

ARKANSAS REGISTER

Proposed Rule Cover Sheet



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Name of Department _____

Agency or Division Name _____

Other Subdivision or Department, If Applicable _____

Previous Agency Name, If Applicable _____

Contact Person _____

Contact E-mail _____

Contact Phone _____

Name of Rule _____

Newspaper Name _____

Date of Publishing _____

Final Date for Public Comment _____

Location and Time of Public Meeting _____

**DIVISION OF ELEMENTARY AND SECONDARY EDUCATION
RULES GOVERNING GRADING AND COURSE CREDIT**

**CHAPTER 1:
REGULATORY AUTHORITY AND DEFINITIONS**

1-1.00 REGULATORY AUTHORITY

1-1.01 These Rules are enacted pursuant to the State Board of Education's authority under Ark. Code Ann. §§ 6-15-216, 6-15-902, 6-16-152, 6-16-801 et seq., 6-16-1201 et seq., 6-18-223, 6-18-232, and 6-85-401 et seq.

1-2.00 DEFINITIONS

1-2.01 "Additional Training Plan" (ATP) requires Advanced Placement (AP) and Pre-AP teachers to attend appropriate College Board training. Teachers in the plan have up to three (3) years to complete this requirement.

1-2.02 "Advanced Placement (AP)" courses are those courses taught following guidelines as provided for Advanced Placement courses by The College Board. Advanced Placement courses provide the opportunity for students to take a national examination through which they may qualify for college/university level credit.

1-2.03 "Advanced Placement Course" means a high school preparatory course for a College Board Advanced Placement Exam that incorporates all topics specified by The College Board and the Educational Testing Service on its standard the syllabus for a given subject area and is approved by through The College Board and Educational Testing Service.

1-2.04 "Approved institution of higher education" means an institution of higher education that meets the requirements of the definition under Ark. Code Ann. § 6-85-402.

1-2.05 "College Board" means The College Board, a mission-driven not-for-profit organization.

1-2.06 "College Board Advanced Placement Exam" means a standardized exam designed to measure how well a student has mastered the content and skills of a

specific AP course. An Advanced Placement Exam is administered by Educational Testing Service on behalf of The College Board.

1-2.07 "College Courses" are courses that are offered and taught under the direction of an accredited institution of higher education. Students may qualify for concurrent credit for such courses. For a concurrent college course to receive a weighted grade, it must be approved through the process described in these rules.

1-2.08 "Computer science credit" means one (1) unit of credit earned through the completion of a course or course approved by the State Board and Division of Elementary and Secondary Education that meet the requirements of Chapter 7 of these rules.

1-2.09 "Computer science teacher" means an individual who holds an Arkansas teaching license or technical permit that includes a computer science certification, endorsement, approval, or technical permit code that meets the Division's requirement for a computer science teacher.

~~1-2.08~~ 1-2.10 "Division" means the Division of Elementary and Secondary Education.

~~1-2.09~~ 1-2.11 "Elementary school" is a school having any combination of one or more grades from kindergarten through grade 6.

~~1-2.10~~ 1-2.12 "Endorsed concurrent enrollment course" means a college level course offered by an institution of higher education in this state, that upon completion would qualify for academic credit in both the institution of higher education and a public high school that:

~~1-2.10.1~~ 1-2.12.1 Is one of the four core areas of math, English, science, and social studies; and

~~1-2.10.2~~ 1-2.12.2 Meets the requirements of Section 5-4.00 of these Rules; and

~~1-2.10.3~~ 1-2.12.3 Is listed in the Arkansas Course Transfer System of the Division of Higher Education.

~~1-2.10.4~~ 1-2.12.4 This definition does not affect the ability of school districts to award concurrent credit for those courses which comply with the requirements of Ark. Code Ann. § 6-18-223.

~~1-2.13~~ 1-2.13 “High school” means any Arkansas public school, including an open-enrollment charter school, which provides instruction to students in grades nine (9), ten (10), eleven (11), or twelve (12).

~~1-2.14~~ 1-2.14 A "Home-schooled student" means a student legally enrolled in an Arkansas home school.

~~1-2.12~~ 1-2.15 “International Baccalaureate Diploma Program (IB)” means an international education program offered by the International Baccalaureate Organization (IBO).

~~1-2.13~~ 1-2.16 “International Baccalaureate (IB) Diploma Program Courses” are those taught following guidelines as provided for IB courses by the IB Organization. IB courses provide the opportunity for students to take a national examination.

~~1-2.14~~ 1-2.17 “National School Lunch Student” means those students from low socioeconomic backgrounds as indicated by eligibility for free or reduced-price meals under the National School Lunch Act, 42 U.S.C. § 1751 et seq. and Ark. Code Ann. § 6-20-2303.

~~1-2.15~~ 1-2.18 “Pre-Advanced Placement” course means a middle school, junior high school, or high school course that specifically prepares students to enroll and to participate in an Advanced Placement course.

~~1-2.16~~ 1-2.19 “Private institution” is defined as an institution of higher education accredited by the Western Association of Schools and Colleges, Southern Association of Colleges and Schools, Middle States Association of Colleges and Schools, New England Association of Schools and Colleges, Northwest Association of Schools and Colleges, or North Central Association of Colleges and Schools.

