

The Arkansas Department of
Education

AGENDA
STATE BOARD OF EDUCATION

April 21, 2008

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

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

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Reports

Report-1 West Fork High School Two Year Probation On-campus Standards Review (OSR) Follow-up Report

November 5, 2007 – State Board of Education action on:

Review of Probationary Status of West Fork High School for failing to meet all Standards for Accreditation for two (2) Consecutive Years

State Board of Education action requires the district issue a written certification verifying violations have been corrected and no other violations exist by February 1, 2008. A follow-up visit will be conducted prior to May 15, 2008, to verify status.

Date of On-campus Standards Review:

March 28, 2008 - West Fork School District

Standards Assurance Unit On-campus Standards Review results

West Fork School District was in compliance with the Standards for Accreditation at the time of the On-campus Standards Review.

Presenter: Frank Wimer, Unit Leader, Standards Assurance Unit

Consent Agenda

C-1 Minutes - March 10, 2008

Presenter: Diane Tatum

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. The April report summarizes the PMT for March.

Presenter: Dr. Charity Smith/Willie Morris

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.

Presenter: Ms. Beverly Williams Ms. Clemetta Hood

C-4 Review of Loan and Bond Applications

Pursuant to Arkansas Code Annotated § 6-20-805 and § 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: **Commercial Bonds - 2 Second Lien Applications – Recommend Approval; 11 Voted Bond Applications – Recommend Approval**

Presenter: Dr. Bobbie Davis and Ms. Amy Woody

C-5 Consideration for Approval of QZAB Allocation Applications

Qualified Zone Academy Bonds (QZABs) are a funding instrument created in 1997 to assist school districts in implementing school renovations and repairs and in developing new programs to enhance technology and better prepare students for the rigors of the workplace. An important feature of QZABs is that they may be issued at a reduced or zero interest rate. The federal government issues a tax credit to the investor in lieu of normal interest paid by the issuer of the debt.

In November of 2000, the State Board approved the Rules and Regulations Governing the Allocation of Qualified Zone Academy Bonds. The QZAB Allocation Committee recommendations are in compliance with the Rules and Regulations. A total of \$1,715,000.00 in authorization is available for allocation in this cycle. This total represents the amount of 2007 Arkansas allocation remaining after the December 2007 allocation cycle. The total allocation requested in this cycle is \$950,000.00. Remaining allocation will be available for consideration by the State Board at its August 2008 meeting. The proposed allocation of \$950,000.00 of QZAB authorization is valid only if the State Board approves the recommendations of the QZAB Allocation Committee as stated herein.

It is requested that the State Board of Education review the following recommendations of the QZAB Allocation Committee concerning applications for QZAB Allocations:

Lincoln	Recommended Approval	800,000
Paragould	Recommended Approval	150,000
TOTAL		\$950,000

Presenter: Ms. Cindy Hedrick

C-6 Report 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 days. Waiver requests were received from 27 school districts covering a total of 94 positions. None of these requests were from a district in academic distress. These requests have been reviewed, either approved or denied by Department Staff and are consistent with program guidelines.

Presenter: Beverly Williams, Assistant Commissioner for HR/Licensure

C-7 Request for Waiver of Instructional Time Due to Inclement Weather - Calico Rock School District

Calico Rock School District requested waiver of two (2) days from required 178 days of instruction. The request was for one day based on flooding in the area and one day based on inclement weather - icy roads. The district did not include any inclement weather days in the school calendar for 2007-2008.

The Department recommends approval of waiver for one day - flood and deny one day based on inclement weather - ice.

Presenter: Annette Barnes

C-8 Request for Waiver of Instructional Time Due to Inclement Weather - Clinton School District

At the March 10 meeting, the Board granted Clinton School District a waiver of three (3) days due to power outage and other interruptions due to storm damage in the Clinton School District.

On March 18, the Department received a request for additional waiver of five (5) days due to inclement weather - snow. The district maintained its scheduled spring break and the district did not include any days for inclement weather in the initial school schedule for the 2007-2008 school year.

The Department recommends that the request for waiver of five days be denied.

Presenter: Annette Barnes

C-9 Request for 3 days Waiver of Instructional Time Due to Tornado Damage - Cotter Public Schools

The Cotter School District missed three (3) instructional days as a result of power outage and storm damage related to the February 5th tornado. Other days were missed due to inclement weather, but those days have or will be made up prior to the end of the current school year.

The Cotter School District requests a waiver of three (3) instructional days for the 2007- 2008 school year.

The Department recommends approval of a waiver for three (3) instructional days for 2007-2008 school year.

Presenter: Annette Barnes

C-10 Request for 4 days Waiver of Instructional Time Due to Tornado Damage and Other Waivers - Highland School District

As of March 24, 2008, Highland School District has missed a total of twelve (12) instructional days due to a combination of inclement weather (snow - 7 days) and storm related disruptions (5 days). The 2007-2008 school calendar did not include any days for inclement weather. As a result, the district cancelled spring break and is

prepared to add additional days to the school year.

Additionally, the Highland School District requested waivers regarding determination of Adequate Yearly Progress (AYP) for the schools in the district and for the district and a waiver for inclusion of Benchmark, End-of-Course test and Literacy Grade 11 in the state summary data.

The Department recommends a waiver of five (5) instructional days, which were related to storm and water damage.

The Department recommends that AYP designation will be sustained at the 2006-2007 level for one year for each school and for the Highland School District.

No recommendation is made at this time regarding assimilation of test scores in state data.

Presenter: Annette Barnes

C-11 Request for a 1 day Waiver of Instructional Time Due to Tornado Damage - Melbourne School District

Melbourne School District reports missing five (5) days during the 2007-2008 school year due to inclement weather and one (1) additional day due to power outage due to storm damage as a result of the February 5th tornado through the region served by this district. Days scheduled for inclement weather in the 2007-2008 school year have been exhausted and additional days projected to be made up to accommodate the five days for inclement weather. The district requests a waiver of one (1) instructional day for the 2007-2008 school year.

The Department recommends approval of waiver for one (1) day of instruction.

Presenter: Annette Barnes

C-12 Request for Waiver of Instructional Time Due to Tornado Damage Shirley School District

Shirley School District reports missing five instructional days for inclement weather during the 2007-2008 school year and one additional day due to power outage and damage related to the February 5th tornado. The district did not have inclement weather days built into the 2007-2008 calendar, but has plans to add additional days to the end of the school year. The district requests waiver of one (1) day as a result of tornado damage.

The Department recommends approval of waiver for one (1) instructional day for the 2007-2008 school year.

Presenter: Annette Barnes

C-13 Request for 4 days waiver of Instructional Time Due to weather - Viola School District

At the time of the request the district had missed eleven (11) days. Nine (9) days due to snow, one (1) day due to funeral services of the former superintendent, and one (1) day due to flooding on March 18th. The district did not have inclement weather days built into the calendar and elected to cancel school for the funeral. The district planned to use three (3) of the five (5) scheduled spring break days but due to flooding was only able to use two (2). The remaining days have been added to the end of the existing calendar year.

The district requested a waiver of four (4) instructional days.

The Department recommends approval of a waiver of one (1) instructional day for the 2007-2008 school year.

Presenter: Annette Barnes

C-14 Request for Waiver of Instructional Time Due to Tornado Damage - Wonderview School District

Wonderview School District reports missing one instructional day related to power outage and damage related to the February 5th tornado. The district also was not in school for additional days due to inclement weather (snow), but those days have or will be made up before the ending date of the school year.

The Wonderview School District requests a waiver of one (1) instructional day due to tornado damage.

The Department recommends approval of one (1) instructional day for the 2007-2008 school year.

Presenter: Annette Barnes

Action Agenda

A-1 Consideration of Petitions from Department of Education Requesting that Helena-West Helena and Midland School Districts be removed from Fiscal Distress Status

Helena-West Helena and Midland School Districts were classified as being in Fiscal Distress in April 2005. Both districts have implemented comprehensive Fiscal Distress Financial Improvement Plans. The Department has placed administrators in both districts. In the absence of a local board, the Commissioner has governed the districts in that capacity. Department staff has provided technical assistance and has reviewed annual financial reports, district budgets, and APSCN reports. Numerous site visits have been conducted. Financial management training has been provided to the newly-elected boards of both districts.

Recommendations:

The Department is certifying that Helena-West Helena and Midland School Districts have corrected all criteria that resulted in their being classified as being in Fiscal Distress. The districts have complied with all Department recommendations and requirements for removal from Fiscal Distress.

A.C.A. §6-20-1908(c) provides:

A school district in Fiscal Distress may only petition the State Board of Education for removal from Fiscal Distress status after the Department has certified in writing that the school district has corrected all criteria from being classified as being in Fiscal Distress and has complied with all Department recommendations and requirements for removal from Fiscal Distress.

The Board is requested to accept and approve these petitions in compliance with A.C.A. §6-20-1908(c), which requires a district in Fiscal Distress to petition the State Board of Education for removal from Fiscal Distress status after the Department has certified in writing that the school district has corrected all criteria for being classified as in Fiscal Distress and has complied with all Department recommendations and requirements for removal from Fiscal Distress.

Presenter: Dr Bobbie Davis

A-2 Consideration of Petition Letters from Hughes, Omaha, and Turrell School Districts Requesting Removal from Fiscal Distress Status

Hughes, Omaha, and Turrell School Districts were classified as being in Fiscal Distress in June 2006. All three districts

have implemented Comprehensive Fiscal Distress Improvement Plans. The Department has provided technical assistance and has reviewed the plans, annual financial reports, district budgets, and APSCN reports. Final site visits were conducted in March 2008.

Recommendation:

The Department is certifying that Hughes, Omaha, and Turrell have corrected the criteria that resulted in their being classified as being in Fiscal Distress and have complied with all Department recommendations and requirements for removal from Fiscal Distress.

A.C.A. §6-20-1908(c) provides:

A school district in Fiscal Distress may only petition the State Board for removal from Fiscal Distress status after the Department has certified in writing that the school district has corrected all criteria for being classified as being in Fiscal Distress and has complied with all Department recommendations and requirements for removal from Fiscal Distress. Attached are the letters from Hughes, Omaha, and Turrell School Districts petitioning the State Board for removal from Fiscal Distress status.

The Board is requested to accept and approve these petitions in compliance with A.C.A. §6-20-1908(c) which requires a district in Fiscal Distress to petition the State Board for removal from Fiscal Distress Status after the Department has certified that each district has corrected all criteria that resulted in its being classified as in Fiscal Distress and has complied with all Department recommendations and requirements for removal from Fiscal Distress.

Presenter: Dr. Bobbie Davis

A-3 Classification of Districts in Fiscal Distress

In February 2008, eight districts were notified by certified mail that they were being identified as being in Fiscal Distress for the 2008-2009 school year. The districts were notified that the recommendation that the State Board classify them as being in fiscal distress would be made at the April 21, 2008, Board meeting. The districts were notified of their right to appeal. The appeals would be heard on April 21, 2008. Districts were also informed at that time that they could not incur any further debt obligations without prior written approval from ADE. The eight districts receiving notification were Concord, Gentry, Greenland, Hartford, Hermitage, Mineral Springs, Murfreesboro, and Westside Consolidated.

The Department is recommending that these eight districts be classified as being in Fiscal Distress for the 2008-2009 school year.

Four of these districts have appealed their identification as being in Fiscal Distress. The Board will need to consider those four districts in a separate agenda item.

Recommendation:

The Department recommends that Concord, Hermitage, Hartford, and Murfreesboro be classified as being in Fiscal Distress for the 2008-2009 school year.

Attachments available under separate cover.

Presenter: Dr. Bobbie Davis

A-4 Appeals to State Board Regarding Fiscal Distress Identification and Classification

by Four Districts: Gentry, Greenland, Mineral Springs and Westside Consolidation School Districts

The Department notified Gentry, Greenland, Mineral Springs and Westside Consolidated School Districts by certified mail on February 29, 2008, that they had been identified as being in Fiscal Distress and that the Department would request on April 21, 2008, that the State Board classify these districts as being in Fiscal Distress. Districts have thirty days to appeal the classification to the State Board.

Gentry, Greenland, Mineral Springs, and Westside Consolidated school districts have filed a letter of appeal.

The State Board will need to consider each district's appeal separately.

Additional Financial information for each district will be provided later.

Presenter: *Dr Bobbie Davis*

A-5 Request for Open-Enrollment Charter School Modification: Covenant Keepers College Preparatory Charter School, Little Rock, AR

The State Board of Education approved the application for Covenant Keepers College Preparatory Charter School on January 15, 2008. At the time of approval the sponsoring entity for the school had intended to use MSPACE as the supplier for modular classrooms for the school. The modular classrooms were to be located at 7000 Geyer Springs Road, Little Rock, AR. Since that time, the vendor MSPACE has implemented new financial mandates requiring credit history for one calendar year and two-thirds of the installation cost up front. The entity board is therefore, requesting to house the charter school at 8300 Geyers Springs Road, Little Rock, AR, which is the former site of Felder Alternative Learning Academy.

The entity is requesting that the State Board of Education grant the change in location for Covenant Keepers College Preparatory Charter School.

Presenter: *Dr. Mary Ann D. Brown, Charter School Program Director Dr. Valerie Tatum, Covenant Keepers, Director*

A-6 Consideration for Approval: Additional Licensure Endorsement Area for Algebra Allowing Middle School Mathematics teachers to Teach Algebra I to Eighth Grade Students

The Professional Licensure requests consideration for approval of an Algebra endorsement for licensed middle school mathematics teachers. A task force, chaired by Dr. Charles Watson, reviewed the current status of highly qualified mathematics teachers at the middle and secondary level with consideration of content expectations for teaching Algebra 1 to eighth grade students. The task force also reviewed the Praxis II examination in Middle School Mathematics with regard to its level of mathematical content specifically in the area of Algebra. (Currently, the state accreditation standards require that a secondary licensed mathematics teacher must be employed to teach Algebra 1.) During the review the task force recommended the creation of this new endorsement area and specified a qualifying criterion "that the minimum cut score be set sufficiently high to assure more than a cursory knowledge of mathematics content."

Educational Testing Service (ETS) provided a Standard Setting and Validation in Arkansas for the Middle School Mathematics Test in the Praxis Series. ETS recommended a scaled cut score for Middle School Mathematics test (#069) of 161.

The Professional Licensure Unit is currently developing an appropriate Additional Licensure Plan (ALP) for this new endorsement area and today we are requesting an approval of the recommended scaled cut score.

Presenter: Beverly Williams, Assistant Commissioner for Human Resources/Licensure

A-7 Consideration of Recommended Praxis II Exam Cut Score Changes

Periodically the Praxis II cut-scores are reviewed by the ADE staff. This process is accomplished by reviewing AR pass rates and comparing data to contiguous states as well as SREB states. A review was recently completed by the Office of Teacher Quality to determine if cut score adjustments were needed on the Praxis II Content Knowledge Exams in Arkansas. The review panel recommended revised cut-scores on several Praxis II Exams and those were then approved by the Professional Licensure Standards Board. The attached spreadsheet has those recommendations.

Presenter: Beverly Williams, Assistant Commissioner for Human Resources/Licensure

A-8 Consideration for Public Comment: Proposed Revision to Rules Governing Teacher Licensure by Reciprocity

The rules for reciprocity have been revised to address necessary changes for teachers from out of state and to introduce new rules on reciprocity for administrators.

Presenter: Beverly Williams, Assistant Commissioner for HR/Licensure

A-9 Consideration for Approval for Public Comment: Proposed Rules Governing End-of-Course Assessments and Remediation

Act 2243 of 2005 (codified as Ark. Code Ann. §§ 6-15-2009 and 6-15-2010) expanded upon the language in Ark. Code Ann. § 6-15-433 (concerning the statewide assessments) as to End-of-Course Examinations, remediation and the development of an alternative exit course and alternative course exam for use in situations set forth in § 6-15-2010. These proposed Rules effectuate the requirements of that Act and set forth specific details and requirements concerning the establishment and implementation of the End-of-Course Examinations and alternative course and exam system, as well as the process for any required remediation.

Presenter: Scott Smith

A-10 Consideration for Approval for Public Comment: Proposed Rules Governing the Requirement of Schools to Have Automatic External Defibrillators

Act 1598 of 2007 requires the State Board of Education to promulgate rules to require that each school have an automated external defibrillator if funds are available. These proposed rules implement the requirements of Act 1598.

Presenter: Scott Smith

A-11 Consideration for Approval for Public Comment: Proposed Rules Governing the Purchase of Instructional Materials by Arkansas School Districts

Acts 1199 and 1577 of the 2007 Regular Session amended Ark. Code Ann. § 6-21-403 (part of "The Free Textbook Act of 1975") to require that the Department monitor to ensure that all districts are in compliance with the Free Textbook Act (Act); failure to comply with the Act shall be reported in the Annual School Performance Report. Sections 8.01 - 8.03 have been added to the current Instructional Materials Rules to implement the monitoring and reporting requirements of Acts 1199 and 1577.

Presenter: Scott Smith

A-12 Consideration for Approval for Public Comment: Proposed Rules Governing the Standards for Accreditation of Arkansas Public Schools and School Districts

Act 829 of the 2007 Regular Session requires that the State Board of Education shall, in its regulations promulgated

concerning school accreditation, include a provision regarding the attainment of unitary status for school districts that have not been released from court supervision over desegregation obligations. Sections 6.02 - 6.05 have been added to current Standards for Accreditation Rules to implement the requirements of Act 829.

Proposed attachments will be provided under separate cover.

Presenter: Scott Smith

A-13 Consideration for Final Approval: Proposed Changes to Rules and Regulations Governing the Arkansas Better Chance Program

In February of 2008, the State Board granted approval for DCC-ECE to take proposed rules changes for the Arkansas Better Chance program out for public comment. Three public meetings were held - March 4, March 10 and March 17- at which 32 people attended. No negative or opposing comments were received. We did incorporate several changes as a result of public comment. Those changes are attached as back-up material. Pursuant to the authority granted the State Board of Education, we request final approval of these rule changes.

Presenter: Paul Lazenby, Assistant Director, DCC-ECE

A-14 Consideration for Final Approval: Rules Governing the Requirement of a Criminal Background Check for the Employment of Personnel in School Districts

On January 15, 2008, the State Board approved for public comment the Proposed Rules Governing the Requirement of a Criminal Background Check for the Employment of Personnel in School Districts (Rules). On March 12, 2008, a public hearing was held at the Department. Two people attended the hearing, but neither submitted comments. There were no public comments received by the Department concerning these Rules.

The Department of Education is requesting final approval from the State Board for these Rules.

Presenter: Scott Smith

A-15 Consideration for Final Approval: Proposed Rules Governing Criminal Background Checks for Substitute Teachers

On January 15, 2008, the State Board approved for public comment the Proposed Rules Governing Criminal Background Checks for Substitute Teachers (Rules). On March 12, 2008, a public hearing was held at the Department. Two people attended the hearing, but neither submitted comments. There were no public comments received by the Department concerning these Rules.

The Department of Education is requesting final approval from the State Board for these Rules.

