

**ARKANSAS DEPARTMENT OF EDUCATION
PROPOSED RULES GOVERNING PUBLIC SCHOOL
END-OF-COURSE ASSESSMENTS AND REMEDIATION**

1.0 AUTHORITY

1.01 These rules are promulgated pursuant to Ark. Code Ann. §§ 6-11-105, 6-15-419, 6-15-433, 6-15-2009, and 6-15-2010.

2.0 PURPOSE

2.01 The purpose of these rules is to execute the requirements of the Arkansas End-Of-Course Assessments and Remediation Program as required by § 6-15-2009.

3.0 DEFINITIONS – For the purpose of these Rules, the following terms mean:

3.01 Alternative Assessment Exam – The test provided to students who have failed to achieve a passing score on an End-of-Course assessment, either after completion of the appropriate Alternative exit course or because the student falls under the provisions of § 7.03.2.3 of these Rules.

3.02 Arkansas Department of Education (ADE) – That certain state agency which is statutorily responsible for administering the statewide assessment system in Arkansas K-12th grade public schools, including but not limited to those assessments set forth in Ark. Code Ann. §§ 6-15-419, 6-15-433, 6-15-2009 and 6-15-2010.

3.03 Assessment – An examination instrument designed to measure certain levels of knowledge; specifically, in these Rules, an examination instrument meant to measure certain levels of knowledge, with Department-established cut or pass scores, for those academic courses which are the subject of End-of-Course and/or alternative assessment testing.

3.04 Basic score – That certain level of proficiency in an academic course subject to testing by the administration of End-of-Course and/or Alternative Assessments. The assessments are constructed so that a specific scale score on the Assessment corresponds to a Basic Score level; the Basic Score is the second-lowest of the four possible score levels for the Assessment (Below Basic, Basic, Proficient and Advanced).

3.05 End-of-Course Assessment – An examination taken at the completion of a course of study to determine whether a student demonstrates attainment of the knowledge and skills necessary for proficiency in that course.

- 3.06 Office of Curriculum, Assessment and Research (OCAR) – That unit within the Arkansas Department of Education which is responsible for the development and administration of statewide assessments to K-12th grade students within the Arkansas public schools, including all assessments covered by these Rules.
- 3.07 Proficient score – That certain level of proficiency in an academic course subject to testing by the administration of End-of-Course and/or Alternative Assessments. The Assessments are constructed so that a specific scale score on the Assessment corresponds to a Proficient score level; the Proficient score is second-highest of the four possible score levels for the Assessment (Below Basic, Basic, Proficient and Advanced).

4.0 END-OF-COURSE ASSESSMENTS

- 4.01 Each and every student attending an Arkansas public school shall participate in the statewide program of educational assessments required in §§ 6-15-433, 6-15-2009 and 6-15-2010.
 - 4.01.1 Specifically each and every student shall participate in the actual course and the statewide program of initial end-of-course assessments of Algebra I by the ninth grade year of high school, Biology by the tenth grade year of high school and Geometry by the tenth grade year of high school and any other end-of-course assessments as designated by the State Board of Education (SBE).
 - 4.01.2 Those students who did not take an initial end-of-course assessment of Algebra I, Biology, Geometry or other end-of-course assessment designated by the SBE by the appropriate grade required in § 4.01.1 of these Rules because they were previously enrolled in a school out of state or enrolled in a private school or home school in Arkansas shall be required to participate in an Algebra I, Biology and Geometry end-of-course assessment immediately upon completion of each said course unless that student can show they have already received credit for enrolling and passing the course and for passage of each course from an out-of-state school or an in-state private or home school on the student's transcript.
- 4.02 Beginning with the 2009-2010 school year and each school year thereafter, each and every student required to participate in the statewide program of educational assessments required by § 6-15-2009 shall not receive credit on his/her transcript for any course which requires an end-of-course assessment under § 4.01 of these Rules until that student has received a pass score on an initial end-of-course assessment(s) or received

a satisfactory pass score on an Alternative Assessment as required in § 7.03 of these Rules.

- 4.03 Any student that fails to receive a pass score on an initial end-of-course assessment or an Alternative Assessment shall be remediated and have opportunity to participate in subsequent end-of-course assessments or Alternative Assessments as allowed in §§ 7.02 and 7.03 of these Rules.
 - 4.04 Appropriate accommodations shall be made available for students with appropriate disabilities and for English language learners as allowed by ADE regulations.
- 5.0 END-OF-COURSE & ALTERNATIVE EXAM TESTING CYCLE
- 5.01 The ADE shall establish and publish by Commissioner's Memo each school year an end-of-course testing cycle that shall be strictly followed by school districts unless the district has sought and obtained a written waiver of the testing cycle from the ADE.
 - 5.02 The end-of-course testing cycle published by the ADE shall include a testing cycle for those students who failed an initial end-of-course assessment and are required by § 6-15-2009 to take and pass a subsequent end-of-course assessment before receiving academic credit on the student's transcript for the course which corresponds to the initial end-of-course assessment.
 - 5.03 In addition, the ADE shall establish and publish each school year by Commissioner's Memo an Alternative Assessment Exam testing cycle that shall be strictly followed by school districts unless the district has sought and obtained a written waiver of the Alternative Assessment Exam testing cycle from ADE.
 - 5.04 The Alternative Assessment Exam testing cycle shall include a testing cycle for those students who failed an initial Alternative Assessment Exam and are required by § 6-15-2009 to take and pass an Alternative Assessment Exam before receiving academic credit on the student's transcript for the course which corresponds to the Alternative Assessment Exam.
 - 5.05 The ADE shall prepare and develop the form of the end-of-course assessment and Alternative Assessment, along with any and all documents, manuals, forms and protocols necessary for the proper administration, completion, submission and scoring of the assessment. The assessment shall be comprised of sections which include both multiple choice and open-response test items.

