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## Act 35 Report Card

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### INTRODUCTION

The Office for Education Policy (OEP) has recently revisited Act 35 of the Arkansas General Assembly's second extraordinary session of 2003 to highlight the Act's provisions and assess the Arkansas Department of Education (ADE) and the State Board of Education's progress in addressing those accountability measures. This report is part of the OEP's continuing effort to keep our constituents informed of the extent to which reforms are being implemented in Arkansas. What follows is a description of the Act and of the report card; for the itemized and detailed complete report card, please see the table below.

### REPORT CARD METHODOLOGY

We conducted this analysis by organizing the Act into its constituent parts, extracting key points from each subsection, and combining them into a comprehensive report card in outline form. We organized the Act's provisions in a logical progression from how the state must: create learning standards, test those standards, collect those test results, analyze that data, report on the data, and finally apply rewards or sanctions based on progress. Other provisions included in the Act, such as the financial management requirement and the public school choice provision, are included at the end of our report card. The language in the report card preserves the original language of the Act as much as possible. After organizing the Act's provisions, we scanned the state school board meeting minutes, the ADE website, and news releases to verify the level of implementation of the Act. We also contacted ADE staff to find answers otherwise not available.

### SUMMARY OF ACT 35 REQUIREMENTS

In sum, Act 35 includes specifications on standardized tests that must be administered and on how those test results will be collected, analyzed,

and reported. One important goal of the Act is to create a testing system that can track individual student growth from year to year and create a reference point of comparison to a national sample for student performance. The Act requires schools to create school and student improvement plans based on test results in an attempt to improve achievement for individuals, for specific subgroups in a school, and for the school as a whole. Additionally, the Act calls for the development of a rating system (1-5) that will assign two ratings for each school: a performance level rating and an improvement level rating. Furthermore, rewards and sanctions are to be tied to a school's ratings in these two categories. The Act also specifies a financial management oversight system that will assign a grade (A-F) for districts' compliance with best practices of school finance.

### NEED FOR ACT 35

One may wonder why the legislature needed to adopt the additional school accountability provisions of Act 35 when the state had already responded in large part to the requirements of NCLB.<sup>1</sup> In essence, the legislature wanted to go further than NCLB in ensuring that every individual student is making learning gains each year. Act 35 requires more comprehensive norm-referenced testing (than the state was conducting before and which is not required by NCLB) and tracking of individual student progress over time. This nationally norm-referenced aspect of these provisions means that stakeholders will know how Arkansas students compare to other students nationally. These student level data are also to be aggregated so that conclusions can be drawn about a school's success in delivering a quality education

<sup>1</sup> *The relationship between Act 35 and what the state must do according to NCLB has been addressed in another policy brief.*  
<http://www.uark.edu/ua/oep/briefs/Act35.pdf>

for all individuals and subgroups at a more specific level than needed by NCLB.

#### **REPORT CARD SUMMARY**

At this point, the ADE and State Board have made strong progress in addressing and implementing solutions to many of the Act's provisions. However, the ADE, State Board, and legislature still have some technical and complicated work to do.

#### **“TO DO” LIST: ADE AND STATE BOARD**

- The main question is whether the current standardized tests satisfy all the goals of the Act. It does seem clear that no new tests were specifically developed by the July 1, 2006 deadline for the purposes of the Act. Apparently, the ADE has decided to create new augmented criterion-referenced tests, but the question remains of whether the new tests will be designed to satisfy all that Act 35 set out to accomplish. If new tests will be developed and adopted to address the need for the criterion-referenced test to be “externally linked to a nationally norm and vertically scaled”, the ADE will need to consider how quickly the new tests can be developed, adopted, and implemented.
- The ADE must make progress on analysis of data help to “provide the best estimates of classroom, school, and school district effects on student progress based on established, value-added longitudinal calculations.” Presumably, implementation of the new \$3.3M federally-funded database that will assist in this task.
- The ADE and State Board need to develop the improvement category level system.
- The ADE and State Board must establish end-of-course tests for additional content areas.