Presenter: Scott Smith

A-16 Consideration for Final Approval: Arkansas Department of Education Rules for Special Education and Related Services: Procedural Requirements and Program Standards; and, Special Education Eligibility Criteria and Program Guidelines for Children with Disabilities, Ages 3-21.

The Special Education rules have been revised to conform to changes in the federal Individuals with Disabilities Education Act (IDEA) and its implementing regulations at 34 Code of Federal Regulations (CFR) Part 300. A 60 day public review period was completed, during which written comment was taken and three (3) public hearings were held in the State. Public comment was overwhelmingly supportive of the proposed rule changes. As a result, no additional substantive changes have been made to the proposed rules. Minor technical changes were made to the text to correct citation, spelling, grammatical and typographical errors.

The final text of the Rule is circulated in a companion document.

Presenter: *Marcia Harding, Associate Director, Special Education Unit*

A-17 Consideration of Proposed Annual Improvement (Gains) for Grades 3-8 and Report from the Standard-Setting Process

At the March Board meeting Dr. Charity Smith presented a report on summarizing recommendations to establish Annual Improvement (Gains) standards. No action was taken at that time.

On February 7, 2008, approximately 60 Arkansans, as well as members of the Arkansas Technical Advisory Committee, met at the Crowne Plaza Hotel, Little Rock, Arkansas, to discuss, debate, and recommend annual improvement gains standards for the state's schools. The task for the group was to establish standards for each of the five performance categories, which were schools of excellence; schools exceeding the standards; schools meeting standards; schools approaching the standards (alert); and schools in need of immediate improvement.

The Board received a report from the Committee at its March 10, 2008, meeting.

Act 35 of the 2nd Extraordinary Session of 2003 requires that the Department of Education develop a school rating system and publish annual results that shall be designated in two (2) category levels for each school; (1) for the "school's improvement gains" tracked longitudinally using value-added calculation known as the annual improvement category level, and (2) based on the "performance from the prior year," referred to as the annual performance category (or "status"). The Annual Improvement Gains Model must be implemented by school year 2009-2010. The baseline year for the entire process will be the 2007-2008 school year.

Presenter: *Dr. Charity Smith Assistant Commissioner, Division of Academic Public School Accountability*

A-18 Request Approval of Recommendation to Remove Teacher's License from Suspended Status – Alvin Yarberry Jr.

Mr. Yarberry's teacher's license was suspended by the State Board of Education on February 12, 2007, pursuant to Ark. Code Ann. § 9-14-239, which requires suspension of an occupational or professional license when obligor is delinquent in child support payments in an amount equal to three (3) months' obligation or more. Mr. Yarberry's license expired on December 31, 2007.

The Arkansas Office of Child Support Enforcement sent a notice of release to the Arkansas Department of Education on April 1, 2008, requesting that Mr. Yarberry's license be reinstated. Pursuant to Ark. Code Ann. § 9-14-239(d)(2), a license suspension for failure to pay child support shall remain in effect until the licensing entity is notified by the Office of Child Support Enforcement to release the suspension. As Mr. Yarberry has not attempted to renew his expired license, the license cannot be "reinstated," but the Department is recommending that the suspension be lifted in order to accurately reflect that there is no suspension existing that would act as a bar to any future licensure renewal.

Presenter: *Scott Smith*

A-19 Hearing on Denial of Teacher's License – Clinton Sago

Mr. Sago applied for an Arkansas Teacher's License and was denied because he pled nolo contendere to one count of Possession of Drug Paraphernalia, a class C felony. The felony conviction falls under the Uniform Controlled Substances Act, Ark. Code Ann § 5-64-101 et seq. Pursuant to Ark. Code Ann. § 6-17-410(c)(13), the State Board shall not issue a first-time license to any person who has pled nolo contendere to a felony conviction of the Uniform Controlled Substances Act. Mr. Sago was notified of the denial of his license on March 18, 2008, and of his right to a hearing

before the State Board on April 21, 2008. Mr. Sago notified the Attorney's Office on March 24, 2008 that he was invoking his right to a hearing before the State Board.

Presenter: Scott Smith

A-20 Hearing on Revocation of Teacher's License – Kellie Beasley

Ms. Beasley currently holds a standard five-year license valid until December 31, 2010. On April 2, 2007, Ms. Beasley pled guilty or nolo contendere to one count of Possession of Methamphetamine with Intent to Deliver, a class Y felony, and one count of Possession of Drug Paraphernalia with Intent to Manufacture, a class B felony. Both felony convictions fall under the Uniform Controlled Substances Act, Ark. Code Ann. § 5-64-101 et seq. Pursuant to Ark. Code Ann. § 6-17-410(c)(13), the State Board shall revoke any existing license not up for renewal of any person who has pled guilty or nolo contendere to any felony in violation of the Uniform Controlled Substances Act. Ms. Beasley was notified of the recommendation of revocation of her teacher's license on March 26, 2008, and of her right to a hearing before the State Board on April 21, 2008. Ms. Beasley was formerly employed by the West Memphis School District as an elementary school teacher.

Presenter: Scott Smith

A-21 Hearing on Revocation of Teacher's License – David Warner

Mr. Warner currently holds a standard five-year license valid until December 31, 2010. On December 6, 2006, Mr. Warner plead guilty to the charge of Sexual Indecency With a Child, a class C Felony. Pursuant to Ark. Code Ann. § 6-17-410(c)(14), the State Board shall revoke any existing license not up for renewal of any person convicted of Sexual Indecency With a Child. Mr. Warner was notified of the recommendation of revocation of his teacher's license on March 26, 2008, and of his right to a hearing before the State Board on April 21, 2008. Mr. Warner was formerly employed by the Farmington School District as a social studies teacher.

Presenter: Scott Smith

A-22 Hearing on Revocation of Teacher's License – Amy Hilbun

Ms. Hilbun currently holds a standard five-year license valid until December 31, 2010. On September 12, 2007, Ms. Hilbun was found guilty of Second Degree Battery, a class C felony, for injuries she inflicted upon her own child. Pursuant to Ark. Code Ann. § 6-17-410(c)(4), the State Board shall revoke any existing license not up for renewal of any person who has been found guilty of Battery in the Second Degree. Ms. Hilbun was notified of the recommendation of revocation of her teacher's license on March 26, 2008, and of her right to a hearing before the State Board on April 21, 2008. Ms. Hilbun was formerly employed by the Jacksonville School District as a special education teacher.

Presenter: Scott Smith

Reports

Report-1 Public Comment - Calvin Frierson, West Helena, Arkansas

Mr. Frierson requests by letter to appear before the Arkansas State Board of Education. His reasons for requesting to be placed on the Agenda include the following allegations: Marvell High School Scholastic Audit Report; excessive expulsions and suspensions without proper due process at Marvell High School; lack of parental voice in students' education in the Marvell School District; unlawful local school board meeting practices; and lack of student protection.

Presenter: Scott Smith

Report-2 Public Comment, Lucien Webster, Mayor, Elaine, Arkansas

Mr. Webster requests by letter to appear before the Arkansas State Board of Education. His reasons for requesting to

be placed on the Agenda include: long bus rides; safety of students; reopening the high school in Elaine; and protesting the busing of elementary students from Elaine Elementary to Marvell Elementary (4th - 6th).

Presenter: Scott Smith

Report-3 Public Comment - Xzavior Johnson, Marvell, Arkansas

Mr. Johnson requests by letter to appear before the Arkansas State Board of Education. His reasons for requesting to be placed on the Agenda include: school environment, lack of adequate education, and student/teacher relationship.

Presenter: Scott Smith

Minutes
State Board of Education
Monday, March 10, 2008

The State Board of Education met on Monday, March 10, 2008, 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, Chairman; Randy Lawson, Vice-Chairman; Sherry Burrow; Jim Cooper; Brenda Gullett; Dr. Tim Knight; Dr. Ben Mays; MaryJane Rebick; and Dr. Naccaman Williams.

No members were absent.

There was no Chair's Report

There was no Commissioner's Report

Special Reports

Ms. Tatum introduced Mr. Raymond Simon, Deputy Secretary, U.S. Department of Education. Mr. Simon commended the Board for the progress of education in Arkansas and noted that many states were taking notice of the work being done in the State to improve the quality of education for all students. Mr. Simon also addressed the reauthorization of the federal No Child Left Behind legislation and requested input into the dialogue leading up to legislative action.

Dr. Charity Smith was recognized to present recognition plaques to seventeen Arkansas high schools that made significant progress in increasing the college readiness of their graduates as demonstrated by the increase in ACT scores over the past five years.

Arkansas College Readiness Recognition Award

High School	School District	2007	2003	Gain
Dewitt High School	Dewitt	20.6	19.2	1.4
Bentonville High	Bentonville	22.7	21.7	1.0
Gravette High School	Gravette	21.5	20.4	1.1
Siloam Springs High School	Siloam Springs	21.8	20.5	1.3
Arkadelphia High School	Arkadelphia	20.3	19.2	1.1
Cedarville High School	Cedarville	20.0	18.9	1.1
Dumas High School	Dumas	19.0	18.0	1.0
Monticello High School	Monticello	21.1	20.1	1.0
Spring Hill High School	Spring Hill	19.5	17.4	2.1
Midland High School	Midland	21.6	19.7	1.9
Ashdown High School	Ashdown	19.9	18.7	1.2
Central High School	Helena-West Helena	17.6	16.2	1.4

Des Arc High School	Des Arc	20.5	19.4	1.1
Horatio High School	Horatio	20.0	17.8	2.2
Greenland High School	Greenland	20.5	18.7	1.8
Prairie Grove High School	Prairie Grove	21.1	19.8	1.3
Dardanelle High School	Dardanelle	22.1	20.7	1.4

Dr. Charity Smith was recognized to describe the standard setting process and to provide supporting documentation for future action in the setting of Annual Improvement Gains for Grades 3-8. Dr. Smith noted that the Board would be asked to act on these recommendations at the April meeting.

Consent Agenda

Ms. Rebrick asked for clarification regarding the request for waiver days by the Clinton and Mountain View School Districts and how such requests related to inclement weather in addition to days missed related to the tornado damage. Dr. James indicated that request for waiver relate only to tornado damage and were not otherwise weather related. He noted that days missed for snow or other missed instructional days must be made up by the districts. Dr. James also indicated that an additional district will have requests in April.

Ms. Burrow moved approval of the Consent Agenda as presented. Mr. Cooper seconded the motion. The motion was adopted unanimously.

- Minutes February 11, 2008
- Commitment to Principles of Desegregation settlement Agreement: Report on the Execution of the Implementation Plan
- Newly Employed, Promotions and Separations
- Reports on Waivers to School Districts for Teachers Teaching Out-of-Area for Longer than Thirty (30) Consecutive Days, Act 1623 of 2001
- Consideration of Request for Waiver of Three Days Missed by Clinton School District Due to Tornado Damage
- Consideration of Request for Waiver of Five Days Missed by Mountain View School District Due to Tornado Damage

Action Agenda

2007-2008 Arkansas Better Chance Recommendations for Funding

Carol Archer was recognized to present this item. Ms. Archer identified the grant requests under consideration. Ms. Tatum asked about the proposal for contracting funds to SWEDA, given the cancellation of funds action from February. Ms. Archer noted that this grant reduces the award to SWEDA the level of funding as of the February meeting and this proposed action and that all activity related to ABC projects is shutting down. Dr. Williams asked if the contracted services were to be designated for individuals or institutions. Ms. Archer responded that contracted services proposed were for individuals.

Ms. Rebrick moved approval as presented. Dr. Williams seconded the motion. The motion was adopted unanimously.

Consideration for Public Comment: Proposed Arkansas Annual State Application Under Part B of the Individuals with Disabilities Education Act (IDEA) as amended in 2004 for Federal Fiscal Year 2008

Donald Watkins was recognized to present this item. Mr. Watkins stated that federal guidelines require states to submit the state application form for public comment and review prior to adoption. He indicated that the application forms are related to the proposed revision to the rule, which was approved for public comment in February.

Ms. Gullett moved approval for public comment. Mr. Lawson seconded the motion. The motion was adopted unanimously.

Consideration for Public Comment: Proposed Rules Governing the Code of Ethics for Arkansas Educators

Beverly Williams was recognized to present this item. Ms. Williams indicated that this rule is presented in response to legislation requiring the development of a code of ethics for educators and she identified specific components of the proposed rule that might raise questions. Ms. Rebick asked what condition would require State Board of Education action as stated in Section 5.05. Ms. Williams responded that it would be related to cases in which employees of the local district were relatives of members of the elected local board members.

Mr. Cooper opined that these guidelines should generate considerable public comment. He asked about the issue of local districts incorporating these policies, once adopted, into local faculty handbooks. Ms. Williams indicated that such policies should become a part of the local handbook, but that would continue to be a local decision. Scott Smith noted that these rules are not structured to regulate employment except when an educator's license would be revoked for cause under the Code.

Ms. Rebick asked about the many letters received from parents regarding acts or actions of educators and how this Code might address some of those issues. Ms. Williams stated that most actions from situations like those described should be addressed at the local level. If the accusations are covered by the Code Rule, then the review could be covered and addressed by processes outlined in the Code.

Mr. Cooper asked is the legislature approved any funds to support costs incurred by adoption of the code. Ms. Williams stated no funds were appropriated. However, the law did provide the option for a fee structure for obtaining or renewing a professional teaching license.

Mr. Lawson moved to approve for public comment. Ms. Gullett seconded the motion. The motion was adopted unanimously.

Request from Strong-Huttig School District for Approval to Close an Isolated School (Huttig Elementary School)

Scott Smith was recognized to present this item. Mr. Smith reported that the local school board from the Strong-Huttig School District met all statutory requirements for closing Huttig Elementary School. However, the local board vote was not unanimous,

thus required a review and action by the State Board of Education. Mr. Saul Lusk, superintendent of Strong-Huttig School District was recognized. Mr. Lusk reported that enrollment continues to drop and expenses are not decreasing at this campus, thus the district cannot continue to operate the school.

Mr. Lusk asked that a member of the local board, who is a member of the Huttig community be allowed to speak. Barbara Furlough was recognized. Ms. Furlough indicated that she knows the school is small, it is losing students, but she supported keeping the school, because the people of Huttig “deserved” to have a school in the community. She noted that travel for the small students should be considered in any action to close this school.

Ms. Burrow asked about the travel distance. Mr. Lusk indicated it was approximately 11.5 miles.

Mr. Cooper noted that a recent millage proposal was defeated by a large margin. He asked approximately how much money would that proposal have generated. Mr. Lusk responded \$356,000 per year. Mr. Lusk also confirmed that those funds could have been used to support the declining balances.

Dr. Williams asked about the current enrollment at Huttig. Mr. Lusk responded 69 students, Grades K- 5. Dr. Williams asked if the Strong Elementary School would be able to accommodate the increased number of students. Mr. Lusk answered yes.

Dr. Mays observed that several faculty positions would no longer be needed. Mr. Lusk indicated that many have indicated intent to retire or relocate and that he felt this transition would be smooth for both faculty and students.

Dr. Mays asked if the district gave any consideration to save funds by eliminating any athletics expenditures. Mr. Lusk responded no.

Ms. Rebick moved to approve the closing of Huttig Elementary School as of the close of the current school year. Dr. Knight seconded the motion. The motion was adopted on a vote of 7 yes, 1 no. Mays voted no.

(A complete transcript of the following items was recorded by a court reporter and that transcript is available through the State Board of Education Office at the Arkansas Department of Education)

Renewal of District Conversion Charter School Application: Academic Center of Excellence, Osceola, AR

Dr. Mary Ann Brown was recognized to present this item. Dr. Brown provided a brief overview of the proposal and introduced Milton Washington, superintendent of schools, Osceola School District. Mr. Washington described the successes of the charter school and noted the revisions approved over the life of the charter.

Mr. Lawson moved approval of the renewal application for a period of five years. Ms. Burrow seconded the motion. The motion was adopted unanimously.

Renewal of District Conversion Charter School Application: Blytheville Charter School and ALC, Blytheville, AR

Dr. Mary Ann Brown was recognized to present this item. Dr. Brown provided a brief overview of the proposal and introduced Ann Lewis, administrator of the Blytheville charter school. Ms. Lewis noted many individual student successes and affirmed that the focus of the school is to provide an alternative learning environment for students who have not been successful in the traditional school setting.

Dr. Mays moved approval of the renewal application for a period of five years. Ms. Rebick seconded the motion. The motion was adopted unanimously.

Note: Board member Jim Cooper left the meeting leaving eight Board members voting.

Renewal of District Conversion Charter School Application: Felder Alternative Learning Academy, Little Rock, AR

Dr. Mary Ann Brown was recognized to present this item. Dr. Brown provided a brief overview of the proposal and introduced Dr. Linda Watson, interim superintendent of the Little Rock School District. Dr. Watson noted that some of the partners in the original application, including the Pulaski County Special School District, we are no longer willing to participate. She did affirm the continued partnership of the North Little Rock School Districts, which was confirmed by Mr. Ken Kirspel, superintendent of schools, North Little Rock. Dr. Watson requested that the Board only consider approval of continuation for one year.

Ms. Rebick moved approval of the renewal application for a period of one year. Dr. Williams seconded the motion. The motion was adopted unanimously.

Renewal of Open-Enrollment Charter School Application: Imboden Area Charter School, Imboden, AR

Dr. Mary Ann Brown was recognized to present this item. Dr. Brown provided a brief overview of the proposal and introduced Scott Rorek, one of the original developers of the charter and Judy Warren, administrator of the charter school. Mr. Rorek and Ms. Warren stated that enrollment had increased, thus revenue increased and the financial status of the school is more stable. Ms. Warren indicated that transportation of students is a positive factor and she believes that providing transportation is the key to keeping students enrolled. Ms. Warren did affirm that a greater than expected number of the students enrolled have some handicapping condition. She stated that these students seem to perform better in this school due to the individualized instruction provided.

Dr. Williams moved approval of the renewal application for a period of five years. Mr. Lawson seconded the motion. The motion was adopted with a vote of 5 yes and 2 no. Ms. Gullett voted no citing the reference to serving students who are "mentally retarded," and referring to program as "special education." She noted that these references to students with handicapping conditions should not be used. Ms. Rebick voted no citing her concern for a renewal of five years, which she believes is too long given the charter's history of low enrollment and financial difficulties over the past three years.

Renewal of Open-Enrollment Charter School Application: KIPP Delta College Preparatory, Helena, AR

Dr. Mary Ann Brown was recognized to present this item. Dr. Brown provided a brief overview of the proposal and introduced Scott Shirey, administrator of the charter school. Mr. Shirey noted some of the accomplishments of students over the past years in operation and cited the community and foundation support to expand the facilities at the school to support a broader program in the future.

Ms. Gullett moved approval of the renewal application for a period of five years. Mr. Lawson seconded the motion. The motion was adopted unanimously.