- 5.06 Any and all Arkansas laws and ADE Rules covering test administration, security and confidentiality that apply to examinations given in Arkansas public schools from K-12th grade shall apply in full to the end-of-course assessment and Alternative Assessment.
- 5.07 Starting with the school year 2008-2009 and each school year thereafter, the ADE shall take steps to ensure that the end-of-course assessments are properly aligned with content and course curriculum and that professional development training is required of teachers teaching end-of-course courses for which and end-of-course assessment is required.

6.0 END-OF-COURSE & ALTERNATIVE ASSESSMENT PASS REQUIREMENTS

- 6.01 Each school year the ADE shall establish and promulgate by way of this rule the actual cut score or passing score requirement for any Arkansas public school student taking each EOC assessment or Alternative Exam assessment.
- 6.02 The cut score or pass score for the initial end-of-course assessment shall be equal to and commensurate with the level of a “proficient” score by a student as that term is defined above in § 3.07 of these Rules.
- 6.03 The cut score or satisfactory pass score for the Alternative Assessment shall be equal to and commensurate with the level of a “basic” score by a student as that term is defined above in § 3.04 of these Rules.
- 6.04 The cut score or passing score for both the end-of-course assessment and the Alternative Assessment shall be published and made known to public school districts and charter schools by way of a Commissioner’s Memo each school year.

7.00 NOTIFICATION AND REMEDIATION

- 7.01 Upon the failure of a student to obtain a pass score on an initial end-of-course assessment required by § 6-15-2009, the school district which the student attends shall provide written notice of such failure to the student’s parent or guardian within seven (7) business days from the date that the district receives the student’s score.
- 7.02 Students who do not achieve a pass score on any end-of-course assessment shall participate in a remediation program to receive credit for the corresponding course.

- 7.03 Beginning with the 2009-2010 school year, students who fail to attain a passing score on any end-of-course assessment shall not receive credit for the course until at least one of the conditions set forth in §§ 7.03.1 and 7.03.2 of these Rules are met. To the extent an end-of-course assessment is related to a course which is required for high school graduation, any student failing to meet one of these conditions shall not be entitled to graduate with a high school diploma from an Arkansas high school or charter school.
- 7.03.1 The student is identified as attaining a proficient pass score on a subsequent end-of-course assessment as that score is established by ADE per § 6.02 of these Rules.
- 7.03.1.1 No student that is identified as having failed to meet the pass score on an initial end-of-course assessment shall be entitled to take more than three (3) additional subsequent end-of-course assessments.
- 7.03.1.2 Prior to a student taking additional end-of-course assessments, the student shall be given a sufficient opportunity and time for remediation.
- 7.03.2 The student is identified as having, by the end of grade twelve (12), finished an appropriate Alternate exit course and is identified as having met a satisfactory pass score on an Alternate Assessment directly related to the Alternate exit course.
- 7.03.2.1 Any student that fails to pass the end-of-course assessment after three additional attempts shall be required to take and pass an Alternate exit course and attain satisfactory pass score on a subsequent Alternate Assessment.
- 7.03.2.2 Alternate exit courses may be offered through a distance learning class and may be offered outside the normal school day.
- 7.03.2.3 A student is who is identified as a student with disabilities under the Individuals with Disabilities Act, 20 U.S.C. § 1400 et seq., who, because of the nature of the disabilities, cannot meet the requirements, may graduate from high school by demonstrating alternate competencies or Alternate levels of competency as contained in the student's individualized education program.

- 7.04 Starting with the 2008-2009 school year and each school year thereafter, the ADE shall prescribe a minimum level of remediation content and development to be provided to a student that fails to obtain a pass score on an end-of-course assessment or an alternative exit exam assessment.
- 7.05 Any student that fails to obtain a pass score on an end-of-course assessment and subsequently an alternative exit exam assessment but who remains in the twelfth grade may continue to take the alternative exit exam assessment until that student graduates from high school or turns age 21.
- 7.06 If a student with disabilities identified under the Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq., is unable to meet the requirements of this section because of the nature of his/her disabilities, the student may graduate from high school by demonstrating alternative competencies or alternative levels of competency as contained in the student's individualized education program.