



AGENDA STATE BOARD OF EDUCATION

July 9, 2007

Arkansas Department of Education
Auditorium, Arkansas Department of Education
9:00 AM

Chair's Report – Diane Tatum
Commissioner's Report – Dr. T. Kenneth James

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Reports

Report-1 Presentation and Discussion of the Arkansas Department of Education Annual Improvement Gains Model

This report and discussion is based on the proposed policy document: Annual Improvement Gains Model: Initial Design Considerations. State law calls for the development and implementation of a school rating system that is based on "annual performance and improvement designations." The intention of Act 35 is to promote student learning at all levels so that "all students have an opportunity to demonstrate increased learning" and "meet the expected academic standards." The Act 35 Annual Rating System was designed for the purpose of improving student achievement through school accountability and recognition. Act 35, §6-15-1901 (c), requires that each school be classified into "two (2) category levels" as follows:

- (1) "Category One" for the "school's improvement gains" tracked longitudinally using value-added calculation known as the annual improvement category level and*
- (2) "Category Two" based on "performance from the prior year" referred to as the annual performance category (or "status").*

During the discussion, Category One of the annual rating system as prescribed by Act 35 will be described.

The annual improvement category for rating schools will report each school's improvement gains by tracking student's longitudinal achievement gains on the state's augmented criterion-referenced tests. The base year for the growth model is school year 2006-2007. The first reports will be available in the fall of 2008.

Report-2 Report: Dr. Joseph W. Thompson, Obesity Epidemic and Research Findings Related to the Impact of Act 1220

Dr. Joseph W. Thompson will discuss the obesity epidemic and research findings that help gauge the impact of Act 1220 and subsequent legislation that required obesity interventions at the school level.

Consent Agenda

C-1 Minutes: June 11, 2007

C-2 Commitment to Principles of Desegregation Settlement Agreement: Report on the

Execution of the Implementation Plan

** By the Court Order of December 1, 1993, the Department of Education is required to file a monthly Project Management Tool (PMT) to the court and the parties to assure its commitment to the Desegregation Plan. This report describes the progress the ADE has made since March 15, 1994, in complying with the provisions of the Implementation Plan (Plan) and itemizes the ADE's progress against the timelines presented in the Plan. Process * In July, the report emphasizes the following: 1. Summary of the PMT for June.*

C-3 Newly Employed, Promotions and Separations

The applicant data from this information is used to compile the Applicant Flow Chart forms for the Affirmative Action Report, which demonstrates the composition of applicants through the selecting, hiring, promoting and terminating process.

C-4 Reports on Waivers to School Districts for Teachers Teaching Out-of-Area for Longer than Thirty (30) Consecutive Days, Act 1623 of 2001

Act 1623 of 2001 requires local school districts to secure a waiver when classrooms are staffed with unlicensed teachers for longer than 30 consecutive days. Waiver requests were received from 3 districts covering a total of 3 positions. None of these requests were from a district in academic distress. These requests have been reviewed by the Department staff and are consistent with program guidelines.

C-5 Review of Loan and Bond Applications

*Pursuant to Arkansas Code Annotated (A.C.A.) § 6-20-805 and A.C.A. § 6-20-1205, the State Board of Education must approve all Revolving Loan Fund and Commercial Bond applications, with the exception of non-voted refundings of commercial bond issues that meet the minimum savings as required by the Rules and Regulations Governing Loan and Bond Applications, Section 9.02. **It is recommended that the State Board of Education review the following:5 Voted Bond Applications - Recommend Approval***

C-6 Request for Approval of Stipulated Agreement of Probation for Certified Teacher's License – Mary Robbins

Ms. Robbins currently holds a standard ten-year license valid until December 31, 2010. The Arkansas Department of Education recommends that Ms. Robbins' Arkansas teacher's license be placed on probation for a period of six (6) months. This recommendation is based upon the findings of an ADE investigation into alleged testing improprieties in the Fayetteville School District. Specifically, the Department alleges that Ms. Robbins violated the security and confidential integrity of the Benchmark exam by leaving students unattended in a classroom with their testing materials. Such action is prohibited by Ark. Code Ann. § 6-15-438 and the Arkansas Department of Education Rules and Regulations Governing the Arkansas Comprehensive Testing, Assessment and Accountability Program (ACTAAP) § 5.07.3.7 and is cause for probation pursuant to Ark. Code Ann. § 6-17-410(e)(2)(E).

Ms. Robbins was notified of the recommendation of probation for her Arkansas teacher's license and of her right to a hearing before the State Board of Education. Ms. Robbins has agreed to accept the recommended period of probation without a hearing and thus, the Arkansas Department of Education recommends that the license of Ms. Mary Robbins be placed on probationary status for a period of six (6) months from the date of the Order, during which time she must complete ten (10) hours of professional development and not be found to have committed any action prohibited by Ark. Code Ann. § 6-17-410.

C-7 Appointment of Membership to Professional Licensure Standards Board

Pursuant to Act 846 of 2007, an Act to create the Professional Licensure Standards Board, the candidates listed on the attachment are recommended for consideration for the initial membership of this Board.

Action Agenda

A-1 Request for Conversion Charter School Modification: Felder Academy Charter School, Little Rock, AR

Felder Academy Charter School is located 8300 Geyer Springs Road, Little Rock, Arkansas. The State Board approved the charter for FelderAcademy in 2005. Since that time, two of the five entities that formed the partnership have rescinded their funds, the Arkansas Department of Human Services and the Pulaski County Government. The Department of Human Services was providing mental health interventions for the students of FelderAcademy and the Pulaski County Government was responsible for the lease agreement. The Tri-District Committee representing Felder Academy is requesting to move the school to the Badgett School site at 6900 Pecan Road, Little Rock, Arkansas. As the Badgett school site is located within the Little Rock School District, the Little Rock Board of Education voted to approve the move during a special meeting of the Board which was held on June 14, 2007.

A-2 Consideration of Request for Open-Enrollment Charter School Modification: Academics Plus Charter School, Maumelle, AR

Academics Plus Charter School is located in Maumelle, Arkansas. On April 9, 2007, the school was granted a five year renewal of their charter by the State Board. At that time the school was given an enrollment cap of 375 students. The Arkansas Department of Education has received a request from the developers of Academics Plus Charter School to expand the enrollment cap to 400. The Board of Trustees for Academics Plus Charter School voted to approve this request on May 14, 2007. Copies of the supporting documentation have been included for review by the Board.

A-3 Final Approval of the FY07 Public School Fund Budget

On July 10, 2006, the State Board of Education approved the initial Public School Fund Budget for FY07. Since that time several adjustments have been required and need final State Board approval.

Due to special language contained in Section 13 of Act 20 of the 1st Extraordinary Session of the 2005 General Assembly, the final FY07 funding and budget adjustments of the Public School Fund will not be known until the night of June 29, 2007.

Once the final data are received and analyzed, a schedule of the final budget will be forwarded to the Board for review.

A-4 Approval of FY08 Public School Fund Budget

Each fiscal year the State Board approves the budget for the Public School Fund. The Department of Finance and Administration required budgets to be complete by June 1. Therefore, the budgets were submitted using the attached Commissioner's recommendations. As required by the Department of Finance and Administration, the budgets were prepared using the Official Revenue Forecast of the Chief Fiscal Officer of the State.

A-5 Consideration of Request by Westside Consolidated School District to Reduce the Number of School Board Directors from Seven to Five

Ark. Code Ann. § 6-13-606 grants the Arkansas State Board of Education (SBE) the authority to hear a petition for a reduction in the number of directors for a district to any number not fewer than five (5). The local board of directors must file the petition with the SBE. The local school district must run notice of filing the petition by publishing one (1) insertion in a newspaper of general circulation within ten (10) days of the filing. Any order from the SBE directing a decrease in local board directors shall be entered not more than sixty (60) days after the publication of the notice.

A-6 Consideration to Change the Praxis III Scoring Criteria for Arkansas

When Arkansas first introduced the Praxis III program to the state, Educational Testing Service (ETS) sent a

representative, Rick Tannenbaum, to Arkansas to help establish scoring criteria. After 6000 observations, discussions and data review, it is believed to be time to raise the Praxis III scoring criteria for Arkansas. The original cut-score was 40 and has a pass rate of 98% to 99%.

A new cut-score of 45 is suggested which is equivalent to a 78.9 % score.

Also, a recommendation from of the Advisory Committee was to adopt a "cap score" for each Domain. The committee discussed "weighing" Domains C and D, but settled on the fact that there was not any one Domain that was less or more important than the other. So the final recommendation was to have a cap scores as follows:

Domain A 10 pts Domain B 10 pts Domain C 10 pts Domain D 8 pts

This plan was submitted and reviewed by the Educational Testing Service and is considered to be acceptable.

A-7 Consideration for Final Approval: Rules and Regulations Governing The Arkansas Better Chance Program

After State Board approval of changes to ABC Rules and Regulations in May, the Division presented the rule change for a vote before the ALC Subcommittee on Administrative Rules and Regulations on May 30, 2007. Several committee members expressed concern over the requirement for all pre-K teachers to hold a four-year degree in Early Childhood Education or Child Development. A recommendation was made that the Division develop a plan to "grandfather" existing teachers without a four-year degree into the system. In order to accomplish this in a way which will not jeopardize child outcomes, the Division requests additional time to study this recommendation. As such, ABC is presenting the rule with all the previously approved changes and restoring the original teacher education qualifications that were in effect prior to any revision. The Agency will be making recommendations on the teacher qualifications at a later date.

A-8 Consideration for Final Approval: Arkansas Department of Education, Rules Governing Eligibility and Financial Incentives for National Board for Professional Teaching Standards.

A public hearing for these rules was held at 1:00 p.m., February 20, 2007, in the Arkansas Department of Education Auditorium. In response to the request for public comment on the proposed NBPTS Rules changes, there were a total of six emails from current Arkansas National Board Certified Teachers (NBCT) giving support to the proposed NBPTS rule changes. There were none against. Hard copies of the emails are available upon request. All agreed with the proposals; including the updated language and the addition of eligibility for Curriculum/Program Administrator to receive the State NBCT bonus. ADE's Recommendation: Request that the Board approve the proposed NBPTS Rules changes as originally submitted.

A-9 Consideration of Final Approval: Arkansas Department of Education, Rules Governing the Non-Traditional Licensure Program

A public hearing was held on June 13, 2007, at the Arkansas Department of Education Auditorium. There were four non-ADE people present for the proposed rule changes, as well as two emails received. There were no comments regarding the proposed rule changes for the Non-Traditional Licensure Program. ADE Recommendation is to approve Rules Governing Non-Traditional Licensure Program as submitted.

A-10 Consideration for Final Approval: Arkansas Department of Education Rules Governing Initial, Standard and Provisional Teacher Licensure

A public hearing for these rules was held at 1:00 p.m., April 3, 2007, in the Arkansas Department of Education Auditorium. The public hearing was attended by eight people representing Arkansas State University, University of Arkansas Fayetteville, and Arkansas Department of Education's Special Education Unit. In addition to those in attendance, there were eight letters received. A concern was expressed about NCATE being replaced as the accrediting body for teacher preparation programs, with national accreditation recognition by the U.S. Department of Education or Council for Higher Education Accreditation. ADE's response: NCATE is still required for program

approval in Arkansas and is so reflected in the rules.

- A-11** **Consideration for Public Comment: Proposed Revisions of Rules Governing Parental Notification of an Assignment of a Non-Licensed Teacher to Teach a Class for More than Thirty (30) Consecutive Days and for Granting Waivers**
- Revisions to this Rule include completion of a waiver application that includes pertinent information about the teacher, current licensure, Highly Qualified Teacher (HQT) qualifications and Additional Licensure Plan (ALP) requirements. Also a justification for the waiver must be documented.*
- A-12** **Consideration for Public Comment: Arkansas Department of Education, Rules Governing the Lifetime Teaching License**
- Act 169 of the 86th regular legislative session calls for a creating a Lifetime Teaching License. These rules were written as required by law, to give the requirements, eligibility, policies and procedures for this license.*
- A-13** **Consideration for Public Comment: Arkansas Department of Education, Rules Governing Eligibility and Financial Incentives for Arkansas Leadership Academy Master School Principal Designation.**
- Revision of the Rules for Master Principal according to Act 44 of 2003.*
- A-14** **Consideration for Public Comment: Arkansas Department of Education Rules Governing Waivers for Substitute Teachers**
- Act 46 and Act 57 of the 86th General Legislative Session required rules be written for qualifications and requirements for substitute teachers.*
- A-15** **Consideration for Public Comment: Proposed Rules Governing the Requirements and Procedures for Renewing a Standard Arkansas Teaching License.**
- Rules proposed for renewal of license have been changed to include the retired teacher professional development requirements. This is in response to Act 628 of the 86th General Legislative Session.*
- A-16** **Consideration for Public Comment: Rules Governing Waivers of the Earnings Limitations Under the Teacher Retirement System**
- Act 612 of 2007 and Act 698 of 2007 concerning Earnings Limitation Waivers under Arkansas Teacher Retirement required rules be written.*
- A-17** **Consideration for Public Comment: Revisions to Arkansas Department of Education Rules Governing Charter Schools to Include Acts 736 and 1420 of 2007.**
- Act 736 of 2007 is concerning revision of A.C.A. § 6-23-101 et seq. dealing with terminology, requirements, procedures and preference given to charter schools. Act 1420 is concerning Foundation Funding regarding Open-Enrollment Virtual Charter Schools.*
- A-18** **Consideration for Public Comment: Proposed Revisions to the Arkansas Department of Education Rule Governing Home School**
- The purpose of revisions to this Rule amendment is to adhere to the Home School Rules with Act 824 of 2007, An Act To Amend Certain Provisions Of The Home School Law. The new proposed Rules will amend the definition of "home school".*
- A-19** **Consideration for Public Comment: Proposed Revisions to the Rules Governing the Distribution of Student Special Needs Funding and the Determination of Allowable Expenditures of Those Funds**

Act 1590 of the 2007 regular session amended A.C..A. 6-20-2305 to provide flexibility in National School Lunch Act categorical funding for public school districts. These revised rules implement a detailed procedure to provide a mechanism for districts to use their excess NSLA funds for bonuses under very specific conditions. Act 811 provides transition funding for districts whose percentage of free/reduced lunch students is changing. This act also implements this transition funding procedure.

A-20 Consideration for Public Comment: Rules Governing the Arkansas Financial Accounting and Reporting System and Annual Training Requirements

Act 1006 amends A.C..A. 6-20-2203 which established the rules for a uniform accounting system for public school districts. Act 1006 required rules which address error rates in coding and related penalties. This revised rule implements those requirements.

A-21 Consideration for Public Comment: Proposed Rules Governing the Final Close of Public School Financial Records

Act 858 was enacted by the General Assembly during the 2007 session to improve data quality and financial reporting. This rule will establish for the first time a final date on which all financial records for the previous school year must be completed.

A-22 Consideration for Public Comment: Rules Governing the Calculation of Miscellaneous Funds

Act 825 amends A.C..A. 6-20-2303 dealing with the calculation of Miscellaneous Funds which is used to calculate Foundation Aid for school districts. With Act 825, the Department will average the Miscellaneous Funds received by the District in the previous five years. These rules implement the requirements of Act 825.

A-23 Consideration for Public Comment: Proposed Rules Governing Athletic Expenditures for Public School Districts

Act 255 enacted during the 2007 regular session further clarified the requirements of athletic expenditures coding and reporting. These rules implement the requirements of Act 255

A-24 Hearing on Revocation of License - Craig Edwards

Mr. Edwards currently holds a standard five-year license valid until December 31, 2009.

On May 21, 2007, Mr. Edwards pleaded guilty to the charge of Sexual Assault 2nd Degree, a class B Felony. Pursuant to Ark. Code Ann. § 6-17-410(c)(9), the State Board shall revoke any existing license not up for renewal of any person who has pleaded guilty to Sexual Assault in the second degree. Mr. Edwards was notified of the recommendation for revocation of his certified teacher's license on June 6, 2007, and of his right to a hearing before the State Board on July 9, 2007. Mr. Edwards was formerly employed by the PrairieGroveSchool District as an agriculture teacher.

A-25 Hearing on Waiver Request for Certified Teacher's License - Jennifer Wickliffe

Ms. Wickliffe is currently enrolled in the Non-Traditional Licensure Program and has applied for her teacher certification to be eligible to teach in August of 2007 as part of the NTL Program. Review of Ms. Wickliffe's criminal background check revealed a conviction of Felony Possession, Delivery, or Manufacturing of Drug Paraphernalia on July 21, 2003. This is a disqualifying offense for a certified teacher's license pursuant to Ark. Code Ann. § 6-17-410(c)(13). Ms. Wickliffe was notified of the denial of her application for a certified teacher's license on June 11, 2007. Ms. Wickliffe submitted a request for a waiver pursuant to Ark. Code Ann. § 6-17-410(d) on June 13, 2007.

A-26 Hearing on Waiver Request for Certified Teacher's License - Tammara Mitchell

Ms. Mitchell held a standard five-year license which expired on December 31, 2005. On March 14, 2006, Ms. Mitchell

applied for renewal of her teacher's license. Review of Ms. Mitchell's criminal background check revealed convictions of Forgery and Receiving Stolen Property on February 16, 1989. These are disqualifying offenses for a certified teacher's license pursuant to Ark. Code Ann. § 6-17-410(e)(2)(A). Ms. Mitchell was notified of the denial of her application for renewal of her certified teacher's license on June 15, 2006. Ms. Mitchell submitted a request for a waiver pursuant to Ark. Code Ann. § 6-17-410(d) on May 25, 2007.

A-27 **Hearing on Waiver Request for Non-Certified Employment with the Gentry School District - Mark Bernard**

Mr. Bernard was convicted of Third Degree Assault on a Family or Household Member on August 16, 2000. This is a disqualifying offense for employment with a school district as a non-certified employee pursuant to Ark. Code Ann. § 6-17-414(g)(2)(A). The Gentry School District was notified of Mr. Bernard's ineligibility on May 25, 2007. Mr. Bernard submitted a request for a waiver pursuant to Ark. Code Ann. § 6-17-414(f) on May 31, 2007.

A-28 **Hearing on Wiver Request for Non-Certified Employment with the Rogers School District - Gayle Moreland (Hurd)**

Ms. Moreland was convicted of Felony Hot Check on December 14, 1984. This is a disqualifying offense for employment with a school district as a non-certified employee pursuant to Ark. Code Ann. § 6-17-414(g)(1). The Rogers School District was notified of Ms. Moreland's ineligibility on March 8, 2007. Ms. Moreland submitted a request for a waiver pursuant to Ark. Code Ann. § 6-17-414(f) on May 29, 2007.

A-29 **Consideration of Waiver for Repayment of National Board for Professional Teaching Standards for Program Withdrawal**

Ark. Code Ann. § 6-17-413 (b) (4) provides that repayment of moneys contributed by the department is not required if, due to the death or disability of the teacher or other extenuating circumstances as may be recognized by the State Board of Education, the teacher does not complete the certification process of the National Board for Professional Teaching Standards or does not teach in the Arkansas public school system for two (2) continuous school years after completing the certification process of the National Board for Professional Teaching Standards.

Minutes
State Board of Education
Monday, June 11, 2007

The State Board of Education met on Monday, June 11, 2007, in the Auditorium of the State Education Building. Diane Tatum, chairman, called the meeting to order at 9:00 a.m.

The following Board members were present: Diane Tatum, Chair; Randy Lawson, Vice-Chair; Sherry Burrow; Jim Cooper; Dr. Calvin King; Dr. Tim Knight; Dr. Ben Mays; MaryJane Rebick; and Dr. Naccaman Williams.

No Board members were absent.

Special Order of Business

Diane Tatum recognized the services of Dr. Calvin King whose term expires on June 30, 2007. In recognition of Dr. King's service as a member of the Board from October 04, 2001, Ms. Tatum presented a resolution signed by all Board members and Dr. Ken James and a plaque recognizing the years of service.

Dr. James also noted the service of Dr. King and extended thanks from the staff of the Department of Education.

Chair's Report

Dr. Williams reported on his opportunity to serve as graduation speaker at Gurdon High School.

Commissioner's Report

Dr. James' report included the following:

- Thanks to Dr. Calvin King for his service on the Board and to the Department.
- Report on the recent press release from the National Assessment of Education Progress (NAEP) noting Arkansas' position in all of the categories reported: in the top ten. He stressed this good news is a result of the hard work and dedication of educators in the state over the past several years. He highlighted Grade 4 Reading where Arkansas ranked #4 among the states.
- Recent report by the Associated Press showcasing education in Arkansas as #1 in implementing educational reform.
- Introduction of Governor Beebe at the opening of Arkansas Governor's School.
- Update on conference hosted by America's Diploma Project and the development of Algebra II performance test and the accolades given Arkansas during the presentations for leadership in educational reform.
- Arkansas teacher/administrator exchange program with Taiwan during the next year.

- Agency picnic and annual recognition of employees.

Consent Agenda

Ms. Rebick asked about criteria used by the Department when waiver requests (Ref: Consent Agenda C – 3) were denied. Beverly Williams responded with the length of time previous waivers in effect, progress of individual holding waiver toward removing noted deficiency, and recurring request for single position.

Ms. Rebick moved approval of the Consent Agenda as presented. Dr. King seconded the motion. The motion was adopted unanimously.

- Minutes, May 14, 2007
- Commitment to principles of desegregation settlement agreement: Report on the execution of the implementation plan
- Report on waivers to school districts for teachers teaching out-of-area for longer than thirty (30) consecutive days, Act 162 of 2001
- Newly employed, promotions and separations
- Declaration of critical shortages areas as required by Act 1146 of 2001, Section 2(3)(A)
- Review of Loan and Bond Applications
- Request for Approval of stipulated agreement of waiver for non-certified employment –
 - Michael Baines
 - Michael Shavers
 - Rickey Boyd
 - Shelly Hamilton
 - Trishanna McClendon

Action Agenda

(A complete transcript of the following actions was recorded by a court reporter. That transcript is available upon request from the State Board of Education Office. These Minutes only reflect actions taken pursuant to these items.)

(Note: Action Items A – 3 ABC Grant to Kiddie Kollege, A – 17 Certified license probation, and A – 19 Certified license probation were removed from consideration prior to convening of the meeting.)

Consideration of Revocation of the Imboden Area Charter School’s Open-Enrollment Charter

Dr. Mary Ann Brown was recognized to present this item. Dr. Brown reported that Scott Rorick and Judy Warren representing Imboden Area Charter School would present updated information.

Mr. Rorick reported that the issues related to cash flow and repayment of a short-term loan were abated by the receipt of a grant from the Walton Family Foundation. Mrs.

Warren affirmed that the grant would support basic operation of the school and that other income would be freed and would be used to repay the loan.

Ms. Rebick asked about the payment of two additional days on the teacher's contracts, which were previously not reported. Mr. Rorick stated that teachers were paid for those additional days and that was no longer an issue. Ms. Rebick also asked about financial reporting. Dr. Brown noted that all charter schools must make monthly reports on the APSCN system, thus the Department can monitor payments made on a monthly basis. Thus, the Department could observe when/if payments are made to clear the loan debt.

Mr. Lawson moved that the action from May to initiate due process be rescinded and that Imboden Area Charter School be placed on probation for one year with Departmental monitoring of financial status monthly, bringing concerns to Board if necessary. Dr. Knight seconded the motion.

Mr. Cooper proposed an amendment to the motion to require repayment of the loan this year with regular monitoring by the Department. The amendment was accepted as part of the motion by Lawson and Knight.

The amended motion was adopted unanimously.

Renewal of Open-Enrollment Charter School Application – HAAS Hall Academy

Dr. Mary Ann Brown was recognized to present this item. Dr. Brown recognized Dr. Martin Shoppmeyer who presented a summary of performance from the Academy. Ms. Rebick noted that the financial information including a proposed budget for 2007-2008 was lacking. She also pointed out that there was a recent input of cash from the Shoppmeyer family, which helped to overcome projected deficit spending, but she noted that there is still no assurance that the school is becoming financially stable for future years.

Ms. Tatum requested information about efforts that were made to advertise the school and what would be done for the coming year to increase awareness in the community and area served by the school. Dr. Shoppmeyer listed public media such as newspaper ads, radio and television spots, but noted that the most effective so far has been word-of-mouth comments from students and their parents.

The issue of offering the required 38 units was discussed. Scott Smith noted that charter schools are not exempt from offering the full component of required courses as specified in the standards. Dr. Williams asked for clarification as to that number given the fact that the school currently serves only Grades 10-12. Scott Smith quoted from the application indicating the charter's intention to provide the full array of 38 courses annually. Dr. Shoppmeyer noted that the charter is requesting that the school be allowed to extend to include Grade 9, which would make the offering of 38 units more realistic.

Mr. Lawson moved that HAAS Hall Charter be renewed for five (5) years. Ms. Burrow seconded the motion.

Ms. Rebick stated that she could not support the motion because in her opinion five years was too long given the history of financial instability.

Mr. Lawson indicated that with Department monitoring fiscal performance on a monthly basis, any concerns with fiscal management can be brought to the Board when things are not as expected. He also opined that a five-year extension is essential for growth.

The motion passed on a vote 6 yes and 2 no (Rebick and Mays voted no).

Mays' no vote was based on his opinion that five years was too long given the school's financial history.

Rebick's no vote was based on the opinion that five years was too long and that test scores do not reflect the intent of the law for charter schools.

Request for Approval of 2007-2008 Arkansas Better Chance Grants – Round 1

Jamie Morrison and Tonya Russell were recognized to present this item. Ms. Morrison reported that these applicants all submitted proposals that were highly rated by the review team.

Dr. Williams moved approval of the listed awards as proposed. Mr. Cooper seconded the motion. The motion was adopted unanimously.

Classification of Districts in Fiscal Distress for 2007-2008

Dr. Bobbie Davis was recognized to present this item. Dr. Davis reminded Board members that in her report at the May meeting three school districts (Bald Knob, Bismarck and Clinton) were identified as meeting the criteria for classification as districts in fiscal distress. She reported that none of these districts filed an appeal, thus she requests further consideration for each.

Bald Knob: Dr. Davis introduced Wayne Fawcett, Superintendent, who is in his second year in the position. Mr. Fawcett confirmed that a new high school facility was constructed recently and that cost overruns, unexpected expenditures related to that project and a decline in student population all contributed to the financial status of the district.

Dr. Davis confirmed that the district was already working with the Department and that a plan for addressing the financial status is under development and will be filed with the Department within the allotted time.

Mr. Mays asked about any state-level oversight regarding building construction and technical assistance that might be given to districts with financial projections when major building projects are being considered. Dr. James responded that all school facilities matters are now under the new Facilities Review Board, which was structured to help districts with planning and financial matters related to construction or

remodeling. Dr. James suggested that in the future the chances for districts to get to this stage with debt related to overbuilding would be greatly reduced.

Mr. Cooper moved to classify Bald Knob School District in fiscal distress. Mr. Lawson seconded the motion. The motion was adopted unanimously.

Bismarck: Dr. Davis reported that David Hopkins, Superintendent from Bismarck was not present and that the ability for the Department to work with him and the Bismarck district gives cause for concern.

Ms. Rebick moved that the Bismarck School District be classified in fiscal distress. Mr. Lawson seconded the motion. The motion was adopted unanimously.

Clinton: Dr. Davis introduced Randall Betts, Superintendent. Mr. Betts reported that at one time the district had cash reserves, but over the years with building projects, over staffing, and other increased transportation costs, that reserve was now gone. He indicated that since his employment, a number of cost saving strategies were being implemented and there is optimism for additional revenue through gas leases. When asked about the impact of two school consolidations, Mr. Betts noted that the district did absorb the staff, but consolidation was not a major factor for the current financial status of the Clinton District. Mr. Betts reported that he and the Clinton staff was already working with the Department to develop the required plan, which would be submitted within the prescribed timeline.

Ms. Burrow moved to classify the Clinton School District in fiscal distress. Dr. Williams seconded the motion. The motion was adopted unanimously.

Consideration of Request for Public Comment: Traveling Teacher Rules

Beverly Williams was recognized to present this item. Ms. Williams noted that this Rule is designed to help small districts meet the Standards requirement of offering 38 units of study each year and to formalize a method of sharing teachers as one strategy.

Ms. Rebick ask for a rationale regarding the cap for eligible districts at 8,000. Ms. Williams responded that larger districts often have more students and more flexibility for utilizing staff members; also, she stated that limited funds require limits to be set.

Ms. Rebick asked about the Board's role in oversight of this rule. Ms. Williams responded it would be to approve district participation. Dr. Williams asked if any districts had inquired about participation. Ms. Williams responded, not at this time.

Mr. Cooper moved approval for public comment. Dr. King seconded the motion. The motion was adopted unanimously.

Consideration for Public Comment: Proposed Revisions of Rules Governing the Non-Traditional Licensure Program

Beverly Williams was recognized to present this item. Ms. Williams reported that revisions to this rule were considered for public comment in February. She reported that following public hearings and consideration of public comment, the Department is recommending substantial revisions in sections of the proposal; thus, the Department request further public hearing. Ms. Rebick requested that the Department review the rule and spell out places where acronyms were used that were not clearly defined and provide the name.

Mr. Lawson moved approval for public comment. Dr. Williams seconded the motion. The motion was adopted unanimously.

Consideration for Final Approval: Arkansas Department of Education Rules Governing the Addition of Areas of Licensure or Endorsement

Beverly Williams was recognized to present this item. Ms. Williams stated that this item was submitted for public comment in February and a public hearing was conducted. She reported that the Department carefully considered each comment, but recommend that the Rule be adopted for final approval without changes.

Dr. Williams asked about tests required of all teachers seeking to obtain an Arkansas Teacher's License. B. Williams reviewed the requirements of Praxis I (reading, writing and math, Praxis II (subject area content knowledge, and Praxis III (ability to teach and provide instruction).

Ms. Rebick moved approval for final approval. Mr. Cooper seconded the motion. The motion was adopted unanimously.

Request for Approval for Public Comment on Proposed Rules Governing the Funding of Public Schools

Dr. Bobbie Davis was recognized to present this item. Dr. Davis reviewed the legislative intent for developing this rule and how it related to calculation and distribution of aid to school districts.

Ms. Burrow asked if there was a minimum when considering percentage growth or decline. Dr. Davis responded that none was included in the legislation.

Ms. Rebick asked about tracking enrollment when a district falls near or just below the 350 minimum. Dr. Davis stated that enrollment and attendance are tracked on a regular basis through APSCN and that enrollment must fall below the 350 for two consecutive years before consolidation actions are started.

Mr. Lawson questioned language in Section 6.02. Dr. Davis responded that this was intended as a draft for public comment and that tweaking of wording may be necessary.

Ms. Rebick commented that a time element should possibly be considered for Sections 4.05 and 6.05 and she suggested one year.

Ms. Rebick moved approval for public comment. Mr. Cooper seconded the motion. The motion was adopted unanimously.

Consideration for Public Comment: Revisions to Arkansas Department of Education Rules Governing Standards for Accreditation of Arkansas Public Schools and School Districts to include Acts 219 and 1015 of 2007

Annette Barnes was recognized to present this item. Ms. Barnes reported that these revisions were required by changes in various components of the legislation that effect Standards for Accreditation. She reported that these amendments primarily address flexibility in counting Advanced Placement courses as meeting the 38 required units.

Mr. Mays asked about transfer students into a school where no regular course was offered. Ms. Barnes responded that such cases are addressed in the proposal with options for the receiving school.

Mr. Cooper moved approval for public comment. Ms. Burrow seconded the motion. The motion was adopted unanimously.

Consideration for Public Comment: Proposed Arkansas Department of Education Rules Governing the Arkansas Mandatory Attendance Requirements for Students in Grades Nine through Twelve

Annette Barnes was recognized to present this item. Ms. Barnes stated these revisions are necessitated by legislation that was prompted primarily to address a local situation.

Mr. Mays moved approval for public comment. Mr. Cooper seconded the motion. The motion was adopted unanimously.

Consideration for Public Comment: Arkansas Department of Education Rules Governing the Monitoring of Arkansas Comprehensive School Improvement Plan (ACSIP)

Annette Barnes was recognized to present this item. Dr. Williams asked what this rule would provide that the Department is not already doing. Ms. Barnes responded that the Rule will provide a more clearly defined monitoring process and assure that districts receive the technical assistance needed.

Mr. Lawson moved approval for public comment. Dr. Williams seconded the motion. The motion was adopted unanimously.

Consideration for Public Comment: Arkansas Department of Education Proposed Rules Governing the Guidelines, Procedures and Enforcement of the Arkansas Public School Choice Act

Tripp Walter was recognized to present this item. Mr. Walter reported that the proposed revisions address two basic issues in the Choice Rule: one clarifying the

options of a student returning to the “home” district after a transfer has been granted and second modified the 10% critical mass issue related to minority/majority student counts.

Ms. Rebick asked how this rule would affect schools offering choice due to academic distress. Mr. Walter indicated that such cases would not be affected by this proposed change. Scott Smith added that issues of racial balance continue to apply.

Mr. Cooper moved approval for public comment. Dr. Knight seconded the motion. The motion was adopted unanimously.

Consideration for Public Comment: Proposed Rules and Revision to the Arkansas Department of Education Rules Governing Advanced Placement Courses in the Four Content Areas in Arkansas High Schools with Guidelines for Endorsed Concurrent Enrollment Courses that may be Taught along with Advanced Placement Courses in High School

Ann Biggers was recognized to present this item. Ms. Biggers noted that these rules provide clarification regarding issues of offering Advanced Placement Courses and how such courses relate to concurrent credit courses.

Dr. Williams moved approval for public comment. Dr. Knight seconded the motion. The motion was adopted unanimously.

Consideration for Public Comment: Proposed Revisions to the Arkansas Department of Education Rule Governing Body Mass Index and Physical Activity Requirements for Arkansas Public Schools and Charter Schools

Dee Cox was recognized to present this item. Ms. Cox summarized proposed revisions as contained in the draft.

Ms. Rebick asked about the difference between physical education class and physical activity. Ms. Cox noted that the physical education course requirements are stated in the Standards for Accreditation and such courses are required to follow the Board adopted frameworks. Physical activity has a broader definition and involves student engagement beyond that in the framework such as free play in elementary grades.

Dr. Williams asked if students could get credit for physical activities by participating in activities outside the school day. Ms. Cox responded that would be possible with proper documentation.

Mr. Cooper asked about counting varsity athletics for physical education credit. Annette Barnes responded that would be approved if the varsity sport had an approved framework for that class or activity and they follow the frameworks in instruction.

Ms. Burrow asked about the “opt out” clause for Body Mass Index (BMI) reporting. Ms. Cox responded that some opt out, but it is not a large number. Ms. Cox also noted that

adequate training and confidentiality were also critical components for collecting and reporting the BMI data.

Mr. Cooper moved approval for public comment. Dr. Mays seconded the motion. The motion was adopted unanimously.

Request for Reinstatement of Teacher's License – Elvin Pulley

Courtney Ford was recognized to present this item. Ms. Ford reported that the State Office of Child Support informed the Department that Mr. Pulley has met all of the child support requirements and is no longer delinquent on payment. She stated that Mr. Pulley is eligible for reinstatement of his Arkansas Teacher's License.

Mr. Mays moved reinstatement of Arkansas teacher's license for Elvin Pulley. Dr. King seconded the motion. The motion was adopted unanimously.

(A complete transcript of the following actions was recorded by a court reporter. That transcript is available upon request from the State Board of Education Office. These Minutes only reflect actions taken pursuant to these items.)

Hearing on Waiver Request for Certified Teacher's License – Kathleen King

Kathleen King was present and requested the opportunity to represent herself. Ms. King is seeking an initial license in the area of special education.

Ms. Rebick moved that a waiver be granted and full licensure be awarded with no additional probation. Mr. Lawson seconded the motion. The motion was adopted unanimously.

Hearing on Waiver Request for Certified Teacher's License – David Parkman

Mr. Parkman was recognized to represent himself and called on Oliva Deadman with the University of Arkansas at Little Rock Single Parent Scholarship Fund to testify in his behalf. Mr. Parkman noted that he was preparing to become a teacher and was aware of the consequences for past deeds on his opportunity to apply for and secure a license.

Mr. Lawson moved to approve a waiver and allow license for what Mr. Parkman qualifies for after graduation with a two year probationary period imposed at the time licensure is awarded. Dr. Williams seconded the motion. The motion was adopted unanimously.

Hearing on Waiver of Non-Certified Employment with the Little Rock School District – Tiheria Burns

Ms. Burns was present and requested to represent herself. Ms. Ford reported that the Little Rock School District administration has refused to endorse a waiver and has indicated that it would not reemploy her for a position in the district.

Ms. Rebick moved to deny the waiver request. Dr. Mays seconded the motion. The motion was adopted unanimously.

Election of Officers – Fiscal Year 2007-2008

Dr. King was recognized to present the report of the Nominating Committee. Dr. King stated that he moved election of the slate as reported at the May meeting: Diane Tatum, Chair and Randy Lawson, Vice Chair. Mr. Mays seconded the motion. The motion was adopted unanimously.

Request by Individual to Speak: Clyde Williams

Mr. Williams was recognized. Mr. Williams stated that he and his family live in the Elaine community in which the schools were recently consolidated with Marvell. He identified conditions requiring long bus rides and extended day for children attending high school at Marvell and for young children who must stay in day care at the Elaine Elementary school until the bus returns from Marvell and takes the children home. His initial request was to reopen Elaine High School, which would allow more educational opportunity for students living in Elaine as well as reduce the long day and long bus ride for children who live at the south end of the district.

Dr. James indicated that a pending interim study on transportation may hold some options for this situation.

Mr. Lawson moved adjournment. Dr. Williams seconded the motion. The motion was adopted unanimously.

The meeting adjourned at 2:30 p.m.

Dr. Charles D. Watson recorded and reported these Minutes.

**ADE'S PROJECT MANAGEMENT TOOL EXECUTIVE SUMMARY
JUNE 30, 2007**

This document summarizes the progress that ADE has made in complying with the provisions of the Implementation Plan during the month of June 2007.

IMPLEMENTATION PHASE ACTIVITY	PMT EXECUTIVE SUMMARY AS OF JUNE 30, 2007
<i>I. Financial Obligation</i>	<p>As of May 31, 2007, State Foundation Funding payments paid for FY 06/07 totaled \$62,697,825 to LRSD, \$32,252,069 to NLRSD, and \$51,330,063 to PCSSD. The Magnet Operational Charge paid as of May 31, 2007, was \$13,925,136. The allotment for FY 06/07 was \$15,171,274. M-to-M incentive distributions for FY 06/07 as of May 31, 2007, were \$4,142,466 to LRSD, \$4,016,769 to NLRSD, and \$10,194,227 to PCSSD.</p> <p>In March 2007, General Finance made the second one-third payment to the Districts for their FY 06/07 transportation budget. As of March 31, 2007, transportation payments for FY 06/07 totaled \$2,826,769 to LRSD, \$666,435 to NLRSD, and \$2,148,894 to PCSSD.</p>
<i>II. Monitoring Compensatory Education</i>	<p>On March 16, 2007, the ADE Implementation Phase Working Group met to review previous Implementation Phase activities. Mr. Willie Morris, ADE Lead Planner for Desegregation, reported that U.S. District Judge Bill Wilson Jr. declared the LRSD unitary and released the district from federal court supervision. It was stated that the ADE should continue desegregation reporting until the deadline for an appeal filing has past, or until an appeal has been denied. House Bill 1829 passed the House and Senate. This says the ADE should hire consultants to determine whether and in what respects any of the Pulaski County districts are unitary. It authorizes the ADE and the Attorney General to seek proper federal court review and determination of the current unitary status and allows the State of Arkansas to continue payments under a post-unitary agreement to the three Pulaski County districts for a time period not to exceed seven years. The three Pulaski County districts may be reimbursed for legal fees incurred for seeking unitary or partial unitary status if their motions seeking unitary status or partial unitary status are filed no later than October 30, 2007, and the school districts are declared unitary or at least partially unitary by the federal district court no later than June 14, 2008. Matt McCoy and Scott Richardson from the Attorney General's Office updated the group on legal issues related to desegregation. The next Implementation Phase Working Group Meeting is scheduled for July 5, 2007 at 1:30 p.m. in room 201-A at the ADE.</p>

IMPLEMENTATION PHASE ACTIVITY	PMT EXECUTIVE SUMMARY AS OF JUNE 30, 2007
<i>III. A Petition for Election for LRSD will be Supported Should a Millage be Required</i>	Ongoing. All court pleadings are monitored monthly.
<i>IV. Repeal Statutes and Regulations that Impede Desegregation</i>	On October 27, 2003, the ADE sent letters to the school districts in Pulaski County asking if there were any new laws or regulations that may impede desegregation. The districts were asked to review laws passed during the 84 th Legislative Session, any new ADE rules or regulations, and district policies.
<i>V. Commitment to Principles</i>	On June 11, 2007, the Arkansas State Board of Education reviewed and approved the PMT and its executive summary for the month of May.
<i>VI. Remediation</i>	On February 9, 2007, ADE staff provided District Test Coordinator Training at the School for the Blind Auditorium in Little Rock. Two staff members from the LRSD and three staff members from the PCSSD attended.
<i>VII. Test Validation</i>	On February 12, 2001, the ADE Director provided the State Board of Education with a special update on desegregation activities.
<i>VIII. In-Service Training</i>	A Tri-District Staff Development Committee meeting was held on March 7, 2007. Doug Ask (PCSSD), Kaye Lowe (NLRSD), and Dr. Lloyd Sain (LRSD) attended. They discussed schedules and content of professional development days. Information was shared about the use of technology. They talked about the status of their Smart Grant applications.
<i>IX. Recruitment of Minority Teachers</i>	In June 2007, the ADE Office of Professional Licensure requested a list of all spring minority graduates from all Arkansas colleges and universities with teacher education programs.

IMPLEMENTATION PHASE ACTIVITY	PMT EXECUTIVE SUMMARY AS OF JUNE 30, 2007																																																																																																																														
<i>X. Financial Assistance to Minority Teacher Candidates</i>	<p>Ms. Tara Smith of the Arkansas Department of Higher Education reported minority scholarships for Fiscal Year 2006-2007 on October 17, 2006. These included the State Teacher Assistance Resource (STAR) Program, the Minority Teacher Scholars (MTS) Program, and the Minority Masters Fellows (MMF) Program. The scholarship awards for STAR are as follows:</p> <table border="1"> <thead> <tr> <th>STAR</th> <th>Male Count</th> <th>Male Award</th> <th>Female Count</th> <th>Female Award</th> <th>Total Count</th> <th>Total Award</th> </tr> </thead> <tbody> <tr> <td>White</td> <td>62</td> <td>270,514</td> <td>337</td> <td>1,466,952</td> <td>399</td> <td>1,737,466</td> </tr> <tr> <td>Black</td> <td>9</td> <td>51,000</td> <td>44</td> <td>190,500</td> <td>53</td> <td>241,500</td> </tr> <tr> <td>Hispanic</td> <td>1</td> <td>6,000</td> <td>4</td> <td>21,000</td> <td>5</td> <td>27,000</td> </tr> <tr> <td>Native Amer</td> <td>1</td> <td>6,000</td> <td>2</td> <td>9,000</td> <td>3</td> <td>15,000</td> </tr> <tr> <td>Other</td> <td>2</td> <td>7,500</td> <td>2</td> <td>9,000</td> <td>4</td> <td>16,500</td> </tr> <tr> <td>Totals</td> <td>75</td> <td>341,014</td> <td>389</td> <td>1,696,452</td> <td>464</td> <td>2,037,466</td> </tr> </tbody> </table> <p>The scholarship awards for MTS are as follows:</p> <table border="1"> <thead> <tr> <th>MTS</th> <th>Male Count</th> <th>Male Award</th> <th>Female Count</th> <th>Female Award</th> <th>Total Count</th> <th>Total Award</th> </tr> </thead> <tbody> <tr> <td>Black</td> <td>6</td> <td>27,500</td> <td>42</td> <td>188,430</td> <td>48</td> <td>215,930</td> </tr> <tr> <td>Hispanic</td> <td></td> <td></td> <td>1</td> <td>5,000</td> <td>1</td> <td>5,000</td> </tr> <tr> <td>Asian</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Native Amer</td> <td></td> <td></td> <td>5</td> <td>25,000</td> <td>5</td> <td>25,000</td> </tr> <tr> <td>Totals</td> <td>6</td> <td>27,500</td> <td>48</td> <td>218,430</td> <td>54</td> <td>245,930</td> </tr> </tbody> </table> <p>The scholarship awards for MMF are as follows:</p> <table border="1"> <thead> <tr> <th>MMF</th> <th>Male Count</th> <th>Male Award</th> <th>Female Count</th> <th>Female Award</th> <th>Total Count</th> <th>Total Award</th> </tr> </thead> <tbody> <tr> <td>Black</td> <td>2</td> <td>6,250</td> <td>26</td> <td>93,750</td> <td>28</td> <td>100,000</td> </tr> <tr> <td>Hispanic</td> <td></td> <td></td> <td>3</td> <td>13,750</td> <td>3</td> <td>13,750</td> </tr> <tr> <td>Native Amer</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Totals</td> <td>2</td> <td>6,250</td> <td>29</td> <td>107,500</td> <td>31</td> <td>113,750</td> </tr> </tbody> </table>	STAR	Male Count	Male Award	Female Count	Female Award	Total Count	Total Award	White	62	270,514	337	1,466,952	399	1,737,466	Black	9	51,000	44	190,500	53	241,500	Hispanic	1	6,000	4	21,000	5	27,000	Native Amer	1	6,000	2	9,000	3	15,000	Other	2	7,500	2	9,000	4	16,500	Totals	75	341,014	389	1,696,452	464	2,037,466	MTS	Male Count	Male Award	Female Count	Female Award	Total Count	Total Award	Black	6	27,500	42	188,430	48	215,930	Hispanic			1	5,000	1	5,000	Asian							Native Amer			5	25,000	5	25,000	Totals	6	27,500	48	218,430	54	245,930	MMF	Male Count	Male Award	Female Count	Female Award	Total Count	Total Award	Black	2	6,250	26	93,750	28	100,000	Hispanic			3	13,750	3	13,750	Native Amer							Totals	2	6,250	29	107,500	31	113,750
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<i>XI. Minority Recruitment of ADE Staff</i>	<p>The MRC met on April 4, 2007 at the ADE. Demographic reports were presented that showed ADE employees grade 21 and above by race and section as of December 31, 2006 and March 31, 2007. A spreadsheet was handed out that showed for grade 21 and above the number and percentage of black, white, and other race employees in each unit of the ADE. It was agreed that a report should be developed that will show units that are less than fifteen percent black who have five or more employees. The reports show that for ADE employees grade 21 and above the percent black has decreased. There was discussion about the reasons for this and ways to increase the recruitment of minority employees.</p>																																																																																																																														
<i>XII. School Construction</i>	This goal is completed. No additional reporting is required.																																																																																																																														

IMPLEMENTATION PHASE ACTIVITY	PMT EXECUTIVE SUMMARY AS OF JUNE 30, 2007
<i>XIII. Assist PCSSD</i>	Goal completed as of June 1995.
<i>XIV. Scattered Site Housing</i>	This goal is completed. No additional reporting is required.
<i>XV. Standardized Test Selection to Determine Loan Forgiveness</i>	Goal completed as of March 2001.
<i>XVI. Monitor School Improvement Plans</i>	<p>On June 15, 2007, ADE staff provided technical assistance on Scholastic Audit and ACSIP at Brady Elementary and Chicot Elementary Schools in the LRSD.</p> <p>On June 19, 2007, ADE staff provided technical assistance on Scholastic Audit and ACSIP at Cloverdale Middle School in the LRSD.</p> <p>On May 15, 2007, ADE staff provided an overview of the new ACSIP Approval Rubric at Pikeview Elementary in the NLRSD.</p> <p>On May 15, 2007, ADE staff provided an overview of the new ACSIP Approval Rubric at Park Hill Elementary in the NLRSD.</p> <p>On May 16, 2007, ADE staff provided an overview of the new ACSIP Approval Rubric at Indian Hills Elementary in the NLRSD.</p> <p>On May 17, 2007, ADE staff provided an overview of the new ACSIP Approval Rubric at Meadow Park Elementary in the NLRSD.</p> <p>On May 17, 2007, ADE staff provided an overview of the new ACSIP Approval Rubric at Glenview Elementary in the NLRSD.</p> <p>On May 18, 2007, ADE staff provided an overview of the new ACSIP Approval Rubric at Crestwood Elementary in the NLRSD.</p> <p>On May 18, 2007, ADE staff provided an overview of the new ACSIP Approval Rubric at Lakewood Elementary in the NLRSD.</p> <p>On May 21, 2007, ADE staff provided an overview of the new ACSIP Approval Rubric at Ridgeroad Middle in the NLRSD.</p>

IMPLEMENTATION PHASE ACTIVITY	PMT EXECUTIVE SUMMARY AS OF JUNE 30, 2007
<i>XVII. Data Collection</i>	<p>The ADE Office of Public School Academic Accountability has released the 2006 Arkansas School Performance Report (Report Card). The purpose of the Arkansas School Performance Report is to generally improve public school accountability, to provide benchmarks for measuring individual school improvement, and to empower parents and guardians of children enrolled in Arkansas public schools by providing them with the information to judge the quality of their schools. The Department of Education annually publishes a school performance report for each individual public school in the state, and distributes the report to every parent or guardian of a child in kindergarten through grade twelve (K-12) in the public schools of Arkansas. The annual school performance report is based on reliable statistical information uniformly required to be collected and submitted by each local school district to the department and published in a format that can be easily understood by parents or guardians who are not professional educators and distributed to the parents or guardians of children enrolled in the public schools via the postal service. Individual school reports are also made available via the Internet. Statistical information in the Arkansas School Performance Report is organized into the following seven essential accountability indicators: 1: ACHIEVEMENT, 2: ACCESS, 3: RETENTION, 4: DISCIPLINE, 5: DEMOGRAPHICS, 6: CHOICE, 7: ECONOMIC.</p>
<i>XVIII. Work with the Parties and ODM to Develop Proposed Revisions to ADE's Monitoring and Reporting Obligations</i>	<p>On July 10, 2002, the ADE held a Desegregation Monitoring and Assistance Plan meeting for the three school districts in Pulaski County. Mr. Willie Morris, ADE Lead Planner for Desegregation, presented information on the No Child Left Behind Act of 2001. A letter from U.S. Secretary of Education, Rod Paige, was discussed. It stated that school districts that are subject to a desegregation plan are not exempt from the public school choice requirements. "If a desegregation plan forbids the school district from offering any transfer option, the school district should secure appropriate changes to the plan to permit compliance with the public school choice requirements". Schools in Arkansas have not yet been designated "Identified for Improvement". After a school has been "Identified for Improvement", it must make "adequate yearly progress". Schools that fail to meet the definition of "adequate yearly progress", for two consecutive years, must provide public school choice and supplemental education services. A court decision regarding the LRSD Unitary Status is expected soon. The LRSD and the NLRSD attended the meeting. The next meeting about the Desegregation Monitoring and Assistance Plan will be held in August, 2002, after school starts.</p>

NEWLY EMPLOYED FOR THE PERIOD OF June 1, 2007 – June 30, 2007

*Betty Baggett- Public School Program Advisor, Division of Fiscal & Administrative Services, Child Nutrition Grade 21, effective 06/04/07.