Hearing on Waiver Request for Certified Teacher's License – Andrea Vancil

Tripp Walter was recognized to present this item. Mr. Walter stated that Ms. Vancil is seeking initial licensure. He noted that she currently has completed eligibility for a license, but the background check revealed the previous conviction. Ms. Vancil was accompanied by Mr. Dennis Truxler, superintendent of the Hoxie School District who testified that she was recently hired to complete the remainder of the school year as a biology teacher and was doing a commendable job. He requested that a waiver be awarded in support of her work and given that her conviction was many years ago when she was part of a previous marriage. Ms. Vancil responded the Board members questions about the incident and affirmed that there were no other convictions or other arrests.

When asked about the option for a stipulated agreement, Mr. Walter indicated that staff had not had time to work through such an agreement.

Ms. Rebick moved that Ms. Vancil be granted a waiver with no further stipulations. Dr. Mays seconded the motion. The motion was adopted unanimously.

Ms. Rebick moved adjournment. Mr. Lawson seconded the motion. The motion was adopted unanimously. The meeting adjourned at 2:35 p.m.

Dr. Mays asked for a copy of the recent legislative report detailing local school district expenditures for athletics.

These Minutes were recorded and reported by Dr. Charles D. Watson

**ADE'S PROJECT MANAGEMENT TOOL EXECUTIVE SUMMARY
MARCH 31, 2008**

This document summarizes the progress that ADE has made in complying with the provisions of the Implementation Plan during the month of March 2008.

IMPLEMENTATION PHASE ACTIVITY	PMT EXECUTIVE SUMMARY AS OF MARCH 31, 2008
<i>I. Financial Obligation</i>	<p>As of February 29, 2008, State Foundation Funding payments paid for FY 07/08 totaled \$42,230,705 to LRSD, \$22,706,839 to NLRSD, and \$34,052,455 to PCSSD. The Magnet Operational Charge paid as of February 29, 2008, was \$9,728,422. The allotment for FY 07/08 was \$15,240,298. M-to-M incentive distributions for FY 07/08 as of February 29, 2008, were \$2,700,686 to LRSD, \$2,129,744 to NLRSD, and \$6,047,872 to PCSSD. In September 2007, General Finance made the first one-third payment to the Districts for their FY 07/08 transportation budget. As of September 30, 2007, transportation payments for FY 07/08 totaled \$1,401,197 to LRSD, \$409,917 to NLRSD, and \$1,127,985 to PCSSD. In July 2007, 16 new Magnet and M-to-M buses were delivered to the districts in Pulaski County. Finance paid Central States Bus Sales \$1,036,115. In July 2007, Finance paid the Magnet Review Committee \$92,500. This was the total amount due for FY 07/08. In July 2007, Finance paid the Office of Desegregation Monitoring \$200,000. This was the total amount due for FY 07/08.</p>
<i>II. Monitoring Compensatory Education</i>	<p>On January 10, 2008, the ADE Implementation Phase Working Group met to review the Implementation Phase activities for the previous quarter. Mr. Willie Morris, ADE Lead Planner for Desegregation, updated the group on all relevant desegregation issues. He handed out news articles about the districts in Pulaski County seeking unitary status. The Joshua Intervenors filed a motion with the 8th U.S. Circuit Court of Appeals to overturn the ruling that gave the Little Rock School District unitary status. The Little Rock School District filed its response to the motion by the Joshua Intervenors. After the Pulaski County Special School District sought unitary status, the Joshua Intervenors requested that school desegregation monitors do a study on the quality of facilities in the district, or on the district's compliance with its desegregation plan. Judge Wilson denied the requests by Joshua Intervenors. The North Little Rock School District asked for unitary status and Joshua Intervenors objected and asked for a hearing. The next Implementation Phase Working Group Meeting is scheduled for April 10, 2008 at 1:30 p.m. in room 201-A at the ADE.</p>

IMPLEMENTATION PHASE ACTIVITY	PMT EXECUTIVE SUMMARY AS OF MARCH 31, 2008
<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>	In July 2007, 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 86 th Legislative Session, and any new ADE rules or regulations.
<i>V. Commitment to Principles</i>	On March 10, 2008, the Arkansas State Board of Education reviewed and approved the PMT and its executive summary for the month of February.
<i>VI. Remediation</i>	In February of 2008, ADE staff provided District Test Coordinator Training at the School for the Blind in Little Rock. Eight staff members from the LRSD, two staff members from the NLRSD and two 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 February 5, 2008. Staff from PCSSD, NLRSD, LRSD and the ADE attended. The Director of Professional Development for the LRSD handed out a list of the dates and topics for eleven days of professional development. Topics included classroom management, school improvement, curriculum preparation, Next Step, Arkansas history, ESL, interventions for diverse learners, AEA, ACT, technology, parental involvement and health/physical activity. Flex days, make up sessions, and tracking professional development hours were discussed.
<i>IX. Recruitment of Minority Teachers</i>	In February 2008, the ADE Office of Professional Licensure mailed a list of the fall 2007 minority teacher graduates from reporting colleges and universities to all the Pulaski County school districts.

IMPLEMENTATION PHASE ACTIVITY	PMT EXECUTIVE SUMMARY AS OF MARCH 31, 2008																																																																																																																																												
<p><i>X. Financial Assistance to Minority Teacher Candidates</i></p>	<p>Collin Callaway of the Arkansas Department of Higher Education reported minority scholarships for Fiscal Year 2007-2008 on October 15, 2007. 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</th> <th>Male</th> <th>Female</th> <th>Female</th> <th>Total</th> <th>Total</th> </tr> <tr> <th>Race</th> <th>Count</th> <th>Award</th> <th>Count</th> <th>Award</th> <th>Count</th> <th>Award</th> </tr> </thead> <tbody> <tr> <td>White</td> <td>58</td> <td>264,000</td> <td>328</td> <td>1,402,500</td> <td>386</td> <td>1,666,500</td> </tr> <tr> <td>Black</td> <td>10</td> <td>51,000</td> <td>29</td> <td>136,500</td> <td>39</td> <td>187,500</td> </tr> <tr> <td>Hispanic</td> <td></td> <td></td> <td>4</td> <td>18,000</td> <td>4</td> <td>18,000</td> </tr> <tr> <td>Native Amer</td> <td>1</td> <td>3,000</td> <td>1</td> <td>6,000</td> <td>2</td> <td>9,000</td> </tr> <tr> <td>Other</td> <td>4</td> <td>21,000</td> <td>11</td> <td>42,000</td> <td>15</td> <td>63,000</td> </tr> <tr> <td>Totals</td> <td>73</td> <td>339,000</td> <td>373</td> <td>1,605,000</td> <td>446</td> <td>1,944,000</td> </tr> </tbody> </table> <p>The scholarship awards for MTS are as follows:</p> <table border="1"> <thead> <tr> <th>MTS</th> <th>Male</th> <th>Male</th> <th>Female</th> <th>Female</th> <th>Total</th> <th>Total</th> </tr> <tr> <th>Race</th> <th>Count</th> <th>Award</th> <th>Count</th> <th>Award</th> <th>Count</th> <th>Award</th> </tr> </thead> <tbody> <tr> <td>Black</td> <td>7</td> <td>35,000</td> <td>28</td> <td>137,500</td> <td>35</td> <td>172,500</td> </tr> <tr> <td>Hispanic</td> <td></td> <td></td> <td>6</td> <td>30,000</td> <td>6</td> <td>30,000</td> </tr> <tr> <td>Asian</td> <td></td> <td></td> <td>2</td> <td>10,000</td> <td>2</td> <td>10,000</td> </tr> <tr> <td>Native Amer</td> <td></td> <td></td> <td>4</td> <td>20,000</td> <td>4</td> <td>20,000</td> </tr> <tr> <td>Totals</td> <td>7</td> <td>35,000</td> <td>40</td> <td>197,500</td> <td>47</td> <td>232,500</td> </tr> </tbody> </table> <p>The scholarship awards for MMF are as follows:</p> <table border="1"> <thead> <tr> <th>MMF</th> <th>Male</th> <th>Male</th> <th>Female</th> <th>Female</th> <th>Total</th> <th>Total</th> </tr> <tr> <th>Race</th> <th>Count</th> <th>Award</th> <th>Count</th> <th>Award</th> <th>Count</th> <th>Award</th> </tr> </thead> <tbody> <tr> <td>Black</td> <td>2</td> <td>8,750</td> <td>27</td> <td>125,000</td> <td>29</td> <td>133,750</td> </tr> <tr> <td>Asian</td> <td></td> <td></td> <td>2</td> <td>11,250</td> <td>2</td> <td>11,250</td> </tr> <tr> <td>Totals</td> <td>2</td> <td>8,750</td> <td>29</td> <td>136,250</td> <td>31</td> <td>145,000</td> </tr> </tbody> </table>	STAR	Male	Male	Female	Female	Total	Total	Race	Count	Award	Count	Award	Count	Award	White	58	264,000	328	1,402,500	386	1,666,500	Black	10	51,000	29	136,500	39	187,500	Hispanic			4	18,000	4	18,000	Native Amer	1	3,000	1	6,000	2	9,000	Other	4	21,000	11	42,000	15	63,000	Totals	73	339,000	373	1,605,000	446	1,944,000	MTS	Male	Male	Female	Female	Total	Total	Race	Count	Award	Count	Award	Count	Award	Black	7	35,000	28	137,500	35	172,500	Hispanic			6	30,000	6	30,000	Asian			2	10,000	2	10,000	Native Amer			4	20,000	4	20,000	Totals	7	35,000	40	197,500	47	232,500	MMF	Male	Male	Female	Female	Total	Total	Race	Count	Award	Count	Award	Count	Award	Black	2	8,750	27	125,000	29	133,750	Asian			2	11,250	2	11,250	Totals	2	8,750	29	136,250	31	145,000
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<p><i>XI. Minority Recruitment of ADE Staff</i></p>	<p>The MRC met on October 9, 2007 at the ADE. Demographic reports were presented that showed ADE employees grade 21 and above by race and section as of June 30, 2007 and September 30, 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. After reviewing the September report, it was determined that it needs some corrections. A new September report will be handed out after the changes have been made.</p>																																																																																																																																												

IMPLEMENTATION PHASE ACTIVITY	PMT EXECUTIVE SUMMARY AS OF MARCH 31, 2008
<i>XII. School Construction</i>	This goal is completed. No additional reporting is required.
<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 data-bbox="656 506 1403 600">On March 10, 2008, ADE staff met with school faculty at Franklin Elementary in the LRSD. Discussed the incorporation of the Scholastic Audit Findings into ACSIP.</p> <p data-bbox="656 638 1419 869">On March 12, 2008, administrators from the LRSD were invited to attend a presentation regarding Districts identified in School Improvement. The presentation was held in the ADE Auditorium and presented the guidelines and requirements (financial and programmatic) for a district that has been identified under NCLB. Those attending from the district were Dr. Watson, Dr. Huddle, Dr. Sain, Mr. Dennis Glasgow and Mr. Leon Adams.</p> <p data-bbox="656 907 1419 1138">On March 11, 2008, ADE staff conducted a training session for district and building staff at the NLRSD Central Office. Schools in attendance were Lynch Drive Elementary, NLR High School West and East Campuses, Lakewood Middle and Rose City Middle. Training included revisions to the plans (ADE review notes), spring team visits, monitoring, audit inclusions and district improvement.</p> <p data-bbox="656 1176 1403 1302">On March 3, 2008, ADE staff met at the PCSSD Central Office with the Federal Programs Director and the Title I Coordinator. Discussed responsibilities of the district in preparation for the ACSIP/COE Monitoring.</p> <p data-bbox="656 1339 1419 1501">On March 4, 2008, ADE staff met at the PCSSD Central Office with the Title I Coordinator. Reviewed the district's schools' amendments and (or) adjustments in ACSIP. Discussed incorporating information in ways that will expedite approval of plans.</p>

IMPLEMENTATION PHASE ACTIVITY	PMT EXECUTIVE SUMMARY AS OF MARCH 31, 2008
<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 March 1, 2008 – March 31, 2008

Erin Flowers – Secretary II, Grade 13, Division of Human Resources/Licensure, Teacher Quality, effective 03/24/08.

Racheal Lowery – Secretary II, Grade 13, Division of Human Resources/Licensure, Teacher Quality, effective 03/24/08 (Rehire).

*Ebony Thompson – Secretary I, Grade 11, Division of Learning Services, Coordinated School Health, effective 03/03/08.

PROMOTIONS/ LATERAL TRANSFERS FOR THE PERIOD OF March 1, 2008 – March 31, 2008

Ernest Huff – from a System Coordination Analyst II, Grade 22, Research and Technology, Data Administration, to a Program Support Manager, Grade 22, Research & Technology, Data Administration, effective 03/27/08 (Lateral Transfer).

*Linda Jenkins – from an Agency Director Research Assistant , Grade 20, Research and Technology, Data Administration, to an Applications and Systems Analyst, Grade 21, Research and Technology, Data Administration, effective 03/24/08.

Carolyn Krone – from a Secretary II, Grade 13, Division of Human Resources/Licensure, Teacher Quality, to an Administrative Assistant II, Grade 17, Division Public School Academic Facilities and Transportation, effective 3/24/08.

SEPARATIONS FOR THE PERIOD OF March 1, 2008 – March 31, 2008

Margaret Amps – Program Support Manager, Grade 22, Central Administration, Curriculum, Assessment and Research, effective 03/31/08. 17 Years, 5 Months, 16 Days. Code: Retirement

Ben Ellis – Administrative Assistant I, Grade 15, Division of Professional Development, K-12 Literacy, effective 03/28/08. 5 Years, 3 Months, 19 Days. Code: 01

Courtney Salas-Ford – Attorney Specialist, Grade 25, Central Administration, Legal Services, effective 03/05/08. 1 Year, 10 Months, 22 Days. Code: 01

*Melba Kennedy – Secretary I, Grade 11, Division of Human Resources/Licensure, Professional Licensure, effective 03/31/08. 2 Years, 4 Months, 10 Days. Code: 01

*Jontae Ross-Nelson – Secretary I, Grade 11, Central Administration, Special Education, effective 03/07/08. 1 Year, 0 Months, 26 Days. Code: 01

Danielle Small – Secretary I, Grade 11, Division of Human Resources/Licensure, Professional Licensure, effective 03/31/08. 0 Years, 5 Months, 28 Days. Code: 01

*Minority

AASIS Code:

Retirement
Voluntary – 01

Section 1
Second Lien Bonds

Arkansas Code Annotated § 6-20-1229 (b) states the following:

(b) All second-lien bonds issued by school districts shall have semi-annual interest payments, with the first interest payment due within eight (8) months of the issuance of the second-lien bond. All second-lien bonds shall be repaid on payment schedules that are either:

- (1) Equalized payments in which the annual payments are substantially equal in amount; or
- (2) Decelerated payments in which the annual payments decrease over the life of the schedule.

**STATE BOARD OF EDUCATION MEETING
APRIL 21, 2008
APPLICATIONS FOR COMMERCIAL BONDS**

COMMERCIAL BOND APPLICATIONS:

2 2nd Lien	\$	1,685,000.00
<hr/>		<hr/>
2	\$	1,685,000.00

**SCHOOL DISTRICTS FINANCIAL TRANSACTIONS
COMMERCIAL BONDS
2ND LIEN
RECOMMEND APPROVAL**

DISTRICT	COUNTY	ADM	AMOUNT OF APPLICATION	TOTAL DEBT W/THIS APPLICATION	PURPOSE
Cross County	Cross	634	945,000	6,948,725	Renovating the High School (\$700,000), completing the construction of the Elementary School (\$200,000) and cost of issuance and underwriter's discount allowance (\$45,000) with any remaining funds to be used by the District for other capital projects and equipment purchases.
Paragould	Greene	2,781	740,000	16,781,725	Replacing the roof at the Junior High and Fine Arts building (\$500,000), adding HVAC in the cafeteria and kitchen at the High School, Baldwin Elementary and Woodrow Wilson Elementary (\$200,000), and cost of issuance and underwriter's discount allowance (\$40,000) with any remaining funds to be used for other capital projects and equipment purchases.

Section 2 Voted Bonds

Arkansas Code Annotated § 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 therefor, for purchasing new or used school buses, for refurbishing school buses, for the professional development and training of teachers or other programs authorized under the federally recognized Qualified Zone Academy Bond program, 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
APRIL 21, 2008
APPLICATIONS FOR COMMERCIAL BONDS**

COMMERCIAL BOND APPLICATIONS:

11 Voted	\$	118,205,000.00
<hr/>		<hr/>
11	\$	118,205,000.00

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

DISTRICT	COUNTY	ADM	AMOUNT OF APPLICATION	TOTAL DEBT W/THIS APPLICATION	PURPOSE
Alma	Crawford	3,303	9,745,000	49,810,000	Funding the District's portion of the following partnership program projects: constructing and equipping additional classrooms at Alma Middle School (\$1,200,000) and Primary School (\$500,000), new classrooms and cafeteria at the Intermediate School (\$900,000), and the following non-partnership projects: constructing and equipping additional classrooms and the completion of the arena at the high school (\$6,900,000), and for cost of issuance and underwriter's discount allowance (\$245,000) with any remaining funds to be used for other capital projects and equipment purchases.
Clarksville	Johnson	2,474	10,540,000	23,290,000	Funding the District's portion of the following partnership program projects: constructing and equipping new 2nd and 3rd grade facilities (\$10,275,230) and cost of issuance and underwriter's discount allowance (\$264,770) with any remaining funds to be used for other capital projects and equipment purchases.
Dollarway	Jefferson	1,058	15,130,000	15,312,138	Refunding the outstanding bond issues dated 12/1/03A, 12/1/03B and 11/1/03 (\$9,850,170); erecting and equipping a new middle school campus (\$4,100,000); renovating, making additions to and equipping the high school campus (\$600,000); remaining funds to be used for refurbishing, remodeling, and equipping existing school facilities (\$189,970); and cost of issuance and underwriter's discount allowance (\$389,860).
Hampton	Calhoun	715	6,170,000	6,748,124	Funding the following partnership projects: constructing and equipping Hampton High School East and West and demolition of the existing high school and West Elementary (\$5,232,000) and parking lot (\$300,000) and the following non-partnership project: to install temporary Pre-K buildings (\$118,000), and cost of issuance, capitalized interest, and underwriter's discount allowance (\$520,000) with any remaining funds to be used for other capital projects and equipment purchases.