- The ADE must implement the financial oversight system to include the grading of schools on their use of financial best practice, which to date has not occurred.

#### **“TO DO” LIST: LEGISLATURE**

- The legislature must consider and make available funding for the Act's financial awards that are to be attached to the rating system to be in place within two years.
- The House and Senate Committees on Education should request by February 1, 2007 a final report from the ADE concerning the financial impact of the costs of implementing the requirements of the Act.
- The House and Senate Interim Committees on Education should continue to expect reports from the ADE concerning local district requests for technical assistance (regarding student progression and remediation), the ADE response to those requests, and the results of the assistance provided.
- The General Assembly should expect recommendations for statutory changes from the ADE regarding ways to reduce the incidence of post-secondary remediation in math, reading, and writing for college enrollees.

#### **RESOURCES:**

Arkansas Department of Education  
(<http://arkansased.org/>)

ACTION TO BE TAKEN AND ACT CITATION	Completed?	COMMENTS
<b><u>Content Standards:</u></b> State Board of Education will establish challenging academic content standards and a schedule for review of standards. 6-15-404(a)(b)(c)(6)	Yes	Arkansas' Learning Standards are defined in the Arkansas Curriculum Frameworks, which are discipline-based and clearly describe what students must know and be able to do in each academic content area. <a href="http://arkansased.org/teachers/curriculum.html">http://arkansased.org/teachers/curriculum.html</a> Framework Revision Cycle is established. <a href="http://arkansased.org/teachers/frameworks.html">http://arkansased.org/teachers/frameworks.html</a>
<b><u>Scheduling standardized Tests:</u></b> Beginning in 05-06, ADE shall administer tests as late as possible but before July 1 and shall return results to districts asap. 6-15-435(3)(c)	Yes	Various required testing will occur for 2006-7 in August, January, March, and April according to adopted schedule. <a href="http://arkansased.org/testing/test_dates.html">http://arkansased.org/testing/test_dates.html</a>
<b><u>Readiness Exams:</u></b> Entry "readiness" exams for new students in K or 1 <sup>st</sup> for the first time; State Board shall develop a uniform readiness screening for students entering public schools at kindergarten or first grade for the first time. 6-15-404(e)	Yes	The QELI (Qualls Early Learning Inventory) is for all entering kindergarten students and first grade students who did not attend kindergarten. The QELI administration window is August 14, 2006, through September 22, 2006. <a href="http://arkedu.state.ar.us/commemos.html">http://arkedu.state.ar.us/commemos.html</a>
<b><u>K-2 Exams:</u></b> ADE shall select a standardized assessment for all students in grades K-2 in reading and math 6-15-404(f)(1); 6-15-421(c)	Yes	Arkansas students in grades K-2 take the Iowa Test of Basic Skills. Statewide scores available at: <a href="http://arkansased.org/testing/excel/statewide_scores_2005-06.xls">http://arkansased.org/testing/excel/statewide_scores_2005-06.xls</a>
<b><u>Criterion Referenced Exams:</u></b> CRT for grades 3-8; by July 1, 2006 the ADE shall develop and implement a CRT which is linked to national norms and vertically scaled for students in grades 3-8 to measure reading, writing and math . 6-15-404(g)(1)	Partially	2005 was first year for benchmark exams in grades 3, 5, and 7. Grades 4, 6, and 8 were already taking benchmark exams as mandated by ACTAAP. The main question is whether the current standardized tests satisfy all the goals of the act. Apparently, the ADE has decided to create new augmented criterion-referenced tests, but the question remains of whether the new tests will be designed to satisfy all that Act 35 set out to accomplish. If new tests will be developed and adopted to address the need for the criterion-referenced test to be "externally linked to a nationally norm and vertically scaled", the ADE will need to consider how quickly the new tests can be developed, adopted, and implemented. It does seem clear that no new tests were specifically developed by the July 1, 2006 deadline for the purposes of the act.
<b><u>Set Performance Standards:</u></b> The ADE must develop minimum performance standards for various and subject areas. 6-15-2001(4) (f); 6-15-403,404,433 A score shall be designated for each subject area tested that will be the required level of proficiency, below which score, a student's performance is deemed inadequate. 6-15-433(c)(4); 6-15-404(g3)	Yes	Performance standards have been set and are available in the ADE's Rules Governing ACTAAP. Proficiency scores are set for ITBS for grades K-2, for grades 3-8 on Benchmark exams, for Alternate Assessments for LEP students and for students with disabilities, and for end-of-course tests. Revised 2006 at: <a href="http://arkansased.org/rules/pdf/current.html">http://arkansased.org/rules/pdf/current.html</a>
<b><u>Norm-Referenced Exams:</u></b> The ADE will provide for the administration of a NRT for grade 3-9. 6-15-433(b)(3)(A)(ii)(a)	Yes	School, District, and State scores for the Iowa Test of Basic Skills. 2006 scores available online at: <a href="http://arkansased.org/testing/test_scores06.html">http://arkansased.org/testing/test_scores06.html</a>
<b><u>End-of-course tests:</u></b> The ADE shall adopt new end-of-course for Algebra I, geometry, literacy, and other content areas as directed by state board. 6-15-433(b)(3)(A)	Partially	Algebra I, geometry, and literacy end-of-course exams are available with comparisons starting with 2001 scores. Online at: <a href="http://arkansased.org/testing/excel/statewide_scores_2005-06.xls">http://arkansased.org/testing/excel/statewide_scores_2005-06.xls</a> Grades 5 and 7 science will be administered this year and End-of-course biology will be added in 2007- 2008.