Jill Davidson- Administrative Assistant II, Arkansas Public School Computer Network (APSCN), Grade 17, effective 06/25/07.

Becky Gibson- Public School Program Advisor, Division of Human Resources/Licensure, Teacher Quality, Grade 21, effective 06/25/07.

Norma Lowery- Public School Program Advisor, Division of Learning Services, Curriculum, Assessment and Research, Grade 21, effective 06/04/07.

Vickie Yates- Public School Program Advisor, Division of Learning Services, Curriculum, Assessment and Research, Grade 21, effective 06/04/07.

PROMOTIONS/ LATERAL TRANSFERS FOR THE PERIOD OF June 1, 2007 – June 30, 2007

No Promotions/Lateral Transfers for this period.

SEPARATIONS FOR THE PERIOD OF June 1, 2007 – June 30, 2007

Susan Branon- Program Support Manager, Division of Learning Services, Special Education, Grade 22, effective 06/29/07. 18 years, 11 months, 8 days. Code: Retirement

*Reginald Cooper- Printer I, Division of Fiscal and Administrative Services, Central Services, Grade 13, effective 06/15/07. 12 years, 10 months, 19 days. Code: RIF (Reduction in Force)

*Oscar DeLeon- Printer I, Division of Fiscal and Administrative Services, Central Services, Grade 13, effective 06/15/07. 23 years, 5 months, 11 days. Code: RIF (Reduction in Force)

Jimmy Dunn- Public School Program Advisor, Division of Learning Services, Special Education, Grade 21, effective 06/29/07. 19 years, 4 months, 14 days. Code: 07

William Fulton- Public School Administrative Advisor, Division of Learning Services, Curriculum, Assessment and Research, Grade 21, effective 06/13/07. 35 years, 10 months, 12 days. Code: Retirement

Shirlee Johnson- Management Project Analyst II, Division of Fiscal and Administrative Services, Grade 20, effective 06/29/07. 14 years, 2 months, 18 days. Code: Retirement

Karen Lamey- Management Project Analyst II, Arkansas Public School Computer Network (APSCN), Grade 20, effective 06/21/07. 0 years, 7 months, 1 day. Code: 01

*Alice McKay- Technical Assistance Specialist, Division of Learning Services, Office of Education Renewal Zones, Grade 21, effective 06/29/07. 0 years, 11 months, 13 days. Code: 01

Beth Neel- Public School Administrative Advisor, Professional Development, K-12 Literacy, Grade 21, effective 6/29/07. 9 years, 7 months, 26 days. Code: 01

*Edward Salazar- Mailroom Supervisor, Division of Fiscal and Administrative Services, Central Services, Grade 12, effective 06/15/07. 9 years, 7 months, 12 days. Code: RIF (Reduction in Force)

Marge Shaw- Accounting Supervisor I, Division of Fiscal and Administrative Services, Finance, Grade 20, effective 06/29/07. 31 years, 9 months, 19 days. Code: Retirement

Donald Stewart, Ed.D. - Deputy Commissioner, Central Administration, Commissioner's Office, Grade 99, effective 6/29/07. 4 years, 4 months, 19 days. Code: Retirement

Doris Stewart- Program Support Manager, Division of Research & Technology, Data Administration, Grade 22, effective 6/29/07. 30 years, 0 months, 9 days. Code: Retirement

Tascha Workman- Secretary I, Division of Fiscal and Administrative Services, Child Nutrition, Grade 11, effective 6/01/07. 1 year, 0 months, 9 days. Code: 07

*Minority

AASIS Code:

Voluntary- 01
Career Advancement-07
RIF- Reduction in Force
Retirement

LEA	NAME OF DISTRICT	# OF WAIVERS	NAME OF TEACHER(S)	CURRENT AREA(S) OF CERTIFICATION	OUT OF AREA TEACHING ASSIGNMENT	OUT OF AREA ADMIN ASSIGNMENT
5301000	East End Public School District	1	Brittany Ballard	Early Childhood Education (P-4)	Elementary Music	
2602000	Fountain Lake Public School District	1	Sandra Stewart	Middle School English (5-8) English Language Arts (7-12) Elementary (1-6)	Gifted & Talented	
6202000	Hughes Public School District	1	Kimberly Roberts	Early Childhood Education (P-4) MidChLangArt/SS (4-8) MidChLangSci/Math (4-8)	Special Education	
	Total # of School Districts	3				
		Total # of Waivers	3			

LENGTH OF TIME TEACHING OUT OF AREA
2006-2007
2004-2005
2005-2006
2006-2007
2006-2007

Voted Bonds

Arkansas Code Annotated (A. C. A.) § 6-20-1201 states the following:

All school districts are authorized to borrow money and to issue negotiable bonds for the repayment thereof from school funds for the building and equipping of school buildings, for making additions and repairs thereto, for purchasing sites therefore, for purchasing new or used school buses, for refurbishing school buses, the professional development and training of teachers or other programs authorized under the federally recognized Qualified Zone Academy Bond program codified at 26 U.S.C. 1397E, and for paying off outstanding postdated warrants, installment contracts, revolving loans, and lease-purchase agreements, as provided in this act.

**STATE BOARD OF EDUCATION MEETING
JULY 9, 2007
APPLICATIONS FOR COMMERCIAL BONDS**

COMMERCIAL BOND APPLICATIONS:

5 Voted	\$ 28,925,000.00
<hr/>	<hr/>
5	\$ 28,925,000.00

**SCHOOL DISTRICTS FINANCIAL TRANSACTIONS
COMMERCIAL BONDS
VOTED
RECOMMEND APPROVAL**

DISTRICT	COUNTY	ADM	AMOUNT OF APPLICATION	DEBT RATIO	TOTAL DEBT W/THIS APPLICATION	PURPOSE
Carlisle	Lonoke	744	\$8,375,000	25.89%	\$13,089,505	Acquiring land (\$300,000), construction of a new 7-12 school (\$7,654,677), and cost of issuance, underwriter's discount allowance and capitalized interest fund (\$420,323) with any remaining funds to be used for refurbishing, remodeling, and equipping existing school facilities.
Delight	Pike	382	\$475,000	2.65%	\$475,000	Refunding the bond issue dated 11/1/96 (\$180,000), refunding the postdated warrants dated 8/1/00 (\$50,832), refunding the revolving loan dated 10/14/00 (\$13,341), making HVAC improvements (\$200,000), and cost of issuance and underwriter's discount allowance (\$30,827) with any remaining funds to be used for other capital projects and equipment purchases.
Foreman	Little River	520	\$2,815,000	11.70%	\$3,987,052	Refunding the outstanding bond issue dated 11/1/00 (\$1,659,659), erect and equip new elementary classrooms and specialty building (\$1,069,781), and cost of issuance and underwriter's discount allowance (\$85,560) with any remaining funds to be used for refurbishing, constructing, remodeling, and equipping school facilities.
Hamburg	Ashley	1,817	\$2,860,000	10.18%	\$9,154,294	Constructing and equipping a new field house (indoor workout facility and weight room) (\$1,300,000), additions and improvements to the track and football complex (\$1,190,000), a new softball field (\$275,000), and cost of issuance and underwriter's discount allowance (\$95,000) with any remaining funds to be used for other capital projects and equipment purchases.

DISTRICT	COUNTY	ADM	AMOUNT OF APPLICATION	DEBT RATIO	TOTAL DEBT W/THIS APPLICATION	PURPOSE
Sheridan	Grant	4,239	\$14,400,000	13.337%	\$29,659,527	Refunding the 5/1/98 bond issue (\$1,460,000), constructing and equipping a new middle school (\$8,775,000), additions and improvements to East End Elementary (\$1,475,000) and Sheridan Middle School (\$2,275,000) and cost of issuance and underwriter's discount allowance (\$415,000) with any remaining funds to be used for other capital projects and equipment purchases.

Professional Licensure Standards Board Nominations

As required by Act 846
Amending Arkansas Code § 6-17-402

The Professional Licensure Standards Board to be made up of fifteen members appointed by State Board of Education Terms are for 3 years, but these initla board members shall draw lots for staggered terms..

Pos. #	Board Member	School District, College, University or Agency	Requirement	Representing	Representing Congressional District	Board Position	Recommendation required by
1	Beverly Williams, Asst. Commissioner HR/Licensure	ADE	Commissioner or Designee	ADE	2	Chair - Nonvoting	Commissioner
2	Brenda Brown	Helena/West Helena	Public School Classroom Teacher - P-4	P-4	1	Member	AEA
3	Cecily "Mona" Moore	El Dorado School District	Public School Classroom Teacher - 4th - 8th	4th -8th	4	Member	AEA
4	Donna Morey	Little Rock School District	Public School Classroom Teacher - 7th - 12th	7th - 12th	2	Member	AEA
5	Katherine Howell	Clarksville School District	Public School Classroom Teacher - Any Licensure Area	Any Licensure Area - At-Large- Position	3	Member At Large	AEA
6	Michelle Owen Hayward	Fayetteville School District	Public School Administrator P-8	P-8 Building Level Leader	3	Middle Level Bldg. Leader	AAEA - AAMLA
7	Dale Query	Flippen School District	Rural School Superintendent	Rural School Superintendent	1	Member	AAEA - AASA
8	Andrew Tolbert	Warren School District	Public School Superintendent	Public School Superintendent	4	Member	AAEA - AASA
9	Don McGohan	Bryant School District	Public School Administrator	Arkansas Assoc. of School Personnel	2	Member	AAEA - ArkASPA
10	Ron Tolson, Coordinator of Professional Licensure	ADE	ADE Licensure Representative	ADE Licensure	2	Nonvoting	Commissioner
11	Dr. George Stone	University of Ozarks	Deans of Education from Institutions of Higher Education - Private Inst.	Private Institutions	3	Member	ARACTE
12	Dr. John Beineke	Arkansas State University	Deans of Education from Institutions of Higher Education - Public Inst.	Public Institutions	1	Member	ARACTE
13	Dr. Peggy Doss	UA Monticello	Deans of Education from Institutions of Higher Education	Knowledge of Licensure Issues	4	Member	ARACTE
14	Dr. Mitch Holifield	Arkansas State University	Coordinator of Educational Leadership	Educational Leadership	1	Member	ARPEA
15	Sheila Jacobs	Russellville School District	Curriculum Program Administrator	Program Curriculum	3	Member	AASCD

Nominations for the 15 Member Professional Licensure Standards Board

Nominations	School District, College, University or Agency	Requirement fulfilling	Congressional District	Licensure Area	Nominated By:
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Arkansas Association of Educational Administrators Nominations (4 positions)

1	Dr. Jane Web	Rogers School District	Public School Adm.	3	Supt.	AAEA - ArkASPA
2	Don McGohan	Bryant School District	Public School Adm.	2	Supt.	AAEA - ArkASPA
3	Shirley Billingley	El Dorado School District	Public School Adm.	4	Supt.	AAEA - ArkASPA
1	David Skelton	West Fork School District	Middle Level P-8	3	Middle Level Adm.	AAEA - AAMLA
2	Michelle Owen Hayward	Fayetteville School District	Middle Level P-8	3	Middle Level Adm.	AAEA - AAMLA
3	Joe Fisher	Bryant School District	Middle Level 5-8	2	Middle Level Adm.	AAEA - AAMLA
1	Bo Ray	Dierks School District	Rural Superintendent	4	Supt.	AAEA - AASA
2	Dale Query	Flippin School District	Rural Superintendent	1	Supt.	AAEA - AASA
3	Ullicious Reed	Marvel School District	Rural Superintendent	1	Supt.	AAEA - AASA
1	Tony Wood	Searcy School District	Public School Superintendent	2	Supt.	AAEA - AASA
2	Jeff Stubblefield	Charleston School District	Public School Superintendent	3	Supt.	AAEA - AASA
3	Andrew Tolbert	Warren School District	Public School Superintendent	4	Supt.	AAEA - AASA

Nominations	School District, College, University or Agency	Requirement fulfilling	Congressional District	Licensure Area	Nominated By:
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Arkansas Education Association Nominations (4 positions)					
1	Brenda Brown	Helena/West Helena	Teacher P-4	1	Teacher P-4 AEA
2			Teacher P-4		
3			Teacher P-4		
1	Cicely "Mona" Moore	El Dorado School District	Teacher Grades 4-8	4	Early Childhood K-6, Middle Childhood MA/SCI/ AEA
2			Teacher Grades 4-8		
3			Teacher Grades 4-8		
1	Donna Morey	Little Rock School District	Teacher Grades 7-12	2	Special Ed P-4, Special Ed 4-12, Principal 5-12 AEA
2			Teacher Grades 7-12		
3			Teacher Grades 7-12		
1	Katherine Howell	Clarksville School District	At-Large Position - Any Level	3	Elementary 1-6, Library Media Specialist K-12 AEA
2			At-Large Position - Any Level		
3			At-Large Position - Any Level		

Arkansas Association of Supervision and Curriculum Development Nominations (1 position)					
1	Sheila Jacobs	Russellville School District	Program Curriculum Administrator		AASCD
2			Program Curriculum Administrator		
3			Program Curriculum Administrator		

Nominations	School District, College, University or Agency	Requirement fulfilling	Congressional District	Licensure Area	Nominated By:
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Arkansas Association of Colleges for Teacher Education Nominations (3 positions)						
1	Dr. George Stone	Univ. of Ozarks	Private University Dean	3	None	ArACTE
2			Private University Dean			
3			Private University Dean			

1	Dr. John Beineke	ASU	Public University Dean	1	4-8 Social Studies, 7-12 Social Studies, K-12 Curriculum Specialist	ArACTE
2			Public University Dean			
3			Public University Dean			

1	Dr. Peggy Doss	UA Monticello	Knowledge of Licensure Issues	4	1-6 Elementary, Gifted & Talented, Elementary Bldg. Administrator	ArACTE
2			Knowledge of Licensure Issues			
3			Knowledge of Licensure Issues			

Arkansas Professors of Educational Administration Nominations (1 position)						
1	Dr. Mitch Holifield	ASU	Educational Leadership	1		ArPEA
2	Dr. Mary Gunter	Arkansas Tech	Educational Leadership	3		ArPEA
3	Dr. Kieth Williams	Harding University	Educational Leadership	2		ArPEA

ACT 35 ANNUAL IMPROVEMENT GAIN
Technical Advisory Committee on Accountability

The intention of Act 35 is to promote student learning at all levels so that “all students have an opportunity to demonstrate increased learning” and “meet the expected academic standards.” The Act 35 Annual Rating System was designed for the purpose of improving student achievement through school accountability and recognition. Act 35, §6-15-1901 (c), requires that each school be classified into “two (2) category levels” as follows:

- (1) “Category One” for the “school’s improvement gains” tracked longitudinally using value-added calculation known as the annual improvement category level and
- (2) “Category Two” based on “performance from the prior year” referred to as the annual performance category (or “status”).

This paper describes Category One of the annual rating system as prescribed by Act 35.

The annual improvement category for rating schools will report each school’s improvement gains by tracking student’s longitudinal achievement gains on the state’s criterion-referenced tests. The base year for the growth model is 06-07. The first reports will be available in the fall of 2008.

A school’s annual improvement gain is based upon the changes in student achievement from one year to the next. No value will be added if instruction does not move a student’s achievement from a given performance category to a higher performance category. If a student’s achievement moves to a lower performance category, then value is lost.

INITIAL DESIGN CONSIDERATIONS

1. As required by Act 35, growth will be based on the tests included in the Arkansas Comprehension Testing, Assessment and Accountability Program (ACTAAP).
2. In subsequent years, if there are changes in any of the tests, the new test versions will be linked to current performance standards.
3. This annual improvement gain model is applicable to any type of student achievement test and is not dependent upon a particular score scale.
4. Any test used for school accountability shall be aligned to the Arkansas Content Standards.
5. An annual improvement gain model will be based on an aggregation of student changes in literacy and mathematics for grades 3-8 and for literacy in grade 11.

6. The annual improvement gain model shall be designed with the expectation that (a) students who are proficient or higher will either maintain or improve their performance classification, and (b) students who are basic or below basic will reach proficiency.
7. The annual improvement gain model shall be transparent, replicable, and easily understood by Arkansas stakeholders.

CALCULATIONS FOR ANNUAL STUDENT GROWTH

Student growth is based upon changes in student performance levels across two adjacent years. To assess annual changes more precisely each student performance level (Below Basic, Basic, Proficient, and Advanced) is split into two sub-categories. The following table lists the points assigned to the sub-categories.

Table 1: Student Performance Sub-categories

Student Performance Sub-categories	Points Assigned
Below Basic 1	1
Below Basic 2	1.5
Basic 1	2
Basic 2	2.5
Proficient 1	3
Proficient 2	3.5
Advanced 1	4
Advanced 2	4.5

The scale scores that define the sub-categories are listed in the Technical Memorandum from Drs. Huynh Huynh, Robert Kennedy, and Eugene Kennedy, dated April 19, 2007. The memorandum was reviewed and approved by the Technical Advisory Committee on Accountability.

Table 2 shows the value-added points for a student based upon whether or not he/she improves in achievement, stays the same in achievement, or regresses in achievement. For example, if a student in third grade earns a achievement rating of Proficient and the following year the same student in fourth grade receives an achievement rating of Approaching Advanced, he/she would be given a value-added score of +0.5. Similar value-added scores would be calculated for each child in each school.

Table 2: Value-added points for changes in student achievement

Previous Year	Current Year								
	1	1.5	2	2.5	3	3.5	4	4.5	
1	0	.5	1	1.5	2	2.5	3	3.5	
1.5	-.5	0	.5	1	1.5	2	2.5	3	
2	-1	-.5	0	.5	1	1.5	2	2.5	
2.5	-1.5	-1	-.5	0	.5	1	1.5	2	
3	-2	-1.5	-1	-.5	0	.5	1	1.5	
3.5	-2.5	-2	-1.5	-1	-.5	0	.5	1	
4	-3	-2.5	-2	-1.5	-1	-.5	0	.5	
4.5	-3.5	-3	-2.5	-2	-1.5	-1	-.5	0	

Individual student growth is computed as the difference between the points assigned to the second year and the points assigned at the first year.

COMPUTATION OF ANNUAL IMPROVEMENT GAIN INDEX

For each school, the Annual Improvement Gain Index is the average of all value-added points across subject areas and grades. Potentially, the range of the Annual Improvement Gain Index is from -3.5 to +3.5. The value of zero indicates no growth, positive values indicate improvement, and negative values indicate a decline in achievement.

PROCEDURES FOR SETTING CUT SCORES FOR ANNUAL IMPROVEMENT GAIN LEVELS

According to Act 35, schools will be classified into one of five Annual Improvement Gain Levels. Therefore, four (4) cut scores will need to be set. The general steps previously used in setting cut scores for Category Two, Annual Performance Category Levels, (Status Index) will be implemented. The steps are: (1) preliminary work by the Technical Advisory Committee on Accountability, (2) advice by Arkansas stakeholders at a meeting, and (3) adoption by the Arkansas State Board of Education.

PRELIMINARY WORK BY THE TECHNICAL ADVISORY COMMITTEE ON ACCOUNTABILITY

1. The distribution of the school Annual Improvement Gain Index will be compiled based on the matched Spring 2006 and Spring 2007 data.
2. The above distribution will be divided into ten equal parts. A representative sample of schools in each part will be selected and relevant data about those schools will be provided.
3. Those data shall include, but not be limited to, the following variables:
 - School size
 - School grade level configuration
 - Demographic data, such as proportion of each ethnicity group, mobility, free and reduced lunch, ELL, Special Education students, etc.
 - Proportion of students who meet the AYP growth trajectory as defined in the Arkansas AYP Growth Model
 - Ratings on status models in the 2005, 2006, 2007
 - Other characteristics as defined by field review

ADVICE BY ARKANSAS STAKEHOLDERS

A meeting of Arkansas stakeholders will be convened to recommend Annual Improvement Gain cut scores to Arkansas Department of Education. The same process used in the status standard setting meeting will be implemented. Additionally for continuity, some of the same panelists will be invited to participate. The new panel will be supplemented with new persons.

PRESENTATION MADE AT STATE BOARD OF EDUCATION MEETING

The recommended cut scores will be presented to the State Board along with relevant data for their deliberation and final action.

TIMELINE

NOVEMBER 2008 TO RATE SCHOOLS ON GROWTH 07-08 TESTING (USING DATA FROM 06-07 AND 07-08)

July 2007	Present Initial Plan to State Board for information
September 20-21, 2007 (TAC Meeting)	Run computation of baseline year school year 2006-2007 Review growth analysis across the two years
October 2007	School Awareness Training
November 15-16, 2007 (TAC Meeting)	Standard Setting for school gain index
December 2007	Initial report on school gain index to State Board
January 2008	State Board action on criteria for annual improvement gain category levels
February 2008	School awareness with stakeholders (second round)
March 13-14, 2008 (TAC Meeting)	First draft of Technical Report-Annual Improvement Gains Category
April 2008	Students are assessed
July 2008	NORMES produces initial matched data set
August 2008	Initial matched data sent to ADE for review
September 1-15, 2008	Schools review matched data set and report any necessary revisions to the ADE and NORMES (online)
October-November 2008	NORMES and ADE validate preliminary gain scores
December 2008	Preliminary release of Annual Improvement Gains Report on ADE website

Annual Performance Report Timeline

September 30, 2009	Release of achievement data from NORMES
October 15, 2009	Deadline for requesting the Annual Performance Report (Rating Schools)
November 2009	Annual Performance Reports are available for those who request it
March 15, 2010	Annual Improvement Gains Report in the Annual School Performance Report (Report Card)
March 15, 2011	Official Release of both reports: Annual Improvement Gains Report and the Annual Performance Report reflecting the Spring 2010 achievement data in the Annual School Performance Report (Report Card)



"An Individual Approach to a World of Knowledge"

June 15, 2007

Ken James, Ed. D., Commissioner
Arkansas Department of Education
4 State Capital Mall
Little Rock, Arkansas 72202

RECEIVED
JUN 21 2007

CHARTER SCHOOL OFFICE

Dear Dr. James:

I am writing to request a modification for Felder Academy Charter School. When the Tri-District Charter School was proposed and implemented, five (5) entities formed the partnership and committed to bear the expense of operating the school. However, since the school's inception, two of the funding sources have rescinded their funds. The grant that funded the mental health interventions for the students was rescinded by the Arkansas Department of Human Services. The Pulaski County Government will not provide for the lease and maintenance of the building (see attached letter) as was stated in the initial agreement. Therefore, the Tri-District Committee requests the use of Badgett School, 6900 Pecan Road, in an effort to minimize the additional cost that would be incurred to each of the three school districts. The Little Rock School District Board of Education voted to approve the move to the Badgett site, during a special meeting of the Board which was held on June 14, 2007.

Since Badgett operated at one time as a public elementary school and a conversion charter school, we are sure that it meets ADE facility standards. Therefore, we respectfully request a hearing before the Arkansas Department of Education to request the move of the Felder Academy to the Badgett School site.

Your consideration regarding this matter would be highly appreciated.

Sincerely,

Katherine P. Mitchell, Ed. D., President
Little Rock School District Board of Education

cc: Roy G. Brooks, Ed. D., Superintendent, Little Rock School District
Ann Brown, Ed. D., Charter School Liaison, Arkansas Department of Education
Bobby Acklin, Assistant Superintendent, North Little Rock School District
Brenda Boles, Ed. D., Assistant Superintendent, Pulaski Special School District
Rita Gruber, Juvenile Judge

Description of the Facility to be used and its location:

The proposed site for Felder Alternative Learning Academy will be at 6900 Pecan Street, Little Rock, Arkansas. The specifics of the physical facility (see attachment) accommodate the needs of the school's program and the school's student population.

The building has a media center and a spacious cafeteria that can be used for meals, special events and parent and group meetings. The area could also be used for physical education classes and drill for the military component. Eight (8) classrooms are located at the front of the building and six (6) classrooms located at the rear of the building. Since the middle school has a smaller population, the six classrooms located at the rear of the building would be used for the middle school component and the eight classrooms located at the front of the building could be used to separate the larger high school student population.

The area around the school could also be used for physical education classes and for the implementation of portions of the military component, when needed.

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JUN 21 2007
CHARTER SCHOOL OFFICE

Facility Report for Felder Alternative Learning Academy

1. **Charter School:** Little Rock School District
2. **Location:** 6900 Pecan Rd. Little Rock, 72209
3. **General Observations:** Badgett Elementary school was occupied by LRSD consistently through about 5 years ago when it was closed as an active school. Since then it has been reopened a number of times to house students due to other school closures and a fire in 2002. The school can be made fully operational with a minimum of effort. With the exception of the kitchen, where the equipment has been removed. The facility is of sufficient size to handle approximately 280 students. Has adequate parking and outside recreation area.
4. **Academic Suitability:** Originally built as an elementary school it can be easily adapted for other students. Restrooms are of sufficient size and there is a library area.
5. **ADA Accessibility:** The school and grounds are completely accessible.
6. **Life Safety Codes:** The facility has an ADA compliant addressable fire alarm system and it is wired for security cameras. It additionally has an intercom system.
7. **Conclusions and Recommendations:** The facility meets all the requirements necessary for a charter school. With the exception of the kitchen. It is planned to bring the food to the school from another location.

STATE BOARD OF EDUCATION: Chair: Diane Tatum, Pine Bluff • Vice Chair: Randy Lawson, Bentonville
Members: Sherry Burrow, Jonesboro • Jim Cooper, Melbourne
Dr. Calvin King, Marianna • Dr. Tim Knight, Arkadelphia • Dr. Ben Mays, Clinton
MaryJane Rebick, Little Rock • Dr. Naccaman Williams, Springdale



**810 West Markham
Little Rock, AR 72201
Phone: (501) 447-2950
E-mail: linda.watson@lrsd.org**

**LINDA WATSON, Ed. D.
SENIOR DIRECTOR
STUDENT SERVICES
Fax: (501) 447-2951**

June 27, 2007

Mary Ann Brown, Ed. D.,
Arkansas Department of Education
Charter School Liaison
4 State Capital Mall
Little Rock, Arkansas 72202

Dear Dr. Brown:

I am writing to respond to the Arkansas Department of Education's (ADE) facilities study regarding Badgett School which is the proposed site for Felder Learning Academy for the 2007 - 08 school year. It is my understanding that the site passed the facilities study with the exception of the kitchen (see attachment). The Little Rock School District has planned to make the necessary improvements to the kitchen so that food would be prepared on site (self prepared); however, we are waiting on the ADE Board's decision regarding the relocation of Felder to the Badgett site. If the ADE Board approves the move, the District will purchase the equipment required for ADE standards. If the equipment has not arrived by the beginning of the school year, food will be prepared at Horace Mann Magnet School and delivered to the site.

If you have further questions, feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads 'Linda Watson'.

Linda Watson, Ed. D., Senior Director
Student Services

Cc: Roy G. Brooks, Ed. D., Superintendent
Mark Milhollen, Chief Financial Officer

RECEIVED
JUN 27 2007

CHARTER SCHOOL OFFICE



Academics Plus Charter School
900 Edgewood Drive
Maumelle, AR

May 21, 2007

Dr. Mary Ann Brown, Director
Arkansas Department of Education
Charter School Office
Capitol Mall
Little Rock, AR

Dear Dr. Brown:

On behalf of the Academics Plus Board of Trustees, I would like to submit a request for a hearing with the State Board for the purpose of seeking their approval to modify the Charter to permit additional enrollment of students. The Board approved a cap of 375 students in the April hearing for renewal.

At this time we have about 425 students who have applied for enrollment. Of those, we have 28 kindergarten students. We would like to add the kindergarten, but the board feels strongly that we cannot do so with a limit on our enrollment as we want to ensure that all the students and their siblings have a slot at the school.

We also know that to continue to be financially viable we need to keep our numbers constant and certainly having the opportunity to add these additional students will allow us to provide the staffing and learning materials we need to meet our mission.

Please let me know as soon as possible if we may schedule a meeting. Timeliness is of the utmost importance as these families will find other places for their children if we can't let them know something soon. Thank you so much for your continuing support and assistance. You are greatly appreciated!

Respectfully,

A handwritten signature in cursive script that reads "Mona R. Briggs".

Dr. Mona R. Briggs
Superintendent

RECEIVED
MAY 23 2007

CHARTER SCHOOL OFFICE

ARKANSAS DEPARTMENT OF
Education**MEMO**

DATE: May 24, 2007
TO: Dr. Mona Briggs, Director, Academics Plus Charter School
FROM: Dr. Mary Ann D. Brown, Program Director, Charter Schools
SUBJECT: State Board of Education Hearing Request

As per our conversation today, May 24, 2007, at approximately 3:50 p.m., regarding the recent hearing request submitted, it is understood that the 45 day timeline referenced in Charter Rules and Regulations will fall on Saturday, July 7, 2007. In lieu of this, Academics Plus Charter School has agreed to waive the 45 day timeline so that the hearing may be held on Monday, July 9, 2007, during the regularly scheduled monthly State Board meeting.

Please sign and fax to the Charter School Office at 501-371-3514.

Mona R. Briggs
Dr. Mona Briggs, Director

5/25/07
Date

RECEIVED
MAY 25 2007

CHARTER SCHOOL OFFICE

ARKANSAS DEPARTMENT OF
Education

Dr. T. Kenneth James, Commissioner

4 State Capitol Mall • Little Rock, AR 72201-1071
(501) 682-4475
<http://ArkansasEd.org>

June 14, 2007

Dr. Mona Briggs
Academics Plus Charter School
900 Edgewood Drive
Maumelle, AR 72113

Re: Notice of State Board Meeting

Dear Dr. Briggs:

This letter is to inform you that your request for a hearing regarding Academics Plus Charter School will be considered at the State Board of Education's meeting on July 9, 2007, as per your agreement to waive the forty-five (45) day timeline. The meeting is scheduled to begin at 9:00 a.m., and will be held in the Auditorium of the Arch Ford Education Building at #4 Capitol Mall in Little Rock, AR.

Please ensure that you have all necessary personnel in attendance, as well as all documentation in order to address any questions from the Arkansas State Board of Education concerning your request.

Please feel free to contact the Charter School Office at (501) 683-5313, should you have any questions.

Sincerely,



Dr. Mary Ann D. Brown
Program Director, Charter Schools

MB/ms

c/c: Dr. Diana Julian, Assistant Commissioner – Learning Services
Dee Cox, Coordinator – Special Programs
Scott Smith, General Counsel

STATE BOARD OF EDUCATION: Chair: Diane Tatum, Pine Bluff • Vice Chair: Randy Lawson, Bentonville
Members: Sherry Burrow, Jonesboro • Jim Cooper, Melbourne
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MaryJane Rebick, Little Rock • Dr. Naccaman Williams, Springdale

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ARKANSAS DEPARTMENT OF
Education

Dr. T. Kenneth James, Commissioner

4 State Capitol Mall • Little Rock, AR 72201-1071
(501) 682-4475
<http://ArkansasEd.org>

June 4, 2007

Dr. Mona Briggs, Superintendent
Academics Plus Charter School
900 Edgewood Drive
Maumelle, AR 72113

Dear Dr. Briggs:

I am in receipt of your recent request for a hearing with the State Board of Education for the purpose of modifying your new Charter regarding the approved student cap of 375 students set at the April 2007, State Board meeting.

Though the written request states that Academics Plus Charter School currently has 425 students that have applied for enrollment, it does not state the new student cap that you would like to request. Please submit the new student cap number requested, and any other pertinent information regarding your hearing request to the Charter School Office by noon on Friday, June 15, 2007. The staff at the Department of Education is in need of this information in order to prepare reports for the State Board.

Should you have any questions regarding this request, please feel free to contact me at 501-683-5313.

Sincerely,



Dr. Mary Ann D. Brown, Program Director
Charter Schools

Cc: Dr. T. Kenneth James, Commissioner
Dr. Diana Julian, Assistant Commissioner
Ms. Dee Cox, Coordinator, Special Programs
Mr. Scott Smith, General Counsel

STATE BOARD OF EDUCATION: Chair: Diane Tatum, Pine Bluff • Vice Chair: Randy Lawson, Bentonville
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Dr. Calvin King, Marianna • Dr. Tim Knight, Arkadelphia • Dr. Ben Mays, Clinton
MaryJane Rebick, Little Rock • Dr. Naccaman Williams, Springdale

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Memo

To: Dr. Mary Ann Brown

CC: Dr. Buster Lackey, Principal
Dean Elliott, Trustees Board Chairman

From: Dr. Mona Briggs, Superintendent

RE: Enrollment Request for Academics Plus 2007-2008

Date: June 7, 2007

It is the request of the Academics Plus Charter Board of Trustees and school administration that the school's enrollment cap be raised from 375 to 400 students, which is in keeping with the intent of the original Charter. The founders expected to expand a grade each year and with that additional grade, enroll an additional 50 students each year. (See chart below taken copied directly from the Charter application of 2000):

Projected Growth (first three years):	School Year	Grades	Enrollment
	2001-02	6 th , 7 th	100
	2002-03	*6 th , 7 th , 8 th	150
	2003-04	*6 th , *7 th , 8 th , 9 th	200

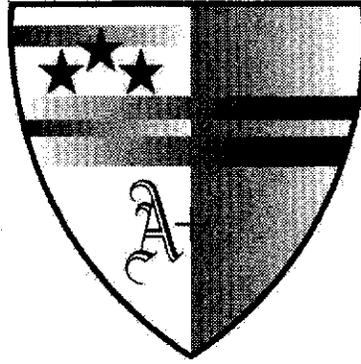
*The expansion will be a direct result of market demand coupled with availability of funds.

We have received permission from the State Board to add kindergarten for the fall of 2007. We have 28 students who have applied for the program. Our cap is set now at 375; therefore, we are requesting that it be raised by 25, which will be consistent with what the Charter intended in terms of yearly growth, and will allow us to implement the kindergarten program.

It is the intention of the Board to develop a long range plan in terms of facilities and capacity for the coming five years. However, we request that the additional 25 slots be approved now so that parents can be notified, classrooms furnished, and materials purchased for the kindergarten program.

RECEIVED
JUN 06 2007

CHARTER SCHOOL OFFICE



Pulaski Charter Schools, Inc.
dba
Academics Plus Charter School

The Board of Trustees voted unanimously on May 14, 2007, for Dr. Briggs to request the State Board of Education to increase the enrollment cap of Academics Plus Charter School from 375 to 400 students. This increase is in keeping with the intent of the original charter which was to add a grade and 50 students each year as needed. This increase will allow the school to add a kindergarten class for the 2007-2008 school year.


Dean Elliott, Board Chairman

Date: June 18, 2007

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JUN 19 2007

CHARTER SCHOOL OFFICE

Facility Report for Academics Plus Charter School

1. Charter School: Academics Charter School (Update Report 6/20/07)

Items in bold are latest site visit comments on this site. The original report is dated 3/20/07 updates are from 6/19/07.

2. Location: 900 Edgewood Dr. Maumelle, AR 72113

3. General Observations: The campus is scattered between six buildings spread over a three block radius connected by a private drive and uncovered sidewalks. The PE facility is the public recreation center 1 block away and the library is the public library 1-2 blocks away.

4. Academic Suitability: Class sizes do not meet current standards at 22 x 20 feet. The classes in the high school portable building are better sized at 32 x 32. All buildings are portable except for the Arts Building which appears to have previously been a strip mall retail center. All classroom doors open to the front onto the parking lot under a narrow canopy running the length of the building.

Buildings have not changed.

5. ADA Accessibility: Parking lots and entrances at the Arts Building and the high school building are not fully accessible. Restrooms are accessible once inside.

Some minor ADA compliance issues must be resolved if required to accommodate students with physical handicaps.

6. Life Safety Codes: The main structure has a fire alarm and video surveillance. The portable building does not have a fire sprinkler system. The Arts Building does have a fire alarm system currently being installed.

All cost appear to have been met.

7. Conclusions and recommendations: Does not appear to meet current standards for public school academic facilities.

Does not appear to meet current space standards as applicable for public school academic facilities.

1. Charter School: Academics Charter School

Items in bold are latest site visit comments on this site. The original report is dated 3/20/07 updates are from 6/19/07.

2. Location: 900 Edgewood Dr. Maumelle, AR 72113

3. General Observations: The campus is scattered between six buildings spread over a three block radius connected by a private drive and uncovered sidewalks. The PE facility is the public recreation center 1 block away and the library is the public library 1-2 blocks away.

A+: Both the community center and library are next to our campus—approximately 200 and 121' from the borders of our campus.

4. Academic Suitability: Class sizes do not meet current standards at 22 x 20 feet. The classes in the high school portable building are better sized at 32 x 32. All buildings are portable except for the Arts Building which appears to have previously been a strip mall retail center. All classroom doors open to the front onto the parking lot under a narrow canopy running the length of the building.

Buildings have not changed.

A+: Building have been re-configured; the High School Building is now for elementary (3-6 and K, if we add it). The Arts Building is for high school classes and is being renovated inside and outside. Each classroom has a rear door as well as a front door.

5. ADA Accessibility: Parking lots and entrances at the Arts Building and the high school building are not fully accessible. Restrooms are accessible once inside. **Some minor ADA compliance issues must be resolved if required to accommodate students with physical handicaps.**

A+: Any compliance issues will be immediately resolved should a handicapped child be accepted for enrollment.

6. Life Safety Codes: The main structure has a fire alarm and video surveillance. The portable building does not have a fire sprinkler system. The Arts Building does have a fire alarm system currently being installed. **All cost appear to have been met.**

A+: Fire alarm is installed and paid for in full. Both security and fire alarms are monitored 24/7 by an alarm company.

7. Conclusions and recommendations: Does not appear to meet current standards for public school academic facilities. **Does not appear to meet current space standards as applicable for public school academic facilities.**

A+: We have a waiver from standards -- A.C.A. § 6-20-1402-1407, Minimum School House Construction Standard n(page 45 of 2007 renewal)s.

**ARKANSAS DEPARTMENT OF EDUCATION
PUBLIC SCHOOL FUND
FY2008**

	FY08 PROPOSED <u>BUDGET 7-09-07</u>
ACADEMIC IMPROVEMENT TRAINING	\$ 500,000
ADVANCED PLACEMENT INCENTIVE	825,000
ALTERNATIVE LEARNING	18,394,217
ARK LEADERSHIP ACADEMY - MASTER PRINCIPAL	500,000
ARK PUBLIC SCHOOL COMPUTER NETWORK	16,160,243
ARK TEACHER HOUSING DEV FOUNDATION	100,000
ARKANSAS EASTER SEALS	193,113
ARKANSAS TEACHER OF THE YEAR	125,000
ASSESSMENT/END OF LEVEL TESTING	23,887,747
AT RISK	1,490,500
BETTER CHANCE GRANTS	111,000,000
CONSOLIDATION INCENTIVE	12,550,000
CONTENT STANDARDS AND CURRICULUM FRAMEWORKS	100,000
CONTENT STANDARDS REVISION	161,000
COOP ED TECH CENTERS OPERATIONS	1,200,000
COURT ORDERED DESEGREGATION	65,955,923
CRIMINAL BACKGROUND CHECKS	50,000
DEBT SERVICE FUNDING SUPPLEMENT	28,455,384
DECLINING ENROLLMENT DISTRICTS	10,000,000
DEPT OF CORRECTION	5,027,675
DISTANCE LEARNING	500,000
DISTANCE LEARNING DEMONSTRATION PROJECT	6,000,000
DISTANCE LEARNING OPERATING GRANTS	5,831,400
DISTRESSED SCHOOL DISTRICT SUPPORT	450,000
EARLY CHILDHOOD SPECIAL EDUC	14,870,625
ECONOMIC EDUCATION	350,000
EDUC SERVICE COOPERATIVES	5,529,270
ENGLISH LANGUAGE LEARNERS	8,803,208
GENERAL FACILITIES FUNDING	8,100,000
GIFTED & TALENTED	1,422,896
GRANTS TO SCHOOL DISTRICTS	50,000
HIGH PRIORITY DISTRICT TEACHER RECRUIT/RET INCTV	2,100,000
HOME SCHOOL TESTING	250,000
HUMAN DEVELOPMENT CTR EDUC AID	526,150
INTENSIVE SCHOOL SUPPORT	320,000
INTERVENTION BLOCK GRANTS	132,000
ISOLATED FUNDING	7,896,000
MASTER PRINCIPAL BONUS	45,000
NAT BD PROF TEACHING STANDARDS	4,843,500
NATIONAL SCHOOL LUNCH STUDENT FUNDING	154,442,992
NON - TRADITIONAL LICENSURE GRANTS	50,000
OFFICE OF EDUCATION RENEWAL ZONES	2,059,865
PROFESSIONAL DEVELOPMENT FUNDING	22,961,359
PUBLIC SCHOOL EMPLOYEES INSURANCE	37,066,600
PYGMALION COMMISSION	40,000
RES CENTERS/JUVENILE DET	13,385,831
SCHOOL FOOD - LEGISLATIVE AUDIT	75,000
SCHOOL FOOD SERVICES	1,650,000
SCHOOL WORKER DEFENSE	390,000
SERIOUS OFFENDER PROGRAM	1,050,946
SMART START/SMART STEP	10,252,118
SPECIAL ED - CATASTROPHIC	11,000,000

**ARKANSAS DEPARTMENT OF EDUCATION
PUBLIC SCHOOL FUND
FY2008**

	FY08 PROPOSED BUDGET 7-09-07
SPECIAL EDUCATION SERVICES	4,145,285
SPECIAL NEEDS ISOLATED	3,000,000
STATE FOUNDATION FUNDING AID	1,835,722,382
STUDENT GROWTH	53,780,000
SUPPLEMENTAL MILLAGE INCENTIVE FUNDING	10,000,000
SURPLUS COMMODITIES	630,000
TEACHER LICENSURE / MENTORING	7,508,758
TEACHER RETIREMENT MATCHING	6,050,000
TECHNOLOGY GRANTS	1,602,678
TECHNOLOGY IMPROVEMENTS	1,000,000
WORKERS COMPENSATION	450,000
YOUTH SHELTERS	165,000
ALTERNATIVE PAY	2,500,000
TRAVELING TEACHERS	500,000
URT ACTUAL COLLECTIONS / STUDY	13,435,165
ARKANSAS/STRIVE TRANSFER	200,000
REAL PROPERTY REAPPRAISAL COSTS TRANSFER	10,830,000
SURETY BOND TRANSFER	85,000
TOTAL PUBLIC SCHOOL FUND	<u>\$ 2,570,724,830</u>
PROJECTED FUNDING	
GENERAL REVENUE	\$ 1,818,647,072
EDUCATIONAL EXCELLENCE TRUST FUND	200,001,683
EDUCATIONAL ADEQUACY FUND	458,839,987
TRANSFER TO EGA PROFESSIONAL LICENSURE	(415,000)
TRANSFER TO EGA EDUCATIONAL ACCOUNTABILITY	(450,000)
TRANSIT TAX 949 OF 2001	910,000
TANF TRANSFER FROM DHS	7,500,000
TRANSFER FROM GEN REV ALLT RES - URT	10,435,165
TRANSFER FROM GEN REV ALLT RES - END TO END SEC	300,000
COURT ORDERED DESEGREGATION	65,955,923
FUND BALANCE FY07	9,000,000
TOTAL PROJECTED FUNDING	<u>\$ 2,570,724,830</u>

WESTSIDE

CONSOLIDATED SCHOOL DISTRICT NO. 5

MEMBER NORTH CENTRAL ASSOCIATION

1630 Hwy. 91 West • Jonesboro, AR 72404
(870) 935.7503 • Fax (870) 935.2123

RECEIVED
ATTORNEY'S OFFICE
APR 17 2007
DEPARTMENT OF EDUCATION
GENERAL DIVISION

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

April 10, 2007

Mr. Scott Smith, General Counsel
Arkansas Department of Education
Legal Services, Room 404-A
#4 Capitol Mall
Little Rock, Arkansas 72201

Dear Scott,

On March 27, 2007, the Westside Consolidated School District Board of Education voted to submit a board re-organization proposal to the Arkansas Department of Education and the Arkansas Board of Education. In submitting this proposal, the Westside board has taken the following actions:

1. Voted to propose the re-organization in a legally-held public board meeting,
2. Conducted a special board meeting for the expressed purpose of soliciting public input on the proposal.
3. Voted and passed a resolution in a legally-held, public board meeting to submit the proposal to the Department of Education and the Arkansas Board of Education.
4. Published the proposal for ten consecutive calendar days and invited the public to comment and submit their comments to the County Clerk's Office.



Mr. Scott Smith, General Counsel
Arkansas Department of Education
April 10, 2007

PAGE TWO

To summarize, the board's proposal is as follows:

1. Change its configuration from seven to five members.
2. Change the make-up of the board from its current make-up of two members from each of the three member communities of Bono, Cash, and Egypt and one at-large seat to a new configuration of one member from each member community and two at-large seats.
3. Maintain its practice of all board seats being elected by all citizens from all three member communities. ✓
4. Maintain its practice of at-large seats being held by any eligible candidate from any of the three member communities.
5. Change the board terms of all seats from its current policy of four year terms to five year terms.
6. Establish an annual rotation that would produce one seat for election at every annual school election.
7. Place all five board seats up for election at the September 18, 2007 school election. ✓
8. Any current board member wishing to remain on the board will have to run for election on September 18, 2007. ✓
9. Once five board members are elected on September 18, 2007, the new board will draw lots of one, two, three, four, and five year terms to establish the annual rotation of one seat being elected each year.
10. The new board would take over the governance of the Westside Consolidated School District effective with the validation of the election results of the September 18, 2007 election.

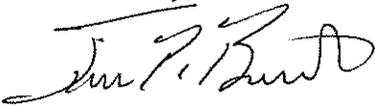
Please find the enclosed documentation outlining the process that the board has executed as described above in the submission of this proposal. The Westside board respectfully requests that its proposal be placed on the agenda of the Arkansas Board of Education at the earliest opportunity. Please let me know if you have any questions regarding this proposal or its placement on the state board agenda.

Mr. Scott Smith, General Counsel
Arkansas Department of Education
April 10, 2007

PAGE THREE

As always, thank you for your consideration, and I look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to read "James P. Best". The signature is written in a cursive style with a large, sweeping initial "J".

Dr. James P. Best
Superintendent

Enclosures

Public Forum on Board Re-Organization
March 27, 2007 - Westside H.S. Library

- 1 James Allred
- 2 COLEMAN ALLRED
- 3 Karen Bledsoe
- 4 Connie Ischert 27. Billy Stephens
- 5 Jennifer Boyd
- 6 Doreen Huber
- 7 Taylor Tate
- 8 Ralph Brea
- 9 Mark Ray
- 10 Mr. Graham
- 11 Berwick Evans
- 12 Steve Clark
- 13 Kim Keen
- 14 Pat Lundahl
- 15 Bryan Duff
- 16 Candice Pinked
- 17 Myra Graham
- 18 Jim Allred
- 19 Joseph L. Lu
- 20 John Brundage
- 21 Michael Rupp
- 22 Julie Brown
- 23 Cary Brown
- 24 E. Wayne Tate
- 25 Donna Taylor
- 26 Melissa Branning

RECORDS AND PROCEDURES

A special meeting of the Board of Education was held at Westside School. The meeting of the Board of Education of the aforesaid met at 7:00 p.m. on the 27th day of March, 2007. There being present: Justin Allred, John Broadaway, Cary Brown, Joe Grove, Michael Riggs, (Randall Crisler and Tony Jones absent) all members of the Board.

- I. A public hearing was conducted on March 27, 2007 at 7:00 p.m. in the Westside High School Library to solicit public opinion regarding a Westside Board of Education Re-Organization Proposal. (See Public Notice on back of this sheet)
- II. Motion was made by John Broadaway, seconded by Cary Brown, to adopt the re-organization proposal as presented by Superintendent Dr. James Best. The re-organization proposal is as follows:
 1. Reduction of the board from its current seven-member configuration to a five-member configuration.
 2. Board position will consist of one representative seat from each of the three original school district member communities of Bono, Cash, and Egypt.
 3. Two board positions will be at-large positions that can be held by citizens from any of the three member communities.
 4. All seats are voted upon by all citizens in each of the three member communities.
 5. All board positions are five year terms.Vote 5-0
- III. The proposal, along with public comments gathered by the County Clerk's Office and other pertinent information, will be submitted to the ADE and the Arkansas State Board of Education for its consideration. If approved by the State Board of Education, all five board position will be available for election at the September 18, 2007 school election. The newly-elected board would then draw lots of one, two, three, four, and five year terms to establish an annual rotation in which one seat would be up for election every year.
- IV. Motion was made by Joe Grove to adjourn. Adjournment time: 8:40 p.m.

PRESIDENT

SECRETARY

CLASSIFIEDS

www.glyphics.com

900 BUSINESS OPPS

license, proof of current vehicle insurance, a reliable vehicle and a goal of excellent customer service to the subscribers you will service.
Please come by and fill out a questionnaire at:
The Sun
518 Carson
Jonesboro, AR
If you have any questions, please call (870) 935-5525 ext. 312, 229 or 277.

998 LEGALS

Public Notice
The Westside Consolidated School District will hold a special meeting on Tuesday, March 27, 2007, 7 p.m. high school library, for the purpose of hearing public opinion on its proposed board re-organization plan. All interested patrons of the district are invited to attend and share their thoughts on the proposed plan.
WESTSIDE CONSOLIDATED SCHOOL DISTRICT #5
Board of Education
Michael Riggs, President
Randall Crisler, Secretary

Public forum planned tonight at Westside

JONESBORO — Westside School District will host a public forum at 7 p.m. today to seek public comment on a proposed reorganization of the district's school board.