DISTRICT	COUNTY	ADM	AMOUNT OF APPLICATION	TOTAL DEBT W/THIS APPLICATION	PURPOSE
Horatio	Sevier	796	4,855,000	6,754,536	Funding the District's portion of the following partnership projects: to construct and equip a new high school (\$3,743,000); to renovate and convert the existing high school to an elementary school (\$432,000); make renovations and improvements to the gymnasium (\$48,000), cafeteria (\$37,000) and the following non partnership project: the purchase of land for future campus expansion (\$200,000), and cost of issuance, capitalized interest and underwriter's discount allowance (\$395,000) with any remaining funds to be used for other capital projects and equipment purchases.
Hermitage	Bradley	522	4,825,000	5,210,906	Advance refunding the outstanding bond issues dated 12/1/2003, (\$3,518,008), the lease purchase agreements dated 11/15/05, 7/10/06, and 8/21/06, (\$782,988); a postdated warrant dated 8/3/04 (\$143,716), and an installment contract dated 9/20/04 (\$17,035), refurbishing, remodeling and equipping school facilities (\$209,113) and cost of issuance and underwriter's discount allowance (\$154,140).
Mena	Polk	1,990	15,875,000	16,700,480	Refunding the outstanding bond issue dated 11/1/03 (\$4,091,647), constructing and equipping a new high school campus (\$11,408,103) and cost of issuance and underwriter's discount allowance (\$375,250) with any remaining funds to be used for constructing, refurbishing, remodeling and equipping school facilities.
Mountain Home	Baxter	4,033	41,055,000	43,346,331	Refunding the 11/1/03 bond issue (\$5,775,000), building and equipping a new elementary school (\$18,316,000), constructing and equipping new school facilities and making additions and improvements to the Kindergarten School (\$2,190,000), Nelson Wilkes-Herron Elementary (\$6,669,000), Mountain Home Junior High School (\$3,408,599), Mountain Home High School (\$3,672,000), and for cost of issuance and underwriter's discount allowance (\$1,024,401) with any remaining funds to be used for other capital projects and equipment purchases.
Mountain Pine	Fulton	618	3,280,000	4,100,000	Refunding the outstanding bond issue dated 7/1/03 "B" (\$1,527,146); refunding the 10/1/07 lease purchase agreement (\$555,663); constructing, refurbishing, remodeling and equipping school facilities (\$1,100,751); and cost of issuance and underwriter's discount allowance (\$96,440).

DISTRICT	COUNTY	ADM	AMOUNT OF APPLICATION	TOTAL DEBT W/THIS APPLICATION	PURPOSE
Watson Chapel	Jefferson	3,249	5,500,000	5,500,000	Refunding the District's bond issue dated 10/1/02 (\$895,000); funding the following partnership projects: constructing and equipping a new middle school (\$2,684,000), roof improvements at the junior high, Coleman Elementary, Owen Elementary, and high school (\$833,000), HVAC improvements at the junior high and high school (\$522,000), an addition and roof improvements at the high school vocational building (\$141,000); the following non partnership projects: improvements to the high school track and press box (\$279,000); and cost of issuance and underwriter's discount allowance (\$146,000) with any remaining funds to be used for other capital projects and equipment purchases.
Weiner	Poinsett	355	1,230,000	1,418,345	Refunding the 11/1/98 bond issue (\$850,000); replacing the roof on the cafeteria (\$110,000); purchasing bleachers for the gymnasium (\$80,000); renovate existing bathrooms at the high school cafeteria, and gymnasium (\$30,000); relocate HVAC at the cafeteria (\$10,000); paving parking lots (\$20,000); purchasing a new school bus (\$70,000); and cost of issuance, underwriter's discount allowance, and escrow contingency (\$60,000) with any remaining funds to be used for other capital projects and equipment purchases.

**Qualified Zone Academy Bonds
Application Summary and
QZAB Allocation Committee Recommendation
April 21, 2008**

**Lincoln Consolidated School District
Lincoln, Arkansas**

Allocation Authorization:	\$800,000
Use of QZAB Allocation:	Lincoln Elementary School – HVAC upgrades All Schools – Computer and technology upgrades All Schools – School busses
Donation Information:	Total \$93,850 (present value \$80,390) Lincoln Parent Teacher Organization - general volunteer services at \$18.77 per hour for the benefit of all Lincoln Consolidated Schools
Date of Donation:	7/1/08 – 6/30/2018
Recommendation:	Approve
Fiscal Agent:	Stephens, Inc. – Dennis Hunt

**Qualified Zone Academy Bonds
Application Summary and
QZAB Allocation Committee Recommendation
April 21, 2008**

**Paragould School District
Paragould, Arkansas**

Allocation Authorization:	\$150,000
Use of QZAB Allocation:	Baldwin Elementary School – Upgrade instructional technology Woodrow Wilson Elementary School – Upgrade instructional technology Oak Grove Elementary School – Upgrade instructional technology
Donation Information:	Cash Contribution by First National Bank for Woodrow Wilson Elementary School -- \$5,000 Cash Contribution by Baldwin Elementary PTO for Baldwin Elementary School -- \$5,000 Cash Contribution by Mr. Donis Hamilton for Oak Grove Elementary School -- \$5,000
Date of Donation:	5/1/08
Recommendation:	Approve
Fiscal Agent:	Stephens, Inc. – Jack Truemper

Waivers Requested for Teachers Teaching Out of Area
April 2008

LEA	District	Teacher	License Area 1	License Area 2	License Area 3	Out of Area	Granted/ Denied
60-92	Arkansas School for the Deaf	4 Blair, Theresa	Elem 1-6	Special Ed	ESL P-8	MS Social Studies/LA	Denied
	Arkansas School for the Deaf	Graham, Emma	Social Studies	Deaf Education	Special Education P-4	MS Math/Science	Denied
	Arkansas School for the Deaf	Mann-Dale, Susan	Hearing Impaired			English	Denied
	Arkansas School for the Deaf	Webb, Brenda	Elem 1-6	Deaf Education		Social Studies 7-12	Denied
47-01	Ashdown SD	1 Martin, Bruce	Counseling			English	Denied
32-01	Batesville SD	1 Hyslip, Kathy	ECE P-4	Reading	MS Social Studies	Special Education	Granted
	Benton Day Center - Rivendell	5 McLain, Billy	General Science	Life/Earth Science		Special Education	Denied
	Benton Day Center - Rivendell	Mosley, Sharon	ECE P-4	MS English		Special Education	Denied
	Benton Day Center - Rivendell	Scott, Sandra	Elementary 1-6	Elem. Principal		Special Education	Denied
	Benton Day Center - Rivendell	Thornton, Thomas	English/Language Arts			Special Education	Denied
	Benton Day Center - Rivendell	Woodruff, Marci	Elementary 1-6			Special Education	Denied
40-01	Bentonville SD	3 Brown, Stacie	ECE P-4			Special Education	Granted
	Bentonville SD	Craft, Jason	Business Education			Coaching	Granted
	Bentonville SD	Graham, Michelle	Middle Childhood			Special Education	Granted
32-12	Cedar Ridge SD	1 VanAmburg, Brandi	English			Drama/Speech	Granted
72.03	Fayetteville SD	Arroyos, Katherine	ECE P-4			Special Education	Granted
	Fayetteville SD	2 Brown, Amber	ECE P-4			Special Education 4-12	Granted
66.04	Hartford SD	1 James, Wendy	ECE P-4			5th/6th Endorsement	Granted

Waivers Requested for Teachers Teaching Out of Area
April 2008

LEA	District	Teacher	License Area 1	License Area 2	License Area 3	Out of Area	Granted/ Denied
67-03	Horatio SD	1 Walker, Sharon	Elementary Education 1-6	Elementary Principal K-9	District Admin. (P-12)	Special Education	Granted
60-01	Little Rock SD	39 Ali, Taliba	ECE P-4	Adm		Reading Specialist	Granted
	Little Rock SD	Batts, Christi	Social Studies			Spanish	Granted
	Little Rock SD	Blake, Brandi	Mathematics (7-12)			Coaching	Denied
	Little Rock SD	Burleson, Kim	ECE P-4	Middle Childhood	Special Education	Physical/Earth Science	Granted
	Little Rock SD	Bush, Barbara	Elementary 1-6	Reading P-12		Library Media	Granted
	Little Rock SD	Callaway-Frazier, Editl	MS English	English 7-12		Journalism	Granted
	Little Rock SD	Cantrell, Kathryn	ECE P-4	MS Social Studies	ESL P-12	Library Media	Granted
	Little Rock SD	Corley, Carol	ECE P-4			Library Media	Granted
	Little Rock SD	Deneke, Shannon	Elementary 1-6			School Counseling	Granted
	Little Rock SD	Downing, Nancy	Elementary 1-6			Special Education	Granted
	Little Rock SD	Ernst, Melody	ECE P-4	MC English/Social Studies		Gifted & Talented	Granted
	Little Rock SD	Fuss, Amy	Social Studies			5th/6th Endorsement for Social Studies	Granted
	Little Rock SD	Gibson, Lori	ECE P-4			Middle Childhood LA/SS	Granted
	Little Rock SD	Hood, Ethel	MS English	Elementary 1-6		Middle Childhood LA/SS	Granted
	Little Rock SD	Horne, Christopher	Elementary 1-6 Marketing/Business	MS Social Studies	Bldg. Lvl. Adm	Gifted & Talented	Granted
	Little Rock SD	Hughes, Lauren	Elem 1-6	ESL P-8		English	Denied
	Little Rock SD	Jarrett, Veronica	Special Education P-12			Special Education	Granted
	Little Rock SD	Jefferson, Nanette		ESL P-8		ECE P-4	Granted

Waivers Requested for Teachers Teaching Out of Area
April 2008

LEA	District	Teacher	License Area 1	License Area 2	License Area 3	Out of Area	Granted/ Denied
	Little Rock SD	Johnson, Robin	ECE P-4	MS Social Studies		School Counseling	Granted
	Little Rock SD	Kline, Christopher	Mathematics (7-12)			Mathematics for	Granted
	Little Rock SD	Luchsinger, Jennifer	Social Studies			5th/6th Endorsement	Granted
	Little Rock SD	Miller-Neal, Kasey	Middle Childhood			Mathematics 7-12	Granted
	Little Rock SD	Mohammed, Alfred	Business Tech			Mathematics 7-12	Granted
	Little Rock SD	Nakamoto, Peggy	Business Tech	Library Media		Coaching	Granted
	Little Rock SD	Patterson, Damian	Elementary 1-6	Middle Childhood		Special Education	Granted
	Little Rock SD	Price, Cindy	MS Social Studies	Special Ed P-12		Physical/Earth	Granted
	Little Rock SD	Robinson, Benita	ECE P-4			Science	Granted
	Little Rock SD	Rook, Louisa	English 7-12			Mathematics 7-12	Granted
	Little Rock SD	Rowan Christina	Social Studies			Special Education	Granted
	Little Rock SD	Shue, Mary Jane	Elementary 1-6	Reading P-12		Journalism	Denied
	Little Rock SD	Slayden, Marshall	French 4-12	Life/Earth Science	Library Media P-12	5th/6th Endorsement	Granted
	Little Rock SD	Smith-Swindler, Kimbr	Special Education			for Social Studies	Granted
	Little Rock SD	Stout, Jewel	Middle Childhood			Middle Childhood	Granted
	Little Rock SD	Strigel, Ingemann	Middle Childhood	Social Studies		Mandarin Chinese	Denied
	Little Rock SD	Thompson, Bruce	Health	PE		Reading Specialist	Granted
	Little Rock SD	Vaughn, Cledis	ECE P-4	Middle Childhood		Drama/Speech	Granted
	Little Rock SD	Ware, Karen	Music			Mathematics 7-12	Granted
	Little Rock SD	Washington, David	Social Studies			Special Education	Granted
	Little Rock SD	White, Susan	Social Studies			Special Education	Granted
14-02	Magnolia SD	1 May, Stephanie	ECE P-4	MS Social Studies		Special Education	Granted
66-06	Mandfield SD	1 Smith, Robert	Social Studies			Special Education	Denied
21-05	McGehee SD	1 Binns, Christy	Elementary K-6			Gifted & Talented	Granted

Waivers Requested for Teachers Teaching Out of Area
April 2008

LEA	District	Teacher	License Area 1	License Area 2	License Area 3	Out of Area	Granted/ Denied
31-04	Mineral Springs SD	1 Sightses, Angela	MS Math/Science			Mathematics 7-12	Granted
22-03	Monticello SD	1 Patterson, Leanne	ECE P-4			Special Education	Granted
30-05	Ouachita SD	1 Hughes, Holly	ECE P-4			5th/6th Endorsement	Granted
24-04	Ozark SD	2 Hopper, Cindy	ECE P-4	Elem K-6		School Counselor	Granted
04-07	Ozark SD	Williams, Sarah	ECE P-4			5th/6th Endorsement	Granted
	Pea Ridge SD	1 Wann, Chris	PE			Special Education	Granted
	Rainbow of Challenges						
37-01	School of Hope	4 Haygood, James	Elem 1-6			Special Education	Granted
	Rainbow of Challenges	Smith, Leah	NO LICENSE			Special Education	Denied
	School of Hope	Tomlin, Rebecca	English 7-12			Special Education	Granted
	Rainbow of Challenges	Wright, Mendy	ECE P-4	Elem. K-6		Special Education	Denied
	School of Hope	Cook, Jane	School Counselor	Vocational Adm.		FACS	Denied
11-06	Rector SD						
58-05	Russellville SD	4 McAlister, Keri	Health 7-12	PE/Well/Lei P-12		Science Middle	Denied
	Russellville SD	McShane, Barbara	Elem 1-6	Gifted & Talented		Childhood	Granted
	Russellville SD	Nolan, Alan	Social Studies 7-12			Bldg. Level Adm.	Granted
	Russellville SD	Shaw, Kristy	Business Tech			English 7-12	Denied
	South Arkansas Youth Services, Inc.						
	South Arkansas Youth Services, Inc.	2 Brown, David	Coaching	Social Studies		Physical/Earth Science & Life/Earth Science	Denied
	South Arkansas Youth Services, Inc.	Bunner, Joe R.	Health Education	PE	Coaching	Mathematics	Granted
70-09	Strong Huttig SD	1 Alford, Robbie	English	Business		Music	Granted
46-05	Texarkana SD	4 McDaniel, Molly	ECE P-4			Special Education	Granted

Waivers Requested for Teachers Teaching Out of Area
April 2008

LEA	District	Teacher	License Area 1	License Area 2	License Area 3	Out of Area	Granted/ Denied
	Texarkana SD	Murphy, Kimberly	ECE P-4			Special Education	Granted
	Texarkana SD	Pierce, Shannon	ECE P-4	Middle Childhood		Media Specialist P-12	Granted
	Texarkana SD	Williams, Willie	Health Education	Sec Phys Education Coaching		Special Education (4-12)	Granted
75-10	Two Rivers SD	9 Brothers, Adam	PE/Wellness/Leisure	Coaching		Gifted/Talented	Granted
	Two Rivers SD	Harrison, Richard	Health	PE		Mathematics	Granted
	Two Rivers SD	Holt, Jennifer	Elem 1-6			School Counselor	Granted
	Two Rivers SD	Lizenbey, Jennifer	English 7-12			Drama/Speech	Granted
	Two Rivers SD	Minnie, Kathy	Elem K-6	MS 5-8	G/T	MS Social	Granted
	Two Rivers SD	Morrison, Yulanda	Elementary 1-6			Studies/LA	Granted
	Two Rivers SD	Pitts, Allison	English 7-12			Special Education	Granted
	Two Rivers SD	Rickett, Toni	ECE P-4			Music P-12	Granted
	Two Rivers SD	Roberson, Vickie	ECE P-4	G/T	Social Studies	Special Education	Granted
	Vista Health	1 Bunting, Jamie	Elem 1-6	Middle School	Middle School Social	Special Education	Granted
19-05	Wynne SD	1 Wilson, Jennifer	Elementary	Science	Studies	Special Education	Granted
27	School Districts	94	Waivers Requested			Waivers Granted	73
						Waivers Denied	21
						Total Waivers	94

COTTER PUBLIC SCHOOLS

P.O. BOX 70 • COTTER, ARKANSAS 72626

AIRL CHEEK
Elementary Principal
(870) 435-6655

DON SHARP
Superintendent
(870) 435-6171
Fax (870) 435-1300

DENNIS COPELAND
High School Principal
(870) 435-6323

February 25, 2008

RECEIVED
COMMISSIONER'S OFFICE

FEB 29 2008

Dr. T. Kenneth James, Commissioner
Arkansas Department of Education
4 State Capitol Mall, Room 304-A
Little Rock, AR 72201-1071

DEPARTMENT OF EDUCATION

Dear Dr. James:

On Tuesday February 5, 2008 a tornado hit the town of Gassville, Arkansas destroying one hundred homes and businesses and causing serious structural damage to approximately two hundred more structures, according to statistics from Maynard Gadway, Gassville building inspector. Gassville is the largest city in the Cotter School District.

The emergency response personnel immediately began evacuating Gassville residents to the Cotter School campus. As a result more than fifty individuals were housed on cots in the elementary gymnasium the first night and some were housed there for four nights. The cafeteria was used as a feeding center, and medical personnel were on sight for the first twenty-four hours. The American Red Cross set up their disaster response center on our campus and remained here for ten days.

The damage to Gassville was so serious that it would have been impossible to run our bus routes within the city for at least the first two days following the disaster. Power lines and poles were down everywhere and electricity was not totally restored for five days. Cotter Schools were closed for three days (February 6, 7, and 8) as a direct result of the tornado.

On behalf of Cotter Schools, I would like to petition to the Arkansas State Board of Education for an exception on three of our required one hundred seventy-eight student interaction days. I will gladly come present my request at the next meeting of the Board if this would be a possibility. I will look forward to your reply.

Sincerely,


Don Sharp, Superintendent

"HOME OF THE WARRIORS"
North Central Accredited

≈

**Highland School District
Office of the Superintendent
PO Box 419, Hardy, AR 72542
(870) 856-3275**

RECEIVED
DEPUTY COMMISSIONERS OFFICE

MAR 07 2008

DEPARTMENT OF EDUCATION
GENERAL DIVISION

March 3, 2007

Dr. Ken James, Commissioner
Arkansas Department of Education
#4 Capitol Mall
Little Rock, Arkansas 72201

RECEIVED
COMMISSIONER'S OFFICE

MAR 10 2008

DEPARTMENT OF EDUCATION

Dear Dr. James,

Due to the devastating tornado that hit Ash Flat and Highland on February 5, the Highland School District is requesting the following waivers.

- Guyle* 1. A waiver of inclusion of our Benchmark scores in the state scores. This includes 11th grade Literacy and EOC Exams.
- Janine* 2. A waiver of AYP designation for the 2007-08 school year.
- Annette* 3. A waiver of four of the required student/teacher interaction days.

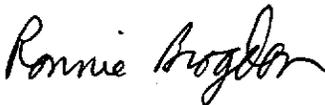
These requests are made for several reasons. Students and staff members have been temporarily displaced as a result of the tornado. Some are living in temporary shelters within our district, but several have moved to other areas. It is of grave concern to me that we have dropped in enrollment from 1575 students to 1538 students in the past three weeks, and we are losing students on a daily basis. Whether these students will return later in the semester or next year is still to be determined. It would be impossible for our remaining students to do as well on these tests as they would have done if the tornado had not hit our communities. Students should be able to give their best shot for scores to be included in state reporting and AYP consideration. In past years our school district has shortened spring break when days have been missed due to weather. Because of the emotional state of our community, I feel that a full week of spring break is needed to allow many of our families time to regroup and begin to restore some type of normalcy to their lives.

Any consideration that can be given to these requests by you and the State Board of Education

Ronnie G. Brogdon, Superintendent
REBEL PRIDE
A COMMITMENT TO EXCELLENCE

will be greatly appreciated. I look forward to hearing from you soon.