~~1-2.17~~ 1-2.20 "Secondary school" is any school containing one or more grades from 7 through 12 or any middle school having any combination of grades 5-8 with the exception of a school having only grade 5, grade 6, or the combination of grades 5-6.

~~1-2.17.1~~ 1-2.20.1 A student in grades 9-12 is considered "enrolled" in a public secondary school so long as he/she is

counted for average daily membership of the school pursuant to Ark. Code Ann. § 6-20-2303(3)(C).

~~1-2.18~~ “Special education” refers to the designation of a student who has been through the identification and selection process and has an approved Individualized Education Plan that guides placement in instruction.

~~1-2.19~~ 1-2.21 “Standards-based grading” is a system of reporting which focuses on student learning and the demonstration of competency or mastery of a set of standards.

~~1-2.20~~ 1-2.22 “Weighted Credit” means additional quality points for designated AP and IB courses that will be contingent upon meeting the requirements set forth in Chapter 6 of this rule. “Weighted Credit” also means additional quality points for courses approved by the Division that meet or exceed the standards of a comparable AP course or for approved career and technical education (CTE) courses, as set forth in Chapter 4 of this rule.

~~1-2.21~~ 1-2.23 “Weighted Credit and AP Training Approval Committee” means a review committee composed of Division program directors and advisors with AP and content expertise, including but not limited to personnel in DESE’s curriculum and gifted and talented offices.

DIVISION OF ELEMENTARY AND SECONDARY EDUCATION
RULES GOVERNING GRADING AND COURSE CREDIT

CHAPTER 7:
COMPUTER SCIENCE EDUCATION

7-1.00 Computer Science Graduation Credit Requirement

7-1.01 Beginning with the entering ninth grade class of 2022-2023, a high school student shall be required to earn one (1) unit of computer science credit before the student graduates.

7-1.02 A computer science course offered by a high school shall:

7-1.02.1 Be of high quality;

7-1.02.2 Meet or exceed the curriculum standards and requirements established by the State Board of Education; and

7-1.02.3 Be made available in a traditional classroom setting, a blended learning environment, an online-based or other technology-based format that is tailored to meet the needs of each participating student.

7-2.00 Computer Science Teacher Requirement

7-2.01 Beginning with the 2023-2024 school year, a public school district shall employ a computer science teacher at each high school in the district.

7-2.02 The computer science teacher shall be the teacher of record for at least one course each school year through which a student may earn a computer science credit.

7-2.03 A computer science teacher may be shared among high schools within the same public school district provided the computer science teacher acts as the teacher of record at each high school in accordance with Section 7-2.02.

QUESTIONNAIRE
FOR FILING PROPOSED RULES WITH THE
ARKANSAS LEGISLATIVE COUNCIL

DEPARTMENT/AGENCY _____
DIVISION _____
DIVISION DIRECTOR _____
CONTACT PERSON _____
ADDRESS _____
PHONE NO. _____ FAX NO. _____ E-MAIL _____
NAME OF PRESENTER AT COMMITTEE MEETING _____
PRESENTER E-MAIL _____

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
- D. Rule" below.
- E. Submit two (2) copies of the Questionnaire and Financial Impact Statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

Jessica C. Sutton
Administrative Rules Review Section
Arkansas Legislative Council
Bureau of Legislative Research
One Capitol Mall, 5th Floor
Little Rock, AR 72201

1. What is the short title of this rule?

2. What is the subject of the proposed rule?

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? _____

When does the emergency rule expire? _____

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes No

5. Is this a new rule? Yes No If yes, please provide a brief summary explaining the rule.

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.

7. What is the purpose of this proposed rule? Why is it necessary?

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).

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.)

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. _____

13. Please provide proof of filing the rule with the Secretary of State as required pursuant to Ark. Code Ann. § 25-15-204(e). _____

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.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT _____
DIVISION _____
PERSON COMPLETING THIS STATEMENT _____
TELEPHONE NO. _____ FAX NO. _____ EMAIL: _____

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two (2) copies with the Questionnaire and proposed rules.

SHORT 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 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

Next Fiscal Year

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

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

Total _____

Total _____

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

Current Fiscal Year

Next Fiscal Year

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

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

Total _____

Total _____

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

Next Fiscal Year

\$ _____

\$ _____

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

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.

SUMMARY OF RULES AMENDMENTS

DIVISION OF ELEMENTARY AND SECONDARY EDUCATION RULES GOVERNING GRADING AND COURSE CREDIT (Chapters 1 and 7 Only)

The proposed amendments to Chapters 1 and 7 incorporate the provisions of Act 414 of 2021, which is the Computer Science Education Advancement Act of 2021. In summary, Act 414 requires that a public school student earn one unit of credit in a computer science course before graduation (beginning with the ninth grade class of the 2022-2023 school year) and that each public high school employ a computer science teacher by the 2023-2024 school year. Clarifying definitions were added. Amendments also clarify that a computer science teacher may teach at more than one high school within the same school district and must be the teacher of record for at least one course each school year through which a student may earn a computer science credit.