The meeting will be held at the high school library and all patrons are encouraged to attend and express their thoughts on the issue.

www.jonesborosun.com

RECORD

3/21/09

THE JONESBORO SUN

A7

The Jonesboro Sun

DAILY AND SUNDAY

Proof of Publication

STATE OF ARKANSAS
COUNTY OF CRAIGHEAD

I, Ilsia Nuhung solemnly swear that I am classified advertising manager of the JONESBORO SUN daily newspaper of general circulation printed in the Western District of Craighead County and I was such classified advertising manager at the date of publication hereinafter stated, and that said newspaper had a bonafide circulation in such county at said dates, and had been regularly published in said county for the period of one month next before the date of the first publication of the advertisement hereto affixed, and that said advertisement was published in said

newspaper 10 times once a day from the date of March 31st, 2007 through the date of April 09th, 2007

Ilsia Nuhung *Ilsia Nuhung*

Sworn to and subscribed before me this 16 day of April, 2007

Paula J. Nelms

My commission expires May 27, 2008

Fee for print, \$ 2,106.00

Cost of Proof \$ _____

Rec'd Payment \$ _____

Total - - - \$ 2,106.00

PUBLIC NOTICE
WESTSIDE CONSOLIDATED
SCHOOL DISTRICT #5
1630 Highway 93 West
Jonesboro, AR 72404

Notice is hereby given that in a legally held meeting of the Westside Board of Education on March 27, 2007, a public hearing was conducted for the purpose of soliciting public opinion regarding a board proposal to re-organize the Westside Board of Education. Notice of the re-organization proposal and invitation for the public to comment on the proposal is provided to the general public in this legal notice.

The reorganization proposal is as follows: 1) reduction of the board from its current seven-member configuration to a five-member configuration, 2) board positions will consist of one representative seat from each of the three school district member communities of Bond, Cash, and Egypt, 3) two board positions will be at-large positions that can be held by citizens from any of the three member communities, 4) all seats are voted upon by all citizens in each of the three member communities, and 5) all board positions are five year terms. Public comments will be collected by the County Clerk's Office and submit-

ted to the Arkansas Department of Education and the Arkansas State Board of Education for its consideration. If approved by the State Board of Education, all five board positions will be available for election at the September 18, 2007 school election. The newly elected board would then draw lots of one, two, three, four, and five year terms to establish an annual rotation in which one seat would be up for election every year.

This notice is provided for ten days for the general public to consider and file comments with the Craighead County Clerk's Office. Public comments should be directed to the County Clerk's Office, attention Sandra Albert, at the Craighead County Courthouse, Room 102, Jonesboro, AR 72401. Citizens have ten calendar days from the first date of publication of this notice to file their comments with the County Clerk's Office.

Patrons who have questions regarding the proposal may contact the Westside Superintendent's Office at 870-935-7503. WESTSIDE CONSOLIDATED SCHOOL DISTRICT #5 Board of Education
Michael Riggs, President
Randall Casler, Secretary

Box 1249, Jonesboro, AR 72403 • 518 Carson St. • (870) 935-5521

Advertising Receipt

Jonesboro Sun
 P.O. Box 1249
 Jonesboro, AR 72403
 Phone: (870) 935-5525
 Fax: (870) 935-6659

WESTSIDE CONSOLIDATED
 ATTN: Diana Edington
 1630 HWY 91 WEST
 268-9119
 JONESBORO, AR 72404

Cust#: 01170212-000
 Ad#: 02560689
 Phone: (870)935-7503
 Date: 03/28/07

Ad taker: R_M Salesperson: 500 Classification: 0998

Description	Start	Stop	Ins.	Cost/Day	Surcharges	Total
20 Jonesboro Sun	03/31/07	04/09/07	10	210.60		2106.00

Payment Reference:

Total: 2106.00
 Tax: 0.00
 Net: 2106.00
 Prepaid: 0.00

PUBLIC NOTICE
 WESTSIDE CONSOLIDATED SCHOOL DISTRICT #5
 1630 Highway 91 West
 Jonesboro, AR 72404

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Public comments will be collected by the County Clerk's Office and submitted to the Arkansas Department of Education and the Arkansas State Board of Education for its consideration. If approved by the State Board of Education, all five board positions will be

Total Due 2106.00

www.jonesborosun.com

735 MEDICAL

DIETARY STAFF needed for 110 bed skilled LTC facility. Call Frankie King at Three Rivers Nursing Center at 870-358-2432. In. Marked Tree

IMMEDIATE OPENING for experienced dental assistant. Christian Work Environment. Apply in person at 1803 Woodsprings Road, Jonesboro, AR

LOCAL HOME Medical Equipment Company is looking for a Billing Specialist with HME billing experience. In Medical, Medicare, Commercial, and private billing. Excellent wages and benefits for the qualified individual. Please send resume to JET, P.O. Box 1477 Jonesboro, AR 72403.

LPN'S NEEDED for 110 bed skilled LTC facility. All shifts with the potential to start at \$21.00 per hour. New pay scale shift differential. Call Sherri Jarrett or Shannon Brewer at 870-358-2432 at Three Rivers Nursing Center in Marked Tree.

740 RESTAURANT

CRACKER BARREL is now hiring all positions, day and night shifts, full or part time. Apply in person at Cracker Barrel 2621 Phillips Drive.

EXPERIENCED BAR TENDERS/ COOKS NEEDED

APPLY: O Charley's 2312 East Parker Rd. Looking for easy going people to work in a fast pace environment. Willing to work hard and have fun! We will do interviews between 2:00-4:00pm.

CITY OF WEST

Must be 21 years of age. Certificate in certificate. We meet quality. Pass ability test. STATE

745 PROFESSIONALS

PROFESSIONAL CHOCOLATE CARE Center Director/ Assistant needed. CDA required. Prior experience preferred. Must be at least 25 years old. Fax resume to 7285 Attn. Ryan

THE BLACK ROCK Water and Sewer Department is seeking a licensed Water and Sewer Operator. Salary Neg. Contact mayor Calvin McLaughlin at Black Rock City Hall 491 Elm St. Black Rock, AR 72415 or call (870)878-6792

Westside High School is taking applications for a Drama or Art teacher. Applications/Interviews for grades 9-12. Requires Arkansas certification. Westside School District is an Equal Opportunity Employer. Contact 935-7501 or Westsideschools.org

770 POSITION WANTED

NEED A night out without the children?? Safe loving home. 934-1043

780 SCHOOL/INSTRUCTION

THE MARKED TREE School District an EOE will be accepting applications for a Secondary Math Teacher. Marked Tree School District is an equal opportunity employer. Minorities are encouraged to apply. Applicants must be full certified to teach math in grades 7-12. Call for application at 870-358-2913 or send resume to Fax: 870-358-3953 or to the attention of Gary Masters, Superintendent, 406 St. Francis, Marked Tree, AR.

820 FOUND

FOUND MINIATURE

850 MISCELLANEOUS

UNCONTESTED DIVORCE \$400 plus costs. Jonesboro attorney Alan Seagrave (870)933-9697.

900 BUSINESS OPPS

Are you the type of person that feels a sense of accomplishment when you know you have completed a task well? Does it matter to you when you make mistakes? Could you use some extra income right now? We are looking for you!

The Sun currently has routes available in the Jonesboro, Walnut Ridge, Peach Orchard, Harrisburg, Turmann areas. Our local routes are delivered by 6:00AM each day leaving you time during the day for your full-time job, school, or other daytime projects. Our independent contractor routes take 2-4 hours to deliver and gross from \$450.00 to over \$1000.00 per month with no subscriber collections! The Sun is also looking for dependable contractors to assist us with redeliveries in Jonesboro from 6AM-12 Noon, Sunday through Saturday and 1 PM-4 PM Monday-Friday. The Sun is also seeking independent contractors for kiosk and/or door to door

INTERNATIONAL School Bus-55 Passenger 5.9 Diesel, V-8 Bus In Working Order. Poor frame. All bids must be sealed and submitted by April 9, 2007 Walnut Ridge Public School 508 East Free Street Walnut Ridge, AR 72476 870-8866634. The Walnut Ridge School reserves the right to reject any and all bids.

FOR VENDORS who are interested in bidding on the contract for janitorial services in the Jonesboro Office of Child Support Enforcement, please submit your name, address and phone number of Monday if you have any questions please call 870-

988 LEGALS

1981 INTERNATIONAL 1800 Truck to be sold for towing and storage after 4-10-07. Sharp wrecker. 4102 E. Highland Dr.

1989 GMC Mini-Bus, 19 Passenger Automatic-305 Engine-Bus in working Order. All bids must be sealed and submitted by April 9, 2007 to Walnut Ridge Public School 508 East Free Street Walnut Ridge, AR 72476 870-8866634. The Walnut Ridge School reserves the right to reject any and all bids.

1990 CHEVROLET School Bus, 55 Passenger 60 Series, 366 Engine Standard Transmission-Bus In Working Order. All bids must be sealed and submitted by April 9, 2007 Walnut Ridge Public School 508 East Free Street Walnut Ridge, AR 72476 870-8866634. The Walnut Ridge School reserves the right to reject any and all bids.

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FOR VENDORS who are interested in bidding on the contract for janitorial services in the Jonesboro Office of Child Support Enforcement, please submit your name, address and phone number of Monday if you have any questions please call 870-

988 LEGALS

LEGAL NOTICE Notice is hereby given that Liberty Bank of Arkansas Jonesboro, Arkansas intends to make application to the Federal Deposit Insurance Corporation and the Arkansas State Bank Department for a branch bank at 9117 Highway 71 South, Fort Smith, Arkansas.

Any person wishing to comment on this application may file his or her comments in writing with the Regional Director (RDC) of the Federal Deposit Insurance Corporation at its Area Office at 5100 Poplar Avenue, Suite 1900, Memphis, Tennessee 38137, not later than April 15, 2007. The nonconfidential portions of the application are on file in the Area Office and are available for public inspection during regular business hours. Photocopies of information in the nonconfidential portion of the application will be made available upon request. Any person desiring to comment on this application to the Arkansas State Bank Department may do so by filing his or her comments in writing to the State Bank Commissioner at the office of the department, 400 Hardin Road, Suite 100 Little Rock, Arkansas 72211. Written comments including any formal protests concerning this application must be received in the Arkansas State Bank Department no later than 15 days following the date of actual filing of the application.

This notice is published pursuant to Part 303.7 of the Rules and Regulations of the Federal Reserve System.

988 LEGALS

PUBLIC NOTICE WESTSIDE CONSOLIDATED SCHOOL DISTRICT #5 1630 Highway 91 West Jonesboro, AR 72404. Notice is hereby given that in a legally-held meeting of the Westside Board of Education on March 27, 2007, a public hearing was conducted for the purpose of soliciting public opinion regarding a board proposal to re-organize the Westside Board of Education. Notice of the re-organization proposal and invitation for the public to comment on the proposal is provided to the general public in this legal notice.

The reorganization proposal is as follows: 1) Office: Public comments should be directed to the County Clerk's Office, attention Sandra Albert, at the Craighead County Courthouse, Room 102, Jonesboro, AR 72401. Citizens have ten calendar days from the first date of publication of this notice to file their comments with the County Clerk's Office.

Patrons who have questions regarding the proposal may contact the Westside Superintendent's Office at 870-935-7503.

WESTSIDE CONSOLIDATED SCHOOL DISTRICT #5 Board of Education Michael Riggs, President Randall Cristler, Secretary

988 LEGALS

ted to the Arkansas Department of Education and the Arkansas State Board of Education for its consideration. If approved by the State Board of Education, all five board positions will be available for election at the September 18, 2007 school election. The newly-elected board would then draw lots of one, two, three, four and five year terms to establish an annual rotation in which one seat would be up for election every year.

This notice is provided for ten days for the general public to consider and file comments with the Craighead County Clerk's Office. Public comments should be directed to the County Clerk's Office, attention Sandra Albert, at the Craighead County Courthouse, Room 102, Jonesboro, AR 72401. Citizens have ten calendar days from the first date of publication of this notice to file their comments with the County Clerk's Office.

Patrons who have questions regarding the proposal may contact the Westside Superintendent's Office at 870-935-7503.

WESTSIDE CONSOLIDATED SCHOOL DISTRICT #5 Board of Education Michael Riggs, President Randall Cristler, Secretary

Morning Coffee 870-935-5525

6-13-606. Districts with more than five directors - Decrease in number.

- (a) The board of directors of any school district in this state that now has authorized or which is authorized to have seven (7) or nine (9) directors may file a petition with the State Board of Education requesting a decrease in the number of directors for that district to five (5) or seven (7).
- (b) Notice of the filing of the petition shall be published within ten (10) days thereafter by one (1) insertion in some newspaper having a general circulation in the district.
- (c) Upon a showing that such decrease will not be detrimental to the district petitioning for it, the state board is authorized to decrease the number of directors for the district to five (5) or seven (7).
- (d) The order directing such decrease shall be entered not more than sixty (60) days after the publication of notice.
- (e) Pursuant to the order and as soon as possible thereafter, the members of the board of directors shall draw by lot for the number of positions determined.
- (f) The remaining directors shall continue to serve their unexpired terms.
- (g) All boards of directors shall be made up of five (5), seven (7), or nine (9) members as allowed by law.
- (h)(1) No board of directors shall have an even number of directors whether or not the number of directors of a school district's board of directors was established by an agreement between or among the former school districts that comprise the school district incident to a consolidation or an annexation of the former school districts.
- (2) No less than ninety (90) days prior to the next annual school election, any school district with an even number of directors shall file a petition with the state board to establish the requisite odd number of directors.
- (3) If the number of board members needs to be reduced to create a required odd number of directors and the members cannot agree on the method of reduction, the board of directors in office on August 12, 2005 shall draw lots to determine which board positions will be eliminated.
- (i) Any change in the number of directors serving on the local school board of directors required under this section shall be effective upon the directors taking office following the 2005 annual school election.
- (j)(1) Except as otherwise provided by law, any school district that elects its board members from single-member zones shall be subject to the requirements of this section.
- (2) For those school districts that are subject to this subsection, "next annual school election" as used in subdivision (h)(2) of this section means the 2005 annual school election.

History. Acts 1967, No. 232, § 1; A.S.A. 1947, § 80-502.9; Acts 1999, No. 1078, §§ 32, 33; 2005, No. 2151, § 12.

April 23, 2007

Dr. James P. Best
Superintendent
Westside Consolidated School District
1630 Highway 91 West
Jonesboro, AR 72404

Re: Petition to Reduce Size of District Board of Directors from Seven to Five

Dear Dr. Best:

The Attorney's Office has reviewed the above-referenced petition submitted for consideration by the State Board of Education (SBE). Our office has concerns with the following points referenced in your summary of the reduction petition:

- 3.) "Maintain its practice of all board seats being elected by all citizens from all three member communities."

Your petition indicates that the new five (5) member Board of Directors (Board) would be comprised of one (1) member living in each of the following communities: Bono, Cash and Egypt, and two (2) members elected "at-large". However, it appears that all five (5) members of the Board would be elected at-large (i.e., by all qualified electors of the district), including the three (3) seats which have residency requirements. There is nothing in the petition that indicates that the Board has ever adopted a combined "zone and at-large" method of election for the district, per Ark. Code Ann. § 6-13-630. Thus, it appears that the petition as submitted, would create a method of Board election which is contrary to Ark. Code Ann. § 6-13-630. I have also enclosed a copy of Attorney General's Opinion Number 2006-201, which discusses, in detail, the requisites of zone and at-large methods of election.

- 7.) "Place all five board seats up for election at the September 18, 2007 school election.", and 8. "Any current board members wishing to remain on the board will have to run for election on September 18, 2007."

STATE BOARD OF EDUCATION: Chair: Diane Tatum, Pine Bluff • Vice Chair: Randy Lawson, Bentonville
Members: Sherry Burrow, Jonesboro • Jim Cooper, Melbourne
Dr. Calvin King, Marianna • Dr. Tim Knight, Arkadelphia • Dr. Ben Mays, Clinton
MaryJane Rebick, Little Rock • Dr. Naccaman Williams, Springdale

The above (2) portions of the Board's proposal share the same issue: the composition of the Board after the reduction to five (5) members. Ark. Code Ann. § 6-13-606 provides that, after the SBE grants the reduction petition and enters its order stating same, the Board must do the following:

- Pursuant to the order and as soon as possible thereafter, the members of the board of directors shall draw by lot for the number of positions determined (Ark. Code Ann. § 6-13-606 (e)), and
- The remaining directors shall continue to serve their unexpired terms (Ark. Code Ann. § 6-13-606 (f)).

As submitted, the reduction petition appears to contradict the requirements of Ark. Code Ann. § 6-13-606.

The Attorney's Office will not be able to submit the petition for placement on the SBE's May agenda unless and until the above issues are resolved, and the petition is brought into compliance with State law. Our office must notify the SBE office of the existence of agenda items for the May meeting by April 30, 2007. Therefore, the legal issues concerning the petition must be resolved by that date to ensure placement on the May agenda.

As the Attorney's Office exists to provide counsel to the Department of Education and to the SBE, it is unable to provide the district with private legal advice in this matter. Therefore, a copy of this letter (with attachment) is also being forwarded to the district's retained legal counsel.

Please contact me at (501) 682-4234 should you have any questions.

Sincerely,



Tripp Walter
Staff Attorney

TW/slr

Attachment

cc: Mr. William C. Brazil, Attorney

Opinion No. 2006-201

December 22, 2006

The Honorable Randy Laverty
State Senator
Post Office Box 165
Jasper, AR 72641

Dear Senator Laverty:

I am writing in response to your request for an opinion on the following question concerning the election of school board members:

The Searcy County School District currently interprets state law to provide that a person running for a school board position from a certain school zone must reside in the zone but be elected by the entire district. Is this a proper interpretation of the law?

RESPONSE

The answer to this question is “no,” in my opinion. While certain statutes require residency in the zone when there is a zoned school board and a zone-election system, it is clear, in my opinion, that a school board candidate is not required to reside in a zone when the position is to be filled by a vote of all of the electors of the district. State law instead provides that a candidate for the latter so-called “at large” position must simply be a resident of the district.

This conclusion follows, in my opinion, from a reading of the relevant constitutional and statutory provisions regarding the qualification and selection of a school district’s board of directors. Article 19, Section 4 of the Arkansas Constitution establishes the general residency requirement for school board membership as follows:

All civil officers for the State at large shall reside within the State, and all district, county and township officers within their respective districts, counties, and townships, and shall keep their offices at such places therein as are now or may hereafter be required by law.

Emphasis added. See *Davis v. Holt*, 304 Ark. 619, 804 S.W.2d 362 (1991) (applying Ark. Const. art. 19, sec. 4 in a dispute arising from a school board election, holding the successful candidate ineligible for lack of residence in the district).

The Arkansas Code echoes the constitutional requirement that school board directors must reside in the districts they serve. Arkansas Code Annotated 6-13-616(a) (Repl. 1999) states in pertinent part that “. . . no person shall be eligible to be a member of any school district board of directors in this state unless he is a qualified elector of the school district which he serves.” The “qualified elector” requirement includes residence. See *Davis*, *supra*; *Thomas v. Sitton*, 213 Ark. 816, 212 S.W.2d 710 (1948).

In addition to requiring residency in the district, certain statutes require that a candidate for a school board position to be elected by zone must be a resident of the zone. See A.C.A. §§ 6-13-615 (Repl. 1999); 6-13-630 (Repl. 1999); 6-13-631 (Supp. 2005). Section 6-13-615 provides a local option for the election of school board directors from single-member zones. Qualified electors of a district can petition to have the question of a zone-election system placed on the ballot at the annual school election. *Id.* at subsection (a)(1). The original act establishing this local option for election from zones provided that upon approval of zone elections, “. . . the current school board draws lots to determine which zone position each member’s position represents until a resident of that zone can be elected.” Acts 1989, No. 872, § 4. A board member who is “qualified to serve the zone he represents” can succeed himself. A.C.A. 6-13-615(d) (Repl. 1999). Although the latter statute contains no express directive that a candidate running for election reside in the zone he wishes to represent, I agree with my immediate predecessor that this requirement is “implicit in the very concept of zoned representation.” *Op. Att’y Gen.* 2002-292.

Section 6-13-630 authorizes the board of directors of any school district to adopt a plan of election under which a portion of the board will be elected “by zone, at large, or a combination thereof.” A.C.A. § 6-13-630(a) (Repl. 1999).^[1] The statute expressly dictates that “[a] candidate for a position to be elected by zones shall reside in the zone.” *Id.* The final statute cited above, A.C.A. § 6-13-631 (Supp. 2005), applies to districts having a ten percent (10%) or greater minority population. With certain exceptions, it requires zoned elections in such districts. *Id.* at (f) and (g). Candidates elected from single-member zones created to comply with this statute must reside in the zone. *Id.* at (d).

With the exception of statutes such as these that either authorize or require election by zone, there are no statutes that require candidates for school board to be residents of a zone.^[2] In other words, the requirement that a candidate must reside in a zone corresponds with zone elections only, such that a candidate must reside in a zone only if he or she is to be elected by the residents of the zone. One of my predecessors expressed this principle as follows after citing the above statutes:

The above provisions reflect legislative intent for directors to be voted upon by the electors of the zones from which they are candidates, where the district has been divided into zones. There is, on the other hand, no provision for dividing a district by zone and electing the board members at-large. Nor is there authority for requiring members elected at-large to reside in zones. Rather, Section 6-13-630 states that candidates elected by zones shall reside in the zone. It may be implied from this affirmative statement that candidates for at-large positions are generally not required to reside in zones. See generally *Gosnell v. State*, 284 Ark. 299, 681 S.W.2d 385 (1984) (legislature’s affirmative statement of the effect of a statute is an implied denial of its having some other effect.)^[3]

Op. 91-271.

To summarize, if the candidate is to be elected by all of the electors of the district, i.e., “at large,” there is no zone residency requirement. To be eligible, the “at large” candidate must only be a resident of the district. The interpretation suggested in your question recited above is therefore incorrect, in my opinion.

Assistant Attorney General Elisabeth A. Walker prepared the foregoing opinion, which I hereby approve.

Sincerely,

MIKE BEEBE
Attorney General

MB:EAW/cyh

[1]A former statute, repealed in 1999, required election by zone for districts with more than 24,000 average daily attendance. See A.C.A. § 6-13-607 (Repl. 1999), repealed by Act 1078 of 1999, § 34.

[2]Election from single-member zones may also be required after annexation or consolidation of districts. See, e.g., A.C.A. § 6-13-1406(a)(3) (Supp. 2005) (new school board created by agreement after annexation) and (b)(3) (Supp. 2005)(board of new district created as a result of consolidation.)

[3]Two of the statutes cited in the 1991 opinion – A.C.A. §§ 6-13-504 and -607 – were subsequently repealed. The remaining statute, however, A.C.A. § 6-13-630, and the subsequently enacted section 6-13-615, noted above, continue to reflect the general principle that a zone residency requirement is correlated only with zone elections, and not an at-large election system.

June 18, 2007

Dr. James P. Best
Superintendent
Westside Consolidated School District
1630 Highway 91 West
Jonesboro, AR 72404

Re: Petition to Reduce Size of District Board of Directors from Seven to Five

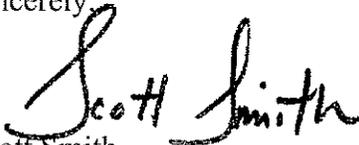
Dear Dr. Best:

I am writing to inform you that the above-referenced petition submitted for consideration to the State Board of Education (Board) will be considered by the board at its regular meeting in July. The meeting will be held on Monday, July 9, 2007, at 9:00 a.m. in the Auditorium of the Arch Ford Education Building located at 4 Capitol Mall in Little Rock.

You should plan to be in attendance at this meeting, along with any other representatives you deem necessary, to respond to any questions or concerns that may be expressed by the Board.

Although a member of your Board of Directors has contacted our office concerning this matter, my position as General Counsel for the Department of Education and the Board precludes me from providing any additional information to the district or its Board of Directors.

Sincerely,


Scott Smith
General Counsel

SS:law

cc: Charles Watson, State Board Office
John Broadaway, Westside Consolidated Board of Directors
William C. Brazil, Attorney

STATE BOARD OF EDUCATION: Chair: Diane Tatum, Pine Bluff • Vice Chair: Randy Lawson, Bentonville
Members: Sherry Burrow, Jonesboro • Jim Cooper, Melbourne
Dr. Calvin King, Marianna • Dr. Tim Knight, Arkadelphia • Dr. Ben Mays, Clinton
MaryJane Rebick, Little Rock • Dr. Naccaman Williams, Springdale

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SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>C. Date of Delivery</p>
<p>1. Article Addressed to:</p> <p>Dr. James Best, Supt. Westside Cons. School District 1630 Highway 91 West Jonesboro, AR 72404</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service)</p>	<p>7005 1820 0004 9893 9940</p>



ARKANSAS DEPARTMENT OF EDUCATION RULES GOVERNING THE ARKANSAS BETTER CHANCE PROGRAM

SECTION 1 – REGULATORY AUTHORITY

- 1.01 These rules are enacted pursuant to the authority of the State Board of Education under ACA § 6-11-105 and 6-45-101 et seq. as amended.
- 1.02 The Division of Child Care and Early Childhood Education, Arkansas Department of Health and Human Services, shall coordinate and administer the Arkansas Better Chance Program, providing all appropriate technical assistance and program monitoring necessary to fulfill the requirements of Ark. Code Ann. 6-45-101 et seq., 20-78-206 and 6-11-105. DCCECE will annually provide the State Board of Education a list of grants which are recommended for funding for the next year.
- 1.03 The State Board of Education will approve all rules developed pursuant to Act 212 of 1991 and Act 49 of 2003 as amended and will approve all programs funded under the Arkansas Better Chance Program.

SECTION 2 – PURPOSE

- 2.01 It is the purpose of these rules to set the general guidelines for the operation of early childhood programs funded under the Arkansas Better Chance Program and the Arkansas Better Chance for School Success Program.

SECTION 3 – DEFINITIONS

- 3.01 ABC: Arkansas Better Chance
- 3.02 ABCSS (Arkansas Better Chance for School Success): Unless standards for ABC and ABCSS are listed separately, ~~all requirements of ABC apply to ABCSS~~ [the term 'ABC' will be used to refer to all participating programs.](#)
- 3.03 ADE: Arkansas Department of Education
- 3.04 ~~ADHS: Arkansas Department of Health and Human Services~~
- 3.04 [AECPDS: Arkansas Early Childhood Professional Development System](#)
- 3.05 APSCN: Arkansas Public School Computer Network
- 3.06 [Agency: For purposes of these rules, "Agency" refers to any entity funded under the Arkansas Better Chance or Arkansas Better Chance for School Success program.](#)
- 3.07 CACFP: Child and Adult Care Food Program (Special Nutrition). A federally-funded subsidy program administered by DCCECE designed to provide reimbursement to providers for meals and snacks served to children from low-income families.
- 3.08 CCFH: Child Care Family Home

- 3.09 CDA: Child Development Associate
- 3.10 Classroom: A physical space which is partitioned for the purpose of ABC instruction and activities. Each classroom must meet licensing requirements and state Quality Approval standards.
- 3.11 COPA: Child Outcome, Planning and Assessment. A web-based information technology system used to capture and maintain data for all children and families enrolled in ABC.
- 3.12 Core Quality Components: The six key areas of ABC which include:
- | | |
|---------------------------------------|--|
| -Low student to teacher ratio | -Developmental Screening and Child Assessment |
| -Well-qualified and compensated staff | -Proven curricula and learning processes |
| -Professional development | -Meaningful parent and community engagement activities |
- These components serve as the basis of ABC funding levels.
- 3.13 DCCECE: Division of Child Care and Early Childhood Education
- 3.14 DECA: Deveraux Early Childhood Assessment
- 3.15 DHHS: Arkansas Department of Health and Human Services
- 3.16 ECERS-R (Early Childhood Environmental Rating Scale, Revised): A nationally-recognized scale developed to measure various elements of classroom quality. ECERS-R is used to measure the environmental quality of early childhood programs.
- 3.17 ERS (Environmental Rating Scale): The term used to describe the tools used to measure elements of classroom quality. These include the Early Childhood Environmental Rating Scale, Infant-Toddler Rating Scale, Family Child Care Rating Scale and School-Age Care Rating Scale.
- 3.18 FPL: Federal Poverty Level
- 3.19 IEP: Individualized Education Program
- 3.20 IDEA: Individuals with Disabilities Education Act
- 3.21 INDEX: Investigating, Discovering and Exploring, the state-approved curriculum training on Math and Science for Young Children.
- 3.22 In-kind services: Support services provided at either no cost or without monetary exchange. To use in-kind services as match, services must be provided to [the ABC program](#).
- 3.23 HIPPY: Home Instruction for Parents of Preschool Youngsters
- 3.24 LEA: Local Education Agency
- 3.25 NAEYC: National Association for the Education of Young Children
- 3.26 PAT: Parents as Teachers
- 3.27 Single-Site Classroom: One ABC classroom at a geographic location
- 3.28 Multi-classroom Site: Multiple ABC classrooms located on the same premises

- 3.29 SSN: Social Security Number
- 3.30 Shall: Mandatory standard
- 3.31 Should: Standard is recommended but not mandatory
- [3.32 SQP: Staff Qualifications Plan. A process by which DCCECE can approve staff not meeting minimum qualifications to work in an ABC classroom under certain restrictions.](#)
- 3.33 Work Sampling System (WSS): A web-based instrument used by ABC programs to assess a child's progress in various educational domains over the program year.

SECTION 4 – CHILD ELIGIBILITY

- 4.01 The ABC Program serves educationally deprived children, ages birth through 5 years, excluding a kindergarten program. The Arkansas Better Chance for School Success Program serves children ages 3 and 4 years from families with gross income not exceeding 200% of the FPL. [Programs wishing to enroll a kindergarten-eligible child must obtain a written waiver from DCCECE before enrolling the child in ABC. Parents must also complete a kindergarten waiver process through the local school district.](#)
- 4.02 To be eligible, children shall reside within the boundaries of an Arkansas school district. Programs may accept children outside of their local area if they have exhausted local recruiting efforts and have unfilled ABC slots.
- 4.03 Eligible children for the ABC program shall have at least one of the following characteristics:
- | | |
|--|---|
| <ul style="list-style-type: none"> -Family with gross income not exceeding exceeding 200% of FPL -Parents without a high school diploma or GED -Low birth weight (below 5 pounds, 9 ounces) -Parent is under 18 years of age at child's birth -Immediate family member has a history of substance abuse/addiction | <ul style="list-style-type: none"> -Has a demonstrable developmental delay as identified through screening -Eligible for services under IDEA -Income eligible for Title I programs -Limited English Proficiency -Parent has history of abuse of neglect
Or is a victim of abuse or neglect |
|--|---|
- 4.04 Eligible children for the ABC for School Success program must meet the following qualifications:
- | | |
|---|---|
| <ul style="list-style-type: none"> -Must be three or four years old by ADE cutoff date. - Gross family income ≤ 200% of FPL | <ul style="list-style-type: none"> -A program is available in the area where the child resides and there is available space for the child to attend. |
|---|---|
- To receive special education services a child must reside within certain district/co-op boundary lines.
- 4.05 To enroll an eligible child, the child's parent or guardian shall furnish documentation of eligibility and other required information, [including household income and household member information](#). ~~A list of all acceptable documentation will be published annually by DCCECE, including the disclosure of annual household income and household member information.~~ Children of parents or guardians refusing to furnish required information shall be deemed ineligible for participation. Programs are responsible for verifying eligibility before the child attends and shall maintain copies of eligibility documentation in the child's record.

- 4.06 A copy of the child's birth certificate or hospital record listing a date of birth is required. If official documentation of date of birth is unavailable, the ABC program shall follow the guidelines of the local district in such instances.
- 4.07 In determining income eligibility, programs shall use a family's gross income from employment plus any unemployment compensation. [Documentation of income eligibility must be present in each child's record.](#) If pay stubs are used to document eligibility, recent documents ([dated](#) within 30 days) shall be used. DCCECE shall publish a list of acceptable documentation annually. If a three-year old child has been qualified for ABCSS, that child shall remain eligible for two years.
- 4.08 Families claiming no earned income (full-time students or unemployed) shall produce a signed and notarized statement to that effect, which [shall be maintained in the child record.](#)
- 4.09 Parents or guardians shown to have submitted a falsified document shall be subject to repayment of funds to DCCECE and referral for prosecution.
- [4.10 Agencies shown to have enrolled ineligible children or children with no documentation of eligibility shall be required to repay the funds expended on behalf of the child to DHS.](#)
- 4.11 An age-eligible child who falls into one of the following categories shall be exempt from family income requirements:
- Foster child
 - Child with an incarcerated parent
 - Child in the custody of [/living with](#) a family member other than mother or father
 - Child with immediate family member arrested for or convicted of drug-related offenses
 - Child with a parent activated for overseas military duty
- 4.12 The ADE and DCCECE may develop a fee schedule and establish eligibility based on family income for children who are not eligible under Section 4.4, but priority enrollment shall be provided to children eligible under Section 4.4. Families who are qualified for enrollment under a sliding fee scale should pay fees directly to the program. The amount of any parent co-pay as determined by DCCECE shall be deducted from the reimbursement to programs accepting children on a sliding fee scale.
- 4.13 DCCECE, with approval from ADE, may grant waivers to children not meeting the eligibility criteria under Sections 4.3 or 4.4 but possessing multiple risk factors for learning and developmental impairment. Requests for such waivers must be submitted to DCCECE in writing and will be considered on a case by case basis.
- 4.14 Children having certain risk factors may be eligible for home-visiting services, in addition to attending a center-based ABC program. See Section 18.6 for eligibility requirements.
- [4.15 Eligible children shall not be denied enrollment into an available ABC program or dismissed from an ABC program due to non-payment of any fees associated with another child care program.](#)

SECTION 5 – PROGRAM/AGENCY ELIGIBILITY

- 5.01 Any child care provider meeting these criteria is eligible to apply for funding:
- Located within the boundaries of the State of Arkansas
 - Licensed by DCCECE as a Child Care Center or Child Care Family Home with no history of formal corrective action or founded complaints which pose an immediate safety risk within 12 months of application date
 - Has no outstanding debt to DCCECE [or ADE](#) (This requirement shall be suspended if an appeal is pending.)
 - Has obtained State Quality Approval accreditation OR is eligible for such accreditation in the space to be used for the ABC program
 - Can provide matching funds in accordance with local to state 40:60 funding ratio

The local-to-state match may be waived by DCCECE if the program is in a school district that has been designated by ADE as being in academic distress and DCCECE determines that the school is unable to provide the local-to-state match requirement. This determination may be made only after DCCECE has assisted the school in identifying potential funding sources to provide local-to-state match requirements.

- 5.02 Any provider wishing to be considered for funding must fully complete a grant application supplied by DCCECE. Grant applications will be evaluated and scored on the following factors:
- [Current status of child care license and quality approval accreditation](#)
 - The degree to which the program can provide a developmentally appropriate preschool program as outlined in the grant application
 - A strategy of collaboration with the local business and education community
 - A fiscally-responsible budget which correlates to core quality models
 - A plan of action for parent involvement
- 5.03 DCCECE will determine an acceptable cutoff score for approved applications. Questions and concerns regarding grant scoring should be referred to the Program Administrator. The ABC Administrator shall make the final determination of all grant scores. Grant scores are final.
- 5.04 All applications shall include a budget which corresponds to the ABC core quality components, details program costs and demonstrates fiscal responsibility. Allowable costs include:
- salaries/fringe
 - instructional materials
 - staff development
 - developmental screenings
 - parent/community engagement activities
 - financial assistance for staff working towards a degree or credential, including but not limited to books, tuition and travel.

SECTION 6 – FUNDING

- 6.01 Upon approval of an ABC application, the order of funding shall be based on criteria stated in Act 49 of 2003, which includes areas of the state containing:
- Schools that have 75% or more students scoring below proficiency level on the primary benchmark exams (math and literacy) in the preceding two (2) school years
 - Schools designated by ADE as being in school improvement status
 - Schools located in a school district in academic distress.

Other factors determining areas to be funded may include socio-economic status of the service area and the availability of existing quality preschool services in an area.

- 6.02 Any program funded through ABC shall work in collaboration with DCCECE, ADE, local businesses and other early childhood providers (school districts, educational cooperatives, Head Start, HIPPPY, private and non-profit providers, etc.) to ensure that all eligible children are served in the most suitable environment. This collaboration shall include, but is not limited to, participation in [and/or facilitation of](#) local early childhood meetings, ~~sharing of waiting list information~~ and referring children [families](#) to other programs when appropriate.

- 6.03 The required local 40% match may include only the cost of providing necessary services for ABC children. Matching funds may be cash or in-kind.

- 6.04 State ABC Funding (60%) for the core components of the program may include salaries and fringe for staff giving direct services to ABC children, professional development, child assessment, developmental screening, meaningful parent and community engagement activities, proven curricula and learning processes, transportation and administration.

- 6.05 The maximum amount of funding is based upon projected child enrollment. Programs will be paid ~~quarterly~~ [monthly](#). ~~Once a grant agreement is signed, one quarter of the maximum funding will be issued. Payment for subsequent quarters will be based upon actual enrollment. Programs not operating for at least one month during a quarter will not receive payment for that period. Programs will be reimbursed for any child attending at least one third of the quarter. In any quarter, if actual enrollment is less than 80% of projected enrollment, the quarterly payment will be deducted on a per child basis.~~ [Payment shall be pro-rated for agencies not in operation a full program year. During the year, programs shall be audited to ensure compliance with child enrollment and attendance policies. An ABC program found to be enrolling ineligible children shall be required to repay applicable funds to DHS and be subject to all collection proceedings allowed by law. Funds may be withheld from future payments to satisfy repayment.](#) Overpayments or the amount of any end of year carry-forward funds shall be deducted from future payments.

- [6.06 DCCECE shall not be responsible for sending out additional or late payments due to failure of Agency to enter data in COPA. DCCECE will assume any payments not disputed within 30 days of receipt shall be correct. DCCECE cannot retroactively pay any Agency for previous year services.](#)

- 6.07 Payment may [shall](#) be withheld if [a](#) program [does](#) not comply with reporting requirements.

- 6.08 ABC is intended to supplement, not supplant, existing early childhood funding sources.
- 6.09 Funding, not to exceed 2% of the total ABC funding pool, shall be available from the ABC monies for the additional support services required of DCCECE in administering the ABC program.

SECTION 7 – REPORTING

- 7.01 All child, family and staff information shall be maintained in COPA by the program. Attendance shall be taken daily and recorded in COPA at least monthly. Initial data must be entered by the due date set and published by DCC-ECE. Agencies shall update COPA data within ten (10) days of any change to family, child or staff data.
- 7.02 Each ABC program shall submit to DCCECE two (2) financial expenditure reports—due on January 30 and July 30 of each year—which detail operating expenses and enrollment data. Programs shall receive guidance from DCCECE on the specific format of each report.
- 7.03 An Agency shall operate its ABC program according to the financial guidelines outlined in the grant application instructions.
- 7.04 A complete and final disclosure audit of each ABC program is required and must be submitted annually for review to DCCECE. Any ABC program that is annually reviewed by Legislative Audit may submit the summary completed by that agency. All final audits shall be submitted within 120 days of the program’s fiscal year completion.
- 7.05 Programs that fail to adhere to a reporting deadline or respond to a request for information by DCCECE will be subject to compliance action as outlined in Section 21.
- 7.06 Children qualifying under the sliding fee scale must be clearly marked as such in ~~quarterly enrollment reports to DCCECE~~ COPA. Programs shall also report any non-ABC qualifying children who have been assigned to an ABC classroom. Failure to do so is grounds for a compliance plan (See Section 21). DCCECE will inform programs as to the manner that reporting shall take place.
- 7.07 Once a grant agreement has been signed, any change made to the program whatsoever shall be reported to DCCECE within five (5) working days of the change. This includes, but is not limited to, any changes in address, phone, e-mail address, staff, slot locations or budget items.

SECTION 8 – APPLICATION/RENEWAL APPLICATION

- 8.01 The Request for Applications will specify all application procedures for an ABC program. DCCECE is not obligated to review any proposal received after the submission deadline stated in the application.
- 8.02 If all ABC funds are not allocated or expended during any program year, the DCCECE may initiate an additional application period to fully obligate all available funds.

8.03 [An Agency shall operate its ABC program in accordance with all information contained in the grant application. Any deviation from the information in the application must first be approved by DCCECE. This includes budget items.](#)

SECTION 9 – MINIMUM STANDARDS/CLASSROOM PROGRAMS

9.01 All ABC classroom programs shall satisfy the requirements specified in The Child Care Licensing Act, ACA § 20-78-201 through 224 and rules and regulations enacted pursuant to these sections.

9.02 All ABC center-based or family-home based programs shall maintain a license in good standing as referenced in Section 9.1. Any ABC program whose license is revoked shall be immediately terminated from the ABC program.

9.03 Agencies that are barred from participating in DHHS programs pursuant to DHHS Policy 1088 shall be ineligible for participation in ABC. Grant agreements for any existing programs excluded pursuant to this policy shall be terminated immediately. Programs placed on corrective action by DHS shall be subject to ABC compliance action as outlined in Section 21.

9.04 DCCECE is directly responsible for the inspection and evaluation of programs as referenced in Section 9.1. Inspections and monitoring visits may occur without prior notice. This includes quality visits, program reviews or any other visit by a DCCECE or authorized representative.

9.05 All ABC classrooms shall meet the criteria for becoming an "approved" Early Childhood program under the Arkansas Child Care Approval System Rules and Regulations, Ark. Code Ann. 6-45-103 and 106 (Supp. 1993). An overall average [score](#) of 5-5 [5.0](#) is required for the ERS Environmental Rating Scale or scales that are which is applicable to each program [classroom](#). DCCECE will utilize the following procedure for any program failing to meet these requirements:

Result of Program Review	Action Taken
1 st No Pass (ERS Score < 5.0)	Recommendations for improvements shall be made in writing by the program monitor and DCCECE Program Specialist to the Agency ABC Administrator/Coordinator and Teacher . Technical assistance is recommended shall be given to the Agency .
2 nd No Pass (ERS Score < 5.0)	Technical assistance shall be mandated . Program is advised that the site will have one additional opportunity to meet the requirements. Conference shall be held between Agency ABC Administrator/Coordinator, Teacher and DCCECE staff to advise Agency of 2nd No Pass Status and required improvements. Agency is placed on probationary status with third review scheduled within 60 days of conference.
3 rd No Pass (ERS Score < 5.0)	Agency shall not be renewed at the end of the program year. Agency is partially or fully de-funded for next program year.

[Any agency which is not renewed pursuant to this policy shall be ineligible to reapply for an ABC grant for a period of 12 months.](#)

At the discretion of DCCECE, the following may be considered as mitigating circumstances: impact of deficiencies on child health, safety and welfare; willingness to improve upon factors within Agency control; likelihood of program passing next review and the time in which such improvements can be implemented. Recommendations for improvement may include staff changes.

~~Programs may not physically move a site for the purpose of circumventing this procedure. If a program moves a site to another location but retains the same ownership, those classrooms will count as the original site under this rule. Technical assistance may include recommendations for staff or management changes.~~

9.06 For each child enrolled, ABC programs shall provide a minimum of 7 hours per day, 178 days per year for instruction.

9.07 Classroom-based programs shall follow public school regulations regarding the time requirements for teacher planning periods. However, planning periods for ABC teachers shall be scheduled at a time that do not violate minimum staff-child ratios or other ABC standards.

9.08 Programs shall utilize a parent handbook specifically designed for the ABC program. Attendance and tardy policies shall be clearly outlined in the handbook. Parents shall sign a statement stating they have received a copy of the handbook and understand its contents. Programs shall maintain a copy of the signed statement in the child record. ~~Programs should stress the importance of attendance and arrival time to parents.~~ Programs should direct specific cases to DCCECE for technical assistance or guidance.

SECTION 10 – STAFF/PUPIL RATIO FOR CLASSROOM PROGRAMS

10.01 ~~Regardless of licensing capacity,~~ The group size in any classroom with ABC children shall not exceed:

- 8 children for ages birth-18 months
- 14 children for ages 18 months-3 years
- 20 children for ages 3-5 years
- or the classroom's licensing capacity, whichever is less.

Programs may integrate ABC classrooms with children funded through other sources. However, the maximum group sizes listed above apply to ALL children in a classroom containing ABC children, regardless of funding source.

10.02 The adult-to-child ratio in any classroom with ABC children shall not exceed:

- 1:4 (birth to 18 months)
- 1:7 (18 months-3 years)
- 1:10 (3 years-5 years)

10.03 A minimum of 50% of the staff must remain in the classroom during rest time for children 3-5 years old only. Full staffing must occur for all other ages and at all other times, including meals.

- 10.04 Pursuant to licensing regulations, a teacher or aide may escort a child or group of children to a bathroom or school nurse if another qualified staff person remains in the classroom. A classroom shall not be counted out of compliance for a teacher taking a brief bathroom break as long as the other staff member remains in the classroom.

SECTION 11 – STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

- 11.01 The lead teacher shall hold a standard Arkansas teacher license with P-4 certification. Non-public school based or non-educational cooperative based ABC programs may hire a non-certified teacher with a bachelor's degree in early childhood education or child development. Non-public school or non-cooperative based ABC programs may not hire teachers with a provisional or initial teacher license. The Division shall consider degree exemptions for non-public school/coop based providers on a case-by-case basis, contingent upon the teacher having a requisite number of hours in early childhood and/or child development. Lead teachers must be able to demonstrate competency in the areas of developmentally appropriate programming, curriculum development and daily classroom management.
- 11.02 For multiple classroom sites, the teacher of a second classroom shall hold, at a minimum, an associate degree in early childhood education or early childhood development. Teachers must be able to demonstrate competency in the areas of developmentally appropriate programming, curriculum development and daily classroom management. The Division shall consider degree exemptions for non-public school/coop based providers on a case-by-case basis, contingent upon the teacher having a requisite number of hours in early childhood and/or child development. Non-public school or non-cooperative based ABC programs may not hire teachers with a provisional or initial teacher license.
- 11.03 The paraprofessional shall hold one of the following: an associate degree in early childhood education or child development OR a CDA credential. Paraprofessionals are an integral part of classroom instruction and should be given responsibilities which are commensurate with their education and experience. In general, paraprofessionals should be able to assist with classroom activities, interaction, supervision and observation.
- 11.04 Programs replacing a teacher or paraprofessional during the year—including those taking an indefinite leave of absence—shall consult with ~~the Division~~ [DCCECE](#) on specific qualifications needed.
- 11.05 An ABC program coordinator or site director without teaching responsibilities shall meet the minimum licensing requirements for a center director AND complete Director's Orientation within a reasonable time period, subject to the availability of training. The coordinator or director will preferably have some level of experience in early childhood.
- 11.06 Caregivers in an infant/toddler ABC room shall hold a minimum of a CDA credential in infant/toddler care.

- 11.07 Staff members not qualifying under Sections 11.01-11.02 may work in an ABC program under an approved SQP. DCCECE will approve these plans on a case-by-case basis and shall monitor the plan to ensure adequate progress is being made. Programs shall file a SQP with DCCECE within fifteen (15) days of the date of hire and shall submit progress reports on January 30 and July 30 annually. [Programs hiring staff members not meeting minimum qualifications without an approved SQP shall be subject to termination from the ABC program.](#)
- 11.08 While adhering to the necessary qualifications, ABC programs should also strive to maintain an ethnically diverse staff appropriate to child enrollment.
- 11.09 Between July 1 and June 30 each year, All ABC teachers and aides shall participate in a minimum of thirty (30) hours of staff development on topics pertinent to early childhood education and approved by DCCECE. Persons who are obtaining an early childhood degree may count college course hours pertinent to early childhood education toward the required hours of staff development. Programs should multiply semester hours by 5 to obtain the number of semester hours counted towards ABC professional development.
- 11.10 Teachers and paraprofessionals shall be required to receive training in the following areas:
- Arkansas Early Childhood or Infant/Toddler Education Frameworks
 - Pre-K ELLA (Early Literacy Learning in Arkansas)
 - [INDEX](#) (Math and Science for Young Children)
 - Social/Emotional Learning in Arkansas
 - Work Sampling Online
 - COPA
 - Deveraux Early Childhood Assessment (DECA)
 - Special Needs, including process, Special Education rules and regulations and IDEA

With the exception of annual Work Sampling training and updates, timeframes for completing such requirements may vary with availability and access to the above trainings. DCCECE or ADE Special Education may mandate additional training subject to needs in various locations.

- 11.11 In addition to the requirements of 11.10, coordinators for each ABC programs shall ensure that all appropriate staff members attend mandatory ABC training (budgets, reporting, assessments, information technology, etc.) provided by DCCECE. Programs with staff members not adhering to these requirements are subject to the terms of a compliance plan as outlined in Section 21.
- 11.12 The ABC program coordinator and all ABC staff shall register with the ~~Arkansas Early Childhood Professional Development System~~ [AECPPDS](#) Registry. [The Registry identification number for each staff shall be entered in COPA.](#)
- 11.13 ABC programs shall establish an employment agreement in writing with all classroom staff. This agreement shall outline working conditions, dates and hours of employment, compensation and fringe benefits. [A copy of the public school teacher contract shall satisfy this requirement.](#)

SECTION 12 – STAFFING PATTERNS/CLASSROOM PROGRAMS

- 12.01 Single classroom sites for preschool shall have a teacher qualified under 11.01-11.02. Classrooms with over 10 children must also have a paraprofessional qualified under 11.03.
- 12.02 For ABC programs operating infant/toddler classrooms, programs must have one (1) qualified caregiver meeting the requirements of Section 11.6 for either every four children (infants) or seven children (toddlers).
- 12.03 In multi-classroom sites, the following staffing patterns shall be adhered to:

# Classrooms	Lead Teacher (11.01-11.02)	Classroom Teacher (11.02)	Paraprofessional (11.03)
1	1	0	1
2	1 ²	1	2
3	1 ³	2	3
4	2 ⁴	2	4

For sites with more than four classrooms, programs must provide a lead teacher (11.01) for every three classrooms. Lead teachers are responsible for curriculum, program planning and oversight of paraprofessionals.

- [12.04 A classroom which is partitioned in any way may be considered multiple classroom space by DCCECE. Factors to be considered in this decision shall include supervision issues, as well as level of staff qualifications in the classroom areas.](#)

SECTION 13 – PROGRAM STANDARDS

- 13.01 All early childhood programs funded by ABC monies shall be developmentally appropriate and individualized to meet the needs of each student enrolled. Guidelines published by the National Association for the Education of Young Children (NAEYC) and the Arkansas Early Childhood Education Framework will be used to determine developmental appropriateness. (Bredekamp, Sue, Editor, *Developmentally Appropriate Practice in Early Childhood Programs Serving Children from Birth Through Age 8* [The following references shall be utilized to determine developmental appropriateness:](#)
- [Developmentally Appropriate Practice in Early Childhood Programs, Revised Edition, Edited by Sue Bredekamp and Carol Copple, © 2004 by NAEYC](#)
 - [From Neurons to Neighborhoods: The Science of Early Childhood Development, Edited by Jack P. Shonkoff, M.D. and Deborah A. Phillips, © 2000 by National Academy of Sciences.](#)
 - [Arkansas Early Childhood Frameworks](#)
- 13.02 Programs shall demonstrate that the classroom arrangement satisfies “substantial portion of the day” as defined by the environmental rating scales. If used, room dividers shall be arranged and of sufficient height to prohibit distractions from other classes yet not hinder proper supervision within the classroom.