Sincerely,

A handwritten signature in cursive script that reads "Ronnie Brogdon". The signature is written in black ink and is positioned above the typed name.

Ronnie Brogdon
Superintendent

Melbourne School District

Post Office Box 250
Melbourne, Arkansas 72556
Phone (870) 368-4500

ADMINISTRATORS

Gerald Cooper, Superintendent
Howard Lamb, Administrator
Carolyn Blevins, Mt. Pleasant Elem. Principal
Lori Loggains, Melbourne Elem. Principal
Kelly Powell, Melbourne High School Principal
Conny Johnson, Mt. Pleasant High School Principal

BOARD OF DIRECTORS

Robert Cooper
Phillip Edwards
Phil Ferguson
Jeff Mynatt
Toby Smith
Danny Taylor
Kevin Wiles

March 14, 2008

Dr. Kenneth James, Commissioner
Arkansas Department of Education
4 State Capitol Mall
Little Rock, AR 72201-1071

RECEIVED
COMMISSIONER'S OFFICE

MAR 18 2008

DEPARTMENT OF EDUCATION

Dr. James:

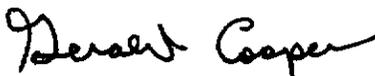
On the night of February 5, 2008, a significant portion of the Melbourne School District was in line of the 125 mile trail of the devastating tornado that swept through Arkansas. Two persons in our community lost their lives in the storm that night. Almost 50 homes in our county were destroyed, and estimates of almost 90 more homes suffered various degrees of damages. There were power outages that lasted for several days following the storm.

The local sheriff's office and emergency services office advised me that it would be best if we cancelled classes on February 6, because of the downed power lines and blockages of county roads due to storm related obstructions. We were happy to comply with that request and fortunately were able to be back in session on February 7.

Unfortunately, our district has had several other weather related closures this year. Due to inclement weather, our school was not in session on January 31, February 1, February 21, March 4, and March 7. It has been many years since we have missed 5 days for winter weather conditions, much less the extra day due to the tornado devastation. Since we have used all of the days that had been built into the calendar, teachers have already voted to shorten any remaining holidays on our calendar. **It would help us greatly if we could receive a waiver for the one day (February 6) that we had to miss for the tornado.**

Please let us know if any further information is needed or required. Thank you for considering our request.

Sincerely,



Gerald Cooper, Superintendent

RECEIVED
DEPUTY COMMISSIONERS OFFICE

MAR 07 2008

DEPARTMENT OF EDUCATION
GENERAL DIVISION

Shirley High School
154 School Drive
Shirley, AR 72153

Randy Moore
Principal
501-723-8192
Fax 501-723-8114

Mr. Jack Robinson
Superintendent
501-723-8191
Fax 501-723-4020

Susan Tynes
Counselor
501-723-819
Fax 501-723-8114

Dr. Ken James, Commissioner
Arkansas State Department of Education
#4 State Capitol Mall
Little Rock, Arkansas 72201

RECEIVED
COMMISSIONER'S OFFICE

MAR 10 2008

March 5, 2008

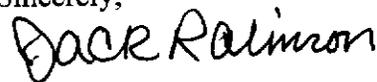
DEPARTMENT OF EDUCATION

Dear Dr. James:

The Shirley School District has missed six weather related days of school to date. One day is a result of the tornado on February 5, 2008. It is my request that one or more of these days be waived.

Thank you for your consideration.

Sincerely,



Jack Robinson, Superintendent

2436 Hwy 95
Hattiesville, AR 72063-8929
Phone: (501) 354-0211
Fax: (501) 354-6071

Wonderview School District
Office of the Superintendent

Brenda Tyler
Superintendent

Janet Goates
District Treasurer

Robin Church
Secretary

April 2, 2008

Dr. T. Kenneth James
Commissioner of Education
Arkansas Department of Education
#4 State Capitol Mall, Room 301-A
Little Rock, Arkansas 72201-1071

RECEIVED
COMMISSIONER'S OFFICE
APR 7 - 2008
DEPARTMENT OF EDUCATION

Dear Dr. James:

I am requesting consideration by the department and the State Board that one student interaction day for the 2007-2008 school year be waived.

On the evening of February 5, 2008 the EF-4 tornado which struck the state of Arkansas left 18 miles of damage within the boundaries of the Wonderview School District. In addition to the death of an elderly couple the district and community lost 33 homes and had 13 other homes seriously damaged. Area fire fighters and volunteers spent the greater part of the night searching home-to-home for survivors and victims, and to assess damage. Two major highways in the district and many county roads were closed due to downed trees and power lines.

Although clean-up began immediately and continued until nearly 2:00 a.m. we made the decision not to have school the following day because there were many district residents without power, five of seven bus routes had trees and/or power lines across the roads, and many students needed to help their families and neighbors with the clean-up efforts.

The school provided a hot meal to victims and volunteers at 10:30 the night of the tornado. The Conway County Office of Emergency Management set up the command center at Wonderview School. We served a noon meal and an evening meal on Wednesday, February 6. Many volunteers and victims were able to come by the school to eat or pick up a meal throughout the day.

Classes were resumed on Thursday, February 7. We ran all but two bus routes and had very good attendance. We were able to resume all bus routes on Friday, February 8, as all the downed power lines had been removed from the roads. We were able to continue

serving meals throughout the week to volunteers and victims, in addition to having school. On the following Saturday we served approximately 400 meals during the day to victims and volunteers helping in the cleanup effort.

We will be making up four student interaction days we missed due to inclement weather. We know to expect to make up those days. The date we anticipate finishing the school year is June 2 if the waiver is not granted.

We appreciate the consideration of the Department of Education and the State Board of Education in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Brenda L. Tyler".

Brenda L. Tyler
Superintendent of Schools

April 7, 2008

from:

**AGENDA
STATE BOARD OF EDUCATION**

November 5, 2007
Arkansas Department of Education
9:00 AM

A-3 Review of Accredited-Probationary Status of West Fork High School for Failing to Meet all Standards for Accreditation for Two (2) Consecutive Years

West Fork High School was identified as accredited-probationary by ADE on May 15, 2007, and on May 15, 2006. West Fork High School did not have students enrolled in the required 38 units for the 2006-2007 school year and had a teacher with an expired ALP during the 2005-2006 school year.

ADE recommends that SBE approve action initiated by the West Fork School District under AR Code 6-15-207(c)(8) and require the district to issue written certification that the violations have been corrected and that no other violations of Standards exists by February 1, 2008. An On-campus Standards Review (OSR) will be conducted of the West Fork School District prior to May 15, 2008 to verify the status. ADE is then required to report to SBE as to the extent the district has corrected the violations and as such is subject to AR Code 6-15-206(b)(1).

from:

Minutes
State Board of Education
Monday, November 5 and Tuesday, November 6, 2007

Review of Accredited-Probationary Status of West Fork High School for Failing to Meet all Standards for Accreditation for Two (2) Consecutive Years

Annette Barnes was recognized to present this item. Ms. Barnes stated that West Fork High School has been identified in probationary status for two consecutive years. She and Frank Wimer noted that ADE staff has worked with this school and the issues that caused the school's probationary classification have been resolved and that the staff will continue to monitor the school's status throughout this academic year. Wimer and Barnes stated that a plan is in place whereby the school should have met all academic concerns this school year. The staff recommends adoption of the report on the status of this school.

Ms. Rebick moved to accept the progress report for West Fork High School. Ms. Burrow seconded the motion. The motion was adopted unanimously.

Midland School District

P.O. Box 630
Pleasant Plains, AR 72568

Lynn Roe King
Superintendent
345-2852
Roetta Stoneking
Elementary Principal
345-2413

Vickie Crawford
High School Principal
345-2610
Jim LaRue
Federal Programs/AC/SCIP
345-2610

April 9, 2008

Dr. T. Kenneth James, Commissioner of Education
Arkansas State Board of Education
Arkansas Department of Education
#4 Capitol Mall
Little Rock, AR 72201-1071

Re: Request for Release

Dr. James and Members of State Board of Education:

This letter is being written on behalf of the school, community, students and staff of the Midland School District at Pleasant Plains, Arkansas. On Friday, January 13, 2006, a portentous event shook the communities of Pleasant Plains, and Floral, Arkansas. Dr. Kenneth James and members of his staff arrived at the Central Office of the Midland High School campus with the sole purpose of taking control of the district. The action threatened the loss or possible merger of the district because of the poor fiscal and financial management of the district. The former superintendent and administration had made some very poor financial decisions and had depleted the reserves of the district with expenditures to surely exceed the revenues in the future.

The action of the Arkansas Department of Education was an awaking and resolve to the people and patrons of Midland School District. The action culminated in the formation of "The Friends of Midland" and the raising of \$400,000 dollars in only a few weeks, which was the necessary amount needed, to cash flow the district. These measures, along with other cost-cutting actions, were implemented by new leadership put in place by the ADE to cash flow the district by the end of the school year.

Due to better financial management the district has made substantial improvements that included, but not limited to the following: certified staff reduced, \$380,000; classified staff reduced, \$60,000; reduced transportation and routing expense, \$32,500; reduced substitutes, custodial supplies and utility cost; increased local revenues with 5.39 millage for M & O \$150,000; increased food service revenues and others. The district again reduced additional expenditure in the 2007-2008 school operating year and has paid-off two of the seven (7) outstanding bank notes. The district at the end of the 2006-2007 school term had a cash balance of over \$1,000,000 dollars. The Midland School District presently has grown the balance to over \$1,800,000 for the current school year.

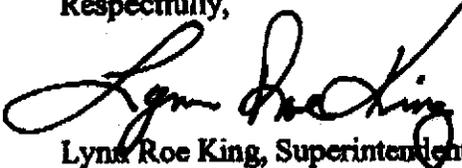
Midland School District provides equal opportunities without regard to race, national origin, gender, age, or disabilities in its educational programs and hiring practices.

Page 2, Release cont....

Therefore, I would like to request on behalf of the school, community, students and staff of Midland School District that the district be released from the fiscal distress mandate. I sincerely believe that the school and community will continue to grow and sustain a responsible fiscal operation in the school system for the future.

Should you have any comments or question please advise me.

Respectfully,

A handwritten signature in cursive script, appearing to read "Lynn Roe King".

Lynn Roe King, Superintendent
Midland School District

Midland School District

Classified in Fiscal Distress

April 11, 2005

Fiscal Distress Indicators and Financial Concerns

- * A projected negative balance of \$278,049 for fiscal year ending June 30, 2006.
- * The District had five outstanding short term non-secured loans totaling \$400,847.
- * The District borrowed \$157,864 to finish the 2004 - 2005 school year.
- * The District ended the 2004 - 2005 school year with a negative balance in the Operating Fund of \$190,326.

	2002-04	2004-05	2005-06	2006-07
Fourth Quarter ADMs	584	575	561	509
Assessment	22,073,813	23,291,455	24,258,542	25,557,488
Total Mills	30.41	30.41	39.00	39.00
Total Debt Bond/Non Bond	1,695,865	1,683,218	1,509,425	1,723,983
Per Pupil Expenditures	6,440	7,720	6,876	6,608
Personnel-Non-Fed Certified FTE	44.61	52.83	44.03	34.67
Avg Salary--Non-Fed Cert Clsrm FTE	35,056	32,952	41,694	42,099
Net Legal Bal (Excl Cat & QZAB)*	(11,636)	(188,739)	553,972	1,298,202

Background Information

- * The Department took over the Midland School District on January 13, 2006.
- * The Department hired a Superintendent for the 2006 - 07 year.
- * The District patrons raised approximately \$400,000 to retire the outstanding non-secured short term debt.
- * The State Board requested the Department maintain administrative control of the District.

District Actions

2006-2007

- * Approved a 8.59 mill increase in the September 2005 election.
- * Implemented RIF policy.
- * Reduced certified personnel by six (6) positions.
- * Reduced classified personnel by three (3) positions.
- * Eliminated substitute pay for bus drivers.
- * Enforced existing purchase order policy.
- * Reduced transportation expenses by eliminating one bus route.
- * Reduced substitute teacher expenditures.
- * Reduced custodial supply expenditures.
- * Reduced electrical utility cost.
- * Increased food service revenue by increasing meal prices.

2007-08

- * Reduced classified personnel by two (2) positions.
- * Reduced certified personnel by six (6) positions.
- * Eliminated one bus route.
- * District elected a new board in September 2007.
- * ADE provided Board training on financial management during the fall of 2007.
- * Sold used school buses and other equipment.
- * Purchased LP gas tanks eliminating change over and testing costs.
- * Negotiated 61.50 acre gas lease.
- * Reduced secretarial contracts by hiring less experienced personnel.
- * Continue to monitor operational spending.

Projected ending operating balance June 2008 is \$1,635,401.

Helena-West Helena School District

Classified in Fiscal Distress:

April 11, 2005

Fiscal Distress Indicators and Additional Concerns:

- * A projected negative balance of \$2,259,921 for fiscal year ending June 30, 2006
- * The June 30, 2003 Audit reported significant findings.
- * The District had not substantiated that the findings have been sufficiently addressed or corrected.

District Financial Profile:	2003-04	2004-05	2005-06	2006-07
Fourth Quarter ADMs	3,202	3,096	3,025	2,869
Assessment	107,653,508	106,083,408	106,941,869	108,115,569
Total Mills	34.10	34.10	34.10	34.10
Total Debt Bond/Non Bond	10,487,563	10,043,809	9,591,321	9,124,909
Per Pupil Expenditures	8,001	8,075	8,684	9,612
Personnel-Non-Fed Certified FTE	255.50	218.46	253.27	230.51
Avg Salary--Non-Fed Cert Clsrm FTE	38,751	46,205	38,828	44,096
Net Legal Bal (Excl Cat & QZAB)*	1,180,666	4,831,304	5,916,276	5,684,078

Background Information

- * The Department took over the Helena-West Helena School District on September 8, 2005
- * The Department appointed Mr. Rudy Howard as the Superintendent.

District Actions

- * Contract issues have been rectified. No employee is hired for a certified position that is not licensed and approved by ADE.
- * Purchasing system has been implemented. Any payments to vendors are prior approved by the Superintendent.
- * Bidding procedures which comply with state law have been implemented.
- * District treasurer has been named.
- * Contracts with consultants require prior justification and approval by Superintendent and ADE.
- * Newly-elected Local Board participated in ASBA training.
- * District salary schedule reflects actual pay practices for the district.
- * District is utilizing the APSCN Fixed Asset module to manage and continually update the district's fixed assets.
- * All district funds, including activity funds, are currently maintained and expended in APSCN.
- * District is currently analyzing and revising policies to comply with current laws and rules.
- * Superintendent has conducted regularly scheduled community meetings to keep public informed.
- * District has initiated process to ensure that activities approved in the ACSIP Plan are implemented and supported with state and federal resources.
- * District reduced contract time on several classified positions from 12 months to ten months.
- * District elected one board member in September election 2007.
- * Commissioner James reconvened the Helena School Board as of July 1, 2007 on an advisory basis.
- * ADE provided Board training on financial management during the fall of 2007.
- * Continue to monitor operational spending.
- * Current district inventory has been filed with ADE.

Hughes School District

Classified in Fiscal Distress

June 12, 2006

Fiscal Distress Indicator and Additional Concerns:

* The April 3, 2006 fund balances of \$14,867 could jeopardize the fiscal integrity of the District.

District Financial Profile:	2003-04	2004-05	2005-06	2006-07
Fourth Quarter ADMs	721	650	593	531
Assessment	38,882,483	45,039,600	45,574,767	46,256,367
Total Mills	27.40	27.40	27.40	39.40
Total Debt Bond/Non Bond	1,322,970	1,202,720	1,104,543	1,004,137
Per Pupil Expenditures	7,673	9,404	9,809	8,500
Personnel-Non-Fed Certified FTE	58.06	72.56	57.99	41.57
Avg Salary--Non-Fed Cert Clsrm FTE	35,294	32,812	38,450	39,390
Net Legal Bal (Excl Cat & QZAB)*	909,777	461,304	325,548	1,067,135

District Actions

The Hughes School District has included the following objectives in their Fiscal Distress Improvement Plan:

2006-07

- * Approved 12.0 new maintenance and operation mills in the September 2006 election.
- * Sold 398 acres of land.
- * Closed the 5th - 6th grade building.
- * Closed the auditorium building at the high school.
- * Eliminated certified personnel by four (4) FTE's.
- * Eliminated classified personnel by seven (7) positions.
- * Reduced contracted days of four (4) positions.
- * Did not purchase new textbooks.
- * Rescinded teacher benefit of tuition and books for additional certification.
- * Eliminated paying professional dues for administrators, except for the superintendent.
- * Limited overtime, unless preapproved by the superintendent.
- * Restricted travel unless mandated by state.
- * Eliminated awards for students with good test results and good behavior.
- * Implemented new Purchase Order Procedures requiring Superintendent pre-approval.

2007-08

- * Sold three (3) houses.
- * Eliminated certified personnel by four (4) FTE's.
- * Eliminated seven (7) classified positions.
- * Reduced contracted days of four (4) classified positions.
- * Continue to monitor operational spending.

2008-09

- * Eliminate two (2) certified personnel positions.
- * District is hiring a new superintendent.

Projected ending operating balance June 2008 is \$1,331,024.

HUGHES PUBLIC SCHOOLS

MEMBER NORTH CENTRAL ASSOCIATION

Office Of The Superintendent

Hughes, Arkansas 72348

April 11, 2008

Dr. T. Kenneth James, Commissioner
Arkansas Department of Education
#4 Capitol Mall
Little Rock, AR 72201-1071

Dr. James and State Board of Education:

The Hughes School District has completed our Fiscal Distress Improvement Plan which included the elimination of several staff positions, closing most of the buildings at the elementary campus, moving grades three through six to the high school campus, selling real estate owned by the district, and all other items from the attached Improvement Plan.

The facilities that are still in use have not been neglected. We have replaced the roof on several of our buildings, renovated the Student Center and Alternative Learning Education building, and replaced windows and doors in several buildings with stronger and more efficient models.

The patrons of this district approved a millage increase of 12 mills for the purpose of general maintenance and operation of our school.

I believe the Hughes School District has recovered financially due to the diligence of the administration and Board of Directors and the support of the patrons, faculty, staff and students.

Please accept this letter as my formal request for Hughes School District to be removed from the Fiscal Distressed List. Should you have any questions, do not hesitate to contact me. The support that the Arkansas Department of Education has shown to our district is greatly appreciated.

Sincerely,



Charles Jones,
Superintendent
Hughes School District

Omaha School District

Classified in Fiscal Distress

June 12, 2006

Fiscal Distress Indicator and Additional Concerns:

- * The March 31, 2006 operating balance of \$97,477 combined with the teacher salary fund balance of \$(133,233) could jeopardize the fiscal integrity of the District.
- * The March 31, 2006 operating fund less restricted funds balance of \$25,644 appears insufficient for the operation of the District.

