking of ~~all schools~~ by grade span and ~~of the total score for the weighted~~ achievement indicator.

~~(c)(1)~~ (3) Student academic growth shall be determined by using school value-added scores that will be calculated using the state's value-added formula as described in the annual Public School Rating Business Rules.

(4) Recognition for high student academic growth will be determined based on the ranking of the school value-added score of all schools by grade span.

(5) For a school without a complete data set, recognition will be based on the rank of the school value-added score of the school with the tested grade levels that is paired with the feeder school within a district.

~~For purposes of the Arkansas School Recognition Program, student academic growth and school value-added scores will be calculated as described in Appendix A.~~

~~(2) 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:~~

— ~~(A) For public schools that include at least one (1) of the tested grade levels of grades three through ten (3 – 10) but do not include a terminal grade level of grade twelve (12), recognition will be determined based on the rank of the school~~

~~value-added score;~~

~~—————(B) For public schools that only include grade levels lower than grades three through ten (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; and~~

~~—————(C)(i) For public schools that include at least one (1) of the tested grade levels of grades three through ten (3 — 10) and a terminal grade level of grade twelve (12), recognition will be determined based on the rank of the sum of the school value-added score (thirty-five percent (35%) weight) and the adjusted cohort graduation rate score (fifteen percent (15%) weight), multiplied by two (2).~~

~~—————(ii) For public schools that only include grade levels higher than grades three through ten (3 — 10) that have a terminal grade level of twelve (12), recognition will be determined based on the rank of the sum of the school value-added score (thirty-five percent (35%) weight) of the school paired with it and the adjusted cohort graduation rate score (fifteen percent (15%) weight), multiplied by two (2).~~

~~Appendix A. School Rating System~~

~~Link:~~

~~<https://CodeOfARRules.arkansas.gov/docs/CARCodeAppendices/Appendices/314/6CARpt.64AppendixA.pdf>~~

**DIVISION OF ELEMENTARY AND SECONDARY EDUCATION THE PUBLIC
RATING SYSTEM ON ANNUAL SCHOOL PERFORMANCE REPORTS AND THE
SCHOOL RECOGNITION PROGRAM**

PUBLIC COMMENTS

Commenter Name and Organization (if applicable): Dr. Nancy Churchwell, Chief Financial Officer, Newport School District

Comments: Good morning,

For Title 6. Education Chapter I. Division of Elementary and Secondary Education Subchapter C. Educational Quality, Standards, and Assessment Part 64. Rules Governing the Public School Rating System on Annual School Performance Reports and the School Recognition Program Subpart 1. Generally,

6 CAR § 64-102. School rating system.

Item 2) (2) The Division shall implement an “Automatic Grading Scale Increase” in any year in which 65 percent or more of the school statewide aggregate earn a grade of A or B, and raise the scale required to earn a school grade by five percent until the scale reaches 90-100 = A, 80-89 = B, 70-79 = C, 60-69 = D, and 0-59 = F.

This section sets 59% of school districts up for receiving a grade of F and another 10% of districts to receive a grade of D. When giving a test in a classroom, you do not grade based on rank, you give a grade based on individual performance on each item. This automatic grading scale increase is unfair to districts working to improve their letter grade. Furthermore, This means that the rest of the country will see that more than half of Arkansas School Districts are failing. I do not believe this is the image we want to promote, when school districts across the state are working exceptionally hard to improve academic success of all students.

Furthermore, with the school choice laws currently in effect, this requirement is a violation of Lake View School District No. 25 v. Huckabee. School funding is based on student enrollment. Students will leave these "Failing" schools and flee to the "A" & "B" schools. This will lead to inadequate and inequitable funding for these districts. If each school has a fair opportunity to reach "A" or "B" status, I believe this proposed rule would be in compliance with the Lake View Standard.

Thank you for taking the time to consider this comment.