- 13.03 Each classroom shall be equipped with toys, books and play apparatus to take care of the needs of the total group and to provide each child with a variety of activities through the day. A variety of equipment shall be accessible from low shelves to children of all ages and shall be arranged in learning centers.
- 13.04 The program shall be individualized to meet the needs of each student enrolled. Each curriculum model and the actual classroom practice will be assessed using the applicable environmental rating scale to ensure the model is developmentally appropriate.
- 13.05 The program shall have a written overall curriculum plan which is arranged in thematic units, projects or topics of study and includes goals and objectives related to the following: cultural diversity, social/emotional development, creative/aesthetic learning, cognitive/intellectual learning, physical development and language.
- 13.06 All programs must utilize a curriculum approved by DCCECE. A list of approved curriculum models will be made available by DCCECE on an annual basis. A program wishing to use a curriculum not on the list may request, in writing to DCCECE, consideration of an additional curriculum. Program coordinators shall ensure teachers have adequate training on curriculum.
- 13.07 Children shall participate in a daily schedule that reflects a balance among the following types of activities: indoor/outdoor; quiet/active; individual/small group/large group; gross motor/fine motor; child initiated/teacher initiated.
- 13.08 Routine and transition times throughout the day, such as preparing for mealtime, shall be used as opportunities for incidental learning. Transition times shall be planned to avoid frequent disruption of children's activities and long waits between activities.
- 13.09 Programs shall maintain an individual child record on site. At a minimum, the record shall contain copies of:
- Birth certificate, or hospital birth record [or other official verification of birth date](#)
 - Documentation of program [child](#) eligibility
 - [Completed and dated](#) application form
 - Emergency information, including non-parental contact and medical information
 - Parental authorization for medical care, daily pick-up and field trips
 - Field trip authorization
 - Completed Health Form and Immunization record ([or proof of current immunizations](#))
 - Record of completed developmental assessment [screening](#)
 - Samples of child's work
 - Teacher and parent observations and summaries of parent-teacher conferences
 - Work Sampling ~~Summary Reports~~ and Developmental Checklists

Child records or any ABC file containing personal information on families and children shall be kept in a locked file cabinet with access granted only on a need-to-know basis. The child record shall be available for inspection by DCCECE staff. If certain records must be stored off-site, copies shall be made and given to teachers to maintain in a record on-site. In maintaining and updating child and family data, ABC programs shall utilize [COPA](#) ~~the information technology database selected by DCCECE~~. Other than those documents required [to be retained](#) for licensing purposes, teachers shall give [a copy of](#) the child's record to the parent upon completion

of or disenrollment from the program [or forward the record to the child's kindergarten program.](#)

- 13.10 The arrangement of indoor and outdoor equipment, materials and interest areas for each group shall provide for:
- Accessibility to equipment and materials so that children may select and return them easily
 - An orderly, uncluttered atmosphere
 - Visual and/or auditory supervision of children in all areas
 - Separation of active and quiet play areas
 - Traffic patterns that avoid disruption of activities
- 13.11 At a minimum, developmentally appropriate equipment and materials of sufficient quantity to accommodate a sustained learning environment shall be provided in the following interest areas/learning centers:
- | | |
|---------------------------------|------------------------------|
| 1. Blocks | 5. Discovery/Science Sensory |
| 2. Dramatic Play | 6. Sand/Water Play |
| 3. Stories/Language Development | 7. Manipulative |
| 4. Art | 8. Music |
- 13.12 Outdoor play shall be used as an extension of the learning activities that occur in the classroom. As such, ABC staff shall participate in this activity. [Each ABC classroom shall offer a minimum of 60 minutes of outdoor play daily unless prevented by inclement weather.](#)
- 13.13 The outdoor play area shall be developmentally appropriate and meet the Consumer Product Safety Commission standards for outdoor play areas. The outdoor play area shall provide the following:
- A variety of surfaces
 - An arrangement designed for appropriate flow of activities
 - Climbing and other active play items and structures
 - Open areas for running and games
 - Opportunities for dramatic play
 - Adequate storage for equipment and materials
 - Partial shade
 - Quiet, private spaces
 - A separate outdoor area equipped for infants and toddlers (if applicable)
- 13.14 Provision should be made through program design and networking efforts to ease the transition of children moving from one program or age grouping to another or to public school kindergartens. This provision must include individual needs assessments on each child, lesson plans and specific activities written into the program design. At a minimum, the transition plan shall involve parents and appropriate school district personnel.
- 13.15 ABC programs are required to provide free nutritious meals and snacks for all children enrolled in ABC/ABCSS. Mealtime is an opportunity to engage children in conversation about the day and themselves. Therefore, ABC staff shall participate with the children during this time. Children shall be given an appropriate amount of time for meals and conversation.
- 13.16 Parents or guardians of children qualified as eligible for ABC services shall not be required to pay

any fees or provide food or supplies during ABC program hours. This includes enrollment fees, field trip expenses [or uniforms](#).

- 13.17 Electronic mail is a necessary means by which DCCECE communicates vital information to programs. All participating programs must maintain a working e-mail address which is checked daily. Applicable information shall be distributed to classroom staff by the program coordinator.

SECTION 14 – CLASSROOM MANAGEMENT/SPECIAL EDUCATION

- [14.01 No child in ABC shall be dismissed or expelled from the program for behavior without approval from DCCECE.](#)
- 14.02 Discipline shall reflect positive guidance, be consistent and individualized for each child. Such discipline shall be appropriate to the child's level of understanding and directed toward teaching the child acceptable behavior and self-control. Corporal punishment is an unacceptable method of discipline for children in ABC-funded programs and shall not be used. Programs shall specifically define their approach to handling inappropriate behavior in the ABC parent handbook.
- 14.03 ~~When confronting challenging behavior, ABC programs shall take multiple steps to intervene and correct the behavior using a constructive approach before discussing dismissal from a program.~~ [When a child presents with challenging behavior, teaching staff shall follow the standards of NAEYC Accreditation:](#)
- [Observe the children, then identify events, activities, interactions and other factors that predict and may contribute to challenging behavior.](#)
 - [Rather than focus only on eliminating the behavior, teaching staff shall focus on teaching the child social, communication, and emotional regulation skills and using environmental modifications, activity modifications, adult or peer support and other teaching strategies to support the child's appropriate behavior.](#)
 - [Teaching staff shall respond to challenging behavior, including physical aggression, in a manner that:](#)
 - [provides safety of the child](#)
 - [provides for the safety of others in the classroom](#)
 - [is calm](#)
 - [is respectful to the child](#)
 - [and provides the child with information on acceptable behavior.](#)

(From Accreditation Standards, National Association for the Education of Young Children)
- 14.04 ~~Teacher-parent discussions regarding a child's behavior shall be held in private and shall focus on an intervention plan for correcting the inappropriate behavior~~ [working as a team to develop and implement an individualized plan that supports the child's inclusion and success.](#) *(Adapted from NAEYC)* Teachers should request technical assistance from DCCECE on any discipline issues on which they have questions.

- 14.05 ~~Such~~ If necessary, intervention shall ensure each child has access to professional services, such as referrals to the educational cooperative behavioral specialist, the ADE-funded regional support network for early autism identification, community mental health center and a private therapist. ~~DCCECE shall be notified of any serious discipline concern.~~ If a child in question has a disability and is in the process or has been identified under IDEA, the ABC program shall follow state special education rules and regulations governing suspension/expulsion.
- 14.06 If children demonstrate inappropriate behavior, as indicated by the results of the DECA given by ABC staff, the ABC program shall consult with the Early Childhood Special Education program regarding classroom modifications and interventions.
- 14.07 For any ABC child also receiving special education services, appropriate staff from the Education Cooperative or school district shall have access to the child at mutually agreeable times during the program day in order to provide services outlined in the child's IEP.
- 14.08 For any ABC child requiring the intervention services of special education, the ABC program shall collaborate with special education professionals to ensure each party has access to necessary information to provide the appropriate services. Early Education Special Education teachers shall have access to any information pertaining to a child receiving special education that is in the possession of the ABC program that would be necessary for reviewing and evaluating the child's progress in the general education setting. Access to proprietary information on the child shall be on a need-to-know basis.
- 14.09 A child shall not be dismissed from the ABC program due to a lack of toilet training skills. Nor may a program refuse to admit a child because of toilet training issues if the child meets all other age and income eligibility requirements.
- 14.10 ABC programs shall assist children not yet toilet-trained with cooperation and enthusiasm. Programs shall not employ toilet-training techniques which could be construed as punishment or shaming the child. Programs are encouraged to include the parent or guardian in any plan so it may be reinforced at home. Funds from ABC may be used to purchase resources necessary to support toilet training.

SECTION 15 – ASSESSMENT AND SCREENINGS

- 15.01 DCCECE and ADE shall work cooperatively to ensure that the assessments are conducted as required by Act 49 of 2003.
- 15.02 Children in the ABC program shall be assessed annually to provide an indication of each child's progress towards school readiness.
- 15.03 The assessment shall address a child's strengths, progress, and needs and shall serve as a central part of an effective early childhood program. The assessment instrument selected by DCCECE and ADE shall be used for children enrolled in an ABC program.

- 15.04 A comprehensive longitudinal study shall be implemented to evaluate the ABC program to ensure that the program goals are achieved. The study will be designed to use sound research-based evidence to determine whether the programs meet the expected standards. This research shall include children entering the program at ages three (3) and four (4) years and follow the children through completion of the fourth grade benchmark exams. Research results will be provided annually to the Governor and the Senate Interim Committee on Education and the House Interim Committee on Education.
- 15.05 Within forty-five (45) days of entering an ABC program, a child shall receive a routine annual developmental screening to determine individual needs. The program agency shall be responsible for completing the developmental screening. The purpose of screening is to identify developmental delays and/or educational deficiencies. Children so identified shall be referred to Special Education within seven (7) calendar days of the date of screening. Programs shall comply with state and federal laws for Special Needs students.
- 15.06 The developmental screening must include, at a minimum, the following areas: vocabulary, visual-motor integration, language and speech development, fine and gross motor skills, social skills and developmental milestones.
- 15.07 DCCECE will provide a list to programs of all acceptable developmental screening instruments on an annual basis.
- 15.08 Within 45 days of the first day of attendance, every child shall receive an age-appropriate health screening, which includes a hearing and vision test, performed by a licensed physician or physician assistant. Programs should contact DCCECE for information on seeking a waiver under Ark. Code Ann. 6-18-701 (Repl. 1993). Programs shall work in partnership with parents to obtain health screening information.
- 15.09 On or before the first day of attendance, parents or guardians shall provide proof that their child is current on all required immunizations or is on an acceptable "catch up" schedule. A waiver from this requirement may be granted from the ~~DHHS Division~~ [Arkansas Department](#) of Health under ACA 6-18-702 (Repl. 1993).
- [15.10 Every classroom shall be equipped with a computer with high-speed internet access \(where available in the state\). Each home-based educator shall also have such access to a computer. This equipment is necessary for the timely completion of enrollment data in COPA and assessment data in the Work Sampling System.](#)

SECTION 16 – PARENT AND COMMUNITY INVOLVEMENT

- 16.01 Each program shall have a plan for parent involvement which includes opportunities for parental input into program operation and design. Parent involvement plans shall include a mechanism for parental advice and review of programmatic plans, parent conferences and a method to involve the parent in the child's educational experience.

- 16.02 The program shall have an "open door" policy for parents which encourages visiting and participation in classroom activities. Opportunities for at least two parent-teacher conferences shall be given to parents.
- 16.03 The program shall publish and utilize a parent handbook specifically for ABC program.
- 16.04 Each program shall have a plan for community/school district/educational services cooperative/agency involvement, which includes a description of how cooperation with other service providers who are concerned with the education, welfare, health and safety needs of young children, will be established and maintained. Programs should consider providing opportunities for community representatives to participate in the educational activities of the classroom.

SECTION 17 – TRANSPORTATION

- 17.01 ~~Any child who is less than 6 years old and weighs less than 60 pounds shall be restrained in a child passenger safety seat. Any child who is at least 6 years or weighs at least 60 pounds must be restrained by a safety belt. (Ark. Code Ann. 27-34-104). Conventional school buses are exempt from this requirement except for the transportation of infants/toddlers. [ABC Programs shall be required to comply with all applicable state and federal laws and guidelines \(including the National Highway Traffic Safety Administration 's Guidelines for the Safe Transportation of Children in School Buses\), as well as Child Care Licensing Standards, regulating the transportation of children.](#)~~
- 17.02 ~~Infants and toddlers shall not be transported on school buses that are not equipped to accommodate required child safety seats.~~
- 17.03 ~~If ABC children are transported on public school buses, the program shall submit to DCCECE a plan for the following:~~
- ~~• Escorts to and from the bus pickup area~~
 - ~~• A visual identification method for buses & children to ensure children get on correct bus~~
 - ~~• A thematic unit on bus safety to be presented to the children in the ABC preschool classroom at the beginning of each program year~~
- ~~Programs must comply with child care licensing regulations on transportation and staff-child ratio. Programs must obtain an alternative compliance waiver from the Licensing Unit before deviating from any transportation requirement.~~
- 17.04 ~~Program Rosters shall be used daily to track all ABC children being transported by the ABC program. Copies of all rosters shall be kept on file for inspection by DCCECE.~~
- 17.05 Offering transportation to and from an ABC program is strictly optional. DCCECE and ADE accept no liability for the transportation of children participating in an ABC program. [Program agencies shall be responsible for the actions of their drivers. Drivers are subject to all background checks and exclusionary violations applicable to school district employees having contact with children.](#)

17.06 If an ABC program is approved to use the "buddy" system on a bus, the Agency shall NOT pair an ABC child with another child younger than sixth grade.

17.07 An ABC child shall NOT be released from the vehicle unless an authorized adult meets the vehicle at a stop or in front of the child's home. Programs shall never release an ABC child from the vehicle alone. After exiting the vehicle, an ABC child shall not cross a street unless accompanied by the authorized adult.

~~17.08 Programs may count the cost of a parent's transporting children to the program as part of their match. The maximum amount allowed shall be determined by the Division on an annual basis.~~

SECTION 18 – OTHER PROGRAM MODELS

18.01 Alternate programs may include, but are not limited to, Licensed Child Care Family Homes, PAT and HIPYPY. These programs will comply, where applicable, with the regulations herein.

18.02 All ABC funded alternate program models will be developmentally appropriate, meet applicable health and safety standards, provide developmental and health screenings and ensure immunizations of the child served.

SECTION 19 – HIPYPY REGULATIONS

19.01 HIPYPY programs shall meet program criteria as outlined in the contractual agreement signed by each site with Arkansas Children's Hospital and HIPYPY USA.

19.02 Each HIPYPY program serving at least 160 families must have one (1) full-time coordinator, holding a minimum of a bachelor's degree in education, social work, sociology, psychology, or related field. Those coordinators without a related degree must obtain at least 12 college course hours in early childhood per year. Programs with more than 250 children must also have at least one part-time coordinator who holds a minimum of an Associates Degree in early childhood education, social work, psychology or related field. Coordinators shall also meet additional job requirements as described in the HIPYPY USA Coordinator job description. HIPYPY Coordinators must attend National HIPYPY Pre-service Training and receive certification. Regardless of the number of children served, HIPYPY Agencies must make provision to ensure all home-based visitors are supervised appropriately by trained staff.

~~19.03 HIPYPY Home Based Educators who work 20-24 hours per week may not serve more than 15 families; Home Based Educators who work 25-30 hours may not serve more than 22 families and Home Based Educators working 31-40 hours per week may not serve more than 27 families. Minimum requirements for home educators include a high school diploma/GED and a current CDA credential. All new HIPYPY home-based educators are required to attend new Home-based Educators training provided by Arkansas State HIPYPY.~~

19.04 Hiring of any HIPYPY coordinator or home-based educator not meeting the requirements of ~~189.02-189.03~~ must be approved by DCCECE through a Staff Qualifications Plan. DCCECE shall monitor such plans to ensure adequate progress is being made. HIPYPY Coordinators working under a staff qualifications plan must obtain at least 12 college hours per year.

19.05 [HIPPY programs must follow the child eligibility requirements found in Section 4. However, the cut-off date for determining age eligibility for children served in HIPPY is December 31 of each year.](#) ~~may serve children 3 and 4 years of age or a child who does not meet the compulsory school entry age.~~

19.06 In order to dually enroll a child in an ABC center and HIPPY, a child must meet the ABC income requirements (< 200% FPL) plus possess at least ~~two~~ [one](#) of the following factors:

- Parents without HS diploma or GED
- Birth weight < 5 pounds, 9 ounces
- Parent is < 18 years of age at child's birth
- Family has a history of substance abuse/addiction
- Eligible for services under IDEA
- Parent has a history of abuse or neglect or is a victim of abuse or neglect
- Child exhibits a demonstrable developmental delay-as identified through an appropriate screening
- Child lives in a single parent household or has parents who are divorced
- Child is a foster child
- Child has incarcerated parent
- Child has parents who cannot read
- Child is homeless
- Child or parent has limited English Proficiency
- ~~Family is income-eligible for Title-I~~
- Child is in the custody of family member other than mother and father

~~Home-visiting programs shall be responsible for verifying eligibility before enrolling the child.~~
[Whichever program enrolls the child at the later date shall be responsible for verifying eligibility for dual enrollment.](#) Dual enrollment shall not exceed 25% of the program's total ABC enrollment. [If the same Agency operates both a center-based and home-visiting program, dual enrollment shall not exceed 25% of the average of both programs' enrollment.](#)

19.07 Center-based and home-visiting programs shall collaborate in providing services to any child qualifying for dual enrollment under 19.06. ~~Center-based programs shall be responsible for assessments and screenings. This information shall be shared with the home visitor, as well as any IEP or special needs information.~~ [Whichever program has the child and family data entered in COPA shall also be responsible for assessments and screenings.](#)

19.08 The Arkansas HIPPY Training and Technical Assistance (T and TA) Office will monitor and assist HIPPY programs throughout the state. Annual program site reviews and assessments will be forwarded to DCCECE for consideration of program compliance and funding renewal. The Arkansas HIPPY Office will assist DCCECE with determining program compliance at the local level.

19.09 HIPPY programs shall meet requirements as set forth in Sections 4-7 [through 9](#) and [13 through 14-16](#).

19.10 Group meetings should reflect the educational programming standards as set forth in Section 13 and guidelines set forth in the HIPPY model.

19.11 Any enhancements designed to complement the HIPPY curriculum must be approved by the Arkansas HIPPY Office prior to implementation with families.

SECTION 20 – PAT PARENTS AS TEACHERS REGULATIONS

- 20.01 PAT Programs shall meet program criteria as outlined in PAT Program Implementation and Planning Guide.
- 20.02 All PAT Coordinators must attend the PAT Institute Training and obtain either a Parent Educator Certificate or an Administrator's Certificate.
- 20.03 Each program must have a certified Parent Educator, who may also serve as Coordinator.
- 20.04 PAT Parent Educators working on a part-time basis (20 hours per week) should serve 30 and not more than 40 children and their families.
- 20.05 PAT Programs shall operate on a twelve month, year-round basis. Families must be offered twelve personal visits and six parent group meetings.
- 20.06 PAT Programs ~~may serve children from the prenatal period to five years of age with proper certification~~ [shall follow the child eligibility requirements found in Section 4.](#)
- 20.07 PAT programs may [dually](#) enroll children also participating in a center-based program under the guidelines of 19.06-19.07.
- 20.08 PAT Programs must coordinate services with HIPPY Programs where both exist in the same community to avoid duplication of services.
- 20.09 PAT Programs shall meet requirements as set forth in Sections 4-7 and 14-16.

SECTION 21 – CHILD CARE FAMILY HOMES

- 21.01 Licensed child care family homes participating in ABC must meet the same requirements as an ABC center, except where listed in this section.
- 21.02 Group size for an ABC classroom in a CCFH shall not exceed sixteen (16) children or maximum licensing capacity, whichever is less.
- 21.03 The ABC family home teacher must possess a minimum of a CDA credential and file a Staff Qualifications Plan which outlines a plan to complete a ~~coursework towards~~ a four-year degree in early childhood or child development. [For any ABC room with more than 10 children, an additional staff person with a minimum of a CDA credential must also be present.](#)
- [21.04 No SQP shall be approved for an ABC family home teacher to complete a CDA credential or Associate degree. The only SQP that shall be approved for an ABC family home teacher is for a four-year degree in early childhood or child development.](#)
- 21.05 In evaluating the ABC program in a CCFH, the ~~Family Day Care Rating Scale (FDCRS)~~ [applicable ERS for family homes](#) shall be utilized. Family homes shall be subject to the same guidelines as listed in [Section 9.5](#).

SECTION 22 – COMPLIANCE

- 22.01 An ABC program found to be out of compliance with any ABC Rule or Regulation shall be placed on a 90 60-day Compliance Plan. During this probationary period, a program must make all necessary corrections or be subject to termination from the ABC program. Compliance deficiencies may also result in immediate termination from the ABC program, denial of future ABC funds, repayment of funds and exclusion from participation in any DHHS programs.
- 22.02 Issues for a compliance plan may include, but are not limited to:
- Founded licensing or maltreatment complaints
 - ~~Any other~~ Violations of minimum licensing standards
 - Revocation of Quality Approval status or failing to meet Quality Approval standards
 - Financial mismanagement, including use of funds for programs other than ABC
 - Failure to operate program in accordance with approved budget or any part of an approved grant application
 - Enrolling ineligible children or refusing to enroll an eligible child due to toilet training issues or non-payment of other child care fees
 - Habitually late reports or missing information
 - Failure to report a change in program status within five working days
 - Program deficiencies documented by DCCECE or any authorized representative
 - Erroneous or fraudulent billing of DCCECE vouchers or Special Nutrition programs
 - Falsification of any document or information
 - Hiring of unqualified staff without consultation with ~~the Division~~ DCCECE on a Staff Qualifications Plan.
 - Staff members not meeting the requirements of a Staff Qualifications Plan.
 - Dismissing or expelling a child from a program without approval from DCCECE
- 22.03 Any program who submits a falsified document will be subject to immediate termination from the ABC program, repayment of funds and possible referral of program officials and/or responsible employees for criminal prosecution.
- 22.04 An ABC program may appeal any adverse action taken by DCCECE. Such appeals must be in writing and be received within thirty (30) days of the notice of corrective action. A program wishing to appeal should send a written notice to Attention: DCCECE Division Director, P.O. Box 1437, Slot S-140, Little Rock, AR 72203. The Division Director will make a recommendation to the State Board of Education, which will issue a final ruling.

**RULES AND REGULATIONS
GOVERNING THE ARKANSAS BETTER CHANCE PROGRAM**

**Proposed Substantive Changes (After Legislative Review)
Effective July 1, 2007**

Reference	Explanation
4.01	Kindergarten-eligible children must obtain a waiver in writing before enrolling in ABC. <i>The waiver must be granted by the school district, as well as the Division of Child Care and Early Childhood Education.</i>
4.10	ABC Agencies shown to have enrolled ineligible children shall be required to repay funds.
4.15	ABC Agency cannot deny enrollment to an eligible child because the parent owes a fee to the provider for another child care program.
6.05	ABC Programs shall be paid on a monthly basis according to actual child enrollment. Payments shall be pro-rated for any agency not operating a full program year. <i>Actual payment procedures were taken out of policy to put in procedures manual.</i>
6.06	<i>DCCECE will not send out additional payments due to failure of Agency to submit timely data. After 30 days, payments are assumed to be correct. DCCECE cannot retroactively pay for previous year services.</i>
7.01	Programs shall be required to take daily attendance <i>and enter data at least monthly. Agency must enter initial data in by due date set by DCCECE and update within 10 days of any change.</i>
7.03	ABC Agency must operate program according to financial guidelines found in the instructions for the grant application.
8.03	ABC Agency must operate program according to information submitted in grant application unless deviation is approved by DCCECE.
9.05	This section has been modified to show a progressive manner of corrective action for programs not achieving a minimum score on the environmental rating scales in measuring program quality.
9.05	Any ABC Agency which is de-funded is ineligible to reapply for a period of 12 months.
9.07	Agency must follow same guidelines as public school in giving required planning periods to teacher. However, planning periods may not violate ABC rules concerning required staff-child ratios and staff qualifications.
11.07	ABC Agencies hiring staff members not meeting minimum qualifications without an approved Staff Qualifications Plan shall be subject to de-funding.
13.12	Each ABC classroom shall offer a minimum of 60 minutes of outdoor play daily unless prevented by inclement weather.
14.01-14.10	Section 14 has been added as a new section to the rules addressing Classroom Management/Special Education issues. Most of this section was found in other parts of the existing rules. We have taken those rules and placed them together in one section. This section focuses on handling challenging behavior and toilet training children. The two primary rules are: (1) Programs cannot expel or dismiss a child without approval from DCCECE and (2) Teachers must follow a set protocol in dealing with challenging behavior. This protocol has been developed by the National Association for the Education of Young Children.

Reference	Explanation
17.01-17.04	ABC Programs shall be required to comply with all applicable state and federal laws and guidelines (including the National Highway Traffic Safety Administration 's Guidelines for the Safe Transportation of Children in School Buses), as well as Child Care Licensing Standards, regulating the transportation of children.
17.07	After exiting the vehicle, an ABC child shall not cross a street unless accompanied by the authorized adult.
19.02	<i>HIPPY agencies serving over 250 children in ABC must provide a part-time coordinator with associate degree in early childhood or related field.</i>
19.09	Applicable sections of the rules for HIPPY will now include 4-9 and 13-16.
21.04	No Staff Qualification Plan will be approved for a family-home teacher for anything other than pursuing a four-year degree. In other words, the family home teacher MUST possess a minimum of a Child Development Associate credential AND be pursuing a BA/BS degree in either Child Development or Early Childhood Education. No waivers will be granted on this issue.
22.01	Changed probationary period from 90 days to 60 days.
22.02	Enrolling ineligible children, failure to operate program with approved budget or dismissing a child without approval are reasons for corrective action.

**ARKANSAS DEPARTMENT OF EDUCATION
RULES GOVERNING THE NON-TRADITIONAL
LICENSURE PROGRAM
May 2007**

1.0 PURPOSE

1.01 The purpose of these rules is to establish the requirements and procedures for obtaining teacher licensure through the Arkansas Department of Education (ADE) Non-Traditional Licensure Program.

2.0 REGULATORY AUTHORITY

2.01 These rules shall be known as the Arkansas Department of Education Rules Governing The Non-Traditional Licensure Program.

2.02 These rules are enacted pursuant to the authority of the State Board of Education under Ark. Code Ann. § 6-11-105, Ark. Code Ann. § 6-17-401, Ark. Code Ann. § 6-17-409 and Ark. Code Ann. § 25-15-204.

3.0 DEFINITIONS

For the purpose of these Rules the following terms shall be defined to mean:

3.01 Area of Licensure - a particular content field as identified in Appendix A, Areas and Levels of Licensure/Endorsement.

3.02 Induction - the period of time beginning with a teacher's first employment as the teacher of record in an Arkansas public school, cooperative or agency that requires an Arkansas teaching license. The novice teacher, operating under an Initial License, is provided mentoring support and accelerated professional development during the Initial license period. The induction period concludes with successful completion of the state-mandated performance assessment.

3.03 Initial Teaching License - a three-year teaching license, issued by the State Board of Education, which allows one to teach in Arkansas public schools.

3.03.1 The Initial license is issued only in areas and levels of licensure as approved by the State Board of Education as referenced in Appendix A, Areas and Levels of Licensure/Endorsement, which are hereby incorporated into these rules.

3.03.2 The Initial license may be issued to:

3.03.2.1 Teachers who have completed an approved teacher education program from a regionally and/or National Council for

Accreditation of Teacher Education accredited college or university (including the appropriate state-mandated assessments).

3.03.2.2 Teachers who have completed the Non-Traditional Licensure Program (including the appropriate state-mandated assessments).

3.03.2.3 Teachers who were prepared out of state but did not license.

- 3.04 Level of Licensure** - the grade/age level parameter of the teaching license as identified in Appendix A, Areas and Levels of Licensure/Endorsement.
- 3.05 Mentor** - a licensed master teacher with a minimum of three years successful teaching experience who is trained in the state-adopted mentoring model. Mentors are assigned in their districts to assist a novice teacher by providing focused feedback with regard to instructional skills, classroom management and professional behaviors.
- 3.06 Mentoring** - the act of a certified mentor providing support and focused feedback to a novice teacher (through the state-adopted mentoring model) with the goal of enhanced instructional skills, competency and professional development.
- 3.07 Non-Traditional Licensure Program (NTLP)** - the program administered by the Arkansas Department of Education, whose participants hold a minimum of a baccalaureate degree (and have passed the appropriate state-mandated assessments) and are allowed to teach in an Arkansas school via a ~~Non-Traditional~~ Provisional license. The program requirements consist of two years of teaching and instructional modules, which must be completed within three years.
- 3.08 (Non-Traditional) Provisional License** – the provisional teaching license issued to participants in the Non-Traditional Licensure Program.
- 3.09 Novice Teacher** - any licensed teacher-of-record with less than one year of public school, or accredited private school, classroom-teaching experience, not including student internship or substitute teaching.
- 3.10 Out-of-Country Candidate** - a person from a foreign country who holds the equivalent of a four-year degree, and who comes from a foreign country that does not have reciprocity with Arkansas.
- 3.11 Performance Assessment** - an assessment tool used for evaluation of the classroom performance of a novice teacher, conducted by a trained assessor who utilizes a framework of essential teaching skills in which the novice teacher must demonstrate competency in an authentic classroom setting.
- 3.11.2** Successful completion of the performance assessment is defined as meeting the state-adopted cut-score/minimum passing score.

- 3.12 Professional Teaching Permit** – a one-year permit issued to an experienced professional to teach one or two classes per semester as teacher-of-record in an Arkansas public school. This may be issued under the auspices of the Non-Traditional Licensure Program to any active professional in the field related to the teaching/licensure subject area. or any retired professional with at least three years of experience in the field related to the teaching/licensure subject area..
- 3.13 Program of Study** - a state-approved teacher preparation curriculum offered at an Arkansas college or university, based on the *Arkansas Licensure Standards*. The program requires a candidate to demonstrate and document competency in the specific knowledge, skills and dispositions for a particular licensure area and level.
- 3.14 Provisional Teaching License** - A temporary teaching license available to candidates who have not completed all requirements for the Initial or Standard Arkansas teaching license.
- 3.14 Standard Teaching License** - a five-year renewable license, issued by the State Board of Education, which allows one to teach in Arkansas public schools. The Standard License is issued to:
- 3.14.1** Initial License holders who have successfully completed the state required induction for novice teachers and the performance assessment
 - 3.14.2** ~~Non-Traditional~~ Provisional License holders who have successfully completed the Non-Traditional Licensure Program (including all appropriate assessments), the state required induction for novice teachers, and the performance assessment
 - 3.14.3** Teachers who have completed all requirements for standard licensure through reciprocity
- 3.15 Teacher of Record** - an instructional teacher, who is officially responsible for a class and its grades, employed under contract (in a licensed staff position) by a school, school district or other Arkansas agency or organization requiring an Arkansas teaching license.

4.0 REQUIREMENTS FOR ADMISSION TO THE NTL PROGRAM

- 4.01** The following is required for admission to the NTL program:
- 4.01.1** A completed Non-Traditional Licensure Program application with all required accompanying documentation.
 - 4.01.2** Official transcript(s) documenting an awarded four-year college bachelor's degree or higher from a regionally and/or National Council for Accreditation of Teacher Education (NCATE) accredited institution.
 - 4.01.2.1** For out-of-country candidates, an official college transcript evaluation from a private credential evaluation agency documenting that the bachelor's degree is equivalent to a four-year degree from an accredited institution of higher learning in

the United States. The degree is to be evaluated by a private credential evaluation agency. This must be a course-by-course-evaluation prepared in English indicating the candidate's major course of study to include documentation of the candidate's cumulative Grade Point Average (GPA).

4.01.3 Documentation of a minimum cumulative undergraduate or graduate grade point average (GPA) ~~of 2.0 or a minimum of 2.5 on the last 60 credit hours beginning in the July 2006 session.~~ (GPA) of 2.50 or higher, or a minimum GPA of 2.75 on the last 60 credit hours of coursework beginning August 2006.

4.01.3.1 Candidates for the NTLP may be exempt from the standard minimum GPA requirement if all the following conditions are met:

4.01.3.1.1 Have at least fifteen (15) years of experience in the field related to the teaching/licensure subject area

4.01.3.1.2 Demonstrate a minimum of a 2.0 undergraduate or graduate grade point average.

4.01.3.1.3 Submit one (1) letter of justification from the applicant expressing the relevance of the applicants' credentials to teach the subject in question

4.01.3.1.4 Have two (2) professional letters of recommendation submitted by references to the NTL office

4.01.3.1.5 Complete the regular NTL application process

4.01.4 An official score report reflecting passing scores, as approved by the State Board of Education, on the following state required assessments:

4.01.4.1 The basic skills assessment (all parts)

4.01.4.1.1 If a candidate holds a Master's Degree or above, and has taken a ~~graduate level assessment~~ the GRE, and has scored at or above the State Board established cut-score/minimum passing score, that assessment ~~may, upon review,~~ be accepted in lieu of the basic skills assessment(s).

4.01.4.2 The state required subject-content-area assessment(s) for the specific licensure area(s) sought

4.01.5 Documentation of passing the required background checks by the Arkansas State Police and the Federal Bureau of Investigation as required by Ark. Code Ann. § 6-17-410

4.01.6 Payment of the Non-Traditional Licensure Program Fee which is established annually by the Arkansas Department of Education

4.01.7 Applicable college/university coursework (in advance) from a regionally/nationally accredited institution recognized by the U. S. Department of Education or the Council for Higher Education Accreditation. Required coursework includes:

4.01.7.1 Three (3) college credit-hours of *Arkansas History* (in advance) for the following ~~license areas~~ licenses of: Early Childhood

Education (P-4), Middle Childhood Education (4-8), and Social Studies (7-12). Ark. Code Ann. § 6-17-418

4.01.7.2 Six (6) college credit-hours in *Methods of Teaching Reading* (in advance , completed with a grade of “C” or better) for the licenses of: Early Childhood Education (P-4) and/or Middle Childhood Education (4-8).

5.0 PROFESSIONAL TEACHING PERMIT

5.01 A Professional Teaching Permit (PTP):

5.01.1 Is a one-year permit issued to an experienced professional for the purpose of teaching one or two classes per semester as teacher-of-record in an Arkansas public school.

5.01.2 Is issued for licensure content areas in grades 9-12 only.

5.01.2.1 Any candidate who teaches for three (3) years with a PTP and applies to the Non-Traditional Licensure Program (NTLP) would be eligible for the NTLP “one-year” track.

5.02 To obtain a Professional Teaching Permit a candidate must:

5.02.1 Have a minimum of three years of working experience in the content area of the class to be taught.

5.02.2 Be offered employment to teach one (1) or no more than two (2) regularly scheduled, for-credit classes in an AR public school.

5.02.3 Submit to the Office of Teacher Quality a complete PTP application.

5.02.4 Submit one (1) letter of justification from the applicant expressing the relevance of the applicants’ credentials to teach the subject in question.

5.02.5 Have two (2) professional letters of recommendation submitted by references to the Office of Teacher Quality.

5.02.6 Pass the appropriate Praxis II Content Knowledge test for the class to be taught.

5.02.7 Pass a non-criminal background check..

5.02.8 Successfully complete a forty (40)-hour PTP pedagogy training within the first year of teaching. Reinforcement of pedagogical skills will be scheduled as needed by the ADE, Office of Teacher Quality.

6.0 REQUIREMENTS FOR OBTAINING A (NON-TRADITIONAL) PROVISIONAL TEACHING LICENSE

6.01 To obtain a ~~Non-Traditional~~ Provisional Teaching License through NTLP a candidate must:

6.01.1 Be admitted into the Arkansas Department of Education’s Non-Traditional Teacher Licensure Program (NTLP)

6.01.2 Successfully complete the summer instructional modules

6.01.3 Document appropriate employment as teacher-of-record, teaching a minimum of five hours per day in the appropriate licensure area(s), with

a certified mentor approved by the ADE in an Arkansas public school or a private school within the state of Arkansas accredited by a nationally recognized accrediting association during the provisional licensure period .

- 6.01.3.1** If employment is not secured by September 1, of the year of admission into the NTLP, the participant shall accept teaching employment (if offered) working in conjunction with the ADE Office of Teacher Recruitment.
- 6.01.3.2** If the candidate does not accept said employment, he or she may be administratively withdrawn from the program.
- 6.01.3.3** If appropriate employment is not found by the candidate or the Office of Teacher Recruitment, the candidate shall be maintained on “hold” (one year only), until the following year.
- 6.01.3.4** A candidate on “hold” shall not be issued a license and shall be required to teach the following year. (The candidate shall still be required to complete two years of teaching within a three-year period.)

6.02 A one-year ~~Non-Traditional~~ Provisional teaching license is:

- 6.02.1** Issued to NTL participants at the beginning of each year of the program
- 6.02.2** ~~Is~~ effective as of August first of the year of issue
- 6.02.3** ~~Is~~ active for one year

6.03 ~~NTE~~ Provisional licenses are issued to participants (in one license area, except as follows) based upon the areas and levels of teaching assignment as according to Appendix A, NTL Teaching Areas and Levels of Licensure/Endorsement.

6.03.1 ~~Only~~ Secondary NTLP participants teaching in the content licensure areas of Mathematics, English, Science, Social Studies Speech/ Drama or any Foreign Language may be issued a license in two (2) of these areas. Participants may be licensed in both areas if they have successfully completed all ~~non-pedagogical~~ content specific licensure Praxis exams, and have a teaching assignment, in for both licensure areas. (Those candidates wishing to add social studies must also complete the required three (3) college credit-hours of *Arkansas History*, in advance of licensure.)

6.03.1.1 A Journalism endorsement may be added as the second area of licensure to any of these five areas if the required program of study for Journalism ~~is~~ has been successfully completed (including the required Praxis II assessment) and the teacher has a teaching assignment in Journalism.

6.03.1.2 An English Second Language (ESL) endorsement (grades 7-12) may be added as the second area of licensure to any of these five areas if the required program of study for ESL, or the ESL Academy for college credit, has been successfully completed (including the required Praxis II assessment) and the teacher has a teaching assignment in ESL.

6.03.2 An ESL endorsement (P-8) may be added to an Early Childhood (P-4) or Middle Childhood (4-8) provisional license if the required program of study for ESL, or the ESL Academy for college credit, has been successfully completed (including the required Praxis II assessment) and the teacher has a teaching assignment in ESL.

6.03.3 A Coaching endorsement may be added as the second area of licensure to any license area if the required program of study for Coaching and the appropriate Praxis II assessment are successfully completed and the teacher has a position that requires a Coaching endorsement.

6.04 NTP participants may not ~~work under~~ file an ALP ~~to~~ or teach out-of- licensure area while enrolled in the NTP.

7.0 GENERAL POLICIES AND PROCEDURES RELATING TO THE NON-TRADITIONAL LICENSURE PROGRAM

7.01 There are two tracks in the NTP, a one-year program or a two-year program.

7.01.1 Candidates with a four-year degree who have completed a program of study in the field of Education (all coursework with the exception of Student Teaching) may be eligible to complete a one-year program if their degree was awarded within five years of the date of application.

7.01.2 Candidates with a four-year degree, who have not completed a program of study in the field of Education, or those whose Education degree was awarded more than five years before the date of application, must complete a two-year program.

7.02 Participants in the Non-Traditional Licensure Program shall:

7.02.1 Be employed as the teacher of record in an Arkansas school

7.02.2 Teach a minimum of five hours per day in their licensure area(s)

7.02.2.1 Teach for one year, if in the one-year program

7.02.2.2 Teach for two years, if in the two-year program

7.02.3 Be assigned to, and attend a Non-Traditional Licensure Program satellite site for instructional modules

7.02.4 Be mentored according to the Arkansas Department of Education Teacher Induction Guidelines

7.02.5 Complete all instructional modules prescribed by the Arkansas Department of Education

7.02.6 Pass the appropriate state mandated pedagogical assessment(s)

7.02.7 Become eligible to participate in the state-mandated performance assessment in their final semester in the program, after the pedagogical assessment has been successfully completed

7.02.8 Adhere to and abide by all the policies and procedures as outlined in the published NTL Handbook for the year of admission

- 7.03** The required NTL program prescribed by the Arkansas Department of Education includes:
 - 7.03.1** Required Instructional Modules during the summer
 - 7.03.2** Required Instructional Modules during the school year
 - 7.03.3** Development of a professional portfolio
 - 7.03.4** Novice Teacher Induction (which includes Mentoring by a trained and certified mentor)
 - 7.03.5** Teaching a minimum of five hours per day (or the equivalent) in the licensure area(s)

- 7.04** Successful completion of the Non-Traditional Licensure Program may yield either an Initial or a Standard Teaching license:
 - 7.04.1** To receive an Initial teaching license, the participant shall:
 - 7.04.1.1** Complete all NTL program requirements prescribed by the Arkansas Department of Education, and
 - 7.04.1.2** Pass the appropriate state mandated pedagogical assessment(s).
 - 7.04.2** To receive a Standard teaching license, the participant shall:
 - 7.04.2.1** Complete all NTL program requirements prescribed by the Arkansas Department of Education
 - 7.04.2.2** Pass the appropriate state mandated pedagogical assessment(s)
 - 7.04.2.3** Successfully complete Induction and the state required performance assessment
 - 7.04.3** If the pedagogical assessment is not successfully completed within the NTLP program period, a subsequent license will not be issued. The participant will be allowed to attend ADE-scheduled remedial sessions for one year, during which time the participant may attempt to pass the assessment and, if successful, will be issued an Initial license.
 - 7.04.4** If the pedagogical assessment is not successfully completed within the remedial year, the participant will be administratively withdrawn from the program.

- 7.05** Annual enrollment in the NTL program may be limited by:
 - 7.05.1** Licensure requirements.
 - 7.05.2** Licensure area and level of candidates (shortage areas may ~~predominate~~ be given preference).
 - 7.05.3** Program capacity (in which case applications will not be accepted after capacity is reached).

8.0 RULES PERTAINING TO NOVICE TEACHER INDUCTION FOR NON-TRADITIONAL NOVICE TEACHERS

- 8.01** All Arkansas School Districts shall implement, support, and monitor the quality of mentoring as outlined in ADE Induction Guidelines and the district's approved plan for mentoring.
 - 8.01.1** Implementation of the district mentoring plan shall include:

classroom environment. (This excludes the NTL teacher from being assigned to a transitional or any other non regular classroom setting.)

- 9.04** Teachers who need a duplicate Arkansas teaching license must submit a completed application form (indicating “duplicate”) to the Office of Professional Licensure.
- 9.04.1** A duplicate license will be issued only for a license that is current.
- 9.05** All information and documentation submitted for an Arkansas Teacher License must be timely, accurate, authentic and unaltered in any way.
- 9.05.1** Any license issued as a result of information submitted that is not in compliance with section 8.04 will be null and void and shall be rescinded by the Office of Professional Licensure, as authorized by the State Board of Education.
- 9.06** The Office of Professional Licensure, as authorized by the State Board of Education, reserves the right to amend and/or rescind any Arkansas Teacher License that has been issued in error.
- 9.07** The Office of Professional Licensure, as authorized by the State Board of Education, reserves the right to non-renew a Non-Traditional Provisional License if the licensee does not successfully complete the required preparation modules, and non-renewal is recommended by the Non-Traditional Licensure Office. The Office of Professional Licensure shall not convert a provisional license to an initial license if the candidate fails to meet all criteria of the NTL program.

Appendix A
Arkansas Department of Education
NTL Teaching Areas and Levels of Licensure/Endorsement

Areas of Licensure	Grade Levels*		
Early Childhood	P-4		
Middle Childhood: Math/Science	4-8		
Middle Childhood: English-Lang Arts/Social Studies	4-8		
Mathematics		7-12	
English		7-12	
Social Studies		7-12	
Physical/Earth Science		7-12	
Life/Earth Science		7-12	
Drama/Speech		7-12	
P.E. Wellness & Leisure	P-8	7-12	
Art	P-8	7-12	
Music, Vocal, & Instrumental	P-8	7-12	
Spanish	P-8	7-12	
French	P-8	7-12	
German	P-8	7-12	
Family & Consumer Science	4-8	7-12	4-12
Agriculture	4-8	7-12	4-12
Industrial Technology	4-8	7-12	4-12
Business Technology	4-8	7-12	4-12
Marketing Technology	4-8	7-12	4-12
Adult Education			PS
Areas of Endorsement			
<u>Coaching</u>		7-12	
<u>ESL</u>	P-8	7-12	
<u>Journalism</u>		7-12	
<u>Mandarin Chinese</u>		7-12	

* Level of licensure issued is determined based on grade level(s) taught in the NTL program.

ARKANSAS DEPARTMENT OF EDUCATION
RULES GOVERNING INITIAL, STANDARD AND PROVISIONAL
TEACHER LICENSURE
Proposed June 2007

1.0 REGULATORY AUTHORITY

- 1.01** These shall be known as the Arkansas Department of Education Rules Governing Initial, Standard and Provisional Teacher Licensure.
- 1.02** These rules are enacted pursuant to the authority of the State Board of Education under Ark. Code Ann. § 6-11-105 (Rep 1999) and § 25-15-204 (Supp. 1999).

2.0 PURPOSE

- 2.01** The purpose of these rules is to establish the requirements and procedures for obtaining an Initial, Standard or Provisional Teaching License. ~~through a regionally accredited college or university and/or the Arkansas Department of Education.~~

3.0 DEFINITIONS

For the purpose of these Rules the following definitions shall apply.

- 3.01 Area of Licensure** - a particular content field as identified in Appendix A, Areas and Levels of Licensure.
- 3.02 Induction** - the period of time beginning with a teacher's first employment as the teacher of record in an Arkansas public school, cooperative, or agency that requires an Arkansas teaching license. The novice teacher, operating under an Initial License, is provided mentoring support and accelerated professional development during the Initial license period. It concludes with successful completion of the state-mandated performance assessment. Induction shall not be less than one year and no more than three years
- 3.03 Initial Teaching License** - a three-year teaching license, issued by the state, which allows one to teach in Arkansas public schools.
- ~~**3.03.1** The Initial license is issued only in areas and levels of licensure as approved by the State Board of Education (Appendix A, Areas and Levels of Licensure).~~
- ~~**3.03.2** The Initial license may be issued to:~~
- ~~**3.03.2.1** Teachers who have completed an approved a teacher~~

~~education regionally accredited and NCATE approved, Arkansas college/ university teacher preparation program from a regionally and/or NCATE accredited college or university, or~~

OR

~~3.03.2.3 Teachers who have completed the Arkansas Non-Traditional Teacher Licensure Program; or~~

~~3.03.2.4 teachers who are prepared out-of-state, but did not license.~~

- 3.04 **Level of Licensure** - the grade/age level parameter of the teaching license as identified in Appendix A, Areas and Levels of Licensure.
- 3.05 **Mentor** - a licensed master teacher with a minimum of three years successful teaching experience who is trained in the state-adopted mentoring model. Mentors are assigned in their districts to assist a novice teacher by providing focused feedback with regard to instructional skills, classroom management, and professional behaviors.
- 3.06 **Mentoring** - the act of a certified mentor providing support and focused feedback to a novice teacher (through the state-adopted mentoring model) with the goal of enhanced instructional skills, competency, and professional development.
- 3.07 **Non-Traditional Licensure Program** - the teacher training program approved and administered by the Arkansas Department of Education, whose participants hold a minimum of a baccalaureate degree and are allowed to teach in an Arkansas school via a Non-Traditional Provisional license.
- 3.08 **Novice Teacher** - any licensed teacher-of-record with less than one year of public school, or accredited private school, classroom teaching experience, not including student internship or substitute teaching.
- ~~3.09 **Out-of-Country Candidate** - a person from a foreign country who holds the equivalent of a four year degree, who may or may not have teacher education hours and/or who may or may not have teaching experience, and who comes from a foreign country that does not have reciprocity with Arkansas.~~
- 3.09 Performance Assessment** - an assessment tool used for evaluation of the classroom performance of a novice teacher, conducted by a trained assessor who utilizes a framework of essential teaching skills in which the novice teacher must demonstrate competency in an authentic classroom setting.

3.09.1 Successful completion of the performance assessment is defined as

meeting the state-adopted cut-score.

- 3.10 **Program of Study** - a state-approved teacher preparation curriculum offered at an Arkansas college or university, based on the *Arkansas Licensure Standards*. The program requires a candidate to demonstrate and document competency in the specific knowledge, skills, and dispositions for a particular licensure area and level.
- 3.11 **Provisional Teaching License** - A temporary teaching license available to candidates who have not met all requirements for the Initial or Standard Arkansas teaching license.
- 3.12 **Standard Non-Instructional License** - a five-year renewable license, issued by the state, which allows one to practice in Arkansas public schools as a School Psychology Specialist or Speech Language Pathologist.
- ~~3.13 **Standard Teaching License** - a five-year renewable license, issued by the state, which allows one to teach in Arkansas public schools. The Standard License is issued to:~~
- ~~3.13.1 Initial License holders who have successfully completed the state required induction for novice teachers, or~~
 - ~~3.13.2 Provisional License holders (Non-traditional Teacher Licensure Program) who have successfully completed the state required induction for novice teachers, or~~
 - ~~3.13.3 Teachers who have completed all requirements for Standard licensure through reciprocity.~~
- 3.14 **Teacher-of-Record** - an instructional teacher employed under contract (in a licensed staff position) by a school district or other Arkansas agency or organization requiring an Arkansas teaching license.
- 3.15 **Content/Standard Teaching Area** refer to the specific subject areas listed under Integrated Curriculum Humanities, Integrated Science Curriculum, Integrated Visual and Performance Arts, Integrated Vocational Education, Integrated Physical Education and Health and Special Education as listed in the State Board Approved Levels and Areas of Licensure.

4.0 REQUIREMENTS FOR OBTAINING AN INITIAL TEACHING LICENSE

- 4.01 There are five ~~four~~ routes for obtaining an Initial Arkansas teaching license.

4.01.1 Completion of ~~an approved, regionally and NCATE accredited Arkansas college or university, teacher preparation program,~~ a regionally accredited and NCATE approved, Arkansas college/university teacher preparation program.