District Financial Profile:	2003-04	2004-05	2005-06	2006-07
Fourth Quarter ADMs	405	426	445	465
Assessment	18,898,415	19,942,308	21,519,475	24,339,126
Total Mills	38.10	38.10	38.10	38.10
Total Debt Bond/Non Bond	2,728,244	3,592,845	3,422,028	3,673,172
Per Pupil Expenditures	7,465	8,434	8,201	7,914
Personnel-Non-Fed Certified FTE	42.98	40.75	43.55	42.98
Avg Salary--Non-Fed Cert Clsrm FTE	28,268	34,232	34,113	34,080
Net Legal Bal (Excl Cat & QZAB)*	87,702	264,625	177,132	244,203

District Actions

The District has included the following objectives in their Fiscal Distress Improvement Plan:

2006-07

- * Eliminated Staff Development Coordinator position.
- * Eliminated Special Education position.
- * Eliminated a Custodial position.
- * Reduced salary costs through attrition for both certified and classified personnel.
- * Reduced one contract from 240 days to 190 days.
- * Eliminated dental insurance benefit for employees.
- * Realigned federal funds to support district programs.
- * Reduced utility expenditures by monitoring building energy usage.
- * Established competitive bidding procedures for commodities.
- * Required athletic and extracurricular activities to pay transportation costs.

2007-08

- * Eliminated Medical Professions position.
- * Utilized distance learning for Spanish courses.
- * Reduced classified contract from 240 days to 140 days.
- * Replaced six (6) certified positions with less experienced personnel.
- * Utilized NSLA funds more efficiently.
- * Continue to monitor operational spending.

2008-09

- * Replace Music Teacher with savings of \$13,696.
- * High School English Teacher working part-time with savings of \$15,945.
- * Replace High School Math Teacher with savings of \$1,375.
- * Possible replacement of 7th and 8th grade Math/Science Teacher with a savings of \$10,591.

Projected ending operating balance June 2008 is \$382,771.

BOARD OF DIRECTORS:

Gary Barinsky, President
Carl Roberts, Vice-President
Scott Edwards, Secretary
David Arnold
Travis Mattox

OMAHA SCHOOL DISTRICT

522 W. College Road
Omaha, Arkansas 72662
Telephone: (870) 426-3366
Fax: (870) 426-3360

Susan Stewart
Elementary Principal
Martha Hicks
High School Principal
Dr. David E. Land
Superintendent

April 8, 2008

Dr. T. Kenneth James, Commissioner
Arkansas Department of Education
#4 Capitol Mall, Room 304-A
Little Rock, AR 72201-1071

Dear Dr. James and the State Board of Education:

I am pleased to report to you that the Omaha School District has made significant progress in improving the financial stability of the district since being placed on fiscal distress. Closing the month on 03/31/08 in funds 1000, 2000, and 4000 the balance was \$546,760.49 with a projected ending balance on June 30, 2008 of \$382,771.70. Closing the year on June 30, 2009 we have a projected balance of \$679,916.60.

We have reduced staff both in classified and certified positions which were over and above standards requirements.

Our school continues to make progress in Adequate Yearly Progress and in our standardized test scores. We have been able to maintain our facilities to a high standard and are in the process of completing a library media center and Family Consumer Science facility.

We expect to have continued growth in students over the years due to the expansion of Branson, Missouri and the near completion of the National airport bordering our school district. I feel we have a great school at Omaha and dedicated to providing the best education possible for all of our students.

I believe Omaha School has recovered financially through the excellent assistance from the ADE, especially Dr. Bobbie Davis and Hazel Burnett.

I would like to respectfully request that Omaha School be removed from the fiscal distress list. Our budget is under control and we will strive to maintain its solvency. The board and myself thank the Department for all the support given to our district.

Please contact me if any additional information is required or for any questions we might answer.

Sincerely,

A handwritten signature in cursive script that reads "David E. Land". The signature is written in dark ink and is positioned above the typed name and title.

David E. Land
Superintendent

DEL:de

Turrell School District

Classified in Fiscal Distress

June 12, 2006

Fiscal Distress Indicators and Additional Concerns:

- * The District was projected to have a \$(206,545) balance for the 2007 fiscal year.
- * The March 31, 2006 operating balance was a \$(122,690).
- * The March 31, 2006 fund balances for SOF 1000, 2000, 2008, and 4000 were \$(26,509).
- * The District's bank account was not reconciled in a timely manner.
- * The increase in State Foundation Funding will not significantly improve the District's balances due to the increase in the minimum teacher salary schedule.

District Financial Profile:	2003-04	2004-05	2005-06	2006-07
Fourth Quarter ADMs	389	365	385	317
Assessment	12,331,959	11,969,134	12,597,840	13,030,070
Total Mills	39.00	39.00	39.00	39.00
Total Debt Bond/Non Bond	3,169,220	3,361,821	3,290,296	3,107,529
Per Pupil Expenditures	7,613	8,634	8,395	10,897
Personnel-Non-Fed Certified FTE	38.49	31.70	29.77	37.08
Avg Salary--Non-Fed Cert Clsrm FTE	26,999	37,563	41,627	38,005
Net Legal Bal (Excl Cat & QZAB)*	151,065	81,924	691,113	329,912

District Actions

The Turrell School District has included the following objectives in their Fiscal Distress Improvement Plan:

2006-07

- * Eliminated classified personnel by one (1) position.
- * Reduced health benefits.
- * Replaced two (2) classified positions through attrition.
- * Eliminated one bus route.
- * Implemented requisition and purchase order system.
- * Eliminated National School Board Association fees/membership.
- * Eliminated need for short term debt.

2007-08

- * Reduced certified personnel by one (1) FTE.
- * Eliminated one (1) custodial position.
- * Eliminated two (2) classified part-time positions.
- * Reduced janitorial supply cost by ordering items as needed.
- * Replaced one (1) certified position with less experienced personnel.
- * Replaced one (1) classified position with less experienced personnel.
- * Leased school property.
- * Received Microsoft Refund Voucher for \$16,600.
- * Reduced substitute cost by utilizing volunteers.
- * Eliminated one bus route.
- * Limited use of outside contractors.
- * Reduced utilities by monitoring building temperatures.
- * Continue to monitor operational spending.

2008-09

- * Sold two (2) school-owned houses.

Projected ending operating balance June 2008 is \$409,907.

TURRELL SCHOOL DISTRICT

ALFRED HOGAN, SUPERINTENDENT OF SCHOOLS

P. O. BOX 369/ #1 ROCKET DRIVE

TURRELL, AR 72384

(870) 343-2533 FAX: (870) 343-2823

Board of Directors
Chester McGee, President
Delois Jackson, Vice-President
Carol Horton, Secretary
Freddy Simpson
Bernice White

April 10, 2008

Commissioner Ken James and the State Board of Education
Arkansas Department of Education
4 Capitol Mall
Little Rock, AR 72201

Dear Dr. James and the State Board of Education:

I am pleased to report to you, Turrell School District in Crittenden County has made vast improvements in our financial standing since our placement on the Fiscal Distress List in May of 2006. Our district has worked diligently with the support and technical assistance of the Fiscal Distress Team from the Department of Education. Mrs. Burnett and Mrs. Harrell have been instrumental in assisting us in making the tough decisions that have lead us to our improved financial standing.

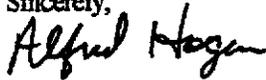
Upon being designated as fiscally distressed, the District outlined and implemented the following actions: (This is a condensed list of the many actions taken by the district.)

- Aligned staffing to efficiently use resources
- Sought to employ individuals with dual certification areas
- Restructured our purchase order system to ensure that all spending is centrally monitored in the district Reduced cost associated with maintenance supplies without affecting the safe and healthy atmosphere of the school
- Restructured bus routes to eliminate one position while serving the needs of our students in a timely manner
- Instituted a Reduction in Force (March 2008) in order to streamline our staff
- Compiled monthly comparison reports to closely monitor the district's expenditures compared to the same time the previous year
- Sought assistance from the Crowley's Ridge Educational Cooperative, County Assessor's Office (to obtain our collection rate), and other financial institutions to afford us additional financial advice to improve our status
- Accepted volunteers thus reducing the cost of substitute teachers

Though our district has seen many cuts, the quality of education that we are affording our students has not suffered. This difficult period has also helped our staff to have a more team oriented attitude that is focused on saving our district.

At this time, I would like to request the Turrell School District be removed from the fiscal distress list. Our district has made significant progress and will continue to monitor its expenditures and by means of this communication petition the State Board of Education of the State of Arkansas to have the Turrell School District granted its request to be removed from fiscal distressed status. Should you have any questions, suggestions or advice, please do not hesitate to contact me. The support shown our district is greatly appreciated.

Sincerely,

A handwritten signature in cursive script that reads "Alfred Hogan". The signature is written in dark ink and is positioned to the right of the word "Sincerely,".

Alfred Hogan
Superintendent

February 29, 2008

Concord School District
Dr. Mike Davidson, Superintendent
P.O. Box 10
Concord, AR 72523

Dear Dr. Davidson:

Pursuant to Ark. Code Ann. § 6-20-1905, this letter is to provide notice that the Concord School District has been identified by the Arkansas Department of Education (ADE) as being in Fiscal Distress.

Pursuant to Ark. Code Ann. § 6-20-1904, the District meets one (1) or more of the criteria necessary to be identified as a school district in Fiscal Distress.

The ADE has the following items of concern:

- Declining fund balances for the past three years that could jeopardize the fiscal integrity of the District.
- District refunded Federal Funds.
- Projected ending balance in operating fund June 30, 2008 of \$148,510.

The ADE will provide a list of all school districts identified in Fiscal Distress status to the State Board of Education (SBE) at the April 21, 2008 meeting. The State Board of Education will be requested to classify the districts in Fiscal Distress at the meeting. The District has the right to appeal this identification. The appeal process is described in the "Rules Governing the Arkansas Fiscal Assessment and Accountability Program" (attached). Ark. Code Ann. § 6-20-1901 et seq. governs the Fiscal Distress program. Any appeals will be heard at the April 21, 2008 State Board Meeting.

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

An Equal Opportunity Employer

Fiscal Distress Identification

Page 2

Ark. Code Ann. §6-20-1907 states that no school district identified as being in Fiscal Distress may incur any debt without prior written approval from ADE. "Any debt" includes any employment contract, vendor contract, lease, loan, purchase, or any other obligation that will increase the district's financial obligations, accounts payable, or liabilities. The District is required to obtain prior written approval from ADE, effective with receipt of this letter. Please retain this notice in your District audit file.

If you should have questions or need further information, please contact Ms. Hazel Burnett, ADE Coordinator for Fiscal Distress, at 501 683-5124, email hazel.burnett@arkansas.gov; or fax 501 683-5293.

Sincerely,



Bobbie Davis, Ed.D.
Assistant Commissioner
Fiscal and Administrative Services

cc: Senator Jack Critcher
Representative Lance Reynolds
Mr. Tim Southerland, School Board President

February 29, 2008

Hartford School District
Mr. Chris Rink, Superintendent
508 W. Main
Hartford, AR 72938

Dear Mr. Rink:

Pursuant to Ark. Code Ann. § 6-20-1905, this letter is to provide notice that the Hartford School District has been identified by the Arkansas Department of Education (ADE) as being in Fiscal Distress.

Pursuant to Ark. Code Ann. § 6-20-1904, the District meets one (1) or more of the criteria necessary to be identified as a school district in Fiscal Distress.

The ADE has the following items of concern:

- Declining fund balances for the past three years that could jeopardize the fiscal integrity of the District.
- Projected ending balance in the operating fund June 30, 2008 of \$156,170.
- Material violation of current Arkansas Law:
 - Coded installment loans as current year loans and did not pay off by required date.
 - Loans and leases were not registered with Department as required by law in the amount of \$203,993.92.

The ADE will provide a list of all school districts identified in Fiscal Distress status to the State Board of Education (SBE) at the April 21, 2008 meeting. The State Board of Education will be requested to classify the districts in Fiscal Distress at the meeting. The District has the right to appeal this identification. The appeal process is described in the "Rules Governing the Arkansas Fiscal Assessment and Accountability Program" (attached). Ark. Code Ann. § 6-20-1901 et seq. governs the Fiscal Distress program. Any appeals will be heard at the April 21, 2008 State Board Meeting.

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

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Fiscal Distress Identification

Page 2

Ark. Code Ann. §6-20-1907 states that no school district identified as being in Fiscal Distress may incur any debt without prior written approval from ADE. "Any debt" includes any employment contract, vendor contract, lease, loan, purchase, or any other obligation that will increase the district's financial obligations, accounts payable, or liabilities. The District is required to obtain prior written approval from ADE, effective with receipt of this letter. Please retain this notice in your District audit file.

If you should have questions or need further information, please contact Ms. Hazel Burnett, ADE Coordinator for Fiscal Distress, at 501 683-5124, email hazel.burnett@arkansas.gov; or fax 501 683-5293.

Sincerely,



Bobbie Davis, Ed.D.
Assistant Commissioner
Fiscal and Administrative Services

cc: Senator James Edward Wilkinson
Representative Shirley Walters
Ms. Nancy Mixon, School Board President

ARKANSAS DEPARTMENT OF
Education 

Dr. T. Kenneth James, Commissioner

4 State Capitol Mall • Little Rock, AR 72201-1019
(501) 682-4475
<http://ArkansasEd.org>

February 29, 2008

Hermitage School District
Mr. Richard Rankin, Superintendent
P.O. Box 38
Hermitage, AR 71647

Dear Mr. Rankin:

Pursuant to Ark. Code Ann. § 6-20-1905, this letter is to provide notice that the Hermitage School District has been identified by the Arkansas Department of Education (ADE) as being in Fiscal Distress.

Pursuant to Ark. Code Ann. § 6-20-1904, the District meets one (1) or more of the criteria necessary to be identified as a school district in Fiscal Distress.

The ADE has the following items of concern:

- Declining fund balances for the past three years that could jeopardize the fiscal integrity of the District.
- Projected negative ending balance in the operating fund June 30, 2008 of (\$110,915).

The ADE will provide a list of all school districts identified in Fiscal Distress status to the State Board of Education (SBE) at the April 21, 2008 meeting. The State Board of Education will be requested to classify the districts in Fiscal Distress at the meeting. The District has the right to appeal this identification. The appeal process is described in the "Rules Governing the Arkansas Fiscal Assessment and Accountability Program" (attached). Ark. Code Ann. § 6-20-1901 et seq. governs the Fiscal Distress program. Any appeals will be heard at the April 21, 2008 State Board Meeting.

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Fiscal Distress Identification
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If you should have questions or need further information, please contact Ms. Hazel Burnett, ADE Coordinator for Fiscal Distress, at 501 683-5124, email hazel.burnett@arkansas.gov; or fax 501 683-5293.

Sincerely,



Bobbie Davis, Ed.D.
Assistant Commissioner
Fiscal and Administrative Services

cc: Senator Jimmy Jeffress
Representative Greg Reep
Mr. Mark Vickers, School Board President

February 29, 2008

Murfreesboro School District
Dr. Bernie Hellums, Superintendent
P.O. Box 339
Murfreesboro, AR 71958

Dear Dr. Hellums:

Pursuant to Ark. Code Ann. § 6-20-1905, this letter is to provide notice that the Murfreesboro School District has been identified by the Arkansas Department of Education (ADE) as being in Fiscal Distress.

Pursuant to Ark. Code Ann. § 6-20-1904, the District meets one (1) or more of the criteria necessary to be identified as a school district in Fiscal Distress.

The ADE has the following items of concern:

- Declining fund balances for the past three years that could jeopardize the fiscal integrity of the District.
- Projected negative ending balance in operating fund June 30, 2008 of (\$307,394).
- District utilized Cash Flow Loan in the amount of \$400,000 September 2007 for operational expenses.

The ADE will provide a list of all school districts identified in Fiscal Distress status to the State Board of Education (SBE) at the April 21, 2008 meeting. The State Board of Education will be requested to classify the districts in Fiscal Distress at the meeting. The District has the right to appeal this identification. The appeal process is described in the "Rules Governing the Arkansas Fiscal Assessment and Accountability Program" (attached). Ark. Code Ann. § 6-20-1901 et seq. governs the Fiscal Distress program. Any appeals will be heard at the April 21, 2008 State Board Meeting.

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Brenda Guilett, Fayetteville • Dr. Tim Knight, Arkadelphia • Dr. Ben Mays, Clinton
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Fiscal Distress Identification
Page 2

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If you should have questions or need further information, please contact Ms. Hazel Burnett, ADE Coordinator for Fiscal Distress, at 501 683-5124, email hazel.burnett@arkansas.gov; or fax 501 683-5293.

Sincerely,



Bobbie Davis, Ed.D.
Assistant Commissioner
Fiscal and Administrative Services

cc: Senator Jim Hill
Representative Randy Stewart
Mr. Alan McRae, School Board President

ARKANSAS DEPARTMENT OF
Education 

Dr. T. Kenneth James, Commissioner

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(501) 682-4475
<http://ArkansasEd.org>

February 29, 2008

Concord School District
Dr. Mike Davidson, Superintendent
P.O. Box 10
Concord, AR 72523

Dear Dr. Davidson:

Pursuant to Ark. Code Ann. § 6-20-1905, this letter is to provide notice that the Concord School District has been identified by the Arkansas Department of Education (ADE) as being in Fiscal Distress.

Pursuant to Ark. Code Ann. § 6-20-1904, the District meets one (1) or more of the criteria necessary to be identified as a school district in Fiscal Distress.

The ADE has the following items of concern:

- Declining fund balances for the past three years that could jeopardize the fiscal integrity of the District.
- District refunded Federal Funds.
- Projected ending balance in operating fund June 30, 2008 of \$148,510.

The ADE will provide a list of all school districts identified in Fiscal Distress status to the State Board of Education (SBE) at the April 21, 2008 meeting. The State Board of Education will be requested to classify the districts in Fiscal Distress at the meeting. The District has the right to appeal this identification. The appeal process is described in the "Rules Governing the Arkansas Fiscal Assessment and Accountability Program" (attached). Ark. Code Ann. § 6-20-1901 et seq. governs the Fiscal Distress program. Any appeals will be heard at the April 21, 2008 State Board Meeting.

STATE BOARD OF EDUCATION: Chair: Diane Tatum, Pine Bluff • Vice Chair: Randy Lawson, Bentonville
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Fiscal Distress Identification
Page 2

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If you should have questions or need further information, please contact Ms. Hazel Burnett, ADE Coordinator for Fiscal Distress, at 501 683-5124, email hazel.burnett@arkansas.gov; or fax 501 683-5293.

Sincerely,



Bobbie Davis, Ed.D.
Assistant Commissioner
Fiscal and Administrative Services

cc: Senator Jack Critcher
Representative Lance Reynolds
Mr. Tim Southerland, School Board President

2

**CONCORD
SCHOOL DISTRICT**

Fiscal Distress Indicators and Additional Concerns:

- * Projected ending balance in operating fund June 30, 2008 of \$148,510.
- * Declining fund balances for the past three years that could jeopardize the fiscal integrity of the District.
- * District refunded Title II-D Federal Funds FY06 \$34,937.

