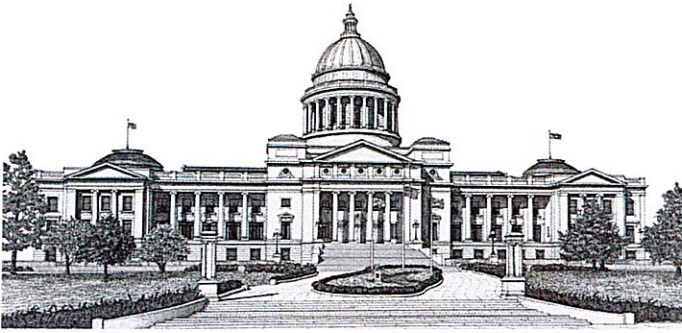


ARKANSAS REGISTER

Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



Secretary of State

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For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency Division of Elementary and Secondary Education

Department Department of Education

Contact Daniel Shults E-mail daniel.shults@ade.arkansas.gov Phone 501-682-4202

Statutory Authority for Promulgating Rules Arkansas Code §§ 6-15-2105 and 6-15-2106

Rule Title: DESE Rules Governing the Public School Rating System on Annual School Performance Reports and the School Recognition Program

Intended Effective Date

(Check One)

☐ Emergency (ACA 25-15-204)

☒ 10 Days After Filing (ACA 25-15-204)

☐ Other _____
(Must be more than 10 days after filing date.)

Legal Notice Published

Final Date for Public Comment

Reviewed by Legislative Council

Adopted by State Agency

Date

05/11/2025

06/10/2025

08/14/2025

07/10/2025

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Daniel Shults

daniel.shults@ade.arkansas.gov

8/20/2025

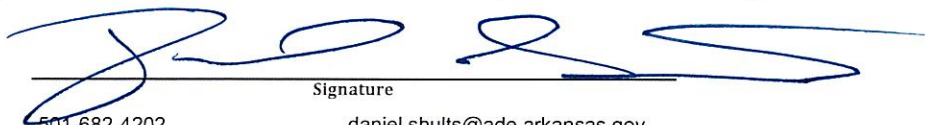
Contact Person

E-mail Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)



Signature

501-682-4202

daniel.shults@ade.arkansas.gov

Phone Number

E-mail Address

Chief Legal Counsel

Title

8/20/2025

Date

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:

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

(A) The percent of students meeting proficiency or exceeding proficiency

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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 Division 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.

(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.

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

(i) The following entities shall be exempt from 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 Division of Youth Services' system of education.

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

(a) Pursuant to Arkansas Code § 6-15-2107, public schools that experience high student performance and those with high student academic growth shall be eligible for the Arkansas School Recognition Program.

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

(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 schools by grade span and the total score for the achievement indicator.

(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.

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.