OR

4.01.2 Completion of a college/university teacher preparation degree program that holds regional/national accreditation recognized by the U.S. Department of Education or Council for Higher Education Accreditation and whose teacher preparation program is accredited by a national accrediting body that is recognized by the U.S. Department of Education, Council for Higher Education Accreditation or that is state approved.

OR

4.01.3 Completion of the Arkansas Department of Education Approved Non-Traditional Teacher Licensure Program,

4.01.4 ~~Completion of a regionally accredited and/or NCATE or State approved accredited out-of-state or out-of-country teacher preparation program by a candidate holding an initial teaching license or that who did not license out-of-state or out-of-country at all.~~

OR

4.01.4 By Reciprocity

OR

4.01.5 Conversion of a Provisional license

4.02 An Initial Arkansas teaching license shall be issued when the following has been submitted to the office of Professional Licensure:

4.02.1 A completed application for Initial licensure.

4.02.2 An official score report reflecting current passing scores, as approved by the State Board of Education, on all state required assessments for Initial licensure (the basic skills assessment [all parts], the state required content area assessment(s) for the specific licensure area(s) sought, and the state required pedagogical assessment).

~~4.02.2.1~~ Participants in the Non-Traditional Teacher Licensure Program who possess exceptional experience and/or academic preparation may substitute previously taken assessment(s), relevant life experiences, accomplishments or achievements for the state required basic skills assessment and/or state required content area assessment.

4.02.3 Documentation that the candidate has ~~passed~~ successfully completed the required background checks by the Arkansas State Police and Federal Bureau of Investigation as required by Ark. Code Ann. § 6-17-410.

4.02.4 Documentation reflecting completion of a teacher preparation program. This ~~can~~ shall be:

4.02.4.1 Official transcripts reflecting a Bachelor=s Degree (or Master=s Degree when required) from:

4.02.4.1.1 A regionally accredited and NCATE approved, Arkansas college/university teacher preparation program

OR

~~4.02.4.1.2 A regionally and/or NCATE accredited out-of-state or out-of-country college or university (but never licensed).~~

4.02.4.1.2 Completion of a college/university teacher preparation degree program that holds regional/national accreditation recognized by the U.S. Department of Education or Council for Higher Education Accreditation and whose teacher preparation program is accredited by a national accrediting body that is recognized by the U.S. Department of Education, Council for Higher Education Accreditation or that is state approved.

OR

4.02.4.1.3 Verification from the Arkansas Non-Traditional Licensure Program.

4.03 The Initial Arkansas Teaching License application must be signed and verified by the Licensure Officer from the Arkansas college or university where the approved teacher preparation program was completed, or by the designated representative of the Non-Traditional Teacher Licensure Program.

4.04 The Initial Arkansas teaching license shall be issued only for those areas and levels of licensure that have been approved by the State Board of Education (Appendix A, Areas and Levels of Licensure).

~~**4.04.1** The initial license may be issued to:~~

~~**4.04.1.1** Teachers who have completed an approved a teacher education regionally accredited and NCATE approved, Arkansas college/university teacher preparation program from a regionally and/or NCATE accredited college or university, or~~

~~**4.04.1.3** Teachers who have completed the Arkansas Non-Traditional Teacher Licensure Program, or~~

~~**4.04.1.4** teachers who are prepared out of state, but did not license.~~

~~**4.04.1.5** The Initial Arkansas teaching license shall not be issued for the Added Endorsements, Educational Administration, Non-Instructional Student Services, and Professional & Technical areas.~~

4.05 Candidates may obtain concurrent licensure in more than one licensure/endorsement area ~~two general education areas, or in one general education area and one endorsement area.~~

4.06 Candidates seeking Initial licensure in Early Childhood Education (P-4), both Middle School integrated areas (4-8) or Secondary Social Studies (7-12), shall complete a three-credit-hour course in Arkansas History in addition to the required testing and program of study when applicable.

4.07 Candidates seeking Initial licensure in Special Education must complete concurrent licensure in a general education area at the same level as the Special Education license.

4.07.1 If the Special Education level is 4-12, the individual shall have a choice of concurrent licensure in a general education area at the 4-8 or 7-12 levels.

4.08 Candidates who completed an Arkansas teacher preparation program but ~~had never received a Standard teaching license or who received an Initial license but did not teach or complete induction~~ (when it has been **longer than five years** since program completion) shall meet current requirements for an Initial license.

~~4.09~~ Candidates who completed an out-of-state or out-of-country teacher preparation program but never licensed, shall meet the following requirements for their Initial Arkansas teaching license.

~~4.09.1~~ Submit an application for teacher licensure,

~~4.09.2~~ Submit an official transcript reflecting the completion of a NCATE or regionally accredited out-of-state or out-of-country teacher preparation program and a minimum of a Bachelor's Degree (Master's when required),

~~4.09.2.1~~ ——— When it has been **longer than five years** since program completion the applicant shall have his/her transcripts evaluated by an Arkansas college or university against current requirements for Initial license.

~~4.09.3~~ Document successful completion (passing) of the state required basic skills assessment(s), specialty area assessment(s) and pedagogical assessment,

~~4.09.4~~ Successfully complete a background check through the Arkansas State Police and the Federal Bureau of Investigation as required by Ark. Code Ann. § 6-17-410.

5.0 GENERAL POLICIES AND PROCEDURES RELATING TO AN INITIAL TEACHING LICENSE

5.01 The Initial Arkansas teaching license:

5.01.1 is valid for no less than one and no more than three years,

5.01.2 expires three years from the effective date, unless requirements for a Standard teaching license are met.

5.01.3 requires that all Novice Teachers participate in Induction.

5.02 Additional areas and levels of licensure may be added to the Initial Arkansas teaching license.

5.03 The beginning and expiration dates of an Initial teaching license shall not change upon adding additional licensure areas or advanced degrees

5.04 The grade level and license/teaching area are reflected on the Initial Arkansas Teaching license.

5.05 The degree ~~area~~-a teaching license is based upon shall be reflected on the Initial Arkansas Teaching license.

5.06 Advanced degrees shall not be reflected on the Initial teaching license unless that degree is designated on the official transcript as an education degree, is or a degree in a content teaching area as approved by the State Board of Education. from a regionally and/or accredited and NCATE accredited or State approved, college or

university teacher preparation program, and is in an area and level of licensure as approved by the State Board of Education. The degree must be from an institution of higher education holding regional/national accreditation recognized by the U.S. Department of Education, or the Council for Higher Education Accreditation. If the degree is a teacher preparation degree it must be from a program that holds national accreditation recognized by the U.S. Department of Education, the Council for Higher Education Accreditation, or be state approved.

5.07 Teachers who hold an Initial Arkansas teaching license shall complete induction while teaching primarily in the general education area of licensure.

5.07.1 Upon successful completion of induction, the candidate shall be awarded a standard license for all general education and endorsement areas reflected on the initial teaching license.

5.08 Candidates receiving Initial, concurrent licensure in a general education area and the endorsement area of coaching shall complete Induction in the general education area. Coaching shall not be the primary area of teaching during induction.

5.09 The Initial Arkansas teaching license shall become effective upon date of issue. The Initial Arkansas teaching license shall expire three years from the effective date as reflected on the Initial teaching license.

5.10 Teachers holding an Initial Arkansas teaching license, who have not been employed as teacher-of-record for up to three years (and have therefore not successfully completed Induction) may re-apply for the three-year Initial Arkansas teaching license through the Office of Professional Licensure.

5.11 A teacher shall have three years while employed as teacher of record to Initial teaching license shall become null and void and shall not be renewed at such time as the teacher has been employed as teacher of record for three years and has not successfully completed Induction (mentoring and Praxis III-Performance assessment) and convert the three-year Initial Arkansas teaching license to the Standard five-year teaching license.

5.12 Teachers that were employed for three years as teacher of record while holding an Initial Arkansas teaching license and did not successfully complete Induction, shall be eligible for a one-time, non-renewable, One-Semester Permit upon meeting the following requirements:

5.12.1 The teacher shall submit an application for the One-Semester Permit.

5.12.1.1 The Initial Arkansas teaching license shall not have been expired longer than two years at the time of application.

- 5.12.1.2 The teacher shall provide verification of having been employed as the teacher of record for three years.
- 5.12.1.3 The application shall not be processed when received later than the registration deadline for the Praxis III-Performance Assessment for either the Fall or Spring Semester.
- 5.12.1.4 The teacher shall be employed as teacher of record.
- 5.12.1.5 The teacher shall pay the current fee that covers the cost of the Praxis III Performance Assessment.
- 5.13 Teachers employed under the One-Semester Permit, shall not be deemed Highly Qualified for the semester employed.
- 5.14 The One-Semester Permit shall be effective for only the Fall or Spring semester of the school year issued.
- 5.15 The Standard teaching license shall be issued to the holder of the One-Semester Permit upon verification by the Arkansas Department of Education that the Induction requirements have been completed.
- 5.16 The Initial Arkansas teaching license shall not be issued for the ~~Added~~ Endorsements, Educational Administration, Non-Instructional Student Services, and Professional & Technical areas.
- 5.17 Beginning May 1, 2007, all teachers licensing in P.E./Wellness/Leisure shall receive the new licensure code numbers 235 for (P-8) and 236 for (7-12).
 - 5.17.1 Teachers holding the new licensure code numbers 235 and/or 236 shall not be automatically approved to be employed as a coach in the public schools of Arkansas.
 - 5.17.2 Teachers holding the new licensure code numbers 235 and/or 236 shall work under the ALP (Additional Licensure Plan) for the coaching endorsement (7-12) when employed as a coach.

6.0 REQUIREMENTS FOR OBTAINING A STANDARD TEACHING LICENSE

6.01 ~~There are two routes for obtaining a Standard teaching license. These are:~~

- ~~6.01.1 converting an Initial license by completing all Induction requirements,~~
- ~~6.01.2 converting an out of state or out of country license through reciprocity.~~

6.02 ~~Professional Licensure will issue the Standard teaching license upon receiving official documentation of:~~

~~6.02.1 the successful completion of Induction, or~~

~~6.02.2 completion of requirements for Standard licensure through reciprocity.~~

6.01 Requirements for a Standard teaching license are:

6.01.1 Transcripts reflecting the completion of a Bachelor=s Degree (Master=s Degree when required) from a regionally accredited and NCATE approved, Arkansas college/university teacher preparation program.

OR

6.01.1.1 Transcripts reflecting the completion of a Bachelor’s Degree (Master’s Degree when required) from a college/university holding regional/national accreditation recognized by the U.S. Department of Education or the Council for Higher Education Accreditation and whose teacher preparation program is accredited by a national accrediting body recognized by the U.S. Department of Education, Council for Higher Education Accreditation or that is state approved.

6.01.2 passing the required basic skills assessment (all parts),

6.01.3 passing the required content area assessment(s) for the specific licensure area and level sought,

6.01.4 passing the required pedagogical assessment(s),

6.01.5 ~~passing the required~~ successful completion of mentoring and performance assessment, and

6.01.6 ~~passing~~ successful completion of a background checks performed by the Arkansas State Police and the Federal Bureau of Investigation as required by Ark. Code Ann. § 6-17-410.

6.02 Candidates for a Standard teaching license in the areas of Early Childhood Education (P-4), both Middle School integrated areas (4-8) or Secondary Social Studies (7-12) must have completed a three-credit-hour course in Arkansas History in addition to the required testing and program of study when applicable.

6.03 Candidates for a Standard teaching license in the Non-Instructional Student Service areas of ~~School Psychology Specialist or~~ Speech Language Pathologist shall ~~have~~

completed a Master=s Degree in the respective area and the State Board required assessment(s). complete the following requirements:

6.03.1 Completion of a Master’s Degree in Speech Pathology from a college/university holding regional/national accreditation recognized by the U.S. Department of Education or the Council for Higher Education Accreditation and whose Speech Pathology program holds national accreditation recognized by the U.S. Department of Education or Council for Higher Education Accreditation.

6.03.2 Successful completion of the state required specialty area assessment for Speech Pathology.

6.03.3 Successfully clearing the required State Police and FBI background checks.

6.03.4 Candidates for licensure in Speech Pathology shall not be eligible for a provisional teaching license.

~~**6.04** Candidates who completed an Arkansas teacher preparation program **prior to January 1, 2002**, who never licensed, (when it has been **five years or less** since program completion) shall meet the requirements for Standard licensure, including:~~

~~**6.04.1** Submit documentation of having successfully completed the pedagogical and specialty area assessment(s) that were required at the time of completion of the teacher education program.~~

~~**6.04.1.1** ——— For those assessment(s) that were not successfully completed, the applicant shall successfully complete the current required assessment(s) for all areas and levels of licensure sought.~~

~~**6.04.2** Successfully complete a current background check through the Arkansas State Police and the Federal Bureau of Investigation as required by Ark. Code Ann. § 6-17-410.~~

6.04 Candidates for a Standard teaching licensed in the Non-Instructional Student Services Area of School Psychology Specialist shall meet the following requirements:

6.04.1 Completion of an advanced degree in School Psychology or completion of an advanced degree in counseling with a graduate level program of study in School Psychology from a college/university holding regional /national accreditation recognized by the U.S. Department of Education or the Council for Higher Education Accreditation.

- 6.04.2 The School Psychology program shall hold national accreditation recognized by the U.S. Department of Education or the Council for Higher Education Accreditation.
- 6.04.3 Successful completion of the state required specialty area assessment
- 6.04.4 Successfully clearing the required State Police and FBI background checks
- 6.04.5 Candidates for licensure as a School Psychology Specialist shall not be eligible for a provisional teaching license.
- 6.05 A standard teaching area may be added to the Speech Pathology or School Psychology specialist teaching license by meeting the following requirements.
 - 6.05.1 Completion of a program of study to include an internship in the teaching area.
 - 6.05.2 Successful completion of the required basic skills assessments, the required specialty area assessment(s) & the required pedagogical assessment at the appropriate level of licensure.

7.0 GENERAL POLICIES AND PROCEDURES RELATING TO A STANDARD TEACHING LICENSE

- 7.01 The standard ~~Arkansas~~ teaching license shall be issued only for those areas and levels of licensure that have been approved by the State Board of Education.
- 7.02 The standard ~~Arkansas~~ teaching license shall be a renewable teaching license, valid for a period of five years.
- 7.03 The standard ~~Arkansas~~ teaching license shall become effective January 1 of the year it is issued, and shall expire December 31 of the fifth year.
- 7.04 The standard teaching license will reflect all general education and endorsement areas reflected on the Initial teaching license.
- 7.05 Additional areas and levels of licensure may be added to the Standard ~~Arkansas~~ teaching license.
- 7.06 The beginning and expiration dates of a Standard teaching license shall not change upon adding ~~additional~~ licensure areas or advanced degrees.
- 7.07 The degree a teaching license is based upon shall be reflected on the Standard teaching license.

- 7.08** Advanced degrees shall not be reflected on the ~~Initial~~ Standard teaching license unless that degree is designated on the official transcript as an education degree, is or a degree in a content teaching area as approved by the State Board of Education, ~~from a regionally accredited and/or NCATE accredited or State approved college or university teacher preparation program, and is in an area and level of licensure as approved by the State Board of Education.~~ The degree must be from an institution of higher education holding regional/national accreditation recognized by the U.S. Department of Education, or the Council for Higher Education Accreditation. If the degree is a teacher preparation degree it must be from a program that holds national accreditation recognized by the U.S. Department of Education, the Council for Higher Education Accreditation or be state approved.
- 7.09** ~~Teachers holding a Standard teaching license in Adult Education shall be eligible to add additional licensure areas by completing a program of study and the required content area assessment(s).~~
- 7.09** Teachers licensing by reciprocity with less than one-year of teaching experience who hold a Standard teaching license (~~or Provisional teaching license through reciprocity~~) shall participate in the Mentoring component of Induction in their first year as the teacher-of-record.
- 7.09.1** The performance assessment is not required of these individuals.

8.0 REQUIREMENTS FOR OBTAINING A PROVISIONAL TEACHING LICENSE

- 8.01** A one-year (**1084**) non-renewable provisional teaching license shall be available for graduates of an Arkansas teacher preparation program who have not completed the following requirements:
- 8.01.1** All required subject-specific and pedagogical Assessments, and/or
- 8.01.2** A three-credit-hour Arkansas History course when required.
- 8.02** A one-year (**1084**) non-renewable provisional teaching license shall be issued upon providing the following documentation.
- 8.02.1** A completed application reflecting completion of an approved teacher preparation program from an Arkansas college or university;
- 8.02.2** Official transcripts reflecting the completion of a Bachelor's Degree (Master's Degree when required);
- 8.02.3** Successful completion of both parts of the required background checks (Arkansas State Police and Federal Bureau of Investigation);

- 8.02.4 Score report reflecting successful completion of the state required basic skills assessment (all parts); and
 - 8.02.5 Proof of employment on the verification of provisional licensure eligibility form indicating employing school district and hire date.
- 8.03 ~~A one year (1085) non-renewable provisional teaching license shall be available to out of state or out of country applicants who have completed a teacher preparation program but have not licensed.~~
- 8.04 ~~A one year (1085) non-renewable provisional teaching license shall be issued upon providing the following documentation.~~
- 8.04.1 ~~A completed application for licensure.~~
 - 8.04.2 ~~Official transcripts reflecting the completion of a Bachelor's Degree (Master's Degree where required) from a regionally and/or NCATE accredited out of state or out of country teacher preparation program.~~
 - 8.04.3 ~~Successful completion of both parts of the required background checks (Arkansas State Police and Federal Bureau of Investigation).~~
 - 8.04.4 ~~Out of county applicants shall present documentation of transcript evaluation by an independent evaluation agency in the United States. The transcript evaluation must document that the out of county degree is equivalent to a Bachelor's Degree or higher from a regionally accredited college or university in the United States, is an education degree and the major area of concentration.~~
 - 8.04.5 ~~Proof of employment on the verification of provisional licensure eligibility form indicating employing school district and hire date.~~
- 8.05 ~~A one year (1282) renewable (two times) provisional teaching license shall be available to out of state or out of country applicants who have:~~
- 8.05.1 ~~completed a teacher preparation program but did not license, and~~
 - 8.05.2 ~~have a licensure area(s) that is not compatible with an Arkansas licensure area(s).~~
- 8.06 ~~A one year (1282) renewable (two times) provisional teaching license shall be issued upon providing the following documentation.~~
- 8.06.1 ~~A completed application for licensure.~~
 - 8.06.2 ~~Official transcripts reflecting the completion of a Bachelor's Degree (Master's Degree where required) from a regionally and/or NCATE accredited out of state or out of country teacher preparation program.~~

- ~~8.06.3 Successful completion of both parts of the required background checks (Arkansas State Police and Federal Bureau of Investigation).~~
- ~~8.06.4 Proof of employment on the verification of provisional licensure eligibility form indicating employing school district and hire date.~~
- ~~8.06.5 Out-of-county applicants shall present documentation of transcript evaluation by an independent evaluation agency in the United States. The transcript evaluation must document that the out-of-county degree is equivalent to a Bachelor's Degree or higher from a regionally accredited college or university in the U.S., is an education degree, and reflects the major area of concentration.~~

9.0 REQUIREMENTS FOR CONVERTING A PROVISIONAL TEACHING LICENSE TO AN INITIAL TEACHING LICENSE

- 9.01** The one-year (1084) non-renewable provisional teaching license shall be converted to the three-year Initial teaching license when the following documentation has been submitted:
 - 9.01.1** A completed application for licensure requesting conversion of the provisional license;
 - 9.01.2** Score reports reflecting successful completion of the required assessment(s), and/or
 - 9.01.3** Official transcript reflecting the successful completion of a three-credit-hour Arkansas History course when required.
- ~~9.02 The one-year (1085) non-renewable provisional teaching license shall be converted to the three-year Initial teaching license when the following documentation has been submitted.~~
 - ~~9.02.1 A completed application for licensure requesting the conversion of the provisional license.~~
 - ~~9.02.2 Score reports reflecting successful completion of the required basic skills assessment (all parts), specialty area assessment(s) and pedagogical assessment.~~
 - ~~9.02.3 Official transcript reflecting the successful completion of a three-credit-hour Arkansas History course when required.~~
- ~~9.03 The one-year (1282) renewable provisional teaching license shall be converted to the three-year Initial teaching license when the following documentation has been submitted:~~
 - ~~9.03.1 A completed application for licensure requesting conversion of the provisional to the three-year Initial teaching license~~

- 9.03.2 ~~Official transcript reflecting successful completion of a three-credit-hour Arkansas History course when required~~
- 9.03.3 ~~Score report reflecting successful completion of state required content assessment(s) and pedagogical assessment and basic skills assessment when required~~
- 9.03.4 ~~Official transcript and documentation of successful completion of a Program of Study when required.~~

10.0 RULES PERTAINING TO NOVICE TEACHER INDUCTION

- 10.01 All **Novice Teachers** employed as teacher-of-record in an Arkansas public school or agency shall participate in Induction for no less than one year and no more than three years.
- 10.02 Induction includes mentoring, and successful completion of the state mandated performance assessment.
 - 10.02.1 ~~Mentoring, and successful completion of the state mandated performance assessment.~~
 - 10.02.2 ~~Successful completion of the state mandated performance assessment.~~
- 10.03 ~~All Arkansas School Districts shall complete and submit the ADE required District Mentoring Plan Signature and Assurances form to the office of Professional Quality Enhancement~~ The School District Induction Assurances Form is to be submitted to the Office of Teacher Quality at the Arkansas Department of Education no later than September 15 of each year.
- 10.04 All Arkansas public schools or agencies who employ ~~any~~ a novice teacher as a licensed teacher-of-record shall:
 - 10.04.1 Register all novice teachers in their employ and their mentors with the ~~office of Professional Quality Enhancement~~ Office of Teacher Quality using the ~~required form~~ Induction Pairing Form no later than September 15th of each year,
 - 10.04.2 Assign to the novice teacher a mentor teacher who is located in the same building, and who, as much as possible, has a compatible background in level of licensure, is trained and certified in the state adopted mentoring model, and has at least three (3) years of successful teaching experience. Districts shall contact the Induction Program Advisor in the Office of Teacher Quality for consideration of any exceptions to these requirements.

10.04.2.1 ~~Districts shall contact The Mentoring the Induction Program Advisor in the office of Professional Quality Enhancement Office of Teacher Quality for consideration of any will consider exceptions to these requirements for approval on an individual basis.~~

~~**10.04.2.1.1** Districts shall submit written requests for such waivers on district letterhead. The District Superintendent must submit waiver requests with an explanation of the reasons for such a request.~~

10.04.3 Assign the mentor to the novice teacher within three weeks of the novice teacher's hire date of the Novice Teacher, first contract day of the school year.

10.04.4 Assign only one novice teacher per mentor teacher unless the mentor is given released time from other contract duties (the equivalent of one instructional period per additional novice teacher assigned to a single mentor) to accommodate the additional mentoring responsibility, as approved by the Induction Program Advisor.

10.04.5 Contact the Induction Program Advisor and provide information on the Induction Project Director that has been appointed by the school district no later than August 1 of each year, appoint an Induction Project Director at the school district by August 1 of each year, who will act as the liaison for the program to ADE.

10.04.5.1 Project Directors are responsible for coordinating mentor assignments, oversight of mentoring funding appropriations and the district mentoring plan, approval of appropriate professional development expenditures for the novice teacher, and all written and fiscal reporting and communications to the ADE,

10.04.6 Release mentors, novice teachers, and/or the Induction Project Director from the district to attend any mandatory statewide orientation or informational meetings held by the ADE,

10.04.7 Notify the ADE, ~~office Professional Quality Enhancement Office of Teacher Quality~~ within 15 days of any personnel changes that might affect annual mentoring budget allocations (such as hiring of a novice teacher midyear, or a novice teacher resigning midyear and being replaced by an experienced teacher for whom mentoring is not appropriate); and

- 10.04.8** Submit the ~~end-of-year report~~ End-of-Year Budget Report Form, reflecting Induction expenditures, no later than June 30th each year.
- 10.05** For the teacher to be eligible for the Standard ~~Arkansas~~ Teaching license, Induction shall be completed by the teacher within three years, while the teacher employed as teacher of record, for the teacher to be eligible for the Standard ~~Arkansas~~ teaching license.
- 10.06** Novice teachers become eligible to participate in the state-mandated performance assessment after a minimum of six months employed and mentored as teacher-of-record.
- 10.06.1** To take the performance assessment candidates shall notify the ~~office of Professional Quality Enhancement~~ Office of Teacher Quality by following current standard application procedures.
- 10.07** All Arkansas School Districts shall implement, support, and monitor the quality of mentoring as outlined in ADE Induction Guidelines ~~and the district's approved plan for mentoring.~~
- 10.07.1** Implementation of the district mentoring plan shall include
- 10.07.1.1** Selecting mentor candidates according to the Arkansas Mentor Qualifications form; and
- 10.07.1.2** Providing a trained certified mentor for each novice teacher.
- 10.07.2** Support includes:
- 10.07.2.1** Providing a minimum of 2 hours every two weeks of released time (on average) during the contract day for the mentor and novice teacher to work together,
- 10.07.2.2** Assisting the novice and mentor to schedule focused observations and professional development activities, and
- 10.07.2.3** Providing activities for mentors and novice teachers, which engage them in collaborative dialogue, problem solving, and professional development.
- 10.07.3** ~~Monitoring of the quality of the district program is achieved by:~~
The quality of the District Induction Program is assessed by monitoring
- 10.07.3.1** A trained monitor, sent from the ADE, interviews the Project director and novice teacher-mentor pair.

- 10.07.3.2** ~~review of the Mentor/Novice Teacher Mentoring Log and the Novice Teacher's Professional Growth and Development Plan required mentor documentation by the district Project Director.~~ The required mentoring documentation shall be collected by the district Project Director, and reviewed by the ADE monitor.
- 10.07.4** ~~All other mentoring documents are the sole possession of the novice teacher and shall not be utilized for employment decisions or employment evaluation decisions~~ shall be collected by the Project Director.
- 10.07.4.1** ~~The intent is to protect mentors from any legal responsibilities or repercussions associated with employment decisions and also to protect the integrity of the mentor/novice teacher relationship~~ At the end of the school year the Professional Growth Plan and Observation forms would become the sole possession of the novice teacher and shall not be utilized for employment decisions or employment evaluation decisions.
- 10.08** Mentoring observational information shall not be ~~shared with the novice teacher's employer or~~ utilized in any way for employment decisions unless students are at risk, either physically or emotionally.
- 10.09** School districts shall distribute any associated mentoring support funding within the parameters established by the Arkansas Department of Education.
- 10.10** Mentor teachers shall perform a minimum of three (3) formal classroom observations per school year for novice teachers and provide feedback focused on increased professional growth.
- 10.10.1** All observations, both formal and informal, shall be noted on forms designated by the Arkansas Department of Education.
- 10.11** Materials purchased by the novice with mentoring funding ~~Mentoring allocations for the novice teachers~~ shall follow the novice teacher to a new teaching assignment if the novice teacher continues teaching in an Arkansas public school.
- 10.11.1** If the novice teacher chooses to teach in a non-public school, leave the profession of teaching, or teach out of the state of Arkansas, materials bought with state mentoring allocations shall remain in the public school district in which the novice teacher was last employed.

10.12 Performance Assessment-School Districts

School districts shall:

- 10.12.1 School districts shall Provide released time for the novice teacher to participate in the performance assessment for Standard licensure.
- 10.12.2 School districts shall Provide released time for Assessors from the district to attend mandatory statewide meetings required by the Arkansas Department of Education.
- 10.12.3 School districts shall Provide released time for Assessors from the district to conduct a minimum of two performance assessments per semester.
- 10.12.4 School districts can-Not dictate when the novice teacher takes the performance assessment; and
- 10.12.5 May Not use the performance assessment results cannot be used for contract renewal or dismissal purposes.
- 10.12.6 School districts shall Provide released time for the novice teacher to participate in the performance assessment for Standard licensure

10.13 Novice

- 10.13.1 A novice teacher applying for the performance assessment must teach in AR public or private school in grade P-12
- 10.13.2 Teachers in distance learning labs will follow the protocol for distance learning lab observations.
- 10.13.3 During the assessment the-Novice teachers must teach a class or small group of students without any other licensed teacher present (except the Assessor)
- 10.13.4 An instructional aide (non teacher-licensed) may be A novice teacher may have an instructional aid (non teacher-license) present in the room if he or she is normally schedule to be present and does not contribute to class discipline.
- 10.13.5 Any novice teacher who is unsuccessful in the performance assessment will automatically be assigned a highly trained mentor and will receive mentoring with financial support for another year.

- 10.13.6** A novice teacher may re-take the performance assessment each semester until the three year license expires.
- 10.13.7** Arkansas Department of Education Office of Teacher Quality will fund the first two attempts to pass PIII. Any remaining attempts will be paid for by the Novice Teacher.
- 10.13.8** The novice teacher will receive copies of the assessment summary statements and the Superintendent receives the scores by domain.
- 10.13.9** If a novice whose teacher's Initial license expires prior to passing the performance assessment the novice teacher may apply through the Office of Professional Licensure for a one semester permit.
- 10.13.10** The novice teacher must take the performance assessment within that six month window.
- 10.13.11** The novice teacher will incur the cost of the performance assessment plus a financial penalty.
- 10.13.12** If the novice teacher who is not successful at the performance assessment within the six months, the novice teacher will not be allowed another opportunity. which This results in the permanent loss of licensure.
- 10.14** School districts shall release Assessors from the district to attend mandatory statewide meetings required by the Arkansas Department of Education.
- 10.15** School districts that do not comply with these rules shall be placed in accredited-cited status for licensure deficiencies. Licensure deficiencies for these purposes are defined as:
- 10.15.1** ~~failure to submit and implement an approved district mentoring plan,~~
- 10.15.2** failure to register all novice teachers with the ~~office of Professional Quality Enhancement~~ Office of Teacher Quality, and/or
- 10.15.3** failure to comply with established guidelines for assignment, support, and monitoring of mentor teachers and novice teachers.
- 10.15.4** Failure to submit all appropriate documentation

10.16 Project Director's Stipend

10.16.1 As funds are available school district personnel who serve as Project Directors for the Induction programs will be compensated with a stipend via a sliding scale (currently not to exceed \$1,000) based on the number of novice teachers and beginning administrators in the district.

10.16.2 Stipends will be issued after there is assurance that the Project Director has completed requirements for submitting the End-of-Year Budget Report to the ADE Office of Teacher Quality.

11.00 GENERAL POLICIES PERTAINING TO ALL LICENSES

11.01 Teachers who need a duplicate Arkansas teaching license must submit a completed application form (indicating "duplicate") to the office of Professional Licensure.

11.01.1A duplicate license will be issued only for a license that is current.

11.02 All information and documentation submitted for an Arkansas teaching license must be accurate, authentic, and unaltered.

11.02.1 Any license issued as a result of a violation of the above-mentioned will be null and void.

11.03 The Office of Professional Licensure, as authorized by the State Board of Education, reserves the right to amend and/or rescind any Arkansas Teaching License that has been issued in error.

**ARKANSAS DEPARTMENT OF EDUCATION RULES AND REGULATIONS
GOVERNING PARENTAL NOTIFICATION OF AN ASSIGNMENT
OF A NON-CERTIFIED LICENSED TEACHER TO TEACH A
CLASS FOR MORE THAN THIRTY (30) CONSECUTIVE DAYS
AND FOR GRANTING WAIVERS
Proposed July 2007**

1.00 REGULATORY AUTHORITY

- 1.01 These ~~permanent rules and regulations~~ shall be known as the Arkansas Department of Education (ADE) Rules ~~and Regulations~~ Governing Parental Notification of an Assignment of a Non-Certified Licensed Teacher to Teach a Class for More Than Thirty (30) Consecutive School Days during a School Year and for Granting Waivers.
- 1.02 These ~~regulation rules~~ are enacted pursuant to the authority of the State Board of Education under Ark. Code Ann. §6-11-105 ~~and Ark. Code Ann. §6-17-309 and 25-15-201 et seq.~~

2.00 PURPOSE ~~OF REGULATION~~

- 2.01 The purpose of ~~these regulations~~ these Rules is to establish the procedure whereby a school district may obtain a waiver from the Arkansas Department of Education for teachers who will be teaching outside of the grade level or subject area they are ~~certified~~ licensed to teach for more than thirty (30) consecutive school days in the same class during a school year.

3.00 DEFINITIONS – For the purpose of these rules, the following definitions shall apply:

~~For the Purpose of these Rules and Regulations:~~

- 3.01 **Certified Licensed teacher** is defined as any teacher who holds a current standard, initial or provisional teaching license issued by the Arkansas Department of Education.
- 3.02 **Not certified licensed to teach the grade level** is defined as any teacher assigned to a grade level for which the teacher does not have the appropriate license or approval for that grade level.
- 3.03 **Not Certified licensed to teach the subject matter area** is defined as any teacher assigned to teach a subject for which the teacher does not have the appropriate license or approval to teach ~~that subject.~~

- 3.04 **Teacher** is defined to mean any person employed by a school district on a full-time or part-time employment basis, ~~including substitute employees~~ that are assigned a teaching position with a class of students and for which a teaching license is required. Teacher shall also include counselors, library media specialist and school administrators.
- 3.05 **Undue Hardship** is defined as the inability of a school district to employ a qualified teacher who is ~~certified~~ licensed at the grade level or for the subject area assigned.
- 3.06 **Waiver** is defined as an approval granted by the Arkansas Department of Education allowing a school district to employ a licensed teacher in a subject or grade level for which they are not licensed for longer than thirty consecutive days during a school year.
- 4.00 EMPLOYMENT OF TEACHERS WHO ARE NOT ~~CERTIFIED~~ LICENSED TO TEACH THE GRADE LEVEL OR SUBJECT MATTER AREA OF THE CLASS ASSIGNED
- 4.01 School districts shall aggressively seek to employ teachers who are ~~certified~~ licensed and highly qualified (when required) for the grade level and subject ~~matter~~ areas assigned.
- 4.02 When a school district cannot employ a qualified teacher ~~certified~~ licensed at the grade level or for the subject being assigned, the school district shall actively recruit a ~~certified~~ licensed teacher who will work towards ~~getting~~ certified becoming licensed and highly qualified (when required) for the grade level assigned or for the specific subject ~~they are~~ assigned to teach.
- 4.03 The ~~certification~~ licensure requirements of Ark. Code Ann. § 6-17-309 (Act 1623 of 2001) shall not apply to non-degreed vocational-technical teachers and those persons approved by the Department of Education to teach the grade level or subject ~~matter~~ area of the class in the Department of Education's distance learning program.
- 4.04 Teachers with letters of provisional eligibility (six-month or one-year) and teachers presenting other letters verifying their eligibility for a provisional, initial or standard ~~certificate~~ license that are employed by a school district will be considered ~~certified~~ licensed teachers and will not require a waiver as long as they are teaching at the grade level or the specific subject for which they are licensed.

5.00 APPROVAL PROCEDURES AND REPORTING OF WAIVERS

- 5.01 Superintendents may apply for a waiver from the Arkansas Department of Education if the requirement imposes an undue hardship on the school district.
- 5.02 ~~Written letters of application for~~ A waivers application shall be submitted to the Assistant ~~Director of Accountability~~ Commissioner for Human Resource/Licensure as soon as an undue hardship is determined by the superintendent. All ~~letters of applications~~ for waivers shall be reviewed by the Arkansas Department of Education. The application ~~letter~~ shall include:
- A. A listing of all teachers including Social Security numbers, current licensure area(s), out-of-area and out of grade level teaching assignment, whether the assignment requires the teacher to be Highly Qualified or not, completed Additional Licensure Plan (ALP) and all school years, employed out-of-area, or grade level.
 - B. A justification for the waiver documenting the effort of the district to find a fully licensed and Highly Qualified teacher. Districts will not have to verify re-advertising for the second and third years for a position, as long as the teacher has made adequate yearly progress on the ALP. When a waiver is requested for more than one teacher, all teachers can be listed under the justification for the waiver without a separate letter for each teacher.
 - ~~B. Documentation that a qualified teacher certified at the grade level to be assigned or certified for the subject to be assigned could not be employed.~~
 - ~~C. The length of time the teacher(s) will be teaching out of their grade level or out of their subject area.~~
 - C. Steps the The school districts is taking to correct situations where teachers are teaching out of their grade level or out of their subject area: written plan with timelines for completion of the program of study and/or specialty area assessment for becoming licensed and Highly Qualified when required.
 - D. For teachers who taught on a waiver in this subject area last year or in previous years, the district shall provide evidence of progress made by this teacher to become licensed and Highly Qualified (when required.)

- E. Districts shall apply for a waiver each year that a teacher is teaching/working out of area for a maximum of three (3) years.
 - F. Any school district that obtains a waiver shall send written notice of the assignment of a non-~~certified~~ licensed teacher to the parent or guardian of each student in that classroom no later than thirty (30) school days after the date of the assignment.
- 5.03 Upon approval of a waiver request, the Arkansas Department of Education shall issue a letter of waiver to the school district in care of the superintendent of the school district.
- 5.04 The final decision regarding the granting of the waiver shall rest with the Arkansas State Board of Education.

ARKANSAS DEPARTMENT OF EDUCATION
RULES GOVERNING THE LIFETIME TEACHING LICENSE
July 2007

1.0 REGULATORY AUTHORITY

- 1.01** These rules shall be known as the Arkansas Department of Education Rules Governing the Lifetime Teaching License.
- 1.02** These rules are enacted pursuant to the authority of the State Board of Education under Ark. Code Ann §§6-11-105, 6-17-401 et seq., and 25-15-201 et seq. and Act 169 of 2007.

2.0 PURPOSE

- 2.01** The purpose of these rules is to establish the requirements and procedures for obtaining the Lifetime Teaching License from the Arkansas Department of Education.

3.0 DEFINITIONS - For the purpose of these Rules the following definitions shall apply:

- 3.01** **Educational Setting** – The employment setting where the licensed employee works, including without limitation: public school, private school, institution of higher education, education service cooperative, Department of Education, adult education setting or other agency/organization that employs licensed teachers for educational purposes.
- 3.02** **Lifetime Teaching License** – A standard Arkansas teaching license that is reissued every five (5) years without the teacher having to meet the general renewal requirements of professional development and teaching experience.
- 3.03** **Professional Development** – A coordinated set of planned, learning development activities for teachers that are based on research, are standards-based and that meet the focus areas for professional development required by the Department of Education.
- 3.04** **Teaching Experience** – The experience gained while working in an educational setting as a teacher, librarian, counselor, administrator, educational consultant, substitute teacher or other licensed position.

4.0 ELIGIBILITY REQUIREMENTS FOR OBTAINING THE LIFETIME TEACHING LICENSE

4.01 Applicants for the Lifetime Teaching License shall meet the following eligibility requirements:

4.01.1 Hold a current, standard Arkansas teaching license;

4.01.2 Be over sixty-five (65) years of age; and

4.01.3 (a) Have worked in an educational setting while maintaining an Arkansas teaching license, or

(b) Have made significant contributions to education, educational research, or the profession of teaching through scholarly endeavors, teaching experience, excellence in teaching or educational innovation;

4.02 An applicant shall apply for the Lifetime Teaching License within twelve (12) calendar months after his or her sixty-fifth birthday.

4.03 Applicants are subject to a criminal background check upon application for the Lifetime Teaching License.

4.03.1 The required background check cannot be older than one year at the time of application

5.0 GENERAL POLICIES AND PROCEDURES RELATING TO THE LIFETIME TEACHING LICENSE

5.01 The Lifetime Teaching License shall be issued upon:

5.01.1 The submission of a completed application requesting the Lifetime Teaching License to the Office of Professional Licensure at the Arkansas Department of Education.

5.01.1.1 Applications for the Lifetime Teaching License shall not be submitted prior to July 1, 2008.

5.01.1.2 The Arkansas Department of Education shall promulgate and make available the for application form for use by applicants for the Lifetime Teaching License.

5.01.2 The eligibility requirements in Section 4.0 of these rules.

5.01.3 The application being approved by the Arkansas State Board of Education.

5.02 The Lifetime Teaching License shall reflect the applicant's licensure areas at the time of the application.

- 5.03** A teacher holding a Lifetime Teaching License is not required to renew their teaching license.
- 5.04** The Lifetime Teaching License shall be re-issued every five years as long as the license has not been suspended or revoked by the Arkansas State Board of Education.
- 5.05** A Lifetime Teaching License is subject to the same laws for revocation as any Arkansas teaching license.
- 5.06** A lifetime teaching license holder is not subject to the requirements for annual professional development unless employed pursuant to Subsection 6.02 of this rule.

6.0 EMPLOYMENT OF LIFETIME TEACHING LICENSE HOLDERS

- 6.01** A lifetime teaching license holder is eligible to serve a school district , educational services cooperative or Arkansas Department of Education (ADE) in the following capacities:
- 6.01.1** Substitute teacher
 - 6.01.2** Tutor
 - 6.01.3** Pathwise Mentor
 - 6.01.4** Pathwise Monitor
 - 6.01.5** Praxis III Assessor
 - 6.01.6** Praxis III Assessor Trainer
 - 6.01.7** Test Investigator
 - 6.01.8** Scholastic Audit Consultant
 - 6.01.9** Others as defined by the Department
- 6.02** A lifetime teaching license holder who becomes employed full-time or part-time by a school district, educational services cooperative or the Department in a position for which sixty(60) hours of professional development is required annually, shall participate in the professional development programs as required by the employing school district, cooperative or Department.
- 6.02.1** A lifetime teaching license holder who has not taught or been employed in an educational setting for which a license is required for one (1) or more years shall be required to provide the Department verification of twenty (20) hours of relevant professional development prior to reentering the educational setting.

Arkansas Department of Education
Rules Governing Eligibility and Financial Incentives
For Arkansas Leadership Academy Master School Principal Designation
Proposed July 9, 2007

1.0 Regulatory Authority

1.01 These rules shall be known as the Arkansas Department of Education (Department) Rules Governing the Arkansas Leadership Academy Master School Principal Designation (Master Principal Program).

1.02 These rules are enacted under the Arkansas State Board of Education's (State Board) authority pursuant to Act 44 of the 2nd Extraordinary Session of 2003 Ark. Code. Ann. § 6-11-105, 6-17-1601 et seq. And 25-15-201 et seq.

2.0 Purpose

2.01 There are two (2) purposes of these rules.

2.01.1 The improvement of student learning by strengthening principal leadership and to encourage principals to participate in and complete Master School Principal Program by authorizing the Department to pay full incentive bonuses to participants and by establishing eligibility requirements; and

2.01.2 The establishment of the mechanism for the payment to principal participants, as determined by the amount of funding available for the program

3.0 Definitions

For the purposes of these rules, the following terms shall mean:

3.01 Building Level Administrator" means a principal who is required to hold a standard building-level administrator license from the Department and who serves as a full-time school principal in an Arkansas public school.

3.02 High-need school salary bonus" means an annual bonus to master principals serving as a principal of a public school in phase two (2) or phase three (3) school improvement status or of a public school located in a school district which is in academic distress;

3.03 Hold-back longevity bonus" means a portion of the high-need school salary bonus held back to be paid at the end of three (3) years and five (5) years of serving as a principal of the same public school in phase two (2)

or phase three (3) school improvement status, or of a public school which is located in a school district in academic distress.

3.04 Incentive bonus” means a bonus paid to master principals serving as a principal of any public school in the state. It is a one-time bonus given during the school year beginning with the first complete school year after an individual first obtains Master School Principal Designation. The amount is \$9,000 per year for no more than five (5) years as long as the principal serves as a full-time school principal in an Arkansas public school. The lifetime maximum amount for any one principal is \$45,000. This provision shall apply only to the extent that necessary funds are appropriated to the Department.

3.05 Successful completion” of the Master School Principal Designation process is defined as officially being recognized as a Master School Principal by the Arkansas Leadership Academy.

3.06 “The Arkansas Leadership Academy” is defined as a collaborative partnership which identifies and designates principals who meet rigorous standards by effectively demonstrating student learning in their schools as well as demonstrating high levels of knowledge, skills, dispositions, and commitments reflected in the following five core areas:

3.06.1 Building and Sustaining Accountability Systems

3.06.2 Building and Maintaining Collaborative Relationships

3.06.3 Leading and Managing Change

3.06.4 Developing on Deep Knowledge of Teaching and Learning

3.06.5 Creating and Living the Mission and Vision

4.0 Selection Process and Requirements

4.01 Application and Criteria for Selection to the Master Principal Academy:

4.01.01 All Arkansas public school building level principals with three (3) years experience as a building principal and who holds a standard building level administrator’s license may apply.

4.01.02 Selection of participants for Phase 1 will be based on responses to the application and on a balance of demographic information.

4.01.03 Selection of participants for Phase II and Phase III shall be based on evidence presented showing implementation of knowledge and

skills in the principal's school and based on criteria in the scoring guides.

4.01.04 Current Principal Institute graduates will have two (2) years to present evidence of success in Phase I performance areas and complete the required Phase I assessments to apply for Phase II.

4.01.05 Principals completing Building Level Administrator Licensure requirements, under the current performance-based licensure system, will have the opportunity to present evidence of success in Phase I performance area and complete the required Phase I assessments to apply for Phase II.

4.01.06 Time for completion will be flexible. Principals will have up to two (2) years to complete the assessments for each phase for a maximum time of six (6) years to complete the process.

4.01.07 Applications for Phase I will be mailed to each school district and will be available on-line the Arkansas Leadership Academy web page; www.arkansasleadershipacademy.org.

4.02 Qualified applicants will establish eligibility for receipt of the "incentive bonus" referenced in Section 3.04 of these rules by submitting to the Department, on an annual basis, proof of:

4.02.01 Receiving the official Master School Principal Designation from the Arkansas Leadership Academy;

4.02.02 At the time of receiving the bonus, being employed full-time as a building-level principal in an Arkansas public school district;

4.02.03 Not having received the \$9,000 annual incentive bonus for more than four (4) years.

5.0 Payment of Fees and Bonuses

5.01 The Department of Education shall pay the \$9,000 annual incentive bonus to the school district which employs the recipient of the bonus, for payment to the recipient.

5.02 The Department shall pay any Master School Principal Designee who is employed in an Arkansas public school district as a full-time school-building principal in accordance with Section 3.04-4.02.03 of these rules as a bonus in the first school-year after designation and a yearly bonus for each of the four (4) additional years of eligibility.

- 5.03 The Department shall pay a high-need salary bonus of twenty-five thousand dollars (\$25,000) for every school year for no more than five (5) years to any building level principal who:
- 5.03.01 Receives a master principal designation from the Arkansas Leadership Academy
 - 5.03.02 Employed full time as a building level principal at the time of receiving the bonus in an Arkansas public school district that is or was:
 - 5.03.02.1 In a public school in phase 2 or phase 3 of school-improvement status at the time that the master school principal *began* his or her employment as a principal of the school, or
 - 5.03.02.2 In a public school whose school district is in academic distress at the time the principal *began* his or her employment as a principal of the school.
- 5.04 The high-need salary bonus described in 5.03 shall be paid as follows:
- 5.04.01 Twenty thousand dollars (\$20,000) for each school year; and
 - 5.04.02 An additional five thousand dollars (\$5,000) to be set aside for each qualifying school year to be paid as follows:
 - 5.04.02.1 A hold-back longevity bonus of fifteen thousand dollars (\$15,000) at the end of three (3) consecutive school years as a master school principal in the same school; and
 - 5.04.02.2 A hold-back longevity bonus of ten thousand dollars (\$10,000) at the end of five (5) consecutive school years as a master school principal in the same school.
- 5.05 The high-need school salary bonus with the hold-back longevity bonus payable under this section shall be paid in addition to the five-year incentive bonus allowed in 5.01., if the master principal is within the timeframe for eligibility for the five-year incentive bonus.
- 5.06 No person shall receive either a yearly incentive bonus, a salary bonus, or a longevity bonus regardless of the person's past participation in the Master School Principal Program, if the person leave the full-time employments as a principal of an Arkansas public school district.
- 5.07 No increase in the starting or yearly bonus is retroactive. (This excludes those recipients prior to rule implementation.)

6.0 Repayment of Yearly Incentive Bonus

6.01 Repayment of state funds for the Arkansas Leadership Academy Master School Principal is required if a recipient:

6.01.01 does not complete the school-year in which the bonus was received as a full-time school-building principal. The repayment amount shall be prorated for the time not served.

6.02 The State Board can revoke a building-level administrator license for failure to repay state funds.

7.0 Monitoring

7.01 The local public school district that employs a Master School Principal must verify to the Department annually the employment status of that principal for each year of the five-year annual incentive bonus eligibility.

7.02 No person shall receive a yearly bonus if the person leaves the full-time employment of an Arkansas public school district; becomes employed as a district-level, central office administrator; is employed by an Arkansas institution of higher education; or is employed by an education service cooperative and does not serve in a school with students.

8.0 Funding

8.01 To the extent funds as provided for by Ark. Code Ann §6-17-1601 et seq. are available; such funds may be used to fund the incentive bonus, high-need salary bonus, and hold-back longevity bonus.

ARKANSAS DEPARTMENT OF EDUCATION
RULES ~~AND REGULATIONS~~
GOVERNING WAIVERS FOR SUBSTITUTE TEACHERS
Proposed July 9, 2007

1.00 REGULATORY AUTHORITY

- 1.01 These ~~regulations~~ rules shall be known as the Arkansas Department of Education (ADE) ~~Regulations~~ Rules Governing Waivers for Substitute Teachers.
- 1.02 These rules ~~regulations~~ are enacted pursuant to the State Board of Education's authority under Act 1382 of 1999, Ark. Code § 6-15-1004 and § 6-15-1004 (e).

2.00 PURPOSE ~~OF REGULATION~~

- 2.01 The purposes of these ~~regulations~~ rules are to improve instruction by ensuring that no class of students receives instructions from a substitute teacher(s) for more than thirty (30) consecutive school days in the same class during the year unless that teacher has a bachelor's degree awarded by an accredited college or university or has been licensed to teach by the State of Arkansas, and to establish the procedures for requesting from the State Board of Education, or its designee, a waiver for substitute teachers.

3.00 DEFINITIONS- For the purpose of these Rules ~~and Regulations~~ the following definitions shall apply:

- 3.01 **Substitute teacher** is defined as the person who takes the place of the contracted licensed teacher on a short-term or long-term basis. Any person serving as a substitute teacher shall be a high school graduate or hold a Graduate Equivalent Degree (G.E.D.).
- 3.02 ~~Certified~~ **Licensed teacher** means any school district employee who is licensed by the ADE Professional Licensure Office.
- 3.03 **Undue Hardship Situations:** Examples of hardship situations would include:
- A. A catastrophic occurrence forces the licensed employee to be unable to fulfill his/her instructional duties.
 - B. An appropriately-licensed and appropriately-qualified employee is unavailable to fill the instructional position.