District Profile:	2004-05	2005-06	2006-07
4 QTR ADM	573.98	540	498
Assessment	30,642,381	20,955,431	34,339,082
Total Mills	29.8	29.8	37
Total Debt Bond/Non Bond	1,066,174	1,001,377	2,511,628
Per Pupil Expenditures	8,625	8,525	8,590
Personnel-Non-Fed Certified FTE	62.41	56.98	47.65
Avg Salary--Non-Fed Cert Clsrm FTE	36,252	36,354	37,751
Unrestricted Legal Bal (Excl Cat & QZAB)	656,564	391,608	177,896

3

ARKANSAS DEPARTMENT OF
Education

Dr. T. Kenneth James, Commissioner

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<http://ArkansasEd.org>

February 29, 2008

Hartford School District
Mr. Chris Rink, Superintendent
508 W. Main
Hartford, AR 72938

Dear Mr. Rink:

Pursuant to Ark. Code Ann. § 6-20-1905, this letter is to provide notice that the Hartford School District has been identified by the Arkansas Department of Education (ADE) as being in Fiscal Distress.

Pursuant to Ark. Code Ann. § 6-20-1904, the District meets one (1) or more of the criteria necessary to be identified as a school district in Fiscal Distress.

The ADE has the following items of concern:

- Declining fund balances for the past three years that could jeopardize the fiscal integrity of the District.
- Projected ending balance in the operating fund June 30, 2008 of \$156,170.
- Material violation of current Arkansas Law:
 - Coded installment loans as current year loans and did not pay off by required date.
 - Loans and leases were not registered with Department as required by law in the amount of \$203,993.92.

The ADE will provide a list of all school districts identified in Fiscal Distress status to the State Board of Education (SBE) at the April 21, 2008 meeting. The State Board of Education will be requested to classify the districts in Fiscal Distress at the meeting. The District has the right to appeal this identification. The appeal process is described in the "Rules Governing the Arkansas Fiscal Assessment and Accountability Program" (attached). Ark. Code Ann. § 6-20-1901 et seq. governs the Fiscal Distress program. Any appeals will be heard at the April 21, 2008 State Board Meeting.

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

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4

Ark. Code Ann. §6-20-1907 states that no school district identified as being in Fiscal Distress may incur any debt without prior written approval from ADE. "Any debt" includes any employment contract, vendor contract, lease, loan, purchase, or any other obligation that will increase the district's financial obligations, accounts payable, or liabilities. The District is required to obtain prior written approval from ADE, effective with receipt of this letter. Please retain this notice in your District audit file.

If you should have questions or need further information, please contact Ms. Hazel Burnett, ADE Coordinator for Fiscal Distress, at 501 683-5124, email hazel.burnett@arkansas.gov; or fax 501 683-5293.

Sincerely,



Bobbie Davis, Ed.D.
Assistant Commissioner
Fiscal and Administrative Services

cc: Senator James Edward Wilkinson
Representative Shirley Walters
Ms. Nancy Mixon, School Board President

5

**HARTFORD
SCHOOL DISTRICT**

Fiscal Distress Indicators and Additional Concerns:

- * Declining fund balances for the past three years that could jeopardize the fiscal integrity of the District.
- * Projected ending balance in the operating fund June 30, 2008 of \$156,170.
- * Material audit findings:
 - Coded installment loans as current year loans and did not pay off by required date
 - Loans and leases were not registered with Department as required by law in the amount of \$203,993.92.

District Profile:	2004-05	2005-06	2006-07
4 QTR ADM	427.98	427	419
Assessment	17,760,600	18,557,695	22,078,770
Total Mills	39.3	39.3	39.3
Total Debt Bond/Non Bond	385,726	401,357	355,950
Per Pupil Expenditures	7,415	7,889	8,172
Personnel-Non-Fed Certified FTE	44.5	44.01	42.5
Avg Salary--Non-Fed Cert Clsrm FTE	35,741	36,570	38,969
Unrestricted Legal Bal (Excl Cat & QZAB)	286,923	209,433	160,194

6

ARKANSAS DEPARTMENT OF
Education

Dr. T. Kenneth James, Commissioner

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(501) 682-4475
<http://ArkansasEd.org>

February 29, 2008

Hermitage School District
Mr. Richard Rankin, Superintendent
P.O. Box 38
Hermitage, AR 71647

Dear Mr. Rankin:

Pursuant to Ark. Code Ann. § 6-20-1905, this letter is to provide notice that the Hermitage School District has been identified by the Arkansas Department of Education (ADE) as being in Fiscal Distress.

Pursuant to Ark. Code Ann. § 6-20-1904, the District meets one (1) or more of the criteria necessary to be identified as a school district in Fiscal Distress.

The ADE has the following items of concern:

- Declining fund balances for the past three years that could jeopardize the fiscal integrity of the District.
- Projected negative ending balance in the operating fund June 30, 2008 of (\$110,915).

The ADE will provide a list of all school districts identified in Fiscal Distress status to the State Board of Education (SBE) at the April 21, 2008 meeting. The State Board of Education will be requested to classify the districts in Fiscal Distress at the meeting. The District has the right to appeal this identification. The appeal process is described in the "Rules Governing the Arkansas Fiscal Assessment and Accountability Program" (attached). Ark. Code Ann. § 6-20-1901 et seq. governs the Fiscal Distress program. Any appeals will be heard at the April 21, 2008 State Board Meeting.

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If you should have questions or need further information, please contact Ms. Hazel Burnett, ADE Coordinator for Fiscal Distress, at 501 683-5124, email hazel.burnett@arkansas.gov; or fax 501 683-5293.

Sincerely,



Bobbie Davis, Ed.D.
Assistant Commissioner
Fiscal and Administrative Services

cc: Senator Jimmy Jeffress
Representative Greg Reep
Mr. Mark Vickers, School Board President

8

**HERMITAGE
SCHOOL DISTRICT**

Fiscal Distress Indicators and Additional Concerns:

- * Projected negative ending balance June 30, 2008 of (\$110,915).
- * Declining fund balances for the past three years that could jeopardize the fiscal integrity of the District.

District Profile:	2004-05	2005-06	2006-07
4 QTR ADM	520.1	502	525
Assessment	28,782,086	28,547,794	28,864,433
Total Mills	36.5	36.5	36.5
Total Debt Bond/Non Bond	4,055,175	4,623,657	4,671,798
Per Pupil Expenditures	8,560	9,745	8,753
Personnel-Non-Fed Certified FTE	38.35	38.46	37.43
Avg Salary--Non-Fed Cert Clsrn FTE	38,408	40,931	41,915
Unrestricted Legal Bal (Excl Cat & QZAB)	896,207	381,332	77,060

9

February 29, 2008

Murfreesboro School District
Dr. Bernie Hellums, Superintendent
P.O. Box 339
Murfreesboro, AR 71958

Dear Dr. Hellums:

Pursuant to Ark. Code Ann. § 6-20-1905, this letter is to provide notice that the Murfreesboro School District has been identified by the Arkansas Department of Education (ADE) as being in Fiscal Distress.

Pursuant to Ark. Code Ann. § 6-20-1904, the District meets one (1) or more of the criteria necessary to be identified as a school district in Fiscal Distress.

The ADE has the following items of concern:

- Declining fund balances for the past three years that could jeopardize the fiscal integrity of the District.
- Projected negative ending balance in operating fund June 30, 2008 of (\$307,394).
- District utilized Cash Flow Loan in the amount of \$400,000 September 2007 for operational expenses.

The ADE will provide a list of all school districts identified in Fiscal Distress status to the State Board of Education (SBE) at the April 21, 2008 meeting. The State Board of Education will be requested to classify the districts in Fiscal Distress at the meeting. The District has the right to appeal this identification. The appeal process is described in the "Rules Governing the Arkansas Fiscal Assessment and Accountability Program" (attached). Ark. Code Ann. § 6-20-1901 et seq. governs the Fiscal Distress program. Any appeals will be heard at the April 21, 2008 State Board Meeting.

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Brenda Gullett, Fayetteville • Dr. Tim Knight, Arkadelphia • Dr. Ben Mays, Clinton
MaryJane Rebick, Little Rock • Dr. Naccaman Williams, Springdale

10

Fiscal Distress Identification
Page 2

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If you should have questions or need further information, please contact Ms. Hazel Burnett, ADE Coordinator for Fiscal Distress, at 501 683-5124, email hazel.burnett@arkansas.gov; or fax 501 683-5293.

Sincerely,



Bobbie Davis, Ed.D.
Assistant Commissioner
Fiscal and Administrative Services

cc: Senator Jim Hill
Representative Randy Stewart
Mr. Alan McRae, School Board President

11

**MURFREESBORO
SCHOOL DISTRICT**

Fiscal Distress Indicators and Additional Concerns:

- * Projected negative ending balance June 30, 2008 of (\$307,394).
- * The District borrowed \$400,000 September 2007 for operational expenses.
- * Declining fund balances for the past three years that could the fiscal integrity of the District.

District Profile:	2004-05	2005-06	2006-07
4 QTR ADM	541.41	516	513
Assessment	31,976,480	33,185,150	34,416,140
Total Mills	36.4	36.4	36.4
Total Debt Bond/Non Bond	1,940,000	3,770,000	3,690,000
Per Pupil Expenditures	6,952	7,814	8,012
Personnel-Non-Fed Certified FTE	55.1	59.71	52.03
Avg Salary--Non-Fed Cert Clsm FTE	36,205	34,729	38,710
Unrestricted Legal Bal (Excl Cat & QZAB)	499,820	436,193	256,842

12

February 29, 2008

Gentry School District
Dr. Randy Barrett, Superintendent
201 South Giles
Gentry, AR 72734

Dear Dr. Barrett:

Pursuant to Ark. Code Ann. § 6-20-1905, this letter is to provide notice that the Gentry School District has been identified by the Arkansas Department of Education (ADE) as being in Fiscal Distress.

Pursuant to Ark. Code Ann. § 6-20-1904, the District meets one (1) or more of the criteria necessary to be identified as a school district in Fiscal Distress.

The ADE has the following items of concern:

- District utilized a \$1,000,000 cash flow loan for FY04.
- District utilized a \$1,250,000 cash flow loan for FY07.
- District anticipates a \$1,000,000 cash flow loan for FY09.
- Projected negative ending balance in the operating fund June 30, 2008 of (\$254,225).

The ADE will provide a list of all school districts identified in Fiscal Distress status to the State Board of Education (SBE) at the April 21, 2008 meeting. The State Board of Education will be requested to classify the districts in Fiscal Distress at the meeting. The District has the right to appeal this identification. The appeal process is described in the "Rules Governing the Arkansas Fiscal Assessment and Accountability Program" (attached). Ark. Code Ann. § 6-20-1901 et seq. governs the Fiscal Distress program. Any appeals will be heard at the April 21, 2008 State Board Meeting.

STATE BOARD OF EDUCATION: Chair: Diane Tatum, Pine Bluff • Vice Chair: Randy Lawson, Bentonville
Members: Sherry Burrow, Jonesboro • Jim Cooper, Melbourne
Brenda Gullett, Fayetteville • Dr. Tim Knight, Arkadelphia • Dr. Ben Mays, Clinton
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Fiscal Distress Identification

Page 2

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If you should have questions or need further information, please contact Ms. Hazel Burnett, ADE Coordinator for Fiscal Distress, at 501 683-5124, email hazel.burnett@arkansas.gov; or fax 501 683-5293.

Sincerely,



Bobbie Davis, Ed.D.

Assistant Commissioner

Fiscal and Administrative Services

cc: . Senator Kim Hendren
Representative Daryl Pace
Mr. Keith Harper, School Board President

RECEIVED
COMMISSIONER'S OFFICE

MAR 17 2008



DEPARTMENT OF EDUCATION

Gentry Public Schools



Dr. Randy C. Barrett, Superintendent
201 South Giles Avenue
Gentry, Arkansas 72734

Telephone: 479-736-2253 Fax: 479-736-2245 e-Mail: drbarrett@gentry2.nwsc.k12.ar.us

March 11, 2008

Dr. T. Kenneth James, Commissioner
Arkansas Department of Education
4 State Capitol Mall
Little Rock, AR 72201-1019

RECEIVED
ATTORNEY'S OFFICE

MAR 18 2008

DEPARTMENT OF EDUCATION
GENERAL DIVISION

Dear Dr. James:

By a majority vote of the members present, at its regular March meeting held March 10, 2008, the Gentry Board of Education resolved that I send this letter as an appeal, from the Gentry Public School District to the Arkansas State Board of Education, regarding the district having been identified by the Arkansas Department of Education as being in fiscal distress. This letter also requests that all previous correspondence between the district and the Department be included in the record of this appeal.

The appeal is offered under Section 6.02 of the Department's *Rules Identifying and Governing The Arkansas Fiscal Assessment and Accountability Program*, hereafter referenced as the "rules". For its appeal, the district also relies on the provisions of Arkansas Code Annotated 6-20-1901 et seq.

The district received a letter from the Department by certified mail on Monday, March 3, 2008. The Department provided the following reasons for the district to be identified by the Department as being:

- District utilized a \$1,000,000 cash flow loan for FY04.
- District utilized a \$1,250,000 cash flow loan for FY07.
- District anticipates a \$1,000,000 cash flow loan for FY09.
- Projected negative ending balance in the operating fund June 30, 008 of (\$254,225).

The district's interpretation of the indicators of fiscal distress found in Section 4.00 of the rules leads the district to conclude that the Department has identified the district as being in fiscal distress, for the first three bulleted items regarding cash flow loans, under Section 4.01.3 which states, "Any other fiscal condition of a school district deemed to have a detrimental negative impact on the continuation of educational services by that school district." The fourth bulleted item clearly relates to Section 4.01.1, "A declining balance determined to jeopardize the fiscal integrity of a school district". The district

The mission of the Gentry School District is to work with the community in providing safe and successful experiences for each student.

draws these conclusions because there is no evidence that the Gentry Public Schools has had any violations as would be revealed by the Division of Legislative Audit or by any compliance monitoring report of the Arkansas Department of Education.

The district maintains that it was incorrectly identified as being in fiscal distress. The district's rationale for believing such follows and will follow in the same order as given by the Department.

The district did obtain a short-term, cash flow loan in FY 04 under the provisions of Arkansas Code Annotated A.C.A. 6-13-620 *Powers and Duties*-*"Nothing herein shall prevent any school board of directors from borrowing money from banks, from individuals, or from next year's revenue in order to provide funds in such amount that the maximum nonbonded indebtedness of its school district so incurred shall not be greater than the maximum nonbonded indebtedness of the school district was at any time during the preceding fiscal year."* The district ended FY 04 with a balance of \$37,276.84 after the loan proceeds were deducted. Restated, the loan was not required for the district to end the fiscal year with a positive balance. The loan was paid back before the end of the loan term. The length of the time that the district utilized the loan was May 3, 2004 to October 1, 2004, a period of roughly four months.

In a similar manner the district did obtain a short-term, cash flow loan in FY 07 under the same provisions of A.C.A. 6-13-620. Again, the district ended the fiscal year with a positive balance after the loan proceeds were deducted. Again, the loan was paid back prior to the end of the term.

The district, prior to receiving notice from the Department, has originated a similar loan for FY 08 and anticipates an early payback in FY 09. In none of these three short-term loans does the district feel that such action be *deemed to have a detrimental negative impact on the continuation of educational services by that school district*. The district believes that the Department itself, by virtue of offering "Revolving Loans" and allowing Post-Dated Warrants, both with payback contingent upon future revenues, recognizes that there are legitimate circumstances in which a school district may need to utilize a loan.

The district attests that it had valid circumstances for securing the above short-term loans. The district further notes that in earlier correspondence to the Department, the Department was notified that the district felt it should be exempted from identification under the provisions of (1)(B) of Act 741 of 2007 which states, "*However, capital outlay expenditures for academic facilities from a school district balance shall not be used to put the school district in fiscal distress*". The district maintains that the placement and wording of this statement in Act 741 of 2007 indicates that such expenditures negates (1)(A) "*A declining balance determined to jeopardize the fiscal integrity of a school district*" for the purpose of identification of a district as being classified in fiscal distress. The district further notes that it notified the Department that its rules adopted in 2003 had not been updated to include the previously mentioned (1)(B) amendment from Act 741 of 2007.

The mission of the Gentry School District is to work with the community in providing safe and successful experiences for each student.

At the time of that notification, the district provided the Department documentation and the following synopsis of the capital outlay expenditures. In FY 07, the district was in the process of completing an addition to the K-2 Primary School and a playground for that school. This capital project was funded by Transitional, Partnership, General Facilities, Immediate Repairs monies and local revenue, with local funding being a combination of bond proceeds issued in prior fiscal years, interest earned from the investment of those bond proceeds and carried forward into FY 07 as part of ending year balances, and other local funds generated by tax local levy and unrestricted state foundation funding.

The academic campus this capital outlay was allocated to replacing was listed as number 22 out of 1129 schools in need for replacement as shown of the *Division of Public Academic Facilities and Transportation's* "Arkansas Facility Condition Index Ranking. Had the district not replaced this facility the district would have been subject to being classified as in "Facilities Distress".

In summary of this explanation of the district's FY 07 ending balance, the district maintains it well met the test of Arkansas Code Annotated 6-20-1904's (1)(B) *However, capital outlay expenditures for academic facilities from a school district balance shall not be used to put the school district in fiscal distress.* Totaling the expenditures from the Building fund, Immediate Repairs fund, Transitional fund, General Facilities fund, and Partnership fund, all of which by definition are capital outlay projects, yields a total of approximately 2.9 million dollars with the local share from operational funds approaching \$900,000. The district maintains that had it not engaged in the extensive building and renovation project and incurred the capital outlay expenditures that it did, the ending balance would have been sufficient for the district not to project a third year decline in ending balance.

In regard to the last indicator provided in the Department's letter, the district has projected a positive ending balance on June 30, 2008, after the proceeds of the cash flow loan is deducted. The district does not deny the expertise of Department officials but it maintains that the district's projection is as viable as the Department's.

As noted in earlier correspondence to the Department, the district does not deny that the cycle of obtaining cash flow loans and repaying them is a poor fiscal practice. The district maintains that the school board has implemented two practices to alleviate the continuance of such practice in the future.

First, as also provided earlier to the Department, the school board has tied the superintendent's continued employment to a continued increase in the district's ending balance until such time as the district ends with, and maintains from year to year, a five percent (5%) carryover of operational funds.

The mission of the Gentry School District is to work with the community in providing safe and successful experiences for each student.

Second, at the regular school board election in September of 2007 the board posed to the district's voters an increase in millage to help defray future expenses of the district. The voters approved an additional 3 mills for Dedicated Maintenance and Operation. The revenue generated from these mills will free up operational monies to offset future needs to obtain cash flow loans.

Sincerely,

A handwritten signature in black ink, appearing to read "Randy C. Barrett". The signature is fluid and cursive, with the first name "Randy" being the most prominent.