ACTION TO BE TAKEN AND ACT CITATION	Completed?	COMMENTS
<p><b>NAEP:</b> Arkansas will participate in National Assessment of Educational Progress exams administered by the federal government. 6-15-4-4(g)(4)</p>	Yes	<p>Arkansas participates in NAEP testing according to the NAEP testing. Schedule:  <a href="http://www.nces.ed.gov/nationsreportcard/about/assessmentsche">http://www.nces.ed.gov/nationsreportcard/about/assessmentsche</a>            In 2005 Arkansas participated in NAEP in grades 4,8, and 12 in reading, math, and science. Arkansas will again participate in NAEP statewide in 2007 in reading, math, and writing as specified for grades 4 and 8.            Arkansas state snapshots for reading and math scores for Grades.  <a href="http://nces.ed.gov/nationsreportcard/pdf/stt2005/2006452AR4.p">http://nces.ed.gov/nationsreportcard/pdf/stt2005/2006452AR4.p</a>            Key information about NAEP at:  <a href="http://www.nces.ed.gov/nationsreportcard/FAQ.asp">http://www.nces.ed.gov/nationsreportcard/FAQ.asp</a></p>
<p><b>Writing Testing:</b> If possible, each testing program should include a writing sample for grades 3 and above. Writing test results shall be scored and returned for district and school use no later than July 1 of each year beginning in 05-06 and each year thereafter. 6-15-433 (c)(3)</p>	Yes	<p>Certain benchmark exams include writing samples.</p>
<p><b>Public Reporting:</b> All results of required testing shall be made public by ADE. 6-15-404(d)</p>	Yes	<p>All results of statewide scores for benchmark tests (2005, 2006) End-of-course exams(2001-2006),and ITBS (2005-2006) are available at:  <a href="http://arkansased.org/testing/excel/statewide_scores_2005-06.xl">http://arkansased.org/testing/excel/statewide_scores_2005-06.xl</a></p>
<p><b>Annual Reporting and Analysis:</b>  <i>a. The ADE shall prepare annual reports of statewide student test results, school test results, and district test results.</i>  <i>b. The statistical system of analysis shall determine classroom, school, and school district statistical distributions that shall measure the differences in a student's previous year's achievement compared to the current year achievement for the purposes of improving student achievement, accountability, and recognition. 6-15-435(1)</i>  <i>c. The statistical system shall provide the best estimates of classroom, school, and school district effects on student progress based on established, value-added longitudinal calculations. 6-15-435(2)(A)</i></p>	Partially	<p>Although the ADE does compile reports about statewide, district, and school test results, the provision for measuring, analyzing, and reporting on student progress based on "value-added longitudinal calculations" at the classroom level seems yet to be done. The ADE was awarded a \$3.3M federal grant to create a database that will presumably assist in data collection and analysis. This new database should become functional in the next year.</p>
<p><b>Student Academic Improvement Plans:</b> Students who fail to meet standards on the various exams are to be evaluated by school personnel, who together with the student's parents are to develop an academic improvement plan to assist the student in achieving the expected standard in subject areas where the student's performance is deficient. The academic improvement plan is to describe the parent's role and responsibilities as well as the consequences for the student's failure to participate in the plan. 6-15-404(h)</p>	Yes	<p>The ADE has made clear the requirements for local schools regarding student academic improvement plans. The design and implementation must occur at the school level.</p>