4.00 EMPLOYMENT OF SUBSTITUTE TEACHERS

4.01 Since it is sometimes necessary to utilize the services of substitute personnel, school districts should select competent individuals who can be entrusted with the instructional responsibilities of the school. As much care should be given to the recruitment, selection and utilization of those who will be used as substitutes as is given to ~~certified~~-licensed personnel.

4.02 Substitute teachers assigned to the same class for more than thirty consecutive days during a school year must hold a bachelor's degree awarded by an accredited college or university or ~~is~~ be licensed to teach by the State of Arkansas.

4.02.1 A person serving as a substitute teacher less than thirty (30) consecutive days shall be a high school graduate or hold a Graduate Equivalent Degree (G.E.D.).

4.02.2 The school district shall request a waiver to employ a substitute teacher(s) whenever a class of students will be receiving instructions from a substitute teacher or substitute teachers for longer than thirty (30) consecutive days.

4.02.2.1 School districts shall not avoid a waiver request by terminating the serves of a substitute teacher(s) prior to the thirty first (31st) day of instruction.

4.03 This provision shall not apply to non-degreed vocational-technical teachers.

5.00 APPROVAL PROCEDURES AND REPORTING OF WAIVERS

5.01 Superintendents may apply for a waiver from the State Board of Education if the requirement imposes an undue hardship on a school or district.

5.02 A written application ~~letters~~ for waivers shall be submitted to the Assistant ~~Director of Accountability~~ Commissioner for Human Resources/Licensure as soon as an undue hardship is determined by the superintendent. The application letter shall include:

- A. A justification of need for the waiver.
- B. Documentation that a currently licensed and/or personnel with a bachelor's degree is not available to be employed.
- C. Instructional area that will be assigned to the substitute teacher.

- D. The length of time the substitute will be employed.
 - E. Waivers for use of a substitute teacher(s) for longer than thirty (30) days may be granted for only one semester but may be renewed for a second semester. Such waivers are to be submitted immediately once the substitute(s) have been in the classroom for thirty-one (31) days.
- 5.03 Applications for waivers shall be reviewed by the ADE.
- 5.04 Any school district granted a waiver will be reported in the Department of Education's annual school district report card.
- 5.05 The final decision regarding the granting of the waiver will rest with the Arkansas State Board of Education.

**PROPOSED RULES GOVERNING THE REQUIREMENTS AND PROCEDURES FOR
RENEWING A STANDARD ARKANSAS TEACHING LICENSE
DRAFT FOR JULY 9, 2007**

1.00 PURPOSE

- 1.01** The purpose of these rules is to establish the requirements and procedures for renewing a standard Arkansas teaching license.

2.00 REGULATORY AUTHORITY

- 2.01** These rules are promulgated pursuant to the authority of the State Board of Education under Ark. Code Ann. §§ 6-11-105, 6-17-402 (Rep1999), 25-15-201 et seq. and Acts 169 and 628 of 2007. (Supp.1999), and Ark. Code Ann. 6-17-402

3.00 DEFINITIONS- For purposes of these rules the following terms shall be defined as follows:

- 3.01 Teaching Experience-** That time period of experience gained while working in an educational setting as a teacher, librarian, counselor, administrator, educational consultant, or substitute teacher,
- 3.02 Educational Setting-** The employment setting where one is working as a teacher, librarian, counselor, administrator, educational consultant, or substitute teacher. This may be a public or private school, college/ university, educational co-op, Department of Education, adult education setting, or other agency or organization that employs licensed teachers in an educational setting.
- 3.03 Professional Development -** A coordinated set of planned, learning activities for teachers that are standards based and that meet the required Focus Areas for Professional Development and the Approved Professional Development Activities requirements as identified in the Arkansas Department of Education Rules Governing ACTAAP and the Academic Distressed Program (June 14, 2004). Professional Development (July 2005).
- 3.04 Year of Teaching Experience -** A year of teaching experience shall be a minimum of 120 days per school year or calendar year while employed in an educational setting.
- 3.05 Immediate Previous Year -** The spring and fall semester of the current calendar year, (OR) the spring semester of the current calendar year and the prior fall semester.
- 3.06 College Level Coursework-** Coursework taken from a regionally or nationally accredited college/university that is in the area of licensure (OR) professional education coursework at the current level of licensure (OR) educational technology/computer courses (OR) a combination of the above mentioned (OR) coursework taken to add additional areas to a current teaching license.

- 3.07 Grace Period-** That period of time immediately following the expiration of a standard teaching license, not to exceed one calendar year, to meet general renewal requirements without additional penalties or assessments.
- 3.08 Teacher-** An individual who holds a standard Arkansas teaching license (including expired and current), inclusive of educational administration, standard teaching areas, approvals, non-instructional student services, adult education, added endorsements and professional and technical licensure areas.
- 3.09 Automatic Renewal-** The process of renewing the standard teaching license for those teachers employed in a public school setting, who were teaching the school year prior to the expiration of their teaching license, and who have cleared at least one background check with Arkansas State Police and FBI, and who have met the requirements for professional development.

4.00 GENERAL RENEWAL REQUIREMENTS FOR A STANDARD ARKANSAS TEACHING LICENSE AND FOR A LICENSE THAT HAS BEEN EXPIRED LESS THAN ONE YEAR AND FOR RETIRED TEACHERS.

4.01 Teachers holding a current, standard Arkansas teaching license may renew that license ~~provided they~~ upon meeting the following general renewal requirements.

4.01.1 Teachers not teaching in a public school setting or teachers that have not met requirements for the automatic renewal of their teaching license shall submit an application for the renewal of their teaching license to the Office of Professional Licensure.

4.01.2 At the time of application, the teacher shall provide verification of the following requirements.

4.01.2.1 Two years of teaching experience during the previous five (5) years.
(OR)

4.01.2.2 One year of teaching experience for the immediate previous year
(OR)

4.01.2.3 Successful completion of six hours of college level coursework within the previous five (5) years.

4.01.3 A teacher may add partial years of experience over the previous five years to document the two years of teaching experience necessary to renew their teaching license.

4.01.4 Teachers shall provide verification of sixty (60) clock hours of professional development annually, beginning with the ~~2004-2005~~ 2005-2006 school year.

4.01.4.1 A teacher who retires while holding a valid teaching license shall not be required to complete approved professional development required

by these rules when applying for the renewal of their teaching license.

4.01.4.1.1 A teacher who retires while holding a valid teaching license, shall provide written documentation of retirement, from the Arkansas Teacher Retirement Office when applying for the renewal of his/her teaching license.

4.01.4.1.2 A teacher who retires while holding a valid teaching license, and returns to a licensed employment position with the public school district shall complete within the school year of the return to employment, the professional development required for the year in which the teacher returns and for each year thereafter while employed in the licensed position.

4.01.4.1.3 A retired teacher whose license has expired more than one (1) year prior to July 31, 2007, may renew his or her license upon completion of sixty (60) hours of professional development.

4.01.4.1.4 A retired teacher whose license has expired less than one (1) year prior to July 31, 2007 shall be subject to the requirements listed in subsections 4.01.4.1 and 4.01.4.1.2 of these Rules as applicable.

4.01.4.1.5 The Arkansas State Board of Education shall waive the requirements for professional development required for renewal for a retired teacher who:
i. Maintains a valid license and
ii. Reenters the educational setting prior to sixty-five (65) years of age due to a teacher shortage.

4.01.4.1.6 A retired teacher who receives a waiver under section 4.01.4.1.5 of these Rules shall participate in the staff development programs required by the school district where he or she is employed.

4.01.5 The teacher shall have successfully cleared all background checks as required by law.

4.01.5.1 Teachers who have successfully cleared the State Police and FBI background checks for licensure, shall not be subject to another background check for the renewal of their teaching license.

~~4.02 For those teachers who do not meet the general renewal requirements, a one year non-renewable provisional teaching license shall be available upon meeting the following requirements.~~

~~4.02.1 The teacher shall hold an expired standard Arkansas teaching license.~~

~~4.02.2 The teacher shall submit a completed application for the provisional teaching license to the Office of Professional Licensure.~~

~~4.02.3 The teacher shall have successfully cleared all background checks as required by law.~~

~~4.02.4 The teacher shall verify employment in an educational setting in Arkansas.~~

4.02 A one year, non-renewable provisional teaching license shall be issued to teachers that have not met general renewal requirements and to teachers whose license has been expired for less than one year, upon meeting the following requirements.

4.02.1 Submission of a completed licensure application form requesting the provisional license.

4.02.2 Teachers who have not successfully cleared the required State Police and FBI background checks shall do so.

4.02.2.1 Teachers who have successfully cleared the required State Police and FBI background checks for licensure, shall not be subject to another background check.

4.02.3 The teacher shall verify employment on the Verification of Eligibility for Provisional Licensure form.

~~4.03 Teachers not meeting general renewal requirements shall meet the following requirements when renewing a license that has been expired for less than one year.~~

~~4.03.1 Six (6) hours of college level coursework when experience cannot be verified for two (2) of the previous five (5) years or for the immediate previous year prior to expiration of a license.~~

~~4.03.2 Sixty (60) clock hours of professional development~~

~~4.03.3 Teachers employed under a one year, non-renewable provisional license shall submit a completed application requesting the provisional license be converted to a standard teaching license.~~

4.03 The one year, non-renewable provisional teaching license, shall be converted to the five year standard teaching license upon meeting the following requirements

4.03.1 Submission of a licensure application form requesting the provisional teaching license be converted to the standard teaching license.

4.03.2 Document the completion of six (6) hours of college level coursework during the previous five years.

AND/OR

4.03.3 Written verification of completion of sixty (60) hours of professional development that was completed within one year of applying for the renewal of the teaching license, or within the year of provisional licensure if a provisional license was issued for employment.

5.00 REQUIREMENTS FOR THE RENEWAL OF A STANDARD TEACHING LICENSE THAT HAS BEEN EXPIRED FOR ONE (1) YEAR OR LONGER.

5.01 Teachers holding a standard teaching license that has been expired for one (1) year or longer, shall have their license renewed provided they meet the following renewal requirements:

5.01.1 The teacher shall submit a completed application for the renewal of the teaching license to the Office of Professional Licensure.

5.01.2 ~~The teacher shall have successfully cleared all background checks as required by law.~~

Teachers shall successfully clear at least one State Police and FBI background check for their teaching license.

5.01.2.1 Teachers who have successfully cleared the required State Police and FBI background checks for licensure shall not be subject to another background check for the renewal of their teaching license.

5.01.3 Teachers who have successfully completed a specialty area assessment in at least one licensure/endorsement area shall complete the following requirements:

5.01.3.1 Successfully complete the current state required specialty area assessment in at least one licensure/endorsement area.

5.01.3.1.1 Teachers who have successfully completed the current Praxis II Specialty Area assessment for a licensure/endorsement area shall not be allowed to retake that assessment to meet renewal requirements.

OR

5.01.3.1.2 Successfully complete six hours of college level coursework from a nationally/regionally accredited college or university.

5.01.4 Teachers who have never successfully completed a specialty area assessment in at least one licensure/endorsement area shall successfully complete the current, state required specialty area assessment in at least one of their licensure/endorsement areas and successfully complete the current state required pedagogy assessment at their level of licensure. When the teacher holds licensure at different levels, they may complete the pedagogy assessment at the level of their choice.

5.01.5 Teachers whose license expired after 2005, shall provide verification of sixty (60) clock hours of professional development completed within one year of application for renewal or within the year of provisional licensure if a provisional license is issued for employment.

5.01.6 A one year, non-renewable provisional teaching license shall be available for teachers not meeting general renewal requirements, and whose standard Arkansas license has been expired for one year or longer upon meeting the following requirements.

~~**5.01.6.1** The teacher shall hold an expired, standard Arkansas teaching license.~~

5.01.6.1 The teacher shall submit a completed application for the provisional teaching license to the Office of Professional Licensure.

5.01.6.2 The teacher shall have successfully cleared the State Police and FBI all background checks as required by law.

5.01.6.2.1 Teachers who have successfully cleared the required State Police and FBI background checks for licensure, shall not be subject to another background check.

~~**5.01.6.3** The teacher shall verify employment in an educational setting in Arkansas on the Eligibility for Provisional Licensure form.~~

5.02 The one year, non-renewable provisional teaching license shall be converted to the standard five year teaching license, upon meeting the following requirements:

5.02.1 For teachers who have successfully completed a specialty area assessment in at least one licensure/endorsement area:

5.02.1.1 Submission of a licensure application form requesting the conversion of the provisional teaching license.

AND

5.02.1.2 Verification of having successfully completed the required specialty area assessment.

OR

5.02.1.3 Verification of having successfully completed the six (6) hours of college level coursework.

AND

5.02.1.4 Verification of having completed sixty (60) hours of professional development within one year of application for renewal or within the year of provisional licensure if a provisional license is issued for employment.

5.02.2 For teachers who have not completed a specialty area assessment in at least one licensure/endorsement area:

5.02.2.1 Verification of having successfully completed the required specialty area assessment.

AND

5.02.2.2 Verification of having successfully completed the required pedagogy assessment at their level of licensure.

AND

5.02.2.3 Verification of having completed sixty (60) hours of professional development within one year of application for renewal or within the year of provisional licensure if a provisional license is issued for employment.

6.00 POLICIES AND PROCEDURES FOR RENEWAL OF A QUALIFIED CANDIDATE'S STANDARD ARKANSAS TEACHING LICENSE

6.01 The Arkansas standard teaching license shall be renewed for a period of five years.

6.02 The effective date of a renewed teaching license shall be January 1 of the year following the expiration date of the license. See section 6.11

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July 9, 2007*

- 6.03** The effective date of a renewed teaching license that has been expired longer than one year shall be January 1 of the year renewed.
- 6.04** A one year non-renewable provisional teaching license shall be available for teachers that have not met general renewal requirements, ~~and~~ hold an expired teaching license, and are employed in a position by schools, and other agencies and organizations that require a current teacher license. Teachers shall have successfully cleared all background checks as required by law.
- 6.04.1** The one-year provisional teaching license shall be available to those individuals employed as Teachers, Pathwise Mentors, Pathwise Monitors, Praxis III Assessors, Praxis III Assessor Trainers, Test Investigators, Scholastic Audit consultants, and others as defined by the Arkansas Department of Education.
- 6.05** The effective date of a one-year, non-renewable, provisional teaching license shall be the hire date as documented by the employer.
- 6.06** The expiration date of a one-year, non-renewable, provisional teaching license shall be one year from the hire date.
- 6.07** The expiration date of a renewed standard teaching license shall be December 31st of the fifth year.
- 6.08** Individuals not teaching in a public school setting or individuals that have not met requirements for the automatic renewal of their teaching license shall submit an application for the renewal of their teaching license to the Office of Professional Licensure.
- 6.09** Teachers applying for the renewal of their teaching license shall have successfully cleared all background checks as required by law.
- 6.10** There shall be a grace period immediately following the expiration of a standard teaching license, not to exceed one calendar year, to meet general renewal requirements without additional penalties or assessments.
- 6.11** Applications for the renewal of a standard Arkansas teaching license may be submitted to the Office of Professional Licensure as early as January 1 of the year of expiration.
- 6.12** Coursework used for the renewal of a standard teaching license shall be college level and from a regionally/nationally accredited college/university. The coursework shall be in the licensure area(s) held by the teacher (OR) professional education courses at the level of licensure held by the teacher (OR) basic computer/education technology courses (OR) coursework taken to add additional areas to a standard teaching license.

- 6.13** Documentation of experience for renewal purposes shall be provided by a public school superintendent, director of human resources, or director of other agency/organization employing licensed teachers.
- 6.14** Documentation of the required professional development for the renewal of a teaching license shall be provided by a public school superintendent, human resources director, or director of other agency/ organization employing licensed teachers.
- 6.15** Teachers that did not meet renewal requirements that were established under Annotated Code § 6-17-601 and 6-17-602 shall meet the renewal requirements that will be required of all teachers and shall be eligible for a one-year provisional teaching license.
- 6.16** The Office of Professional Licensure, as authorized by the State Board of Education, reserves the right to amend and/or rescind any Arkansas teaching license that has been issued in error.
- 6.17** Teachers shall not lose areas or levels of licensure at renewal as a result of transitioning to the new areas and levels of licensure.
- 6.18** Professional development required for the renewal of a standard teaching license shall not be in addition to professional development required to meet standards for accreditation.
- 6.19** Teachers shall be able to add partial years of experience during the previous five years to meet the general renewal requirements.
- 6.20** Professional development shall be required for the renewal of a standard teaching license.

Arkansas Department of Education
 Rule Governing Waivers of the Earnings Limitations
 Under the Teacher Retirement System
July 9, 2007

1.00 Legislative Authority

- 1.01 These regulations shall be known as the Arkansas Department of Education (ADE) Rules Governing Waivers of the Earnings Limitations Under the Teacher Retirement System.
- 1.02 These regulations are enacted pursuant to the State Board of Education’s authority under Ark. Code Ann. §§ 24-7-708(f), ~~Ark. Code Ann. § 24-7-502, and Ark. Code Ann. § 6-11-105, and Act 911 of Regular Session 2005, 25-15-201 et. seq. and Acts 612 and 698 of 2007.~~

2.00 Purpose

It is the purpose of these regulations to establish the conditions and procedures for requesting from the Board of Trustees of the Teacher Retirement system, or its designee, a Waiver of the Earnings Limitation under Ark. Code Ann. § 24-7-708 (f) and Ark. Code Ann. § 24-7-502, and ~~Act 911 of Regular Session 2005-Acts 612 and 698 of 2007.~~

3.00 Definitions

- 3.01 Academic Distress: Means any public school district failing to meet the minimum level of academic achievement on the state mandated criterion-referenced examinations as required by the state board pursuant to Ark. Code Ann. §6-15-419(28).
- 3.02 Critical Academic Areas: Academic areas identified annually by the State Board of Education as being critical academic teacher shortage areas.
- 3.03 Commissioner: The Commissioner of the Department of Education.
- 3.04 Earnings Limitation: As outlined in Arkansas Code Ann. § 24-7-708, the maximum amount that a retirant employed by a public employer whose employees are covered by the Arkansas Teacher Retirement System can earn during a twelve-month period ending June 30. The earnings limitation rate is established annually by the Arkansas Teacher Retirement System Board of Trustees.
- 3.05 Fiscal Distress: Means a public school district determined by the department and classified by the State Board of Education as being placed in fiscal distress status pursuant to this subchapter; Ark. Code Ann. §6-20-1903.
- 3.06 Standard of Accreditation Probationary Status: Means that status assigned to any public school district or school that is deemed by the State Board of Education to have failed to meet the Arkansas Standards of Accreditation beyond a citation violation pursuant to Ark. Code Ann. § 6-15-201 et seq.
- 3.07 Retirant: A person currently receiving retirement benefits from the Arkansas Teacher Retirement System.

- 3.08 Waiver: An approval of a set of conditions under which a retirant will not be held to the Earnings Limitation as defined by the Arkansas Teacher Retirement System Board of Trustees.
- 4.00 Waivers for the Earnings Limitations may be requested under the following conditions:
- 4.01 A school district which is without a superintendent due to a reconstitution or reorganization of a public school district as allowed in Ark. Code Ann. § 6-15-201 et seq., Ark. Code Ann. § 6-15-401 et seq., or § 6-20-1901 et seq., following an appropriate determination by the State Board of Education that:
- 4.01.1 the public school district has failed to meet the standards of accreditation pursuant to Ark. Code Ann. §6-15-201 et seq.; or
- 4.01.2 the public school district is in academic distress status for failing to meet the minimum level of academic achievement on the state mandated criterion-referenced examinations as required by the State Board of Education pursuant to Ark. Code Ann. §6-15-401 et seq.; or
- 4.01.3 the public school district is in fiscal distress status pursuant to Ark. Code Ann. §6-20-1901 et seq.; and
- 4.01.4 an appropriately qualified applicant, as determined by the Department of Education, who is not an ATRS covered-retirant is not available to be employed.
- 4.02 A school district desires to hire a retirant to teach in one of the critical academic teacher shortage areas identified by the State Board of Education.
- 5.00 Limitations
- 5.01 Waivers of earnings limitations will be requested annually and shall be effective until the end of that fiscal year.
- 5.02 A Waiver of Earnings Limitation must be requested within thirty days of employment.
- 5.03 To be eligible for an Earnings Limitation Waiver under § 4.02 of this rule, the retirant must be certified in the content area assigned.
- 5.04 Waiver of Earnings Limitation may only be granted due to a teacher shortage in a critical academic content area in a public school district as allowed in § 4.02 or due to a vacancy in a superintendent's position in the situation of a reconstitution or reorganization of a public school district as allowed in § 4.01 of this rule.
- Waivers of Earnings Limitations may be requested and renewed annually for up to a total of ~~three (3)~~ six (6) years for each individual retirant
- 5.05 A member of the Arkansas Teacher Retirement System must have terminated covered employment for at least 30 days before being eligible to apply for a Waiver of the teacher retirement Earnings Limitation.

5.06 A retirant cannot be hired under the Earnings Limitation Waiver to teach the exact position vacated by the retirant to the extent that this action would violate any current existing provision and/or laws governing pension funds regulated by the Internal Revenue Service.

6.00 Procedures

6.01 Application letters requesting a Waiver of Earnings Limitation shall be submitted in writing to the Commissioner. The application letter shall include:

- a. A justification of the need for the waiver.
- b. Documentation that a currently licensed and/or appropriately qualified applicant who is not a retirant was not available to be employed.
- c. The retirant to be employed.
- d. The length of time the retirant is to be employed.

6.02 The Commissioner shall make the request for the waiver of earnings limitation to the Teacher Retirement System Board of Trustees or its designee.

6.03 No payment for services rendered by any retirant(s) under the conditions of the waiver can occur prior to the effective approval date of the Waiver of Earnings Limitation.

6.04 The final decision regarding the granting of the waiver will rest with the Board of Trustees of the Teacher Retirement System or its designee.

6.05 School districts shall maintain audit files, which list personnel receiving waivers and provide documentation regarding the justification for the waiver.

6.06 Beginning July 1, 2005, for any retirant granted an Earnings Limitation Waiver, the employer and employee contribution rate to the system on behalf of that member shall be remitted by the employer at the current rate in effect at the time of the employment.

7.0 Waivers for Retired Members of the Arkansas Teacher Retirement System Employed by the Department of Education:

7.01 A retired member entering into a position of employment with the Department of Education is exempt from Sections 5.00 and 6.00 of these Rules and shall be employed with no limitations placed on his or her earnings.

7.02 For any retired member returning to work pursuant to Subsection 7.01 of these rules, both the employer and employee contribution rate in effect at the time of employment shall be remitted to the system on behalf of the member by the employer.

**ARKANSAS DEPARTMENT OF EDUCATION
RULES AND REGULATIONS
GOVERNING PUBLIC CHARTER SCHOOLS**

~~August 8, 2005~~

June 20, 2007

1.00 Regulatory Authority

- 1.01 These rules and regulations shall be known as the Arkansas Department of Education Rules and Regulations Governing Public Charter Schools.
- 1.02 The State Board of Education enacted these rules and regulations pursuant to its authority under Ark. Code Ann. §6-23-101 et seq., as amended by Act 2005 of 2005 and Act 763 of 2007.

2.00 Purpose of Regulations

- 2.01 The purposes of these rules and regulations are to implement Ark. Code Ann. §6-23-101, et seq. and to establish the requirements and procedures for the application of a public charter school, for monitoring a school once it has been granted a charter by the State Board of Education, for renewal, modification, and revocation of a charter granted by the State Board, and for disbursing funds to a public charter school.

3.00 Definitions

For the purpose of these rules and regulations:

- 3.01 “Debt” is defined as a financial obligation incurred by a public charter school, which is due in more than 365 days.
- 3.02 “Average daily membership (ADM)” is defined as the total number of days attended plus the total number of days absent by students during the first three (3) quarters of each school year, divided by the number of school days actually taught in the school during that period of time.
- 3.03 “Local School Board” means a board of directors exercising the control and management of a public school district. In addition for the purposes of these regulations a local school board refers to the board of directors of the school district where the public charter school will be physically located.
- 3.04 “Public school district in which enrollment is likely to be affected” is defined as the school districts in the geographical area surrounding the proposed open-enrollment public charter school from which students are likely to be drawn across district lines for enrollment in the public charter school.

- 3.05 “Application” is defined as the proposal for obtaining conversion public charter school status, open-enrollment public charter school status, or limited public charter school status document presented to the State Board of Education requesting to enter into a charter that describes the school and provides all of the information required by law and the Arkansas Department of Education, in the form prescribed by the Charter School Office. The term application shall be synonymous with the term petition, and the terms are interchangeable throughout these rules. The application, in addition to any conditions or requirements agreed upon by the State Board, will serve as the terms and conditions of the charter.
- 3.06 “Letter of Intent” is defined as a written notice submitted to the Department of Education Charter School Office that a public school district or an eligible entity intends to file a charter school application. Such letter of intent shall be submitted on forms provided by the Department of Education.
- 3.07 “Eligible entity” is defined as a public or private, nonsectarian institution of higher education; a governmental entity, or an organization, which has applied for tax exempt status ~~is exempt from taxation~~ under §501(c)(3) of the Internal Revenue Code at the time of application for the open-enrollment charter. The eligible entity must have status as a tax-exempt organization under § 501(c) (3) of the Internal Revenue Code of 1986 prior to the first day of its operation with students.
- 3.08 “Charter” is defined as a performance-based contract between the State Board of Education and an approved applicant for public charter school status which exempts the public charter school from specified state and local rules, regulations, policies, and procedures for an initial five-year (5) period and ~~either converts a regular public school to a charter school~~ which operates under the specific terms of a charter granted by the State Board of Education, ~~or authorizes the creation and conditional operation of an open-enrollment charter school.~~
- 3.09 “Public charter school” is defined as a conversion public charter school, an open-enrollment public charter school, or a limited public charter school.
- ~~3.09~~
- 3.10 “Open-enrollment public charter school” is defined as a public school that is operating under the terms of a charter granted by the state board on the application of an eligible entity and may draw its students from ~~across~~ any public school district boundaries in this state.
- ~~3.10~~
- 3.11 “Conversion public charter school” is defined as an existing public school which has ~~is~~ converted to a school under the terms of a charter approved by the local school board and the state board.

- 3.12 “Limited public charter school” is defined as a public school that has converted to operating under the terms of a limited public charter approved by the local school board and the state board.
- 3.13 “Founding member” is defined as any individual who is either a member or an employee of the eligible entity applying for the initial charter for an open-enrollment public charter school or a member of the initial governing non-advisory board of the open-enrollment public charter school.
- 3.14 “Parent” is defined as any parent, legal guardian, or other person having custody or charge of a school-age child.
- 3.15 “Public school” is defined as a school that is part of a public school district under the control and management of a local school board.

4.00 Observance of Anti-Discrimination Laws

- 4.01 All public charter schools shall observe and comply with all anti-discrimination law, both federal and state.
- 4.02 For the purposes of the Individuals with Disabilities Education Act (IDEA) and these rules and regulations, all public charter schools are responsible for ensuring that the requirements of IDEA are met.
- 4.03 For the purposes of Section 504 of the Rehabilitation Act and these rules and regulations, all public charter schools are responsible for ensuring that the requirements of Section 504 are met.

5.00 Application Process, Schedule, Forms and Technical Assistance

- 5.01 A procedure for establishing a public charter school shall be published by the Department of Education, as approved by the State Board of Education. If all dates and requirements in the procedures for establishing a public charter school are not strictly followed, the State Board may refuse to consider the application for a charter.
- 5.02 Application forms and other documents needed for the public charter school application process shall be provided by the Department of Education Charter School Office.
- 5.03 Any requests for technical assistance by a charter applicant shall be made to the Department of Education Charter School Office.
- 5.04 A public school district is not eligible to apply for an open-enrollment public charter.

6.00 Conversion Public Charter School – Application Approval Procedures

- 6.01 Each conversion public charter applicant must submit, by certified mail on or before the established deadline, to the Department of Education Charter School Office a letter of intent signed by the school board president.
- 6.02 Each charter applicant shall prepare an application that describes the elements of the applicant’s plan for establishing a conversion public charter school. The application shall be on a form provided by the Department of Education. If requested, the Department of Education Charter School Office shall give technical assistance in preparing the application.
- ~~6.03 The application shall be reviewed by the local board of the public school district requesting to convert an existing public school to a public charter school. The local board shall vote to approve or disapprove the application and prepare written findings. The results of the vote and the written findings shall be sent to the Department of Education Charter School Office and the applicant. If approved, the application shall be forwarded by the local board to the State Board of Education.~~
- 6.04
- 6.03 A public school application for a conversion public charter school may include, but shall not be limited to, the following purposes:
- ~~6.04.01~~
- 6.03.01 Adopting research-based school or instructional designs, or both, that focus on improving student and school performance;
- ~~6.04.02~~
- 6.03.02 Addressing school improvement status resulting from sanctions listed in Ark. Code Ann. § 6-15-207(c)(8) and 6-15-429(a) and (b); or
- ~~6.04.03~~
- 6.04.03 Partnering with other districts or schools to address students’ needs in a geographical location or multiple locations.

7.00 Responsibilities of the State Board of Education – Conversion Public Charter Schools

- 7.01 The State Board shall not approve a conversion public charter school application from a district that has not been approved by the district’s local board.
- 7.02 The Department of Education shall review the applications and present to the State Board a written evaluation of the application. A copy of the evaluation shall be sent to the applicant. The applicant will be allowed to submit a written

response to the evaluation by an established deadline. The applicant will not be allowed to supplement the original application with additional documents or new information prior to the State Board review.

- 7.03 The State Board shall review the applications for proposed public charter schools. The State Board shall vote whether or not to award charters to locally approved applications. The State Board may place conditions on the charters it awards.
- 7.04 The State Board of Education may defer the vote to approve or disapprove a charter application in order to allow a charter applicant to make modifications or receive technical assistance to correct deficiencies in the application.
- 7.05 The decision of the State Board of Education shall be final.

8.00 Open-Enrollment Public Charter School – Application Approval Procedures

- 8.01 Each open-enrollment public charter applicant must submit to the Department of Education Charter School Office a letter of intent sent by certified mail on or before the established deadline. A copy of the letter of intent shall also be sent by certified mail to each member of the local board of the public school district where the proposed public charter school will be located as well as the local school boards of public school districts in which enrollment is likely to be affected. The letter to each board member shall only be required for each school board member whose name and mailing address is provided by the superintendent of an affected school district or the Department upon request of the ~~petitioner~~ applicant.
- 8.02 Each charter applicant shall prepare an application that describes the elements of the applicant's plan for establishing a public charter school. The application shall be on a form provided by the Department of Education. If requested, the Department of Education Charter School Office shall give technical assistance in preparing the application,
- 8.03 The application shall be sent to the local board of the public school district where the proposed public charter school will be located. The applicant shall send the application by certified mail to the Superintendent of the local district. The applicant shall provide the Department of Education with verification that the required notice was sent to the local board. A copy of this same application shall be sent to the Department of Education.
- 8.04 Each open-enrollment public charter applicant shall send a copy of the application to all public school districts in which enrollment is likely to be affected by the public charter school. The application shall be sent by certified mail to the local school board(s) in care of the Superintendent(s). Documentation shall be provided to the Department of Education, in the form of copies of certified mail receipts that the applications were sent.

- 8.05 The board of the public school districts in which enrollment is likely to be affected by the proposed public charter school may review the open-enrollment public charter school application and submit any written findings or statements of the board, signed by the board president, to the Department of Education Charter School Office by an established deadline. The school board shall send a copy of the written findings or statements to the applicant by certified mail. Failure to submit this information will constitute the conclusion that the proposed public charter school will have no impact on the district.
- 8.06 The local board of the district where the proposed public charter school is to be located shall review the open-enrollment public charter school application. The local board shall vote to approve or disapprove the application and prepare written findings. The results of the vote and the written findings shall be sent by certified mail to the Department of Education Charter School Office and to the public charter school applicant by an established deadline. An affected school district may submit written comments concerning the application to the state board to be considered at the time of the state board's review of the application.
- 8.07 The applicant for an open-enrollment public charter school whose application is disapproved by the local board shall have the immediate right to proceed with a written notice of appeal to the State Board of Education. To exercise the right to appeal, the applicant must send written notice of appeal to the State Board within ten (10) calendar days after receiving notice of the local board's disapproval of the application for an open-enrollment public charter school. The notice of appeal shall be sent by certified mail to the State Board of Education and to the local board of the district where the proposed public charter school is to be located.

9.00 Responsibilities of the State Board of Education – Open-Enrollment Public Charter Schools

- 9.01 The Department of Education shall review the applications and present to the State Board a written evaluation of the application. A copy of the evaluation shall be sent to the applicant. The applicant will be allowed to submit a written response to the evaluation by an established deadline. The applicant will not be allowed to supplement the original application with additional documents or new information prior to the State Board review.
- 9.02 In the event an application is denied by the local board, the State Board shall hold a hearing within forty-five (45) calendar days after receipt of the notice of appeal at a location where all interested parties may appear and present relevant information regarding the proposed open-enrollment public charter school.
- 9.02.01 The local board and the boards likely to be affected by the proposed public charter school shall have a combined total of twenty (20) minutes to present the arguments for disapproval of the public charter

school to the State Board. Following the presentations by the public school district boards of education, the charter applicant shall have twenty (20) minutes to present its arguments to the State Board for approval of the proposed public charter school. The State Board shall follow the presentations with discussion of the charter application and possible questions to the public school board representative(s) and/or the charter applicant.

- 9.03 The State Board shall review the applications for proposed public charter schools. The Board shall vote whether or not to award charters to locally approved applications. The State Board may place conditions on the charters it awards.
- 9.04 The State Board of Education may defer the vote to approve or disapprove a charter application in order to allow a charter applicant to make modifications or to receive technical assistance to correct deficiencies in the application.
- 9.05 The decision of the State Board shall be final.

10.00 Content of Application and Charter

- 10.01 The public charter school application shall include, but is not limited to the following:
 - 10.01.01 educational mission;
 - 10.01.02 educational need;
 - 10.01.03 description of public hearing results;
 - 10.01.04 description of educational plan, which clearly addresses how the public charter school will improve student learning and academic achievement and meet or exceed state goals;
 - 10.01.05 description of governance and organizational structure;
 - 10.01.06 description of facilities to be used, location of the proposed school, and the present use of the facility and the use for the past three (3) years; and a statement of the current permissible uses from the local zoning authority
 - 10.01.07 copies of annual budget and financial plan (including all sources of funding);
 - 10.01.08 establishes the entity has applied for tax exempt status under § 501(c)(3) of the Internal Revenue Code of 1986;

~~10.01.08~~

10.01.09 agreement to provide annual report of progress toward meeting performance goals to parents, community, local board and state board;

~~10.01.09~~

10.01.10 description of admission procedure;

~~10.01.10~~

10.01.11 description of support services;

~~10.01.11~~

10.01.12 identification of regulations, if any, to be waived, with rationale for waiver request;

~~10.01.12~~

10.01.13 school calendar and school day schedule; and

~~10.01.13~~

10.01.14 description of age or grade range of pupils to be enrolled.

10.02 In addition to the requirements identified in section 10.01, an application for an open-enrollment public charter school shall include, but is not limited to, the following:

10.02.01 specification of period for which the charter or any charter renewal is valid, contingent upon acceptable student performance levels established within the state accountability system;

10.02.02 prohibition of discrimination in admission on the basis of gender, national origin, race, ethnicity, religion, disability, academic or athletic eligibility, although the charter may provide for the exclusion of a student who has been expelled from another public school district;

10.02.03 specification of the qualifications to be met by professional employees of the program;

10.02.04 description of budget process;

10.02.05 description of annual audit of financial and programmatic operations, including how the charter school will provide information needed by the public school district in which the charter school is located;

10.02.06 description of facilities to be used and its location including the terms of the facility utilization agreement if the facility for the public charter school is owned or leased from a sectarian organization;

- 10.02.07 description of geographical area, school district or school attendance area to be served by the program;
- 10.02.08 description of admission and enrollment criteria and student recruitment and selection processes, including provision for a random, anonymous student selection method if more eligible students apply for a first-time admission than the public charter school is able to accept; and
- 10.02.09 a statement that the eligible entity will not discriminate on the basis of race, sex, national origin, ethnicity, religion, age, or disability in employment decisions including hiring and retention of administrators, teachers, and other employees.

10.03 Preference for Approval of Open-Enrollment Public Charters Schools

The state board shall give preference in approving an application for a an open-enrollment public charter school to be located in any public school district:

- 10.03.1 Where the percentage of students who qualify for free or reduced price lunches is above the average for the state;
- 10.03.2 Where the district has been classified by the State Board as in academic distress under Ark. Code Ann. § 6-15-428; or
- 10.03.3 Where the district has been classified by the Department of Education as in some phase of showing the greatest need for school improvement under Ark. Code Ann. § 6-15-426 or some phase of fiscal distress under § 6-20-1902 et seq., if the fiscal distress status is a result of administrative fiscal mismanagement, as determined by the state board.

10.04 The state board may grant no more than a total twenty-four (24) charters for open-enrollment public charter schools, a charter applicant's school campus shall be limited to a single open-enrollment public charter school per charter except as allowed in Section 10.05 of these Rules.

~~10.04.1 The State Board's authority to approve the twenty-four (24) charters for open-enrollment status shall be phased in according to the following schedule:~~

10.04.1 An open-enrollment public charter school shall not open in the service area of a public school district administratively reorganized pursuant to the provisions of § 6-13-1601 et seq. until after the third year of the administrative reorganization.

~~10.04.1.1 For the 2005-2006 school year, no more than four (4) of such charters may be granted per congressional district in the state;~~

~~10.04.1.2 For the 2006-2007 school year, no more than five (5) of such charters may be granted per congressional district in the state; and~~

~~10.04.1.3 For the 2007-2008 school year, no more than six (6) of such charters may be granted per congressional district in the state.~~

10.05 In accordance with Act 2005 of 2005, the Knowledge Is Power Program instructional program is recognized as an effective method for meeting the statutory purpose and intent of Ark. Code Ann. § 6-23-101 et seq., closing the achievement gap in public schools for economically disadvantaged, racial and ethnic subgroups, Ark. Code Ann. § 6-15-401 et seq. and Ark. Code Ann. § 6-15-1601 et seq., and otherwise providing an alternative, proven, adequate and equitable education to Arkansas students.

10.05.1 Any charter applicant that receives an approved open-enrollment public charter under Section 10.04 of these rules may petition the State Board for additional licenses to establish open-enrollment public charter school in any of the various congressional districts in Arkansas provided that the applicant meets the following conditions, subject to the normal application, review, and approval process of the state board:

10.05.1.1 The approved open-enrollment public charter ~~petitioner applicant~~ is sponsored by and approved by the Knowledge Is Power Program has demonstrated success in student achievement gains, as defined by the state board; and

10.05.1.2 The approved open-enrollment public charter ~~petitioner applicant~~ has not been subject to any disciplinary action by the State Board; has not been classified as in school improvement, academic or fiscal distress; and has not had its open-enrollment public charter placed on probation, suspended or revoked; and

10.05.1.3 The State Board of Education determines in writing by majority of a quorum of the state board present that the open-enrollment public charter ~~petitioner applicant~~ has generally established the educational program results and criteria set forth subdivision Section 10.05 of these rules.

- 10.05.1.4 ~~When approving open enrollment charter applications, the State Board shall take into consideration successful instructional programs offered by traditional public schools in the jurisdiction where the open enrollment charter is proposed, so as not to replicate existing effective programs, but to offer alternative methods of delivery to serve students who are currently underserved in the traditional district.~~

11.00 Enrollment

- 11.01 Enrollment for an existing public school converted to a public charter school will be determined in the manner similar to the enrollment procedures for the school district in which the public charter school is located or similar to the enrollment procedures for district magnet schools.
- 11.02 If more eligible students apply for admission than the public charter school is able to accept, then the public charter school shall create an enrollment process based upon a random anonymous student selection method.
- 11.03 While a public charter school may operate on a traditional calendar or a year-long calendar, all public charter schools shall begin the school year in the fall.
- 11.04 Enrollment projections for open-enrollment public charter schools must be based on documentation as of July 1 of the school year.
- 11.05 An open-enrollment public charter school may allow a preference for children of the founding members of the eligible entity. The number of enrollment preferences granted to the children of founding members shall not exceed ten percent (10%) of the total number of students enrolled in the open-enrollment public charter school and siblings of students currently enrolled in the school.
- 11.06 A public charter school may allow the use of a weighted lottery in the student selection process when necessary to comply with Title VI of the federal Civil Rights Act of 1964, Title IX of the federal Education Amendments of 1972, the equal protection clause of the Fourteenth Amendment to the United States Constitution, a court order, or a federal or state law requiring desegregation, as permitted by the Charter Schools Program, Title V, Part B, Non-Regulatory Guidance of the United States of the Department of Education, July, 2004.

12.00 Funding

- 12.01 Funding for Public Charter Schools

- 12.01.01 An existing public school converted to a public charter school shall receive funds equal to the amount apportioned by the district from state and local revenue per average daily membership.
- 12.01.02 An open-enrollment public charter school shall receive funds equal to the amount that a public school would receive under 6-20-2305 (a) and (b) as well as any other funding that the public charter school is entitled to receive under law.
- 12.01.03 The initial funding estimate for an open-enrollment public charter school shall be based upon the enrollment as of July 1 30.
- 12.02 The Department of Education shall establish procedures to ensure that every public charter school receives the Federal funds for which the public charter school is eligible.
- 12.02.01 The Department of Education shall take such measures as necessary to ensure that a public charter school receives the federal funds for which the school is eligible not later than five (5) months after the public charter school first opens, notwithstanding the fact that the identity and characteristics of the students enrolling in the public charter school are not fully and completely determined until that public charter school actually opens.
- 12.02.02 The measures shall also ensure that every public charter school expanding its enrollment in any subsequent year of operation receives the federal funding for which the public charter school is eligible not later than five (5) months after such expansion.
- 12.03 The submission to an annual certified audit as required by Ark. Code Ann. §6-23-101 et seq., shall be made according to Arkansas Law and to the Department of Education fiscal regulations and time lines. Failure to submit such audit in a timely manner shall result in suspension of state aid payments until such audit is received by the Department of Education. The school's fiscal year shall run from July 1 through June 30.
- 12.04 All open-enrollment public charter schools operated by an organization exempt from taxation under Section 501(c)(3) of the Internal Revenue Code are subject to the same auditing and accounting requirements as any other public school district in the state. ~~an audit of the receipt and expenditure of state financial assistance by the Division of Legislative Audit in accordance with Act 958 of 2001.~~
- 12.05 An open-enrollment public charter school shall not use the moneys that it receives from the state for any sectarian program or activity or as collateral for debt. However, open-enrollment public charter schools may enter into lease-purchase agreements for school buildings built by private entities with facilities bonds

exempt from federal taxes under 26 USCS 142(a) as allowed by 6-20-402. No indebtedness of an open-enrollment public charter school shall ever become a debt of the state of Arkansas.

13.00 Evaluation, Monitoring and Reporting Requirements of the Public Charter Schools

13.01 The Arkansas Department of Education shall conduct an annual evaluation of all public charter schools, which shall include, but not be limited to, consideration of the following:

13.01.01 student scores under the statewide ~~on~~ assessment ~~instruments~~ program described in § 6-15-433;

13.01.02 student attendance;

13.01.03 student grades;

13.01.04 student discipline incidents

13.01.05 socioeconomic data on students' families;

13.01.06 parent satisfaction with the school;

13.01.07 student satisfaction with the schools;

13.01.08 on-site monitoring of the facility; and

13.01.09 other terms of the school's charter.

13.02 The State Board of Education may require the charter holder to appear before the state board to discuss the results of the evaluation and to present further information to the state board as the department or state board deems necessary.

~~13.02~~

13.03 As a condition of its charter, each public charter school is required to provide an annual report to parents, the community and the State Board that details its progress in meeting its academic performance objectives.

~~13.03~~

13.04 Each public charter school shall participate in the Arkansas Public School Computer Network reporting requirements.

~~13.04~~

13.05 Each public charter school shall provide to the Department of Education the same data required of other public schools, unless such data requirement is waived by the terms of the charter.

14.00 Basis and Procedure for Public Charter Modification, or Charter School Probation, Revocation, or Denial of Renewal.

- 14.01 The State Board may modify the charter of a public charter school or it may place a public charter school on probation or revoke its charter or deny renewal of its charter at any time the Board deems it necessary to do so.
- 14.02 The State Board shall notify the chief operating officer of the public charter school of the alleged violation of the school's charter or of the offense in question. The notice shall include the State Board's proposed action. The notice shall be delivered by certified mail to the chief operating officer of the public charter school.
- 14.03 The chief operating officer of the public charter school, on behalf of the charter school, may request, in writing, a hearing before the State Board.
- 14.04 The State Board shall hold a hearing, if requested, within forty-five (45) calendar days of receipt of the hearing request.
- 14.05 The hearing shall be held at the location of the regular or special meeting of the State Board of Education.
 - 14.05.01 Notice of the hearing shall be provided to the superintendent and the president of the local school board of the school district where the conversion public charter school is located or to the chief operating officer of the open-enrollment public charter school.
 - 14.05.02 The hearing shall be open to the public.
- 14.06 The decision of the State Board shall be final.

15.00 Impact on Desegregation Efforts

- 15.01 The ~~applicant petitioners for each application~~ applicant for a proposed public charter school must include a written evaluation describing the potential impact on the efforts of a public school district or districts to comply with court orders and statutory obligations to create and maintain a unitary system of desegregated public schools.
- 15.02 The local board shall also prepare a written evaluation of the potential impact the proposed public charter school will have on the efforts of the public school district or districts to comply with court orders and statutory obligations to create and maintain a unitary system of desegregated public schools. This evaluation shall be forwarded to the State Board.

- 15.03 Each application for a proposed public charter school shall be examined for its effect on the minority and majority percentages of student enrollment in the public school districts within the charter school's proposed population outreach.
- 15.04 The Department of Education shall compute the minority and majority percentages of each county's public school population and shall then compute the acceptable range of variance from those percentages for school districts within each county from which the public charter school will receive students.
- 15.05 Each application for a proposed public charter school shall be reviewed for its effect on these percentages that may be caused by:
- 15.05.01 the proposed public charter school's proposed population range;
 - 15.05.02 the size of the individual public charter school;
 - 15.05.03 the type of student population to be served; and
 - 15.05.04 the proximity of a proposed public charter school to an existing school district under desegregation obligations.
- 15.06 Each application for a proposed public charter school shall be reviewed for program and services as compared to the program and service requirements of the districts under the desegregation order.
- 15.07 Technical assistance in this review may be provided by the Department of Education's section on Accountability and its unit on Desegregation Monitoring.
- 15.08 The State Board of Education shall not approve any public charter school which hampers, delays, or in any manner negatively affects the desegregation efforts of a public school district or districts in this state.

16.0 Renewal of Charters

- 16.01 Each open-enrollment public charter schools and conversion public charter school must apply for renewal of its charter prior to expiration on a form prescribed by the Charter School Office, by a deadline set by the Charter School Office.
- 16.02 A charter may be renewed by the State Board of Education for up to a five (5) year period. The State Board may decide not to renew a charter or to renew a charter for a period less than five years.

17.0 Assets of School as Property of State

- 17.01 Upon dissolution of an open-enrollment public charter school or upon non-renewal or revocation of the charter, all net assets of the open-enrollment public

charter school, including any interest or real property, purchased with public funds shall be deemed the property of the state, unless otherwise specified in the charter of an open-enrollment charter school.

17.02 If the open-enrollment public charter school used state funds to purchase or finance personal property, real property, or fixtures for use by the open-enrollment public charter school, the State Board of Education may require that the property be sold.

17.03 The state has a perfected priority security interest in the net proceeds from the sale or liquidation of the property to the extent of the public funds used in the purchase. The open-enrollment public charter school will assume sole responsibility of all expenditures at the close of the school.

ARKANSAS DEPARTMENT OF EDUCATION
RULES AND REGULATIONS GOVERNING HOME SCHOOLS

~~September 13, 1999~~

June 2007

1.00 REGULATORY AUTHORITY

1.01 These regulations shall be known as Arkansas Department of Education Regulations Governing Home Schools.

1.02 These regulations are enacted pursuant to the State Board of Education's authority under Ark. Code Ann. §§ 6-11-105, 6-15-501 et seq., 25-15-201 et seq., and through 507 (Supp. 1997), as amended by Act 1117 of 1999 Act 824 of 2007.

2.00 PURPOSE

It is the purpose of these regulations to set reasonable guidelines for the operation of Home Schools.

3.00 DEFINITIONS

For the purpose of these rules and regulations:

3.01 A "home school" is a school ~~conducted primarily by parents or legal guardians for their own children~~ provided by a parent or legal guardian for his or her own child.

3.02 A "testing window" is an established testing calendar as determined by the Arkansas Department of Education.

3.03 "Alternate testing procedures" refers to any testing date(s) and/or location(s) within the testing window and approved by the education service cooperatives and Pulaski County school districts for home school students.

3.04 "A norm-referenced test (NRT)" is any testing instrument required by state law, rule or regulation to measure the performance/achievement of Arkansas students relative to the performance of the achievement of students who comprise the norming or standardization group for a particular commercial instrument.

3.05 An "individualized education program (IEP)" is a written record of decisions reached between parent/guardian and school personnel jointly describing the educational program for a child with a disability.

3.06 "Current school year" is the official period of time for pupil/teacher interaction within the school district policy which follows the requirements in Ark. Code Ann. § 6-10-106 (Repl. 1993) (Uniform dates for beginning and ending a school year).

4.00 GENERAL

- 4.01 Under Arkansas law children between the ages of five (5) and seventeen (17) on or before September 15 of that year, in accordance with Ark. Code Ann. § 6-18-201 (Supp. 1997), as amended by Act 570 of 1999 must attend school.
- 4.02 A parent/guardian who intends to home school a child in accordance with Ark. Code Ann. § 6-18-201 [as amended] must enroll the child in a home school at the beginning of each school year but no later than August 15 for the fall semester, or by December 15 for the spring semester, or, subject to the provisions of Sections 4.03 and 4.04, fourteen (14) calendar days prior to withdrawing. The superintendent or local school board may waive the fourteen (14) day waiting period.
- 4.03 No public school student shall be eligible for enrollment in a home school if the student is currently under disciplinary action for violation of any written school policy including, but not limited to, excessive unexcused absences. Exceptions to this requirement are outlined in Section 4.04.
- 4.04 Public school students who are under disciplinary action by the local school district shall be eligible for enrollment in a home school if:
 - 4.04.1 the superintendent or local school board chooses to allow the child to enroll in a home school;
 - 4.04.2 the disciplinary action against the student has been completed or at the end of a school semester, whichever occurs first; or
 - 4.04.3 the student has been expelled.
- 4.05 Parent/guardian may elect for a child, who will not be kindergarten age in accordance with Ark. Code Ann. § 6-18-201, [as amended], not to attend kindergarten by filing a Kindergarten Waiver form with the local school district office.
- 4.06 Home school students who enroll in a public, private or parochial school during the time they are home schooling cannot re-enter home schooling until new Notice of Intent and Waiver forms are completed and returned to the local school district.
- 4.07 Home school students who are in the required grade levels for which the state mandates norm-referenced testing and who are no more than two (2) years beyond the normal age for the required grade levels must take a standardized norm-referenced test as identified by the Arkansas Department of Education, and the results will be used for reporting purposes only.