Division Response: Comments considered; No changes made. All schools do still maintain the ability to reach an A or B letter grade by increasing the percentage of students who meet the criteria for each indicator. The automatic escalator does not prevent a school from earning points. If 65% are earning an A or B then that would leave 35% in C, D or F.

Commenter Name and Organization (if applicable): Christy Hovantez, Ph.D., Senior Policy Fellow, ExcelinEd

Comments: Dear Secretary Oliva, Chair Moore and members of the Arkansas Board of Education:

I am writing to submit the Foundation for Excellence in Education's (ExcelinEd) comments regarding the proposed "*DESE Rules Governing the Public-School Rating System on Annual School Performance Reports and the School Recognition Program.*"

ExcelinEd has close to two decades of experience working with states across the nation on school accountability systems and we respectfully offer the following recommendations to improve Arkansas' current proposal.

School grades should provide transparent, objective and easily understood data to parents, educators and the public to spur improvement and student learning to prepare them for the challenges of college, career and civic life. Pioneered in Florida and in use in 11 other states across the country, A-F school grading remains a proven and effective accountability tool.

The proposed rules streamline and improve Arkansas' A-F school accountability calculation in many ways:

- Moving to a straight percent proficient/advanced calculation for ELA, math and science increases transparency and focuses on a meaningful outcome for students—proficiency.
- The added focus on the lowest performing students ensures no student will be left behind.
- Using only the four-year graduation rate signals the expectation to graduate on time.
- The overall A-F grading scale is aspirational, yet attainable with the inclusion of an automatic grading scale increase to raise the bar when schools demonstrate success to ensure performance will not stagnate.

However, one policy approach is preventing the Arkansas school grading calculation from being exceptional: the use of a normative value-added model to measure student growth.

ExcelinEd strongly encourages the use of a criterion-based growth calculation to measure each student's growth towards mastery of the state standards. The current value-added model makes judgments about growth using a normative approach that compares a student's performance to their peers instead of a set standard.

Using a criterion-based calculation rewards schools for moving students from a lower achievement level to a higher achievement level and is meaningful to the student's quest to reach proficient and advanced achievement. Criterion-based growth benefits include:

- Educators can compute and replicate growth calculations;
- Individual student learning expectations are set and measured;

None of these outcomes can be accomplished with value-added growth because it is a normative measure. Drawbacks of value-added models include:

- Statisticians compute growth generally using a black-box proprietary formula that cannot be replicated without statewide student level data;
- Individual student learning expectations are determined after the student's state assessment results are back;
- Not all students can demonstrate growth—there will always be winners and losers no matter how much state results improve;
- Criteria for determining individual student growth is determined after the test results are back so students, parents, educators and policymakers do not know how much a student must improve to demonstrate growth until after the school year is over;
- The improvement needed for demonstrating growth is different for each student;
- Expectations for demonstrating growth change from year to year making longitudinal comparisons impossible;
- Growth expectations, even if they are met each year, may not result in proficient or advanced student achievement.

Arkansas' neighbors, Louisiana and Mississippi, are exemplars when it comes to strong A-F grading models. Both states have demonstrated improved student outcomes as a result of their commitment to meaningful school accountability systems.

Arkansas has the opportunity to create an exceptional school grading model that will spur action within the walls of each school and make a difference for students. We encourage the state to continue and strengthen its commendable efforts to disrupt the status quo and transform education on behalf of each and every Arkansas student.

Division Response: Comments considered; No changes made. There are various methods and formulas for calculating growth scores. In Arkansas, a comprehensive working group consisting of educators from Arkansas and technical experts was established to address this issue. The committee recommended continuing with the Value-Added Model (VAM) to calculate growth. Stakeholders concluded that the VAM model effectively accounts for individual student growth scores and aligns well with the overall performance metrics at the teacher, school, and district levels.