ACTION TO BE TAKEN AND ACT CITATION	Completed?	COMMENTS
<p><b><u>School Improvement Plans:</u></b> A public school or Public school district classified as in “school improvement” shall develop and file with the department a comprehensive school improvement plan to ensure that all students demonstrate proficiency on all portions of state-mandated criterion-referenced assessment. This plan shall include strategies to address the achievement gap for any identifiable group or subgroup as identified by ACTAAP and what that gap is. 6-15-404(f)(4)</p>	Yes	<p>All schools and districts must complete an Arkansas Comprehensive School Improvement Plan (ACSIP) annually. The guide is located at: <a href="http://arkedu.state.ar.us/whats_new/pdf/acsip_handbook_april05">http://arkedu.state.ar.us/whats_new/pdf/acsip_handbook_april05</a></p>
<p><b><u>Category Levels:</u></b> The ADE shall create and send school performance reports to parents, post the reports on the ADE website, and publish results in districts’ local newspapers to include the two category levels listed below. The annual report shall designate <u>two category levels for each school(on a 1-5 point scale):</u></p> <p>1. Annual improvement category level: the base year from improvement gains is the <u>06-07 school year, with grades assigned starting in 07-08.</u> Student annual improvement category level designations shall be based on a combination of student achievement scores as measured by annual academic gain scores on criterion-referenced tests, as defined in 6-15-404(g)(1), or assessments in grades K-12. 6-15-1902(c)(1); 6-15-1902(d)</p> <p>2. Annual performance category level: also 1-5, based on “performance from the prior year’s CRT and End-of-Course Exams.” Schools will not be assigned annual performance category levels, unless a school requests, until after the 08-09 year. 6-15-1903</p>	Partially	<p>The annual performance category levels system has been created and is out for public comment and waiting for final approval. Available at: <a href="http://arkansased.org/rules/pdf/pending/actaap06_pending.pdf">http://arkansased.org/rules/pdf/pending/actaap06_pending.pdf</a> The annual improvement category level system is still in development.</p>
<p><b><u>Rewards:</u></b> Provision for financial rewards for schools with exceptional performance or exceptional improvement. the General Assembly shall make available funds to implement these rewards. 6-15-421(a)</p>	No	<p>The General Assembly has not yet made available money for these rewards, but they have until after the 08-09 school year to actually make the award grants. The General Assembly will need to consider these awards during the 2007 session in order to develop a system in time for the 08-09 year.</p>
<p><b><u>Financial Management and Review System:</u></b> The ADE must establish a transparent annual financial reporting system and look to identify best practices for school financial management to include public accountability. The General Assembly intends for school districts to be reviewed biennially by on-site visits during which schools will receive grades of A-F for degree of compliance with best financial practices. 6-15-2101; 6-15-2101(e)(1)</p>	No	<p>The ADE has not implemented such a system at this point.</p>