- 4.08 Any student who refuses to participate in the required testing program shall be subject to the applicable Arkansas laws regarding truancy. This Section shall not be applicable to any parent that can present written acknowledgement that their child has been enrolled in a public, private or parochial school within thirty (30) days of the administration of the state-mandated tests.
- 4.09 Books, curricula or materials are not required to be furnished by the Arkansas Department of Education, local school district or education service cooperative. It is the responsibility of the parent/guardian to purchase all books, curricula or materials that they use in home schooling.

5.00 NOTICE OF INTENT

- 5.01 Parents or Guardians who plan to home school must file written notice by completing and returning the printed current year Notice of Intent and Waiver forms to the public school superintendent's office of their local school district by August 15 for the beginning of each school year, or by December 15 for the spring semester, or, subject to the provisions of Sections 4.03 and 4.04, fourteen (14) calendar days prior to withdrawing the child from the local school district during the school year. Parents or guardians must sign a waiver acknowledging that the State of Arkansas is not liable for the education of their child(ren) during the time that parent chooses to home school. The Notice of Intent and Waiver forms are valid for the entire school year if filed at the beginning of the school year or for the remainder of the school year if filed during the school year. There are no exceptions to these filing requirements except as outlined in 5.02.
- 5.02 Parents or guardians moving into a school district during the school year must file the current year printed Notice of Intent and Waiver forms with their local public school superintendent's office within thirty (30) calendar days of establishing residency within the district.
- 5.03 The required Notice of Intent and Waiver forms must be the printed current year forms obtained from your local superintendent's office and must include the following information for reporting and test administration purposes only:
- 5.03.1 The name, date of birth and grade level of each child and the name and address of the public, private, home school or parochial school last attended, if any, for each student.
 - 5.03.2 The location of the home school (mailing address).
 - 5.03.3 A brief description of the basic core curriculum to be used and the subjects to be taught.
 - 5.03.4 Schedule of instruction to be followed (hours per day; days per week; number of weeks).

- 5.03.5 The education qualifications of the parent/guardian/teacher(s).
- 5.03.6 Parents or guardians shall deliver written notice in person to the superintendent of their local school district the first time such notice is given.

6.00 TESTING REQUIRED – ACHIEVEMENT TESTS

- 6.01 Test administration of home school students shall be under the direction of the education service cooperatives and the Pulaski County school districts. Achievement testing will be held during the testing window identified by the Arkansas Department of Education.
- 6.02 The education service cooperatives and Pulaski County school districts will ensure that all test materials are secure before testing, between and following test administration and provide the Arkansas Department of Education, for approval by the Director, with a common set of procedures for test administration of home school students in the required grade levels. These common set of procedures must include security measures to ensure that appropriate testing conditions and protocol have been followed as specified in the test administration materials.
- 6.03 Each student enrolled in home school who is considered to be in the required grades or no more than two (2) years beyond the age appropriate grade will be tested by using the State identified norm-referenced achievement test.
- 6.04 Parents/guardians or groups of home school parents/guardians requesting alternate testing procedures, protocols, locations and/or timeframe must be submitted in writing three (3) weeks prior to the testing window to the education service cooperatives or the Pulaski County school districts and testing must remain within the State identified testing dates. If approved, alternate testing procedure costs, other than the testing materials, shall be the responsibility of the parent/guardian.
- 6.05 Alternate testing procedures and protocol will be arranged by the education service cooperatives and Pulaski County school districts.
- 6.06 Requests from parent/guardian whose child(ren) cannot test on Saturdays due to religious reasons will be accommodated. Parent/guardians must indicate in the appropriate section at the time they file their Notice of Intent that their child(ren) cannot test on Saturdays due to religious reasons.

7.00 TEST RESULTS

Test results for home school students will be used for reporting purposes only. The parent/guardian will receive the individual student profile. The Arkansas Department of Education will receive the administrative summaries. The administrative summaries will not contain personally identifiable information.

8.00 TRANSFER OF STUDENTS

- 8.01 Students transferring from a home school to a school which is accredited by the Arkansas Department of Education shall be evaluated by the staff of the accredited school to determine proper placement. As part of the ongoing assessment process, a State identified norm-referenced achievement test shall be one of the instruments utilized.
- 8.02 Home Schools are not accredited by the Arkansas Department of Education. There are no grades, credits, transcripts or diploma provided by the Arkansas Department of Education, education service cooperative or by the local school district for students enrolled in home school.
- 8.03 Any home school student who re-enters a local school district must attend classes for at least nine (9) months immediately prior to graduation before the student can become eligible to receive a high school diploma from the local school district.

9.00 STUDENTS WITH DISABILITIES

- 9.01 By way of these regulations, it shall be the policy of the State Board of Education that school districts provide a genuine opportunity (see 34 C.F.R. Sec. 76.651(a)) to students who are home-schooled with disabilities, as defined in state regulations, to access special education and related services from the district where they reside. This policy is not to be construed as conferring the procedural protections and rights under Part B of the Individuals with Disabilities Education Act (IDEA) to such students and their parent/guardians.
- 9.02 Each student with disabilities in the required grades who participates in the norm-referenced testing program shall, upon notification in the application for testing, be eligible for any or all modifications allowed by the test procedures. The use of such modifications will be approved by the educational services cooperative director or his designee.

10.00 DRIVER'S PERMIT/LICENSE

A student enrolled in a home school shall present proof of home schooling in the form of a notarized copy of the Notice of Intent along with an application for an instructional permit or drivers license. The parent/guardian has the responsibility of providing the notarized copy.

Arkansas Department of Education
Proposed Rules Governing the Distribution of Student Special Needs Funding
and the Determination of Allowable Expenditure of Those Funds
~~November 13, 2006~~

1.00 Authority

- 1.01 The Arkansas State Board of Education’s authority for promulgating these Rules is pursuant to Ark. Code Ann. §§ 6-11-105 and 6-20-2305 and ~~Act 30 of the First Extraordinary Session of 2006~~ Acts 811 and 1590 of 2007.
- 1.02 These Rules shall be known as the Arkansas Department of Education Rules Governing the Distribution of Student Special Needs Funding and the Determination of Allowable Expenditures of Those Funds.

2.00 Purpose

- 2.01 The purpose of these Rules is to distribute student special needs funding and define the allowable expenditures of those funds.

3.00 Definitions – For purposes of these Rules, the following terms mean:

- 3.01 “Alternative Learning Environment (ALE)” is a student intervention program in compliance with Ark. Code Ann. §§ 6-18-508 and 6-18-509 and these Rules that seeks to eliminate traditional barriers to student learning.
- 3.02 “Average Daily Membership (ADM)” is the total number of days of school attended plus the total number of days absent by students in grades kindergarten through twelve (K-12) during the first three (3) quarters of each school year divided by the number of school days actually taught in the school district during that period of time rounded up to the nearest hundredth.
- 3.02.1 In those instances in which the ADM for less than three (3) quarters is specified, the number of days used in the calculation shall be the days in the specified period of time.
- 3.02.2 As applied to these Rules, students who may be counted for ADM are:
- 3.02.2.1 Students who reside within the boundaries of the school district and who are enrolled in a public school operated by the school district.
- 3.02.2.2 Legally transferred students living outside the school district but attending a public school in the school district under a provision of the Arkansas Code or Rules.
- 3.02.2.3 Students who are eligible to attend and reside within the boundaries of a school district and who are enrolled in the Arkansas National Guard Youth Challenge Program, so long as the students are participants in the program.
- 3.03 “Classroom Teacher” is an individual who is required to hold a teaching license from the Arkansas Department of Education (Department) and who is working

directly in instruction with students in a classroom setting for more than seventy percent (70%) of the individual's contracted time; a guidance counselor; or a librarian.

- 3.04 “English Language Learners (ELL)” are students identified by the State Board of Education (State Board) as not proficient in the English language based upon approved English proficiency assessment instruments administered annually in the fall of the current school year, which assessments measure oral, reading, and writing proficiency.
- 3.05 “Eligible Alternative Learning Student” is a student who meets the qualifications of 4.01, is in a program that meets the qualifications of 4.02, has attended an eligible ALE for a minimum of twenty (20) days per school year and meets the requirements outlined in Section 4.
- 3.06 “NSLA” - National School Lunch Act.
- 3.07 “National School Lunch Students” are those students from low socio-economic backgrounds as indicated by eligibility for free or reduced-priced meals under the National School Lunch Act as determined on October 1 of the previous school year, unless the district participates in the NSLA Provision 2 Program.
- 3.08 “Previous Year” is the school year immediately preceding the school year in which funds are allocated.
- 3.09 “Professional Development” is a coordinated set of planned learning activities for school teachers and administrators that are based on research, are standards-based and continuous.
- 3.09.1 Professional development shall result in individual, school-wide, and district-wide improvement designed to ensure that all students demonstrate proficiency in the state academic standards.
- 3.09.2 Professional Development includes Activities and materials for paraprofessionals and school bus drivers.
- 3.10 “Provision Two (2) School District” is a school district participating in the National School Lunch Program under 42 U.S.C. § 1759a, as interpreted in 7 C.F.R. § 245.9.
- 3.11 “School District” is a geographic area with an elected board of directors that qualifies as a taxing unit for purposes of *ad valorem* property taxes under Ark. Code. Ann. § 26-1-101 et seq. and which board conducts the daily affairs of public schools pursuant to the supervisory authority vested in it by the General Assembly via Title 6 of the Arkansas Code.
- 3.12 “School Year” is the year beginning July 1 of one calendar year and ending June 30 of the next calendar year.
- 3.13 “Technology” is any equipment for instructional purposes that is electronic in nature, including, but not limited to, computer hardware, computer software, internet connectivity, and distance learning.

4.00 Special Needs - Alternative Learning Environment (ALE)

4.01 Eligible ALE Students

4.01.1 An eligible ALE student shall exhibit two (2) or more of the characteristics identified in 4.01.1.1 and 4.01.1.2. Students will not be placed in the ALE based on academic problems alone.

4.01.1.1 Students placed at risk, though intelligent and capable, typically manifest one or more of the following characteristics:

- Disruptive behavior
- Drop out from school
- Personal or family problems or situations
- Recurring absenteeism
- Transition to or from residential programs

4.01.1.2 Situations that negatively affect the student's academic and social progress may include, but are not limited to:

- Ongoing, persistent lack of attaining proficiency levels in literacy and mathematics
- Abuse: physical, mental, or sexual
- Frequent relocation of residency
- Homelessness
- Inadequate emotional support
- Mental/physical health problems
- Pregnancy
- Single parenting

4.02 Eligible ALE Programs

4.02.1 An eligible ALE program shall meet the following guidelines:

4.02.1.2 Have students taught by a currently licensed teacher. If course credit is granted, the teacher must be highly qualified by the 2005-2006 school year or in districts recognized in the Rural Education Achievement Program's (REAP) Small, Rural School Achievement Program (SRSA) by the end of the 2006-2007 school year. Newly hired teachers in these designated districts will have three years from the date of hire to become highly qualified as required by the federal No Child Left Behind Act of 2001.

4.02.1.3 Have a student/teacher ratio in grades Kindergarten through six (K-6) of no more than ten (10) to one (1). If a paraprofessional is employed in addition to a licensed supervisor, the student/teacher ratio shall be no more than twelve (12) to one (1).

4.02.1.4 Have a student/teacher ratio in grades seven through twelve (7-12) of no more than fifteen (15) to one (1). If a paraprofessional is employed in addition to a licensed supervisor, the student/teacher ratio shall be no more than eighteen (18) to one (1).

- 4.02.1.5 Provide each alternative learning student with access to the services of a school counselor or a mental health professional, a nurse, and support services provided to other students.
- 4.02.1.6 Coordinate the ALE with state and federal student assistance programs.
- 4.02.1.7 Submit a description of the ALE on a form developed by the Department. This description shall be included in the districts' Arkansas Comprehensive School Improvement Plan (ACSIP).
- 4.02.1.8 Have an Alternative Education Placement Team in place in order to determine student placement in the ALE. This team should include the school counselor, the ALE director or principal, a parent or legal guardian and a regular classroom teacher.
- 4.02.1.9 Maintain documentation of the presence of these characteristics listed in
- 4.02.1.10 Provide that the ALE shall not be punitive but should provide the guidance, counseling, and academic support to enable students who are experiencing emotional, social or academic problems to continue to make progress toward educational goals either in the traditional educational system or the General Educational Development (GED) Program.
- 4.02.1.11 Provide that computer programs when used in the ALE setting will supplement teacher instruction.
- 4.02.1.12 Develop an agreement with the parent or guardian, teacher or ALE director, and student outlining the responsibilities of the school, parent, and the student to provide assurance that the plan for each student is successful.
- 4.02.1.13 Provide a curriculum including mathematics, science, social studies, and language arts aligned with the regular classroom instruction or with the standards for the tests of the GED.
- 4.02.1.14 Develop exit criteria on which to base a student's return to the regular program
- 4.02.1.15 Require ALE staff to meet the same professional development requirements as other certified staff.
- 4.02.1.16 The Department shall monitor ALEs as required in compliance with Ark. Code Ann. § 6-18-509.

4.03 ALE Funding

- 4.03.1 The ALE funding amount shall be the amount required by law times the district's eligible ALE student's full time equivalent (FTE) in the previous school year as defined in this Rule.

- 4.03.2 An ALE student shall be counted as no more than one student for ALE funding purposes.
- 4.03.3 An eligible ALE student's FTEs shall be determined by the number of hours taught in an eligible ALE each day divided by 6 hours, times the number of days an eligible student attends the ALE, plus the number of days absent, divided by the number of school days actually taught in the school year.
 - 4.03.3.1 Alternative Learning Student is a student who has attended an eligible ALE for a minimum of twenty (20) days per school year.
 - 4.03.3.2 Full Time Equivalent (FTE) Alternative Learning Student is an alternative learning student who has at least six (6) hours per day of student/teacher interaction time in the ALE, and attends the ALE for the entire school year.
- 4.03.4 ALE funding is restricted state aid.
- 4.03.5 ALE funding shall be spent on eligible activities identified in this Rule except as otherwise allowed by law or rule.
- 4.03.6 ALE funding may be carried over from one fiscal year to the next but these funds shall remain restricted to the priority areas as defined in this Rule.

5.00 Special Needs English Language Learners (ELL)

- 5.01 The ELL funding amount shall be the amount required by law times the district's identified English Language Learners in the current school year.
 - 5.01.1 The number of identified ELL students shall be a total of all students identified by the State Board as not proficient in the English language based upon approved English proficiency assessment instruments.
 - 5.01.2 Documentation to be used for the calculation of the number of identified ELL students must be submitted to the Department no later than November 30 of each school year.
 - 5.01.3 An ELL student shall be counted as no more than one student for ELL funding purposes.
- 5.02 School districts shall maintain documentation of each student-identified as an ELL.
- 5.03 For ELL funding purposes, State-approved English proficiency assessment instruments include:
 - 5.03.1 LAS (Language Assessment Scales)
 - 5.03.2 IDEA (IPT-Idea Proficiency Test)
 - 5.03.3 Woodcock-Munoz

- 5.03.4 Maculaitis Assessment of Competencies
- 5.03.5 Language Assessment Battery
- 5.04 ELL funding shall be expended for the following eligible activities:
 - 5.04.1 Salaries for ELL-skilled instructional services (not supplanting district financial obligations for providing teachers for ELL students).
 - 5.04.2 Funds for teacher training, consultants, workshops, ELL course work including Department sponsored training programs.
 - 5.04.3 Released-time for planning program selection, and ELL program development.
 - 5.04.4 Selection and purchase of language-appropriate instructional and supplemental (enrichment) materials for ELL students (including computer-assisted technology and library materials).
 - 5.04.5 Counseling services, community liaison staff with language and cultural skills appropriate to the ELL population.
 - 5.04.6 Assessment activities, which address identification, placement, and review of ELL student academic progress, as well as evaluation activities to determine the effectiveness of the district's ELL program.
- 5.04 ELL funding may be carried over from one fiscal year to the next, but these funds shall remain restricted to those priority areas defined in this Rule.

6.00 Special Needs National School Lunch Act (NSLA)

- 6.01 The NSLA funding amount shall be determined by the district's total students identified as eligible to participate in the NSLA Program divided by the district's total enrolled students. The product shall be calculated to one tenth of one percent, and rounded up to the nearest whole number from five tenths or down to the nearest whole number from four tenths. NSLA funding for Provision 2 districts shall be determined as defined in Ark. Code Ann. § 6-20-2303 (12)(B)(i) and (ii).
 - 6.01.1 Districts with ninety percent (90%) or greater of the previous school year's enrolled students eligible for the NSLA Program shall receive the amount required by law for each student eligible for the NSLA Program.
 - 6.01.2 Districts with less than ninety percent (90%) and at least seventy percent (70%) of the previous school year's enrolled students eligible for the NSLA Program shall receive the amount required by law for each student eligible for the NSLA Program.
 - 6.01.3 Districts with less than seventy percent (70%) of the previous school year's enrolled students eligible for the NSLA Program shall receive the amount required by law for each student eligible for the NSLA Program.
 - 6.01.4 Districts must participate in the federal National School Lunch Program to receive NSLA Funding.

- 6.02 The district percentage of NSLA eligible students shall be determined from the Arkansas Public School Computer Network's Cycle 2 report for the previous school year.
- 6.02.1 The Child Nutrition Unit of the Department shall verify the Cycle 2 report for accuracy.
- 6.02.2 Adjustments to the Cycle 2 report shall be made by the Department based on documentation provided by the school district.
- 6.03 NSLA Growth Funding
- 6.03.1 The Department shall use the Cycle 2 enrollment data for the previous four years to calculate a three year trend in district enrollment.
- 6.03.2 If a district has grown at least one percent for each of the three previous years, they shall qualify for NSLA Growth Funding.
- 6.03.3 Districts that qualify for funding shall receive NSLA Growth Funding.
- 6.03.4 The funding shall be calculated as the three year average growth in enrollment multiplied by the district's previous year's percentage of students eligible for the NSLA Program multiplied by the per student funding determined in 6.01.
- 6.04 Transitional Funding Due to Percentage Changes in NSLA Students
- 6.04.1 Beginning with the 2007-2008 school year, the percentage of students eligible for free and reduced priced meals will be calculated by the Department of Education based on information validated by the Child Nutrition Section.
- 6.04.2 A comparison will be made between the percentage of students eligible for free and reduced priced meals in the most recent previous year and the year previous to that year.
- 6.04.3 Districts that have a change in the percentage of students eligible for free and reduced priced meals will be identified.
- 6.04.4 Beginning with the 2007-2008 school year, any school district that is to receive NSLA funding based on a different categorical amount of per student NSLA funding than was received the preceding school year, due to an increase or decrease in the percentage of NSLA students of the district's total October 1 enrollment as compared to the district's preceding school year's NSLA population, shall receive such increase or decrease in per student NSLA funding in equal transition amounts over a three-year time period or until the district is receiving that amount of NSLA funding the district is legally entitled to receive as provided in Section 6.04.8 of this rule.
- 6.04.5 The three-year transition funding process will begin the year following the year in which the district's number of NSLA students meets, exceeds or falls below ninety percent (90%) but is greater than seventy percent (70%) or will begin the year following the year in which the district's number of NSLA

students meets, exceeds or falls below seventy percent (70%) but is less than ninety percent (90%).

6.04.6 The total amount of NSLA funding will be determined based on the district's NSLA's population as a percentage of the district's total October 1 enrollment.

6.04.7 A district's NSLA funding is based on the number of free and reduced priced students times the funding amount as established by the General Assembly.

6.04.8 When the annual calculation of the percentages meets the conditions outlined in Section 6.04.5 of this rule, then the total increase or reduction in the amount of NSLA funding due to be paid to the district will be increased or decreased by one third of the amount of increase or decrease in the first year of the transition, two-thirds of the amount of the increase or decrease in the second year of the transition, and by the full amount of the increase or decrease in the third year of the transition process.

6.04.9 No district shall be entitled to receive more or less funding than is due to be paid to the district in NSLA funding as a result of the transition funding process.

6.04.6.05 Each school district with NSLA students shall provide a research based program(s) or purpose(s) for students eligible for NSLA funding in order to improve instruction and increase academic achievement of those students.

6.05.6.06 NSLA funding shall not be used to meet or satisfy the Arkansas Standards for Accreditation required by Ark Code Ann. § 6-15- 201 et seq, the Arkansas Minimum Teacher Salaries required by Ark. Code Ann. § 6-17-2403 except as otherwise allowed herein this section.

6.05.16.06.1 NSLA funding shall not be used to augment, replace, or supplement the mandatory requirements of the Arkansas Standards for Accreditation required by Ark. Code Ann. § 6-15-201 et seq. unless the expenditure is for the purposes outlined under Section 6.06 of this Rule .

~~6.05.1 The salary of an employee in an eligible program under Section 6.00 of this Rule that would exceed the Standards for Accreditation may be paid with NSLA funding.~~

6.05.26.06.2 District may use NSLA funds to as a bonus or to supplement increase salaries above the minimum salary schedule required by Ark. Code Ann. § 6-17-2403 provided ~~those the classroom teachers are exclusively employed for the purposes established under this Rule to increase the academic achievement of NSLA students~~ school district is in compliance with and meets the eligibility provision of this rule.

~~6.05.3 Through June 30, 2007, districts may use NSLA funds to supplement or increase all classroom teacher salaries above the minimum salary schedule required by Ark. Code Ann. § 6-17-2403 provided the district meets the following conditions:~~

~~6.05.3.1.1 The school district meets the minimum teacher salary schedule in § 6-17-2403 without using Section 6.00 NSLA funds; and~~

~~6.05.3.1.2 The school district was already using NSLA Section 6.00 funds to supplement salaries of classroom teachers as of January 1, 2006.~~

~~6.05.3.2 NSLA funds may be used to pay salaries of teachers to reduce the pupil to teacher ratio below the mandates specified in the Arkansas Standards of Accreditation.~~

~~6.06~~ 6.07 NSLA funding shall be expended for eligible program(s) or purpose(s) that are research-based and aligned to the Arkansas Content Standards for improving instruction and increasing achievement of NSLA identified students at risk of not meeting challenging academic standards either existing or new. These programs or purposes include:

~~6.06~~ 7.1 Employing Literacy and/or Mathematics and/or Science Specialists/Coaches (K-12) that meet the following requirements:

~~6.06~~ 7.1.1 The Specialists/Coaches are educators who assist in curriculum alignment with state curriculum documents; alignment of classroom assessment with statewide exams; instructional strategies; professional development and implementation of training; choosing standards-based instructional materials; understanding of current research; advantageous arrangement of the instructional day; and integrating technology into instruction.

~~6.06~~ 7.1.2 Qualifications for Specialists/Coaches (K-12):

- At least three years of recent teaching experience in appropriate content areas within grades K-12
- Knowledge of Arkansas Curriculum Framework
- Knowledge of current research and effective practices in standards-based curriculum, instruction, and assessment
- Experience in adult learning situations and in team problem solving
- A bachelor's degree (a master's degree would be preferred).

~~6.06~~ 7.2 Providing research based professional development in the areas of literacy and/or mathematics and/or science in grades Kindergarten through twelfth grade (K-12) as defined in the Arkansas Department of Education Regulations Governing Attendance at Certified Instructional Professional Development Sessions (Ark. Code Ann. § 6-17-702).

~~6.06~~ 7.3 Employing highly qualified classroom teachers in grades Kindergarten through twelfth grade (K-12) pursuant to the restrictions set forth in Section 6.05 of this Rule.

- 6.067.4 Providing research-based before and after-school academic programs, including transportation to and from the programs.
- 6.067.5 Providing research-based pre-kindergarten programs that meet the program standards as outlined in the Rules Governing the Arkansas Better Chance program.
- 6.067.6 Employing Tutors:
 - 6.067.6.1 Tutors must be able to demonstrate competency (as determined locally) in each area where instruction is provided.
 - 6.067.6.2 Tutors must work under the supervision of highly qualified classroom teachers.
- 6.067.7 Employing Teacher's Aides:
 - 6.067.7.1 Teacher's aides must be highly qualified.
 - 6.067.7.2 Teacher's aides must work under the direct supervision of highly qualified teachers.
- 6.067.8 Employing certified counselors, licensed social workers and/or nurses.
- 6.067.9 Employing Curriculum Specialists:
 - 6.067.9.1 The Curriculum Specialists shall meet current licensure requirements that are outlined in the Rules Governing Initial and Standard Administrator Licensure.
- 6.067.10 Providing parent education.
- 6.067.11 Providing summer programs that employ research-based methods and strategies.
- 6.067.12 Providing early intervention programs:
 - 6.067.12.1 Early intervention means short-term, intensive, focused, individualized instruction developed from ongoing, daily, systematic diagnosis that occurs while a child is in the initial, kindergarten through grade one (K-1), stages of learning early reading, writing, and mathematical strategies to ensure acquisition of the basic skills and to prevent the child from developing poor problem-solving habits which become difficult to change.
- 6.067.13 Obtaining materials, supplies, and equipment, including technology, used in approved instructional programs or for approved purposes. The approved programs and or purposes support the local educational agency's ACSIP.
- 6.067.14 Other activities approved by the Department that will further the purposes of this Section.

6.078 Use of these funds shall be included within the school and/or school district's ACSIP. The ACSIP will include how the funds will be spent, the person(s) responsible, a timeline, and budget.

6.078.1 The district shall evaluate programs supported by NSLA funds annually to ensure that the programs are providing intervention/prevention services designed to increase student achievement.

6.078.2 The district shall maintain documentation that supports gains in student achievement as measured by the state assessment system.

6.089 NSLA funding may be carried over from one fiscal year to the next, but these funds shall remain restricted to priority areas as defined in this Rule or law.

6.0910 NSLA funding is restricted state aid, except as otherwise allowed by law or Rule.

6.11 Flexibility In Use of NSLA Categorical Funding

6.11.1 Bonuses – Only those school districts which meet the following conditions as verified in writing by the Commissioner of Education (or his/her designee) shall be allowed to use excess NSLA funding as a bonus to all classroom teacher salaries:

6.11.1.1 The school district submits in writing on or before March 31 of a current school year the following:

6. 11.1.1.1 That the school district shall not use any portion of the NSLA categorical funds that are carry forward or reserve funds as a bonus to supplement classroom teacher salaries;

6.11.1.1.2 That the school district is meeting the minimum teacher salary schedule under § 6-17-2403 without using current year, carry forward or reserve NSLA funds;

6.11.1.1.3 That the school district is in full compliance with the rules and laws governing the Standards for Accreditation of Arkansas Public Schools under § 6-15-201 et seq. and the rules and laws governing the Arkansas Fiscal and Accountability Program under § 6-20-1901 et seq. without using current year, carry forward or reserve NSLA funds. No school district in probationary violation of the Standards of Accreditation or classified as in fiscal distress shall be allowed to use NSLA funds to pay a bonus to all classroom teachers as allowed in Section 6.10.1;

6.11.1.1.4 The district submits a written detailed plan with the school district's Arkansas Comprehensive School Improvement Plan stating how the school district will use its excess NSLA current year funds as bonuses to all classroom teacher salaries; how the district has met the adequate educational needs of all

the students in the district; that the school district has met the conditions and requirements of Section 6.10 of this rule and how the school district has prudently managed the resources of the district. In order to help verify this information, the districts shall, at a minimum, provide the following written information:

- a. Total amount of NSLA funds held in balance by a school district; total amount of current year NSLA funds received by the district; total amount of current year NSLA funds applied to any bonus or salary of an employee of the district; names of those employees of the district who will receive a bonus or increase in salary from NSLA funds; percent of current year and total NSLA funds used as a bonus for classroom teachers.
- b. A listing of all programs and actions and purpose of the programs which were funded by current year NSLA funds and funded by reserve or carry forward NSLA funds.
- c. Staffing charts listing individual employees and their certification levels used to support the listed NSLA programs.
- d. A listing of the targeted participants of each NSLA program along with the targeted curriculum content area(s) to be addressed by the NSLA programs;
- e. Specific objectives for each NSLA programs;
- f. Outline of how the district will measure and monitor the performance of NSLA programs;
- g. Specify the measurement outcomes of each of the NSLA programs;
- h. Report whether the district is in academic distress or failing to make adequate yearly progress (AYP). If failing to make AYP, specify which subgroups are failing and how the district is using NSLA funds to address such failures; and
- i. A listing of the average student-to-teacher ratio for the school district.

6.11.2 No school district that is currently in probationary violation of the Standards for Accreditation or is classified as in fiscal distress shall be allowed to use NSLA funds to pay bonuses to all classroom teacher salaries.

6.11.3 No school district shall use NSLA funds to pay a bonus as a supplement to classroom teacher salaries without first obtaining the express written approval of the Commissioner of Education or his/her designee.

- 6.11.4 The Commissioner of Education shall not provide written express approval to a school district to use current year NSLA funds as a bonus to all classroom teacher salaries without first determining:
- 6.11.4.1 That a school district has met the adequate educational needs of the students in the district;
 - 6.11.4.2 That the district has met all the requirements of this rule and Act 1590 of 2007; and
 - 6.11.4.3 That the district has prudently managed the resources of the district.
- 6.11.5 On or before June 15 of each school year, any school district which was granted flexible use of NSLA funds under this rule shall issue a written report to the Commissioner of Education listing:
- 6.11.5.1 Each program upon which NSLA funds were expended;
 - 6.11.5.2 The amount of NSLA funds expended on each program;
 - 6.11.5.3 The actual NSLA programs that were implemented by the district which were listed in this rule;
 - 6.11.5.4 The actual content of each program and whether instructional materials were issued to the students for each program;
 - 6.11.5.5 The students and staff assigned to each NSLA program;
 - 6.11.5.6 The relevant test score data on students assigned to the NSLA programs as required by the ADE;
 - 6.11.5.7 A content description of all professional development used to support NSLA programs and providing a listing of all teachers and staff assigned to such professional development;
 - 6.11.5.8 A report on current student progress and longitudinal student progress for each NSLA program;
 - 6.11.5.9 A report reconciling the budget for NSLA programs to actual NSLA expenditures; and
 - 6.11.5.10 The year-end balance of current year NSLA funds, carry forward or reserve NSLA funds and total NSLA funds.
- 6.11.6 Upon review, at any time during a school year, of a school district's Comprehensive School Improvement Plan, those reports and information required by this rule, test or financial data or other indicators of a school district, if the Commissioner of Education or his/her designee determines a school district has not met the needs of students that may be served by NSLA funds, has provided false or misleading information or has failed to comply with the provisions of the district's submitted plans without obtaining ADE approval to change the submitted plans required by this rule, the Commissioner of Education may require that any and all NSLA funds dedicated for use or application as a bonus to a teacher salary or as actual salary funds shall be removed from and not used as a bonus to salaries or as actual salary obligations and may require the school district to redirect the NSLA funds to meet other educational needs of the students of that district.
- 6.11.7 Any excess NSLA funds used as a bonus to supplement the salaries of classroom teachers shall only be used as a non-recurring bonus to a classroom teacher's salary and shall not be considered a permanent obligation of the

school district under the district's teacher salary schedule or as a contract obligation.

6.11.8 Only those school districts which previously used or applied excess NSLA funds to supplement the teacher salary schedule for all classroom teachers in the district as part of a salary obligation may continue to use NSLA funds as a salary obligation to the extent the district has received approval from the Commissioner of Education and the district is in full compliance with this rule and Act 1590 of 2007.

6.12 Flexibility In Use of NSLA Categorical Funding As a Salary Obligation

6.12.1 Salaries – Beginning with the 2007-2008 school year and each school year thereafter, only those school districts that used or applied NSLA funds as a salary supplement to the teacher salary schedule for all classroom teachers during the 2006-2007 school year as required under former § 6-20-2305(b)(4)(c)(i)(b) [repealed] may apply to continue to use or apply current year received NSLA funds to a salary obligation of the district as part of a teacher salary schedule under the following conditions:

6.12.1.1 On or before March 31 of the prior school year the school district submits in writing the requisite detailed information, verification or plans required in Section 6.10.1 of these rules;

6.12.1.2 That the school district is subject to and otherwise meets all the other requirements of this rule (except where appropriate the district reports use of NSLA funds used for salaries rather than bonuses or both as may be applicable) of this rule and has received the express written approval of the Commissioner of Education (or his/her designee) to continue to use NSLA funds on a 20% reduction of actual amount of the NSLA funds used as a salary obligation from the prior school year until the district has no more than 20% of the total of any current year NSLA funds received by the district used as a supplement to any salary obligation for classroom teacher salaries; and

6.12.1.3 Each school district eligible to use NSLA funds as a salary obligation must apply for and receive approval each school year as required by this rule.

6.12.2 Each school district eligible under this rule is subject to the conditions and requirements of this rule (except where appropriate the district may be required to report required information on the use of NSLA funds as a salary obligation rather than a bonus to salaries or, in some instances, the district is required to report the proposed use of NSLA funds as both a salary obligation and a bonus to salaries as allowed by this rule).

6.12.3 Nothing in this rule shall be construed or deemed to prohibit those school districts eligible under this rule from also being eligible to apply for application of NSLA funds as a bonus to salaries under this rule, provided the district receives written approval as required by this rule and Act 1590 of 2007.

7.00 Special Needs Professional Development

- 7.01 The Professional Development funding amount shall be an amount up to the amount required by law times the district's ADM of the previous school year.
- 7.02 Professional Development funding shall be expended for approved programs and purposes identified in the Rules Governing Professional Development and employing literacy, mathematics, or science coaches as described in this Rule.
- 7.03 Districts may expend state Professional Development funding to provide the requisite hours of professional development required by Rule or law.
- 7.04 Professional Development funding is restricted state aid. Professional Development funding shall be spent on activities identified in this Rule, except as otherwise allowed by law or Rule.
- 7.05 Professional Development funding may be carried over from one fiscal year to the next, but these funds shall remain restricted to priority areas as defined in this Rule.

8.00 Financial Accounting for Special Needs Funding for ALE, ELL, NSLA, and Professional Development

- 8.01 After having provided programs designed to meet the needs of students in the respective categorical funding areas, a school district may transfer and expend funds on any of the special needs categories allowed for in this Rule.
- 8.02 Special needs funding of ALE, ELL, NSLA, and Professional Development may be used for any of the expenditures identified in this Rule.
- 8.03 Districts shall report the funds received under each special needs funding category.
- 8.04 Districts shall report the expenditures of all special needs funds as required by law, including, but not limited to, fund balances remaining on June 30 of each year.
- 8.05 The funds received, transferred, expended, and/or carried over shall balance.
- 8.06 If the Department determines that a district would lose any federal funding due to these explicated expenditure requirements, the special needs funds may be expended for other academic programs or salaries, as permitted by the Department.

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 1590 of the Regular Session

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

As Engrossed: H3/16/07 H3/21/07

A Bill

HOUSE BILL 2255

5 By: Representatives Cook, *Kenney*
6
7

For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS CODE § 6-20-2305 TO
10 PROVIDE FLEXIBILITY IN NATIONAL SCHOOL LUNCH
11 STUDENT CATEGORICAL FUNDING TO PUBLIC SCHOOL
12 DISTRICTS; AND FOR OTHER PURPOSES.
13

Subtitle

15 AN ACT TO AMEND ARKANSAS CODE § 6-20-
16 2305 TO PROVIDE FLEXILIBITY IN NATIONAL
17 SCHOOL LUNCH STUDENT CATEGORICAL FUNDING
18 TO PUBLIC SCHOOL DISTRICTS.
19
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 *SECTION 1. Arkansas Code § 6-20-2305(b)(1), concerning funding for*
24 *additional categories, is amended to read as follows:*

25 *(b)(1) In addition to state foundation funding aid, each school*
26 *district shall receive funding for additional education categories as*
27 *provided in subdivisions (b)(2)-~~(6)~~(5) of this section.*
28

29 *SECTION 2. Arkansas Code § 6-20-2305(b)(4)(C), concerning the use of*
30 *national school lunch student funding, is amended to read as follows:*

31 *(C)(i)(a) The State Board of Education shall establish by*
32 *rule a list of approved programs and purposes for which funds allocated under*
33 *this subdivision (b)(4) may be expended.*

34 ~~*(b) Through June 30, 2007, the State Board of Education shall approve*~~
35 ~~*the use of funds by a school district to supplement salaries for classroom*~~



1 ~~teachers only under the following conditions:~~

2 ~~(1) The school district meets the minimum teacher salary schedule~~
3 ~~in § 6-17-2403 without using funds provided under this subdivision (b)(4);~~
4 ~~and~~

5 ~~(2) The school district is permitted to use funds provided under~~
6 ~~this subdivision (b)(4) to supplement salaries for classroom teachers only to~~
7 ~~the extent the school district was using funds provided under this~~
8 ~~subdivision (b)(4) to supplement salaries for classroom teachers as of~~
9 ~~January 1, 2006.~~

10 ~~(e)(b)~~ School districts shall expend funds
11 allocated under this subdivision (b)(4) only on the programs or purposes on
12 the State Board of Education's list of approved programs and purposes for
13 which funds allocated under this subdivision (b)(4) may be expended, which
14 shall include, but are not limited to:

15 (1) Classroom teachers, provided that the
16 school district meets the minimum salary schedule in § 6-17-2403 without
17 using funds provided under this subdivision (b)(4) and that those teachers
18 are used for the purposes delineated in this subdivision (b)(4) ~~and as~~
19 ~~allowed through June 30, 2007, under subdivision (b)(4)(C)(ii) of this~~
20 ~~section to supplement salaries of classroom teachers;~~

21 (2) Before-school academic programs and after-school academic
22 programs, including transportation to and from the programs;

23 (3) Prekindergarten programs coordinated by the Department of
24 Health and Human Services;

25 (4) Tutors, teachers' aides, counselors, social workers, nurses,
26 and curriculum specialists;

27 (5) Parent education;

28 (6) Summer programs;

29 (7) Early intervention programs; and

30 (8) Materials, supplies, and equipment, including technology used
31 in approved programs or for approved purposes.

32 (ii) School districts that have met the needs of
33 students for whom the funding is provided for additional educational
34 categories under subsection (b) of this section and that have excess national
35 school lunch student categorical funds provided under this subdivision (b)(4)
36 may use the excess national school lunch student categorical funds to

1 supplement all classroom teacher salaries under the following conditions:

2 (a) The school district shall not use any
3 portion of the national school lunch student categorical funds that are carry
4 forward or reserve funds to supplement classroom teacher salaries;

5 (b) The school district shall meet the minimum
6 teacher salary schedule under § 6-17-2403 without using national school lunch
7 student categorical funds;

8 (c) The school district shall comply with the
9 Standards for Accreditation of Arkansas Public Schools established under The
10 Quality Education Act of 2003, § 6-15-201 et seq. and the Arkansas Fiscal
11 Assessment and Accountability Program under § 6-20-1901 et seq. without using
12 national school lunch student categorical funds; and

13 (d) The school district shall agree that it
14 shall not allocate or use any excess national school lunch student
15 categorical funds in any manner except as a bonus to the salary of classroom
16 teachers.

17 (iii) The school district shall include with its
18 comprehensive school improvement plan a written detailed statement concerning
19 how the school district will use its excess national school lunch categorical
20 funds each school year and explaining in detail the amount of funds and
21 percent of total funds to be used to supplement all classroom teacher
22 salaries as allowed in subdivision (b)(4)(C)(ii) of this section.

23 (iv)(a) Upon review of the school district's
24 comprehensive school improvement plan, if the Commissioner of Education
25 determines that the school district has met the needs of students in the
26 school district for whom the funding for additional educational categories
27 under subsection (b) of this section is provided, has met the requirements of
28 subdivisions (b)(4)(C)(ii) and (iii) of this section, and has prudently
29 managed its resources, the commissioner shall give written approval of the
30 detailed planned flexible use of excess national school lunch student
31 categorical funds provided to the school district.

32 (b) The school district shall not use its
33 excess national school lunch categorical funds for classroom teacher salaries
34 as provided in subdivision (b)(4)(C)(ii) of this section unless:

35 (1) The commissioner provides the
36 written approval required under subdivision (b)(4)(C)(iv)(a) of this section;

1 and

2 (2) Funds allocated under this
3 subdivision (b)(4) are available.

4 (v) The excess national school lunch student
5 categorical funds used to supplement the salary of a classroom teacher shall
6 only be used as a nonrecurring bonus to a classroom teacher's salary for any
7 given school year and shall not be considered a permanent obligation under
8 the school district's teacher salary schedule or as contract obligations of
9 any classroom teacher or employee of the school district.

10 ~~(ii)~~(vi) ~~However, notwithstanding~~ Notwithstanding
11 any other provision of law, if the Department of Education determines that a
12 school district's expenditure of funds allocated under this subdivision
13 (b)(4) would result in the school district's losing funding under any federal
14 law, then the funds allocated to a school district under this subdivision
15 (b)(4) may be expended for other academic programs or salaries.

16 ~~(iii)~~(vii) The Department of Education may direct
17 that a school district expend available funds on specified programs under
18 subdivision (b)(4)(C)(i) of this section.

19 (viii)(a) By the end of each school year, each
20 school district shall submit to the Department of Education a report listing
21 each program upon which funds allocated under this subdivision (b)(4) were
22 expended, the amount expended, and any other information required by the
23 Department of Education on the use of funds allocated under this subdivision
24 (b)(4).

25 (b) The Department of Education shall develop
26 appropriate reporting forms for use by school districts to comply with
27 subdivision (b)(4)(C)(viii) of this section.

28 (ix) Beginning with the 2007-2008 school year and
29 each school year thereafter, any school district that used or applied
30 restricted national school lunch student categorical funds as a supplement
31 for salaries of classroom teachers in a school district during the 2006-2007
32 school year under former § 6-20-2305 (b)(4)(C)(i)(b) [repealed] shall either:

33
34 (a) Remove the use of all national school
35 lunch student categorical funds immediately as a supplement to classroom
36 teacher salaries; or

1 (b) Begin the process of removing the use or
2 application of national school lunch student categorical funds as part of an
3 obligated salary schedule in the following manner:

4 (1) A school district shall reduce each
5 current school year by twenty percent (20%) the amount of national school
6 lunch student categorical funds received and used by the school district as a
7 supplement to classroom teacher salaries and shall continue this reduction in
8 the application of national school lunch student categorical funds as a
9 supplement to classroom teacher salaries until the school district has no
10 more than twenty percent (20%) of the total of any current year of all
11 national school lunch student categorical funds received by a school district
12 applied and used as a supplement to classroom teacher salaries for a current
13 school year;

14 (2) No school district shall be allowed
15 to use or consider reserve or carry forward national school lunch student
16 categorical funds as a supplement to classroom teacher salaries;

17 (3) The school district shall meet the
18 minimum teacher salary schedule under § 6-17-2403 without using national
19 school lunch student categorical funds;

20 (4) The school district shall comply
21 with the Standards for Accreditation of Arkansas Public Schools established
22 under The Quality Education Act of 2003, § 6-15-201 et seq. without using
23 national school lunch categorical funds;

24 (5) The school district shall include
25 with its comprehensive school improvement plan a written detailed narrative
26 or plan concerning how the school district will use its excess national
27 school lunch categorical funds each school year and explaining in detail the
28 amount of funds and percent of total funds to be used to supplement all
29 classroom teacher salaries as allowed in subdivision (b)(4)(C)(ix) of this
30 section;

31 (6) Upon review of the school district's
32 comprehensive school improvement plan, if the commissioner determines that
33 the school district has met or is meeting the needs of students in the school
34 district for which the funding for additional educational categories under
35 this subdivision (b)(4)(C)(ix), and has prudently managed its resources, the
36 commissioner shall give written approval of the detailed planned flexible use

1 of excess national school lunch student categorical funds provided to the
2 school district; and

3 (7) Upon review of the school district's
4 comprehensive school improvement plan and other indicators, if the
5 commissioner determines that a school district has not met the needs of
6 students that may be served with national school lunch student categorical
7 funds, the commissioner may require that any and all national school lunch
8 categorical funds dedicated for use or application in the teacher salary fund
9 shall be removed from and not used to meet the classroom teacher salary
10 obligation and redirected and applied to meet the needs of students in a
11 school district.

12 (x) Each school district shall submit to the
13 Department of Education a report listing each program and purpose upon which
14 funds allocated under this subdivision (b)(4) were expended, the amount
15 expended, and any other information required by the Department of Education
16 concerning the receipt and use of funds allocated under this subdivision
17 (b)(4).

18 (xi) No provision of subdivision (b)(4)(C)(ix) of
19 this section shall be deemed to prohibit a school district from participating
20 in the provisions of subdivisions (b)(4)(C)(ii) – (viii) of this section.

21 (xii) The Department of Education shall promulgate
22 rules and develop appropriate reporting forms for use by school districts to
23 comply with subdivisions (b)(4)(C)(i) – (xii) of this section.

24
25 /s/ Cook, et al

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27 APPROVED: 4/9/2007
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Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 811 of the Regular Session

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

As Engrossed: H2/28/07

A Bill

HOUSE BILL 1726

5 By: Representatives Kenney, Abernathy
6
7

For An Act To Be Entitled

9 AN ACT IN CONCORDANCE WITH THE 2006 ACT 57 STUDY;
10 TO ASSIST SCHOOL DISTRICTS WITH THE TRANSITION
11 BETWEEN LEVELS OF CATEGORICAL FUNDING FOR
12 NATIONAL SCHOOL LUNCH STUDENTS BY PROVIDING A
13 METHOD OF TRANSITIONAL FUNDING DURING A THREE-
14 YEAR PERIOD; AND FOR OTHER PURPOSES.
15

Subtitle

16
17
18 AN ACT TO ASSIST SCHOOL DISTRICTS WITH
19 THE TRANSITION BETWEEN LEVELS OF
20 CATEGORICAL FUNDING FOR NATIONAL SCHOOL
21 LUNCH STUDENTS BY PROVIDING A METHOD OF
22 TRANSITIONAL FUNDING DURING A THREE-YEAR
23 PERIOD.
24

25
26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
27

28 SECTION 1. DO NOT CODIFY. ACT 57 COMPLIANCE.

29 The General Assembly declares this act to be in concordance with the
30 study of the state's system of public education conducted in 2006 by the
31 Adequacy Study Oversight Subcommittee, the Senate Interim Committee on
32 Education, and the House Interim Committee on Education in compliance with
33 Act 57 of the Second Extraordinary Session of 2003.
34

35 SECTION 2. Arkansas Code § 6-20-2305(b)(4)(B), concerning categorical



1 funding for national school lunch students, is amended to read as follows:

2 (B)(i) Funding under this subdivision (b)(4) for national
3 school lunch students shall be based on the percentage determined in § 6-20-
4 2303(12) multiplied by the number of the previous school year's enrolled
5 students.

6 (ii) Beginning with the 2007-2008 school year, for
7 school districts that are to receive funding under this subdivision (b)(4)
8 based on a different percentage than the preceding school year as determined
9 in § 6-20-2303(12), the funding shall be paid or reduced in three (3) equal
10 amounts over a three-year period following the year in which a school
11 district's number of national school lunch students:

12 (a) Meets, exceeds, or falls below ninety
13 percent (90%); or

14 (b) Meets, exceeds, or falls below seventy
15 percent (70%) but is less than ninety percent (90%).

16 (iii)(a) The Department of Education shall establish
17 rules to implement the transitional funding provided in subdivision
18 (b)(4)(B)(ii) of this section.

19 (b) The rules shall include a method of
20 transitional funding for a school district that both falls below and exceeds
21 a funding level identified in subdivision (b)(4)(A) of this section within a
22 three-year period.

23 (iv) Under no circumstances shall a school district
24 be entitled to receive more or less funding as a result of the transitional
25 process than the school district is otherwise entitled to receive under
26 subdivision (b)(4) of this section based on the school district's national
27 school lunch student population as a percentage of the school district's
28 entire student population.

29 ~~(ii)(a)(v)(a)~~ A school district that has experienced
30 a significant growth in enrolled students in the previous three (3) years
31 shall receive funding for the expected increase in the number of national
32 school lunch students based on the expected increase in enrolled students
33 based on the levels of funding provided in this section for national school
34 lunch students.

35 (b) The State Board of Education shall
36 establish rules to be used by the Department of Education to determine:

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(1) The amount of growth necessary to qualify as significant growth;

(2) The expected increase in the number of national school lunch students based on the expected increase in enrolled students; and

(3) Which school districts have experienced a significant growth in enrolled students as necessary to qualify for funding under this subdivision (b)(4)(B)(ii).

(c) The Department of Education shall not be required to adjust or fund a school district's national school lunch students based on the current year's number of national school lunch students enrolled in the district or the average growth of students in the district.

/s/ Kenney, et al

APPROVED: 4/2/2007

Arkansas Department of Education
Proposed Rules Governing The Arkansas Financial Accounting and Reporting
System and Annual Training Requirements
~~August 2005~~

1.00 Regulatory Authority

~~1.00~~ These rules are promulgated pursuant to Ark. Code Ann. §§ 6-11-105, 6-20-1805, 6-20-2004, 6-20-2104, 6-20-2202, 6-20-2207 and Act 730 of the 85th Arkansas General Assembly and Act 1006 of the 86th Arkansas General Assembly.

2.00 Purpose

1.01 These rules shall be applied to all school districts, open enrollment charter schools and education service cooperatives for the purposes of accounting and reporting revenues and expenditures and for providing required training.

3.00 Definitions

For purposes of these rules, the following terms shall be defined to mean:

3.01 Annual Financial Report and Budget (AFRB) – the annual electronically submitted report of the revenues and expenditures for the prior fiscal year and the budget of revenues and expenditures of school districts, open enrollment charter schools, and educational service cooperatives filed with the Department by September 15 of each school year as required by Ark. Code Ann. § 6-20-2202.

3.02 Annual Record – AFRB.

3.03 Approved Budget – a budget that has received the required written notification from the Department that the budget presented was not identified as deficient as of February 15 of the current year.