Commenter Name and Organization (if applicable): Amanda Dawson, Senior Director State and District Partnerships, College Board
adawson@collegeboard.org

Comments: Good afternoon,

We appreciate the opportunity to submit the attached comments regarding the pending rules governing Arkansas's Public School Rating System on Annual School Performance Reports and the School Recognition Program.

Dear Secretary Oliva,

On behalf of the College Board, a nonprofit mission-driven organization that connects students to college success and opportunity, I'm writing to provide feedback on the proposed rulemaking for the *Rules Governing the Public School Rating System*. Our comments focus on:

- The high school indicator in proposed (b)(2)(E), the number of students earning a diploma of merit or distinction that lead to enrollment, enlistment, or employment; and
- The annual Public School Rating Business Rules in proposed (d).

We appreciate the opportunity to provide meaningful feedback and are pleased to see the state's continued commitment to rigorous educational standards and meaningful student outcomes.

Feedback on the High School Indicator (b)(2)(E)

College Board commends and congratulates Arkansas for its unwavering dedication to ensuring that every student graduates "success ready." The state's commitment to high educational standards and requirements that are meaningful, relevant, and rigorous— which also strongly align to College Board's mission – is a sound investment in the well-being and economic vitality of the state. We support the inclusion of the indicator for the number of students earning a diploma of merit or distinction that lead to enrollment, enlistment, or employment.

Feedback on the Annual Public School Rating Business Rules (d)

Per the current Success-Ready Pathway Guide¹, to earn a merit or distinction demonstration for a high school diploma, a student must complete a success-ready pathway and meet additional postsecondary criteria.

In alignment with Arkansas's dedication to student success, we encourage the state, as it considers the business rules to implement the ratings system, to:

- Incorporate current and future AP courses into additional “Success-Ready Pathways” and
- Add AP Career Kickstart employer-endorsed credentials to the state’s identified high wage, high demand industry-recognized credential list.

Success-Ready Pathway Options

College Board is pleased to see that the current guide for “Success-Ready Pathway” options include AP Scholar, AP Scholar with Honor, AP Scholar with Distinction, and AP Capstone Diploma paths. These selections further enhance student choice and readiness for college and career. We also are pleased that several AP courses – AP Computer Science Principles, AP Computer Science A, AP Spanish Language, AP French Language, and AP German Language – are included different pathway options.

We encourage Arkansas to evaluate on a regular basis whether current and future AP courses could be positioned in other pathways to ensure maximum opportunity for students to earn college credit while working towards a diploma demonstration.

AP Career Kickstart Credentials

College Board is building new AP Career Kickstart courses to accelerate high school students on their paths to in-demand careers. AP Career Kickstart exams will not only certify college-level work and result in college credit (like traditional AP Exams) but will also certify skills valued by industry through an employer-endorsed credential.

These credentials are made with and for industry to ensure they validate skills that companies value and seek. College Board is growing in industry recognition from leaders like Wells Fargo, Eli Lilly, and Nissan, and we are building robust partnership with intermediaries like the US Chamber of Commerce and YearUp United to help strengthen the connection to opportunities to credential earners. In Arkansas, College Board has received support from local industry and employers, reflecting their confidence in the quality and relevance of our credentials.

AP Business Principles/Personal Finance and AP Cybersecurity will be launching nationally in the 2026- 2027 school year and AP Networking will follow in the 2027-2028 school year.

We strongly encourage the state to add AP Career Kickstart credentials to the state’s “H2 Credentials” to ensure districts and schools are recognized for helping students meet qualifying criteria for ratings purposes. College Board welcomes the opportunity to work with Arkansas on this effort.

College Board thanks the state for the opportunity to provide meaningful feedback on the proposed rulemaking for the *Rules Governing the Public School Rating System*. We are hopeful our recommendations will be included to ensure Arkansas students, districts, and schools are recognized for their success.

Sincerely,
David Gupta
Vice President, State and District Partnerships

College Board

Division Response: Comments considered; No changes made.