<b>ACTION TO BE TAKEN AND ACT CITATION</b>	<b>Completed?</b>	<b>COMMENTS</b>
<p><b><u>Post-secondary reporting:</u></b> <i>The ADE shall report, by high school, to the state board and the General Assembly, no later than November 30 each year, the number of prior year high school grads who enter a state college and require remediation as determined by common placement tests, and this report shall also go to the high school by Jan 31. Then the high school must come up with a plan to address these deficiencies. Finally, the ADE shall biennially recommend to the General Assembly statutory changes to reduce the incidence of post-secondary remediation in math, reading, and writing for college enrollees.</i> 6-15-2201</p>	Partially	The ADE reports that the remediation reporting is being done but that the ADE has not recommended statutory changes to this point.
<p><b><u>Technical Assistance Reporting:</u></b> <i>The ADE shall report at least semi-annually to the House and Senate Interim Committees on Education about the districts requesting technical assistance from the ADE, the dates of requests, the action taken or assistance provided, and the results of that action. The technical assistance on which the ADE is to report concerns public school student progression and remedial instruction.</i> 6-15-1808</p>	Partially	The House and Senate Interim Committees on Education should continue to expect reports from the ADE concerning local district requests for technical assistance (regarding student progression and remediation), the ADE response to those requests, and the results of the assistance provided.
<p><b><u>Reading First:</u></b> <i>Reading is privileged. Any student who exhibits a substantial deficiency in reading, based upon statewide assessments conducted in k-2, or through teacher observations, shall be given intensive reading instruction.</i> 6-15-1804(a)</p>	Yes	Arkansas elementary schools provide extensive training for teachers of reading, and the ADE has developed a reading testing and support program that addresses this need. Tests given include: QELI; DIBELS. <a href="http://arkedu.state.ar.us/nochild/reading_first.html">http://arkedu.state.ar.us/nochild/reading_first.html</a>
<p><b><u>Professional Development:</u></b> <i>Professional development activities shall be tied to the comprehensive school improvement plan and designed to increase student learning and achievement.</i> 6-15-404(f)(2)</p>	Yes	The ACSIP requires school to outline how they use professional development funding to address deficiencies on standardized tests. See ACSIP manual subsection on Professional Development at: <a href="http://arkedu.state.ar.us/whats_new/pdf/acsip_handbook_april05">http://arkedu.state.ar.us/whats_new/pdf/acsip_handbook_april05</a>
<p><b><u>Comprehensive Financial Impact Study:</u></b> <i>The ADE shall conduct a comprehensive financial impact study of the costs of implementing the requirements of this act. The results of the study shall be presented to the House Committee on Education and the Senate Committee on Education by February 1, 2005. If necessary, the ADE shall modify or supplement its initial report. Any such supplemental report shall be completed and presented to the committees by February 1, 2007.</i> Section 12</p>	Partially	The ADE does have until February 2007 to provide any supplement to its initial report about the total costs of implementing the requirements of the Act. The legislature should expect to have a statement about the status of the financial impact study during the next legislative session.

**School choice:** *For all schools that receive an Annual performance category level of (1) for two consecutive years, students in those schools shall be offered the opportunity public school choice option with transportation provided according to the law's provisions.*  
6-15-1903(c)(1)

Yes

Given that the assignment of performance category levels will not begin for at least two more years and that a school must earn category 1 status for two consecutive years, the public school choice portion of the act remains to be implemented. However, the ADE has done all that it can at this point by creating the system for this option.  
[http://arkansased.org/rules/pdf/pending/actaap06\\_pending.pdf](http://arkansased.org/rules/pdf/pending/actaap06_pending.pdf)