3.04 APSCN – Arkansas Public School Computer Network

3.05 Arkansas Financial Accounting Handbook – the uniform chart of accounts and related codes which are established by the Department and incorporated into these rules as the “Arkansas Handbook, and used for accounting and financial reporting of all public schools, school districts, open enrollment charter schools, and educational service cooperatives.

3.06 Athletic Expenditures – all direct and indirect expenses related to interschool athletic programs, prorated if necessary.

- 3.07 Budget – the annual budget of expenditures and receipts required in Ark. Const. Art. 14 § 3, and Ark. Code Ann. §§ 6-13-620 (7) and 6-20-2202. The budget is submitted on or before September 15 as part of the AFRB.
- 3.08 Budget Approval – required written notification from the Department that the budget presented was reviewed for compliance with the mandated requirements under Ark. Code Ann. § 6-20-2202.
- 3.09 Budget Review – the process of determining if the budget submitted meets the mandated expenditure requirements in effect for the appropriate year.
- 3.10 Deficient – a finding by the Department auditors that budget or financial accountability reports do not meet the requirements of state law or rules of the SBE.
- 3.11 Department – the Arkansas Department of Education.
- 3.12 Interschool Athletic Program – any athletic program which is organized primarily for the purpose of competing with other schools, public or private; or any athletic program which is subject to regulation by the Arkansas Activities Association.
- 3.13 Interschool Scholastic Activities – any interschool activity program that is outside the regular curriculum, excluding interschool athletic programs as defined by Ark. Code Ann. § 6-20-2002(3), which is organized primarily for the purpose of competing with other schools, public or private; or any program or activity, excluding interschool athletic programs as defined by Ark. Code Ann. § 6-20-2002(3), which is subject to regulation by the Arkansas Activities Association.
- 3.14 Interschool Scholastic Activity Expenditures – all direct and indirect expenses related to interschool scholastic activities, prorated if necessary.
- 3.15 Material Findings – a financial condition that jeopardizes the fiscal integrity of the school district.
- 3.16 SBE – the Arkansas State Board of Education.
- 3.17 Special Needs Categories – the state funding categories of Alternative Learning Environments, English Language Learners, National School Lunch Act funding, and Professional Development.
- 3.18 State Funds – all money derived from state revenues, specifically including but not limited to, distributions from the Department of Education Public School Fund Account and uniform rate of tax ad valorem property taxes distributed to a public school or school district.

- 3.19 Tier I & II Employees – those employees described as Tier I or Tier II employees in § 7 of this rule.
- 3.20 Tier I & Tier II Training – that training described as Tier I or Tier II training in § 7 of this rule.
- 3.21 Valid Comparisons – comparisons deemed to be relevant to the subject material in substance and scope.

4.00 AFRB and Arkansas Handbook

- 1.01 The AFRB shall be electronically submitted in the format required by the Department.
- 1.02 The Department shall establish the format of the AFRB by no later than August 1 of each year and the Department shall provide written notice via Commissioner’s Memo of the date the AFRB format is available for use by the public school districts, open enrollment charter schools, and educational service cooperatives.
- 1.03 The AFRB shall be filed electronically with the Department by September 15 of each year.
 - 1.03.1 For purposes of compliance with these rules, the official date of filing with the Department shall be the date and time the AFRB is recorded as received by APSCN.
 - 1.03.2 The budget shall have been legally approved by the local board with governing authority of a school district, open enrollment charter school or educational cooperative prior to filing with the Department.
 - 1.03.3 The order or resolution of the local board approving the budget shall be signed by the president of the local board and the ex-officio financial secretary (i.e. superintendent) of each school district, open enrollment charter school, or educational cooperative. A copy of the board order or resolution with the signature page approving the budget shall be received by the Department on or before September 15 of each year.
 - 1.03.4 If the AFRB and the order or resolution approving the budget are not filed with the Department on or before September 15 and as required by these rules, then all warrants or checks issued by the school district, open enrollment charter school or educational cooperative after September 15 shall be declared invalid, and the

ex-officio financial secretary and his or her surety shall be liable for any warrants or checks countersigned after the September 15 deadline.

1.03.5 If the AFRB and the order or resolution approving the budget are not filed with the Department on or before September 15 and as required by these rules, and provided the Department has met its reporting obligation required in § 6 of these rules, the Department shall suspend distribution of all state funded grants and aids for which a school district, charters school or educational cooperative is eligible until the reporting requirements of these rules, are met in full compliance.

4.03.5.1 Grants and aids include all categories of state funds distributed by the Department.

1.04 The Department shall establish and implement a uniform chart of accounts and related codes known as the Arkansas Financial Accounting Handbook (Arkansas Handbook) which shall be the uniform chart of accounts and codes utilized in reporting revenues and expenditures.

1.04.1 The Arkansas Handbook is hereby incorporated by reference into these rules. However, the Arkansas Handbook is exempt from the rule-making process and may be amended, revised or updated as provided in these rules or law.

1.04.2 The amendments, annual revisions, and financial accounting updates to the Arkansas Handbook shall be developed with representatives from the Arkansas Association of School Business Officials, the Education Service Cooperatives, and other school district officials as designated by the Department.

1.04.3 Prior to amending the Arkansas Handbook, the Department shall provide written notice via a Commissioner's Memo to the school districts, open enrollment charter schools and educational cooperatives. Amendments, annual revisions, and financial accounting updates shall be effective on July 1 of the next fiscal year or 90 days from the date of the issuance of the Commissioner's Memo, whichever is later, unless:

4.04.3.1 The Commissioner declares that there is an emergency, at which time the change shall be effective immediately upon the date specified in the Commissioners Memo; or,

4.04.3.2 A new program or revenue source requires new accounting codes, at which time the change shall be

effective immediately upon the date specified in the Commissioner's Memo; or,

4.04.3.3 The change affects only a few school districts and the school districts have mutually agreed to make the change. The change shall be effective immediately upon the date specified in the Commissioner's Memo.

4.05 The Arkansas Handbook shall be the chart of accounts and codes utilized by school districts, open enrollment charter schools and educational cooperatives in making the record of actual revenues and expenditures and the annual budget of revenues and expenditures required by these rules.

5.00 AFRB Review Requirements

5.01 By February 15 of each year, the Financial Accountability Unit shall review the AFRB to determine if the financial records are deficient. Any error related to the coding and reporting of financial information that causes a material misstatement of financial information will be cause for determining a deficiency. A material misstatement occurs whenever the submitted data has more than a five percent (5%) variance from the correct data or when corrective action is not taken after the Department has sent written notification to a district, open-enrollment charter school or educational service cooperative regarding specific errors discovered in the AFRB.

5.02 The AFRB review will include, but is not limited to:

- 5.02.1 State Revenues;
- 5.02.2 Student Special Needs Expenditures;
- 5.02.3 Total Expenditures;
- 5.02.4 Instructional Expenditures;
- 5.02.5 Extracurricular Expenditures;
- 5.02.6 Capital Expenditures;
- 5.02.7 Debt Service Expenditures;
- 5.02.8 Teacher Full Time Equivalency data;
- 5.02.9 Certified salary amounts;
- 5.02.10 Compliance with the Minimum Teacher Salary schedule;
- 5.02.11 Compliance with gifted and talented programs expenditure requirements in accordance with rules promulgated by the SBE;
- 5.02.12 Interschool Athletic Expenditures, including salaries with fringe benefits, travel, equipment, supplies and facilities maintenance;
- 5.02.13 Interschool Scholastic Expenditures, including salaries with fringe benefits, travel, equipment, supplies and facilities maintenance;
- 5.02.14 The district's Total Athletic Expenditures budgeted for interschool athletic programs that are to be paid from state funds;

- 5.02.15 Interschool scholastic activity expenditures to be paid from state funds;
 - 5.02.16 Expenditure of Federal funds, including school lunch reimbursement;
 - 5.02.17 Verification that fiscal year expenditures did not exceed legal revenues for the same fiscal year;
 - 5.02.18 Verification that proper financial records have been maintained in accordance with the Education Accounting and Reporting System and the Arkansas Handbook.
- 5.03 The Department shall notify in writing, via certified mail, the superintendent or director of the school districts, open enrollment charter schools or educational service cooperatives whose financial records are found to be deficient.
- 5.03.1 The notification shall state the deficiency.
- 5.04 The school district, open enrollment charter school or educational service cooperative will have thirty (30) days to respond to the Department's notification. The response may include, but is not limited to:
- 5.04.1 A proposed corrective action plan;
 - 5.04.2 A training schedule to educate all pertinent personnel; and
 - 5.04.3 A procedure to prevent a repeat of the deficiency.
- 5.05 The response shall not be considered a right of appeal.
- 5.06 If the review determines the financial records of any school district, open enrollment charter school or educational service cooperative are deficient as defined in Section 5.01 or otherwise not properly maintained or submitted by ~~that~~ the school district, open enrollment charter school, or educational service cooperative or are not administered in accordance with state laws, SBE rules, or the Arkansas Handbook, then state-funded grants and/or aid that the district would be eligible to receive shall be withheld until the financial issues have been resolved.
- 5.07 The SBE may require the superintendent or director and board members explain and/or appear before the SBE to explain why the district is not complying with state laws or rules.
- 5.08 Upon written notice of approval by the Financial Accountability Unit, the Department shall file copies of the approved budget with the school district, open enrollment charter school, or educational service cooperative, and the county treasurer.

- 5.09 It is the duty of the State to monitor school districts, open enrollment charter schools, or educational service cooperatives financial records, Arkansas Comprehensive School Improvement Plan, or any other pertinent records, to ensure the following:
- 5.09.1 District expenditures meet the minimum teacher salary schedule;
 - 5.09.2 District expenditures benefit students in special needs categories;
 - 5.09.3 District expenditures are used to improve the educational opportunity of each child;
 - 5.09.4 District expenditures are used to provide an equal opportunity for each child;
 - 5.09.5 District expenditures are used to meet the Standards of Accreditation;
 - 5.09.6 The District has provided the SBE and the Department with a report of the school district's total athletic expenditures paid from state funds for the previous year;
 - 5.09.7 The district has provided the SBE and the Department with a budget for the school district's total athletic expenditures to be paid from state funds for the upcoming year; and
 - 5.09.8 The district has provided the SBE and the Department with any additional information or documentation requested.
- 5.10 The Department shall have the authority to review, analyze and inspect the financial records of any school district, open enrollment charter school or education service cooperative in order to verify that a school district, open enrollment charter school or education service cooperative is correctly and accurately reporting revenues and expenditures.
- 5.11 The Department shall submit a report to the Governor, the Senate Interim Committee on Education, and the House Interim Committee on Education by February 15 of each year concerning public school and public school district expenditures required by law.

6.00 Required Reports

- 6.01 The Department shall publish by July 1 of each year, via Commissioner's Memo, a list of all required financial accountability reports with due dates.
- 6.02 The Department shall submit a written notice via certified mail on or before February 15 of each year to those school districts, open enrollment charter schools and educational service cooperatives whose budget or financial reports are identified as deficient. Likewise, the Department will issue a Commissioner's Memo on or before February 15 of each year indicating which school districts, open enrollment charter schools or educational service cooperatives budgets are identified as approved.

- 6.03 Each county clerk is required to provide to the Department an annual Abstract of Assessment by March 15 of each year.
 - 6.03.1 The treasurer of the state shall withhold the monthly distribution of county aid from any county that fails to provide the annual Abstract of Assessment by March 15 for each school district located wholly or in part in the county.
 - 6.03.2 The Department shall establish the required format for the Abstract of Assessment, to include:
 - 6.03.2.1 The previous calendar year's property assessment that will be used for ad valorem tax collections in the current year.
 - 6.03.2.2 The millage rates, which shall be listed by the type of millage, levied against that property assessment.
 - 6.03.2.3 In cases that administratively consolidated school districts do not have a unified millage rate, the county clerk shall submit the assessment data in a form specified by the Department.
 - 6.03.3 To consider a county in compliance with this filing requirement, the Department must receive all data no later than March 15 of each year.
- 6.04 The Department may withhold state aid from any school district, open enrollment charter school or education service cooperative that fails to file its budget or any other required report with the Department by the deadline established on the list of all required financial accountability reports, provided that the Department has met the deadline for providing information pertinent to meeting the deadlines.

7.00 Required Training

- 7.01 The Department shall establish two (2) tiers of required training.
 - 7.01.1 Both tiers of required training shall apply to public school districts, open enrollment charter schools and educational service cooperatives.
 - 7.01.2 A minimum of two (2) persons per educational entity are required to attend an Initial and an Annual Tier I Training. The two persons shall include:
 - 7.01.2.1 The district superintendent or the educational service cooperative director or the open enrollment charter school director; and

- 7.01.2.2 A person whose job responsibilities include preparing the budget or overall accounting responsibility.
- 7.02 The two (2) persons per educational entity required to attend shall each obtain twelve (12) hours of Initial Training and instruction necessary to demonstrate basic proficiency as determined by the Department, including but not limited to:
 - 7.02.1 School laws of Arkansas;
 - 7.02.2 Laws and rules governing expenditures, fiscal accountability, and school finance;
 - 7.02.3 Ethics; and
 - 7.02.4 Financial accounting and reporting of schools, school district, open enrollment-charter schools, and educational service cooperatives.
- 7.03 After obtaining the Initial Training, the two (2) persons required to attend shall obtain four (4) hours of Tier I annual training and instruction in order to maintain basic proficiency in the topics described in Section 7.02 of these rules.
 - 7.03.1 The two (2) persons per educational entity are required to attend the training under Section 7.01 by December 31 of each year.
 - 7.03.1.1 The training may be provided by a higher education institution, the Department, the Arkansas Association of School Business Officials or from another provider.
 - 7.03.1.2 The training sessions may be held throughout the State, via distance learning, or from an online course.
 - 7.03.1.3 All providers for training shall apply for and receive approval from the Department prior to providing the training.
 - 7.03.1.3.1 The provider shall submit a complete request for approval prior to the scheduled training.
 - 7.03.1.3.2 The Department shall establish the request form.
 - 7.03.1.3.3 The provider shall provide the Department with a list of persons who attended the training sessions.
 - 7.03.1.3.4 The Department's administrative staff will review the request.
 - 7.03.1.3.5 If additional information is requested, the provider will be responsible for providing an immediate response in order to gain approval in a timely manner.

- 7.03.1.3.6 Department staff will be allowed to attend all training sessions in order to monitor for quality and completeness.
 - 7.03.1.3.6.1 Department staff will not be required to pay to attend the training
- 7.03.2 Persons failing to obtain required training by the end of the calendar year and failing to receive training by March 1 of the following calendar year without filing a request for an extension shall be sanctioned by the State.
 - 7.03.2.1 The request for an extension must be sent to the Department by certified mail, return receipt requested.
 - 7.03.2.2 The request for an extension must be received by the Department prior to March 1.
 - 7.03.2.3 The Department shall establish a form to be used in requesting an extension.
 - 7.03.2.4 The request shall include a corrective action plan for obtaining the required training in a timely manner.
 - 7.03.2.4.1 For each person failing to obtain the required training by March 1, the Department shall immediately notify the superintendent or director of the employing school district, open enrollment charter school, or education service cooperative.
 - 7.03.2.4.2 Notification will be sent by certified mail, return receipt requested.
 - 7.03.2.4.3 The Department will also notify the school board president.
- 7.03.3 The superintendent of the school district, director of the open enrollment charter school, or educational service cooperative director shall notify the person who failed to receive the required training, and the person shall be unable to continue in his or her position from the date of receipt of notification by the superintendent of the school district, director of the open enrollment charter school, or educational service cooperative director.
 - 7.03.3.1 Notification will be by certified mail, return receipt requested.
 - 7.03.3.2 Any person receiving notice that he or she shall be unable to continue in his or her position solely because of his or her failure to obtain the required training may request a hearing before the SBE prior to his or her permanent dismissal.

- 7.03.4 If the person fails to obtain all required training by December 31 following the March 1 extension deadline, this failure shall constitute one (1) citation against the school district, or the open enrollment charter school, as measured by the Standards for Accreditation of Arkansas Public Schools issued by the Department or an admonishment to the educational service cooperative by the Department.
- 7.03.5 If the person is unable to obtain the required training because of military service or illness as verified by a written sworn statement of the person's attending physician, the Department shall grant an extension permitting the person additional time to obtain the required training.
 - 7.03.5.1 The person shall submit the appropriate documentation of military service or illness to the Department.
 - 7.03.5.2 The documentation must be sent by certified mail, return receipt requested.
 - 7.03.5.3 The length of time of the extension will be determined on an individual basis at the discretion of the Department.
 - 7.03.5.4 The issuance of an extension shall not constitute a citation against the school district as measured by the Standards for Accreditation of Arkansas Public Schools issued by the Department or the educational service cooperative and shall not operate to remove the person from his or her job.
- 7.03.6 The SBE shall modify the Standards for Accreditation of Arkansas Public Schools issued by the Department as may be required by this section.
- 7.03.7 The Department shall maintain records of instructional hours of Tier I Training obtained by any individual covered under this section.
 - 7.03.7.1 Each district shall provide a list of the names and positions of the persons covered by these rules, to the Department by December 31 of each year. The information shall be provided in a format approved by the Department.
 - 7.03.7.2 Separate lists will be provided for persons obtaining the initial training to demonstrate basic proficiency and for those obtaining additional hours.

- 7.03.7.3 The trainer or the institution providing the training will provide verification of instructional hours.
 - 7.03.7.4 The Department may publish a list identifying the persons required to receive training and the compliance status.
 - 7.03.7.5 Persons employed as of July 1 shall be required to obtain training by December 31 of that year.
 - 7.03.7.6 Persons employed after July 1 shall be required to obtain training by December 31 of the next year.
 - 7.03.7.7 Persons changing employment will have their training history accepted by the new employer.
- 7.03.8 Any school district or open enrollment charter school that does not follow the provisions of this subchapter shall be placed in fiscal distress.
- 7.03.9 Any education service cooperative that does not follow the provisions of this subchapter shall be sanctioned by the SBE.
- 7.04 Tier II training shall include, but is not limited to, employees who make decisions about selecting codes or who have a limited number of codes that they can use.
- 7.04.1 Tier II training shall be developed by the Department in cooperation with representatives from the Arkansas Association of School Administrators, the Arkansas Association of School Business Officials, the Arkansas Education Association, the Legislative Joint Auditing Committee and educational service cooperatives.
- 7.04.1.1 The training shall be annual and shall be four (4) hours.
 - 7.04.1.2 Districts shall be responsible for providing the training to these employees.
 - 7.04.1.3 District trainers are required to attend Initial and annual Tier I training.
 - 7.04.1.4 Each district, open enrollment charter school or education service cooperative shall maintain files and records indicating all employees required to obtain and who have completed Tier II training.
 - 7.04.1.5 Each district superintendent, open enrollment charter school director or educational service cooperative director shall provide the Department an assurance statement regarding the completion of Tier II training by the required individuals by the end of the fiscal year.

8.00 Sanctions

- 8.00 Any school district or open enrollment charter school that does not comply with and meet the requirements of these rules, shall, after receiving notice as required by law, be identified by the Department as being in fiscal distress.
- 8.01.1 Any school district or open enrollment charter school that is identified in fiscal distress by the Department is subject to having their charter removed or any and all sanctions permitted by law by the SBE after receiving proper notice and an opportunity for a hearing.
- 8.02 Any education service cooperative that does not comply with and meet the requirements of these rules shall be sanctioned by the SBE.
- 8.03 Any licensed classroom teacher or administrator of a school, school district, open enrollment charter school or education service cooperative that provides false expenditure information may have his or her license placed on probation, suspended or revoked pursuant to procedures utilized in accord with Ark. Code Ann. § 6-17-410.
- 8.04 Persons failing to obtain required training by December 31 of the calendar year and who fails to cure any training deficiency by March 1 of the following year without filing a request for extension of time and after receiving proper notice shall be unable to continue in his or her position of employment effective on the date of receipt of notification from the superintendent of the school district, open enrollment charter school or education service cooperative.
- 8.05 If a person fails to obtain all required training by December 31, this failure shall constitute one (1) citation against the school district, the open enrollment charter school or an admonishment to the education service cooperative.
- 8.06 Any school district that submits erroneous data to the Arkansas Department of Education that causes a material misstatement of any student or financial information shall receive a citation. A material misstatement is one in which the submitted data has more than a five percent variance from the correct data. If a material misstatement occurs for two consecutive years, the school district shall receive a probationary violation in the district's Standards for Accreditation report issued by the Arkansas Department of Education.

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 1006 of the Regular Session

As Engrossed: H3/19/07 H3/22/07 S3/27/07

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

A Bill

HOUSE BILL 2656

5 By: Representatives Walters, R. Green
6
7

For An Act To Be Entitled

9 AN ACT TO PROVIDE FOR GREATER ACCURACY BY PUBLIC
10 SCHOOL DISTRICTS ENTERING FINANCIAL AND STUDENT
11 MANAGEMENT DATA INTO THE ARKANSAS PUBLIC SCHOOL
12 COMPUTER NETWORK; AND FOR OTHER PURPOSES.
13

Subtitle

14 AN ACT TO PROVIDE FOR GREATER ACCURACY
15 BY PUBLIC SCHOOL DISTRICTS ENTERING DATA
16 INTO THE ARKANSAS PUBLIC SCHOOL COMPUTER
17 NETWORK.
18
19
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. Arkansas Code § 6-20-2203(c), concerning the rules relating
24 to the uniform accounting system for public school districts, is amended to
25 read as follows:

26 (c) In addition, the rules or the handbook shall include, but not be
27 limited to:

28 (1) Categories to allow for the gathering of data on separate
29 functions and programs;

30 (2) Categories and descriptions of expenditures that each public
31 school or school district shall report on its annual school performance
32 report authorized by the School Performance Report Act, § 6-15-1401 et seq.
33 The reported expenditures shall include, but not be limited to, the following
34 categories:

35 (A) Total expenditures;



- (B) Instructional expenditures;
- (C) Administrative expenditures;
- (D) Extracurricular expenditures;
- (E) Capital expenditures; and
- (F) Debt service expenditures;

(3)(A) Categories and descriptions of public school and school district expenditures that allow for the gathering of data on separate functions and programs provided by law, including without limitation the following expenditures:— and

- (i) Athletic expenditures;
- (ii) Student transportation expenditures;
- (iii) School district level administrative costs;
- (iv) School level administrative costs;
- (v) Instructional facilitators;
- (vi) Supervisory aides;
- (vii) Substitutes; and
- (viii) Property insurance.

(B) The Department of Education shall implement the expenditure categories in this subdivision (c)(3) beginning with the 2007-2008 school year;

(4)(A) Categories and descriptions of public school and school district expenditures that allow for the tracking of expenditures from the following sources of revenue:

- (i) Student growth;
- (ii) Declining enrollment;
- (iii) Special education catastrophic occurrences;
- (iv) Special education services;
- (v) Technology grants;
- (vi) Debt service funding supplement;
- (vii) General facilities funding;
- (viii) Distance learning; and
- (ix) Gifted and talented.

(B) The department shall complete a trial implementation of the revenue categories in subdivisions (c)(4)(i) and (ii) of this section by the end of the 2007-2008 school year, and fully implement all revenue categories in this subdivision (c)(4) beginning with the 2008-2009 school

1 year;

2 (5)(A) Categories and descriptions of student management coding,
3 including without limitation:

4 (i) Number of students transported; and

5 (ii) Daily route mileage.

6 (B) The department shall implement this subdivision (c)(5)
7 beginning with the 2007-2008 school year;

8 (6)(A) Categories and descriptions of restricted fund balances
9 that provide documentation of the purpose for the restriction.

10 (B) The department shall implement this subdivision (c)(6)
11 beginning with the 2007-2008 school year;

12 ~~(4)(7)~~ Categories and descriptions of expenditures that each
13 education service cooperative shall report on its annual report authorized by
14 law; and

15 (8)(A) Rules relating to computing error rates in coding and
16 reporting financial information under the system and penalties to focus on
17 areas needing improvement.

18 (B) The department shall implement this subdivision (c)(8)
19 beginning with the 2007-2008 school year.

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21 /s/ Walters

22

23 APPROVED: 4/3/2007

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**Arkansas Department of Education
Proposed Rules Governing the Final Close of
Public School Financial Records**

1.00 Authority

- 1.01 The Arkansas State Board of Education's authority for promulgating these rules is pursuant to A.C.A. 6-11-105 and A.C.A. 6-20-2202 (d)(1)(B) as amended by Act 858 of the 2007 regular session.
- 1.02 These Rules shall be known as the Arkansas Department of Education Rules Governing the Final Close of Public School Financial Records.

2.00 Purpose

- 2.01 The purpose of these rules is to establish the deadline for any changes made to a district's general ledger database for the immediate previous year.

3.00 Definitions – For the purposes of these Rules, the following terms mean:

- 3.01 "APSCN" means the Arkansas Public School Computer Network.
- 3.02 "Final Close" means the last date on which changes to the APSCN general ledger database can be made on previous year data.

4.00 Procedures

- 4.01 For the 2006-2007 annual report, the final date on which all revenues and expenditures must be completed is September 30, 2007.
- 4.02 Closing activities would include any adjusting entries applicable to the previous year, balancing the bank statements, all reconciliations, and journal entries required.
- 4.03 All closing activities for the 2006-2007 school year must be completed by September 30, 2007 and September 15 for each school year thereafter.
- 4.04 APSCN shall ensure that proper controls and edits are in place to prohibit changes to the district's databases after the final close has been performed.
- 4.05 A final close must be performed in each school district, open enrollment charter school, or education service cooperative.

5.00 Audit Adjustments

- 5.01 After the fiscal year end audit has been completed and errors are identified which require adjusting entries for the previous year data, the district, charter school, or education cooperative will be required to contact APSCN to obtain the appropriate permission to reopen the database to complete the adjusting entries required by audit.

- 5.02 Correcting audit entries done as a result of an audit will be the only adjustments made to previous year data after the September 30 deadline.
- 5.03 A report will be maintained by APSCN of all districts granted permission to make audit adjustments to the previous year data as described in Section 5.01 of this rule.

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 858 of the Regular Session

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007

As Engrossed: S3/20/07

A Bill

SENATE BILL 764

4
5 By: Senator Wilkins
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7

8 **For An Act To Be Entitled**

9 AN ACT TO REQUIRE A FINAL CLOSE OF SCHOOL
10 FINANCIAL RECORDS ON THE ARKANSAS PUBLIC SCHOOL
11 COMPUTER NETWORK BY SEPTEMBER 30 OF EACH YEAR;
12 AND FOR OTHER PURPOSES.
13

14 **Subtitle**

15 AN ACT TO REQUIRE A FINAL CLOSE OF
16 SCHOOL FINANCIAL RECORDS ON THE ARKANSAS
17 PUBLIC SCHOOL COMPUTER NETWORK BY
18 SEPTEMBER 30 OF EACH YEAR.
19
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. Arkansas Code § 6-20-2202(d)(1)(B), concerning budget and
24 expenditure reports of schools, is amended to read as follows:

25 (B)(i) An annual report summarizing the information
26 required in subdivision (d)(1)(A) of this section in a format required by the
27 department shall be filed by September 15 of each year with the department.

28 (ii) A final close must be performed in each school
29 district's, open-enrollment charter schools', or education service
30 cooperative's applicable general ledger database no later than September 30,
31 2007, for the 2006-2007 school year and September 15 for each school year
32 thereafter. The Arkansas Public School Computer Network shall ensure that
33 proper controls are in place to prohibit changes to the aforementioned data
34 after the final close has been performed.
35



1

/s/ Wilki

APPROVED: 4/3/2007s

Arkansas Department of Education
Proposed Rules Governing the
Calculation of Miscellaneous Funds
June 25, 2007

1.0 Authority

- 1.01 The Arkansas State Board of Education's authority for promulgating these Rules is pursuant to Ark. Code Ann. § 6-20-2303 and Acts 272 and 825 of 2007.
- 1.02 These Rules shall be known as the Arkansas Department of Education Rules Governing the Calculation of Miscellaneous Funds.

2.00 Purpose

- 2.01 The purpose of these Rules is to define the procedures for the calculation of Miscellaneous Funds.

3.00 Definitions

For purposes of these Rules, the following terms mean:

- 3.01 "Miscellaneous Funds" are those funds collected and reported to the Department of Education by April 15 of each school year, consisting of funds received by a school district from federal forest reserves, federal grazing rights, federal mineral rights, federal impact aid, federal flood control, wildlife refuge funds, severance taxes, and funds received by the school district in lieu of taxes, and local sales and use taxes dedicated to education pursuant to § 26-74-201 et seq., § 26-74-301 et seq., § 26-75-301 et seq., and the Local Government Bond Act of 1985, § 14-164-301 et seq.
- 3.02 "Miscellaneous Funds calculation" is the average of those funds listed in 3.01 above collected in the previous five (5) school years and reported to the Department of Education by April 15 of each school year.
- 3.03 "Previous Year" is the school year immediately preceding the school year in which funds are allocated.
- 3.04 "School Year" is the year beginning July 1 of one calendar year and ending June 30 of the next calendar year.

4.00 Procedures

- 4.01 The Department shall use the Miscellaneous Funds reported to the Department of Education by April 15 of each school year from federal forest reserves, federal grazing rights, federal mineral rights, federal impact aid, federal flood control, wildlife refuge funds, severance taxes, and funds received by the school district in lieu of taxes, and local sales and use taxes dedicated to education pursuant to § 26-74-201 et seq., § 26-74-301 et seq., § 26-75-301 et seq., and the Local Government Bond Act of 1985, § 14-164-301 et seq., to determine the Miscellaneous Funds calculation.

- 4.02 If a school district has not received funds from a category of Miscellaneous Funds in the current school year, then that category of Miscellaneous Funds will not be included in the five-year average calculation of Miscellaneous Funds for funding for the next school year.
- 4.03 The calculation of Miscellaneous Funds shall be an annual calculation.

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 825 of the Regular Session

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

As Engrossed: H3/22/07

A Bill

HOUSE BILL 2429

5 By: Representative Abernathy
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7

8 **For An Act To Be Entitled**

9 AN ACT CONCERNING THE CALCULATION OF A SCHOOL
10 DISTRICT'S MISCELLANEOUS FUNDS; AND FOR OTHER
11 PURPOSES.
12

13 **Subtitle**

14 AN ACT CONCERNING THE CALCULATION OF A
15 SCHOOL DISTRICT'S MISCELLANEOUS FUNDS.
16
17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

20 *SECTION 1. Arkansas Code § 6-20-2303(11), as amended by 272 of 2007,*
21 *concerning the definitions relating to public school funding, is amended to*
22 *read as follows:*

23 *(11)(A) "Miscellaneous funds" means the average of those funds*
24 *collected in the previous five (5) school years and reported to the*
25 *Department of Education by April 15 of each school year, consisting of:*

26 *~~(A)(i)~~ Funds received by a school district from*
27 *federal forest reserves, federal grazing rights, federal mineral rights,*
28 *federal impact aid, federal flood control, wildlife refuge funds, severance*
29 *taxes; and*

30 *~~(B)(ii)~~ Funds received by the school district in*
31 *lieu of taxes, and local sales and use taxes dedicated to education pursuant*
32 *to § 26-74-201 et seq., § 26-74-301 et seq., § 26-75-301 et seq., and the*
33 *Local Government Bond Act of 1985, § 14-164-301 et seq.†*

34 *(B) If the school district no longer receives funds from a*
35 *source of funds listed in subdivision (11)(A), then previous collections from*



1 that source of funds shall not be included in the five-year average;
2

3 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
4 General Assembly of the State of Arkansas that the 2006 Act 57 study
5 recommended that foundation funding and categorical funding be increased for
6 the 2007-2008 and 2008-2009 school years; that the method of calculating the
7 state foundation funding aid should be changed to ensure that all public
8 school districts receive the full amount of foundation funding; and that this
9 act is necessary to ensure that public school districts receive adequate
10 foundation funding for the 2007-2008 school year. Therefore, an emergency is
11 declared to exist and this act being necessary for the preservation of the
12 public peace, health, and safety shall become effective on July 1, 2007.

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14 /s/ Abernathy

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16 APPROVED: 4/2/2007
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**Arkansas Department of Education
Proposed Rules Governing Athletic Expenditures
For Public School Districts**

1:00 Regulatory Authority

- 1.01 These rules are enacted pursuant to the Arkansas State Board of Education authority under A.C. A. 6-11-105, and 6-20-2000 et seq., 6-16-137, and Act 255 of 2007 Regular Session.
- 1.02 These rules shall be known as the Arkansas Department of Education Rules Governing Athletic Expenditures for Public School Districts.

2:00 Purpose

- 2.01 The purpose of these rules is to establish the procedures to be followed by public school districts in coding and implementing financial reporting of athletic expenditures.

3:00 Definitions

For the purposes of this rule, the following terms shall mean:

- 3.01 “Arkansas Activities Association” means the organization which serves as the centralized governing agency for all interschool athletic competitions.
- 3.02 “Athletic Expenditures” means all direct and indirect expenses related to interschool athletic programs, prorated if necessary.
- 3.03 “Classroom Teacher” means an individual who is required to hold a teaching license from the Department of Education and who is engaged directly in instruction of students in a classroom setting for more than seventy percent (70%) of the individual’s contracted time.
- 3.04 “Interschool Athletic Program” means any athletic program which is organized primarily for the purpose of competing with other schools, public and/or private or any athletic program subject to regulation by the Arkansas Activities Association.
- 3.05 “State Funds” means all money derived from state revenues, specially including but not limited to, distributions from the Department of Education and ad valorem property taxes distributed to a public School district.

4:00 Financial Coding Requirements

- 4.01 These financial coding requirements are in effect for the 2006-2007 school year.
- 4.02 All athletic expenditures must be charged to a budget unit containing the appropriate fund, source of fund, function, and location codes.
- 4.03 The program code 115 must be used for all athletic expenditures.
- 4.04 Salaries and benefits of a classroom teacher assigned to a class of students participating in an interschool athletic program must be coded as an athletic expenditure even if the course is offered for physical education credit.
- 4.05 Expenditures for property insurance, utilities, and all other maintenance expenditures must be charged to athletics based upon the portion of the expenditures used to support athletic activities.
- 4.06 Districts may use an allocation method to identify the portions of district expenditures used to support athletic activities. One allocation method approved by ADE is to allocate these costs based on the percentage of athletic salaries and benefits paid from the teacher salary fund compared to total salaries and benefits paid from the teacher salary fund and related benefits.
- 4.07 All allocation methods are subject to Legislative Audit review and Must be well documented.
- 4.08 All travel, including bus-related operation and maintenance, to and from any interschool athletic program event for students, faculty, spirit groups, band, or patrons of the district.
- 4.09 If a district does not adopt its own allocation method for transportation costs, the district must use the state-wide average student transportation cost per mile as determined by ADE. Districts must maintain all documentation supporting any alternative allocation methods.

5.00 Salaries and Benefits for Coaches

- 5.01 Coaching stipends and related benefits must be charged to athletics.

- 5.02 All pay for extended contract days pertaining to athletics and the Related benefits to those days of pay must be charged to athletics.
- 5.03 The base salary contract for athletic coaches as indicated by the district's Base teacher's salary schedule must be allocated between athletics and nonathletics if during the school day the athletic coach is assigned to classes for students participating in an interschool athletic program.
- 5.04 For purposes of allocating salaries and benefits of athletic coaches, Preparation periods in excess of one period must be allocated to Athletics.
- 5.05 Current year salaries and benefits should be used by districts for allocation calculations. The allocation percentage can be determined immediately following the last payroll for the current school year.
- 5.06 Salaries paid to interschool athletic program personnel in positions Requiring a teaching license must be paid from the teacher salary fund and will, therefore, always be considered paid from state funds.

6.00 Required Reporting

- 6.00 Local school boards of each school district must provide an annual report Of prior year athletic expenditures and current year budgets by September 15 of each year.
- 6.01 The content for the required athletic expenditure report is obtained from Information districts submit in cycle 1.
- 6.03 ADE shall produce the required report and budget from information submitted by the districts regarding athletics expenditures and district budgets.
- 6.04 The report shall include athletic expenditures from state funds only And budgets from state funds only.

7.0 Revenues

- 7.01 Gate receipts, private donations, revenues from fund raisers, and any other non-state revenue pertaining to the athletic programs shall not be deposited in the teacher salary fund (Fund 1) or the operating fund (Fund 2).
- 7.02 Gate receipts and other non-state revenues shall be deposited in the activity fund (Fund 7).

8.00 Required Reviews

- 8.01 The Division of Legislative Audit shall conduct a review of athletic expenditure reports and Department of Education rules.
- 8.02 Legislative Audit shall annually review twenty percent (20%) of the districts to evaluate the district's implementation of current laws and rules.
- 8.03 If Legislative Audit determines that for any given year the Division has insufficient staff to conduct the reviews as required by Act 255 of the regular 2007 session, then the Division may establish the number of districts that will be reviewed for that year.

9.0 Sanctions

- 9.01 Failure to comply with current financial coding requirements regarding athletic expenditures and budgets may result in audit exceptions or the district's being placed in fiscal distress.

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 255 of the Regular Session

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

A Bill

HOUSE BILL 1460

5 By: Representative Pickett
6
7

For An Act To Be Entitled

9 AN ACT TO REVISE ACCOUNTABILITY AND REVIEW
10 REQUIREMENTS CONCERNING ATHLETIC EXPENDITURES BY
11 PUBLIC SCHOOLS; AND FOR OTHER PURPOSES.
12

Subtitle

13 AN ACT TO REVISE ACCOUNTABILITY AND
14 REVIEW REQUIREMENTS CONCERNING ATHLETIC
15 EXPENDITURES BY PUBLIC SCHOOLS.
16
17
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code § 6-20-2002 is amended to read as follows:
22 6-20-2002. Definitions.

23 As used in this subchapter:

24 (1) "Athletic expenditures" means all direct and indirect
25 expenses related to interschool athletic programs, prorated if necessary,
26 including, but not limited to:

27 (A) ~~Salaries~~ The proportion of salaries or supplemental
28 pay for staff for or related to interschool athletic programs or organized
29 physical activity courses as provided under § 6-16-137, or both, ~~excluding~~
30 ~~salaries received for duties as a classroom teacher;~~

31 (B) All fringe benefits, including, but not limited to,
32 medical and dental insurance, workers' compensation, pension plans, and any
33 other costs associated with employment of staff for interschool athletic
34 programs;

35 (C) Travel, including bus-related operation and



1 maintenance, to and from any interschool athletic program event for students,
2 faculty, spirit groups, band, or patrons of the school district;

- 3 (D) Equipment;
- 4 (E) Meals;
- 5 (F) Supplies;
- 6 (G) Property and medical insurance;
- 7 (H) Medical expenses;
- 8 (I) Utilities; and
- 9 (J) Maintenance of facilities related to interschool

10 athletic teams and spirit groups, excluding bands;

11 (2) "Classroom teacher" means an individual who is required to
12 hold a teaching license from the Department of Education and who is engaged
13 directly in instruction with students in a classroom setting for more than
14 seventy percent (70%) of the individual's contracted time;

15 (3) "Interschool athletic program" means:

16 (A) ~~any~~ Any athletic program ~~which that is:~~

17 (i) ~~organized~~ Organized primarily for the purpose of
18 competing with other schools, public or private; or

19 (ii) Subject to regulation by the Arkansas
20 Activities Association; and

21 (4) "State funds" means all money derived from state revenues,
22 specifically including, but not limited to, distributions from the Department
23 of Education Public School Fund Account and ad valorem property taxes
24 distributed to a public school or school district.

25
26 SECTION 2. Arkansas Code § 6-20-2003(b), concerning certification of
27 the athletic expenditure report by public school districts, is amended to
28 read as follows

29 (b)(1) Any school district failing to comply with the provisions of
30 this subchapter and the rules adopted by the state board for the
31 implementation of this subchapter shall be identified by the department to be
32 a school in fiscal distress in accordance with the Arkansas Fiscal Assessment
33 and Accountability Program, § 6-20-1901 et seq.

34 (2) Any report required by this subchapter shall be subject to a
35 yearly audit which shall be filed as set forth under § 6-20-1801 et seq.

36 (3)(A) The Division of Legislative Audit shall conduct a review

1 of any report required by this subchapter to determine compliance with this
2 subchapter and any rule established by the Department of Education in
3 accordance with § 6-20-2004.

4 (B) The division shall conduct the review under this
5 subdivision (b)(3) annually on a rotating basis so that each public school
6 district is evaluated at least one (1) time every five (5) years.

7 (C) If the division determines that it has insufficient
8 staffing to conduct the scheduled reviews under this subdivision (3) in a
9 given year, the executive committee of the Legislative Joint Auditing
10 Committee may establish the priority and number of public school districts
11 that can reasonably be reviewed with available staff resources for the given
12 year.

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14 **APPROVED: 3/9/2007**
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RECEIVED

FEB 20 2007

TEACHER QUALITY

Janet Banister Candidate ID 01162828
213 East 1st
Blevins, Arkansas 71825
banister@blevins.swsc.k12.ar.us

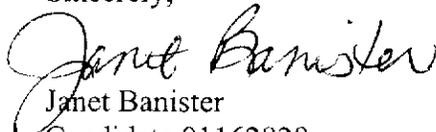
To Whom It May Concern:

I am withdrawing from candidacy for National Board Certification. I am having health problems and am unable to continue the process. I am also advised by my doctor to withdraw.

In addition, I would like for the board to consider waving the 500.00 fee. Because of my health problems, I have missed many days of school, and I am anticipating losing more due to hospitalization. My husband has been off work since December of 2005, and is on workers compensation. These financial hardships will make it difficult for my family to repay the 500.00.

I do appreciate your consideration in this matter.

Sincerely,


Janet Banister
Candidate 01162828



Established 1947 • Dr. Henry M. Carney (1908-2003) • Dr. S. A. Collom, Jr. (1904-1955)

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February 7, 2007

JANET BANISTER
213 E 1ST
BLEVINS, AR 71825

RE: JANET BANISTER
DOB: 10/04/1951
Ref #: 003148061

To Whom It May Concern,

This is a letter written in regards to Mrs. Janet Banister. She is a 55-year-old female that I have been following in my office in regards to various spells suggestive of either possible epilepsy or seizure-like activity. She also has myoclonus and sleep apnea syndrome. She has been treated with various anti-epileptic medications. She is currently undergoing evaluation by Dr. Victor Biton, an epileptologist in Little Rock, Arkansas.

Overall, her symptomatology does appear to be increased during times of increased emotional stress and for that reason, I feel that Mrs. Banister can be allowed to return to her usual teaching activities but should not be allowed any additional projects which would produce excessive stress which could worsen her symptoms.

Please contact me should you have questions regarding this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Michael Clevenger'.

Michael E. Clevenger, M.D.
MEC/sf

Job #: 626852

ARKANSAS EPILEPSY PROGRAM, P.A.

Victor Biton, M.D.

#2 Lile Court, Suite 100

Little Rock, AR 72205

(501) 227-5061 FAX (501) 227-5234

For Janet Bannister

Address _____

Phone _____ Date 2/14/07

*unable to complete
national board process due
to medical condition.*

Brand
Name Medically
Necessary

V. Biton M.D. M.D.

DEA No. _____

Refill _____ Times



BENTONVILLE HIGH SCHOOL

1901 Southeast J Street • Bentonville, Arkansas 72712 • Phone (479) 254-5100 • Fax (479) 464-1291

RECEIVED
JAN 30 2007
TEACHER QUALITY

Michael Rowland – Program Advisor
Office of Teacher Quality
Arkansas Department of Education
501 Woodland St. Suite 220C
Little Rock, AR 72201

Dear Michael,

As per our recent conversation regarding my withdrawal from candidacy for the National Board, I am sending you a letter from my physician confirming my medical condition as well as a copy of my withdrawal confirmation. It is my hope that you will be able to secure a pardon of penalty for my state funding.

Please confirm that you were able to secure a refund to the state and that I will have no further financial obligations to NBPTS or the State of Arkansas. Feel free to contact me at BHS by dialing direct at 479 254-5211 or emailing me at dchapman@bentonville.k12.ar.us.

Thank you,

David Chapman



NBPTS Processing Center
11827 Tech Com Way, Suite 200
San Antonio, Texas 78233
(800) 22TEACHSM phone • (888) 811-3514 fax
www.nbpts.org

Withdrawal Request Acknowledgement

January 18, 2007

David Chapman
711 Sw Brighton Drive
Bentonville, AR 72712

Portfolio Due Date: March 31, 2007
Candidate ID: 01162772

We regret to learn that you will be unable to participate in the certification process this year. We hope that your experience was a positive one and we encourage you to consider National Board Certification[®] again in the near future.

Please note the following NBPTS refund policies:

- * Your withdrawal request must have been received on or before your portfolio deadline and prior to attending a scheduled assessment center appointment.
- * You must have canceled any scheduled assessment center appointment prior to the date of the appointment.
- * NBPTS does not refund the \$500 initial fee regardless of the circumstances surrounding the withdrawal.
- * If you are entitled to a fee refund, a check for the assessment fee you have paid, less the \$500 initial fee and any fee penalties, will be mailed to you within 8 to 12 weeks.

For more information regarding our refund policies, please refer to the Guide to National Board Certification on the NBPTS Web site at http://www.nbpts.org/become_a_candidate/eligibility_policies.

We hope that you plan to pursue National Board Certification in the future. If you have any questions, please call 1-800-22TEACH to speak with a member of our customer support team.



MERCY HEART GROUP

January 25, 2007

RECEIVED
JAN 30 2007
BOSTON QUALITY

To Whom It May Concern:

Mr. David Chapman is a patient in my care with Mercy Heart Group in Rogers, Arkansas. Mr. Chapman experienced a cardiac arrest on January 1, 2007 that has necessitated lifestyle and medication changes that will prevent him from pursuing National Board Certification at this time.

Please feel free to contact me at any time regarding the above.

Sincerely,

Ronald J. Haberman, M.D.
Board Certified Clinical Cardiac Electrophysiologist

February 16, 2007

RECEIVED
FEB 20 2007
TEACHER QUALITY

Arkansas Department of Education
4 State Capitol Mall
Little Rock, AR 72201-1071

ATT: Michael Rowland, NBPTS Program Advisor
Office of Teacher Quality

Mr. Rowland:

Please find the enclosed letter from my diabetic specialist, Dr. Raymond Marecek.
Thank you for giving me consideration in this matter. If you are in need of any additional
information please contact me.

Once again, Thank you.

Debby Mauldin
Debby Mauldin

RAYMOND L. MARECEK, M.D., F.A.C.E.

Fellow of the American College of Endocrinology

2215 Wildwood Avenue • Suite 105
Sherwood, Arkansas 72120
Phone (501) 833-3833

February 1, 2007

Debby Mauldin
#73 Acklin Gap Road
Conway, AR 72032

RECEIVED
FEB 22 2007
TEACHER QUALITY

RE DEBBY MAULDIN
#54497
DOB: 11/11/58

To whom it may concern:

Debby Mauldin has requested I provide information regarding the nature of her diabetes mellitus. Debby was diagnosed with diabetes in 1997. In spite of her efforts at diabetic control with the use of oral agents, she manifested persistent hyperglycemia during 2003, 2004, and 2005. This uncontrolled diabetes provoked fatigue, pain in the lower extremities (neuropathy), and increased infections.

In my opinion, the diabetes mellitus more likely than not contributed to Debby's failure to complete her program for National Board Certification. Recently Debby had experienced enhanced diabetic control with the use of 4 shots of insulin per day, and her physical and emotional state have improved immensely.

Thank you very much for your consideration of this matter, and if additional medical information is needed, please do not hesitate to notify me.

Sincerely yours,


RAYMOND L. MARECEK, M.D., F.A.C.E

RLM/djb

ARKANSAS DEPARTMENT OF
Education 

Dr. T. Kenneth James, Commissioner

4 State Capitol Mall • Little Rock, AR 72201-1071
(501) 682-4475
<http://ArkansasEd.org>

December 28, 2006

Debby Mauldin
73 Acklin Gap Road
Conway, AR 72032

RECEIVED
FEB 22 2007
TEACHER QUALITY

Dear Debby,

You initiated your candidacy for National Board Certification in the 2002-2003 school year. The three years allowed for completion of certification requirements have expired, and our records indicate that you have not yet achieved certification. While this is a disappointment to us, I know that you feel particularly frustrated at not achieving certification within the time allowed.

This is a reminder that in fall of 2002 your application fee was funded by the Arkansas Department of Education. As you are already aware, Ark. Code Ann. § 6-17-413 mandates that, if certification is not achieved within three years after a teacher's entry into the certification program, a candidate must repay all state funds expended on his or her behalf. The rules pertaining to the legislation can be reviewed at http://arkedu.state.ar.us/rules/pdf/current_rules/national_board_standards.pdf. The enclosed invoice reflects the amount spent on your behalf that must be repaid to the Arkansas Department of Education.

Please contact me within the next 30 days to discuss your repayment. You may reach me at Michael.Rowland@arkansas.gov or 501-682-1146. Checks or money orders should be made payable to the Arkansas Department of Education and mailed to:

NBPTS State Support Program
501 Woodlane, Suite 220-C
Little Rock, AR 72201

Please be advised that Ark. Code Ann. § 6-17-413 also provides that the State Board of Education may suspend the Arkansas teacher's license of any person that fails, when required to do so, to repay moneys contributed by the Department for the certification program of the National Board for Professional Teaching Standards.

Thank you in advance for your attention to this matter.

Sincerely,



Michael Rowland, NBPTS Program Advisor
Office of Teacher Quality

Enclosures

STATE BOARD OF EDUCATION: Chair: Diane Tatum, Pine Bluff • Vice Chair: Randy Lawson, Bentonville
Members: Sherry Burrow, Jonesboro • Jim Cooper, Melbourne
Dr. Calvin King, Marianna • Dr. Tim Knight, Arkadelphia • Dr. Ben Mays, Clinton
MaryJane Rebick, Little Rock • Dr. Naccaman Williams, Springdale

An Equal Opportunity Employer

The following people request waiver for repayment of fees due to non completion of National Board for Professional Teaching Standards program.

	Name	Year Process Began	Employer	Amount Owed to ADE
A	Janet Banister	2006-2007	Hope School District	\$500
B	David Chapman	2006-2007	Bentonville School District	\$500
C	Debby Mauldin	2002-2003	Vilonia School District	\$1,743

A copy of documentation for each is attached.

Ark. Code Ann. § 6-17-413 (b) (4) provides that repayment of moneys contributed by the department is not required if, due to the death or disability of the teacher or other extenuating circumstances as may be recognized by the State Board of Education, the teacher does not complete the certification process of the National Board for Professional Teaching Standards or does not teach in the Arkansas public school system for two (2) continuous school years after completing the certification process of the National Board for Professional Teaching Standards.