Randy C. Barrett, Ed.D.
Superintendent, Gentry Public School District

Copies: Senator Kim Hendren
 Representative Daryl Pace

CERTIFIED MAIL RECEIPT: 7000 0520 0019 0717 9804

***The mission of the Gentry School District is to work with the community
in providing safe and successful experiences for each student.***

February 29, 2008

Greenland School District
Mr. Ron Brawner, Superintendent
P.O. Box 57
Greenland, AR 72737

Dear Mr. Brawner:

Pursuant to Ark. Code Ann. § 6-20-1905, this letter is to provide notice that the Greenland School District has been identified by the Arkansas Department of Education (ADE) as being in Fiscal Distress.

Pursuant to Ark. Code Ann. § 6-20-1904, the District meets one (1) or more of the criteria necessary to be identified as a school district in Fiscal Distress.

The ADE has the following items of concern:

- Declining fund balances for the past three years that could jeopardize the fiscal integrity of the District.
- FY06 Utilized Cash Flow Loan in the amount of \$110,966.
- FY07 Utilized Cash Flow Loan in the amount of \$300,000.
- FY08 Utilized Cash Flow Loan in the amount of \$500,000.
- District refunded federal funds.
- Projected negative ending balance in operating fund June 30, 2008 of (\$288,971).
- Material audit findings in FY06 and FY 07:
 - Errors on child nutrition applications.
 - Errors in inventory records.
 - Incorrectly recorded \$300,000 loan.

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

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Fiscal Distress Identification

Page 2

The ADE will provide a list of all school districts identified in Fiscal Distress status to the State Board of Education (SBE) at the April 21, 2008 meeting. The State Board of Education will be requested to classify the districts in Fiscal Distress at the meeting. The District has the right to appeal this identification. The appeal process is described in the "Rules Governing the Arkansas Fiscal Assessment and Accountability Program" (attached). Ark. Code Ann. § 6-20-1901 et seq. governs the Fiscal Distress program. Any appeals will be heard at the April 21, 2008 State Board Meeting.

Ark. Code Ann. §6-20-1907 states that no school district identified as being in Fiscal Distress may incur any debt without prior written approval from ADE. "Any debt" includes any employment contract, vendor contract, lease, loan, purchase, or any other obligation that will increase the district's financial obligations, accounts payable, or liabilities. The District is required to obtain prior written approval from ADE, effective with receipt of this letter. Please retain this notice in your District audit file.

If you should have questions or need further information, please contact Ms. Hazel Burnett, ADE Coordinator for Fiscal Distress, at 501 683-5124, email hazel.burnett@arkansas.gov; or fax 501 683-5293.

Sincerely,



Bobbie Davis, Ed.D.

Assistant Commissioner
Fiscal and Administrative Services

cc: Senator Sue Madison
Representative Bill Pritchard
Mr. Bill Groom, School Board President

Greenland Public Schools

District No. 95
55 North Sandy / P.O. Box 57
Greenland, Arkansas 72737
(479) 521-2366
Fax (479) 521-1480
Ronald Brawner, Superintendent

RECEIVED
APR - 1 2008
Assistant Superintendent
Financial Accountability and Reporting

March 26, 2008

Dr. Bobbie Davis
Arkansas Department of Education
4 State Capitol Mall
Little Rock, Arkansas 72201-1071

RECEIVED

APR 01 2008

Financial Accountability and
Reporting

Dear Dr. Davis,

The letter we received that is dated February 29, 2008, states that we are to be classified as being in fiscal distress. The regulations state that we have 30 days to appeal this decision. The following information is our statements as to why we do not feel that we should be put on fiscal distress.

The letter states that we have had declining balances for the last three years. I cannot see that this is correct. In school year 2004-05 we had an operating balance of \$70,435. In school year 2005-06, we had an operating balance of \$539,764, which is an increase. In school year 2006-07, we had a balance of \$10,703, which is the first year that we showed the effects of losing 178 students. This shows a declining balance of one year.

The letter states that we utilized a cash flow loan in the amount of \$110,966 in school year 2006. This was not a cash flow loan but a revolving loan to purchase some property and a house that was located in the middle of our school site. The house has been converted into a central office so the central office could be moved out of the middle school to create more classroom space. It also prevented an unwanted business from locating in the middle of our campus. There was a cash flow loan taken out in July of 2007, but it was repaid in full in December of 2007.

There was a statement that the district had to refund federal funds. There was a total of \$107.82 that was still under Goals 2000. There was \$41.76 that was left in Arkansas Career Opportunities. This made a total of \$149.58 that we had to send back. These have been on the books since before anyone in this office became responsible for the books. In fact, the Career Opportunities money was for a program that Winslow had received funds for before we annexed them.

The letter we received showed a projected balance of -\$288,971 for this year. This calculation was done by the Dept. of Ed. We have cut costs this year and using our

projections we are estimating an ending balance in the area of \$100,000. This is an increase over last year. We are also making plans to cut more costs next year. Since our student population has now become stable, we are better able to set our needs and budget.

There were three material audit findings listed. The first states there were errors on child nutrition applications. This leads one to believe there were several mistakes when in actuality there was one student form that had two students on it that the wrong box was checked. The division of Child Nutrition told us not to worry about it. The second finding states there were errors in inventory records. There was a safe listed in the old Winslow office that we thought was still there. The safe that was there was not the one that the auditor was looking for. After much research, we found out that before we annexed Winslow someone had broken into the office and stole the safe. They did not take it off of inventory. We did not know it was missing so we got written up about it. The third item stated that we incorrectly recorded a \$300,000 loan. We had a line of credit with the bank. I called them on June 29, 2007 and told them we needed \$300,000 deposited into our account. We were told the money would be in the bank that day. We recorded it as a deposit. The banker that was in charge of this transaction was called away due to his wife going into labor with their first child. This prevented him from completing the deposit that day and then he forgot about it until a week or so later. Therefore, we did put down the wrong date. A letter from the bank is attached.

I have listed several items that I disagree with. With that in mind, I also want to state the following information as part of our appeal.

I have made several changes since I took over as superintendent to get our school back in good fiscal standing. I have closed the Winslow campus and rified 20 positions in the process. Some of these teachers were at Greenland and some were at Winslow. When we closed the Winslow campus, there were 178 students that chose to go elsewhere. This was a loss of nearly one million dollars a year. We are still working on putting ourselves in a position to overcome this loss.

As I have stated in this letter, we have not had a three year declining balance. We did decline last year, but we feel we will come back up this year.

We are attempting to pass a millage and restructure some bonds in June of this year. If we are able to do this, we will increase our cash flow and be able to increase our amount of cash available. We are working on getting rid of unnecessary positions and eliminating some extended contracts. We are looking at eliminating two coaching positions.

Due to the fact that we have only one year of declining balance and we have plans to eliminate some unnecessary salaries, I am appealing the decision to put us on fiscal distress this year. I feel that we should have this coming year to prove that we are on the road to recovery. If we do not improve this coming year, yes we should be on fiscal

distress. I ask that you consider all of the information that I have given to you before you officially put us on fiscal distress.

Sincerely,

A handwritten signature in cursive script that reads "Ronald Brawner". The signature is written in black ink and is positioned above the typed name.

Ronald Brawner
Superintendent
Greenland Schools

February 29, 2008

Mineral Springs School District
Mr. Max Adcock, Superintendent
P.O. Box 189
Mineral Springs, AR 71851

Dear Mr. Adcock:

Pursuant to Ark. Code Ann. § 6-20-1905, this letter is to provide notice that the Mineral Springs School District has been identified by the Arkansas Department of Education (ADE) as being in Fiscal Distress.

Pursuant to Ark. Code Ann. § 6-20-1904, the District meets one (1) or more of the criteria necessary to be identified as a school district in Fiscal Distress.

The ADE has the following items of concern:

- Declining fund balances for the past three years that could jeopardize the fiscal integrity of the District.
- Material state audit exceptions in FY06.
- Projected negative ending balance in the operating fund June 30, 2008 of (\$316,275).

The ADE will provide a list of all school districts identified in Fiscal Distress status to the State Board of Education (SBE) at the April 21, 2008 meeting. The State Board of Education will be requested to classify the districts in Fiscal Distress at the meeting. The District has the right to appeal this identification. The appeal process is described in the "Rules Governing the Arkansas Fiscal Assessment and Accountability Program" (attached). Ark. Code Ann. § 6-20-1901 et seq. governs the Fiscal Distress program. Any appeals will be heard at the April 21, 2008 State Board Meeting.

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

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Fiscal Distress Identification

Page 2

Ark. Code Ann. §6-20-1907 states that no school district identified as being in Fiscal Distress may incur any debt without prior written approval from ADE. "Any debt" includes any employment contract, vendor contract, lease, loan, purchase, or any other obligation that will increase the district's financial obligations, accounts payable, or liabilities. The District is required to obtain prior written approval from ADE, effective with receipt of this letter. Please retain this notice in your District audit file.

If you should have questions or need further information, please contact Ms. Hazel Burnett, ADE Coordinator for Fiscal Distress, at 501 683-5124, email hazel.burnett@arkansas.gov; or fax 501 683-5293.

Sincerely,



Bobbie Davis, Ed.D.
Assistant Commissioner
Fiscal and Administrative Services

cc: Senator Jim Hill
Representative Scott Sullivan
Ms. Jacqueline Hale, School Board President



Mineral Springs Public Schools

130 W. Browning Street • P.O. Box 189
Mineral Springs, AR 71851-0189
Phone 870-287-4748 • Fax 870-287-5301



Max Adcock, Superintendent
Sammy F. Jackson, District Treasurer

Mark Tyler, Mineral Springs High School Principal
Jeanie Gorham, Mineral Springs Elementary Principal
Joe Ann Harris, Saratoga Elementary and High School Principal

March 24, 2008

Dr. Ken James, Ed.D.
Commissioner of Education
ADE
#4 State Capitol Mall
Little Rock, AR 72201

RECEIVED

MAR 31 2008

Financial Accountability and Reporting

RECEIVED
COMMISSIONER'S OFFICE

MAR 27 2008

DEPARTMENT OF EDUCATION

Re: Appeal of Fiscal Distress Identification

Dr. James,

I would respectfully like to appeal the identification of my district for Fiscal Distress.

I have new information that shows my district has an expected carryover of approximately \$550,000. This was the main indicator for my district being identified. My enrollment is declining but consequently I have cut my expenditures by \$187,000 in 05/06, \$324,000 in 06/07 and \$100,000 in 07/08. I also expect to cut again this year by approximately \$200,000 to \$400,000.

The new information is a result of paying all personnel out of operating instead of appropriate categories. (NSLA, Federal, etc.) I usually make the appropriate adjustments (coding) at the years end. This coding caused our books to look as if we were in the red, whereas we expect to end the year approximately \$550,000 in the black. All the appropriate supporting documentation was furnished to the office of Fiscal and Administrative Services.

Sincerely,

Max Adcock, Superintendent

February 29, 2008

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

Dear Dr. Best:

Pursuant to Ark. Code Ann. § 6-20-1905, this letter is to provide notice that the Westside Consolidated School District has been identified by the Arkansas Department of Education (ADE) as being in Fiscal Distress.

Pursuant to Ark. Code Ann. § 6-20-1904, the District meets one (1) or more of the criteria necessary to be identified as a school district in Fiscal Distress.

The ADE has the following items of concern:

- Declining fund balances for the past three years that could jeopardize the fiscal integrity of the District.
- Projected negative ending balance in operating fund June 30, 2008 of (\$87,061).

The ADE will provide a list of all school districts identified in Fiscal Distress status to the State Board of Education (SBE) at the April 21, 2008 meeting. The State Board of Education will be requested to classify the districts in Fiscal Distress at the meeting. The District has the right to appeal this identification. The appeal process is described in the "Rules Governing the Arkansas Fiscal Assessment and Accountability Program" (attached). Ark. Code Ann. § 6-20-1901 et seq. governs the Fiscal Distress program. Any appeals will be heard at the April 21, 2008 State Board Meeting.

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

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Ark. Code Ann. §6-20-1907 states that no school district identified as being in Fiscal Distress may incur any debt without prior written approval from ADE. "Any debt" includes any employment contract, vendor contract, lease, loan, purchase, or any other obligation that will increase the district's financial obligations, accounts payable, or liabilities. The District is required to obtain prior written approval from ADE, effective with receipt of this letter. Please retain this notice in your District audit file.

If you should have questions or need further information, please contact Ms. Hazel Burnett, ADE Coordinator for Fiscal Distress, at 501 683-5124, email hazel.burnett@arkansas.gov; or fax 501 683-5293.

Sincerely,



Bobbie Davis, Ed.D.
Assistant Commissioner
Fiscal and Administrative Services

cc: Senator Jerry Bookout
Representative Chris Thyer
Mr. Michael Riggs, School Board President

RECEIVED

MAR 26 2008

RECEIVED
COMMISSIONER'S OFFICE

Financial Accountability and
Reporting

MAR 17 2008

Brazil, Adlong & Winningham

DEPARTMENT OF EDUCATION

email: lanaymoney@gmail.com ATTORNEYS AT LAW
bamo@conwaycorp.net

William Clay Brazil
Matthew W. Adlong
Caroline L. Winningham

Lanay Money, Assistant
Michelle Lewis, Assistant
Kim Murphy, Receptionist

March 14, 2008

Dr. T. Kenneth James, Commissioner
Arkansas Department of Education
4 State Capitol Mall
Little Rock, AR 72201-1019

Certified Mail

RECEIVED
ATTORNEY'S OFFICE

MAR 18 2008

DEPARTMENT OF EDUCATION
GENERAL DIVISION

Dear Dr. James:

Please treat this as a notice to attempt to appeal the decision of the Department of Education identifying the Westside Consolidated School District as being in fiscal distress. Specifically, the basis of appeal are as follows:

1. The district has not, to this date, received a written statement of how the department's projection of the negative balance in the operational funds has been derived.
2. The district has not had the opportunity to present its' case based upon the Department's findings to the Commissioner's Office prior to the date of the recommendation to the State Board of Education. The district's only input has been a one hour initial screening interview with the Department and a few phone calls without the benefit of reviewing any written record of calculations with respect to how the Department arrived at the predicted ending balance of June 30, 2008.
3. The district has demonstrated no material failures listed as indicators for fiscal distress designation in state regulations. The district does not qualify under the regulations' definition of jeopardizing "fiscal integrity", and furthermore, will not close its fiscal year on June 30, 2008 with a declining balance. The district believes it should have the opportunity to close-out the current fiscal year before a decision is based on the current fiscal year.
4. The district is reducing its expenditures and re-coding items that are legally permissible to do so, in such a manner that expects to finish the current fiscal year with an increase balance of operational funds, as identified by the Department of Education

Brazil, Adlong & Winningham Attorneys at Law
1315 Main Street Conway, AR 72034 501/327-4457

5. The district is taking actions to initiate a reduction in force of employees, per its RIF policy, for the 2008-09 school year. The RIF will eliminate concerns for its operational balances for the next fiscal year and beyond.
6. Based on the APSCN computer report, the operational fund balance, as of February 2008, was \$927,644.16, which represents an increase of \$76,632.68 from the February 2007 balance.
7. The districts bank balance was \$1,395,312.25. This is a decrease to the previous balance and is due to a recently completed building project. Additionally, because there are outstanding Federal and Food Service payments that were not posted during February, 2008, the adjusted bank balance would have been \$1,545,368.00, which is consistent with the districts' bank balances over the past ten years.
8. The district does not agree with the Department's position that it will not have adequate funds to make payroll during the months of July and August 2008 due to insufficient funds present in selected operational funds. The district's position is: (1) this rationale or standard is not present in the regulations, (2) legal balance has been ignored, (3) we understand that other districts across Arkansas are allowed to accrue negative balances in Federal funds that are used to pay Federal salaries for approximately 8 months during each fiscal year until the release of Federal funds reimburses those accounts. The Department's rationale places an unfair burden on the district when ample case is on hand, payroll can be easily met, and, again, judgment is being passed on the district with more than five months remaining in the fiscal year.
9. Before the district was advised that this recommendation would be made to the state board, the district should have the opportunity to present its case to the Commissioner. As is, the Departments's staff meets with the Commissioner and it is decided at the time as to whether a recommendation will be made. The mere indication that this recommendation will be made, regardless of the outcome of the appeal, is damaging to the school district. It appears that the district should have the opportunity to present its case directly to the Commissioner before it is placed in the position of appearing in a public, state board meeting where its reputation is compromised.
10. The district further believes that there should be a clear distinction and separate process of how districts are treated who exemplify pure cases of mismanagement versus those who are victimized by factors that it has little or no control (i.e., severe decline in revenue, average daily membership, acts of God, etc.). To classify such districts along with those who exemplify gross mismanagement is both unfair and is contrary to the overall mission of educating children. This announcement further damages the district by causing accelerated loss of enrollment, highly qualified teachers, and subsequent injury to a district has been, up to now, a high-performing school district academically. In fact, its middle school was lauded as a best practices school last Fall by Governor Beebe.

Generally speaking, the district is not broke, but feels that in spite of the fact that it has experienced a decrease in enrollment and a sharp down turn spike in revenue, the district has not given raises, has decreased administrative cost to accreditation minimums and is continuing to make aggressive reductions to meet its fiscal responsibilities, the district projects an increased operational funds balance on June 30, 2008.

If you need anything else from the district, please let us know.

Sincerely,

William Clay Brazil

WCB/lm

cc: Dr. Jim Best 870-935-2123

ARKANSAS DEPARTMENT OF
Education

Dr. T. Kenneth James, Commissioner

4 State Capitol Mall • Little Rock, AR 72201-1019
(501) 682-4475
<http://ArkansasEd.org>

February 29, 2008

Gentry School District
Dr. Randy Barrett, Superintendent
201 South Giles
Gentry, AR 72734

Dear Dr. Barrett:

Pursuant to Ark. Code Ann. § 6-20-1905, this letter is to provide notice that the Gentry School District has been identified by the Arkansas Department of Education (ADE) as being in Fiscal Distress.

Pursuant to Ark. Code Ann. § 6-20-1904, the District meets one (1) or more of the criteria necessary to be identified as a school district in Fiscal Distress.

The ADE has the following items of concern:

- District utilized a \$1,000,000 cash flow loan for FY04.
- District utilized a \$1,250,000 cash flow loan for FY07.
- District anticipates a \$1,000,000 cash flow loan for FY09.
- Projected negative ending balance in the operating fund June 30, 2008 of (\$254,225).

The ADE will provide a list of all school districts identified in Fiscal Distress status to the State Board of Education (SBE) at the April 21, 2008 meeting. The State Board of Education will be requested to classify the districts in Fiscal Distress at the meeting. The District has the right to appeal this identification. The appeal process is described in the "Rules Governing the Arkansas Fiscal Assessment and Accountability Program" (attached). Ark. Code Ann. § 6-20-1901 et seq. governs the Fiscal Distress program. Any appeals will be heard at the April 21, 2008 State Board Meeting.

STATE BOARD OF EDUCATION: Chair: Diane Tatum, Pine Bluff • Vice Chair: Randy Lawson, Bentonville
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Fiscal Distress Identification
Page 2

Ark. Code Ann. §6-20-1907 states that no school district identified as being in Fiscal Distress may incur any debt without prior written approval from ADE. "Any debt" includes any employment contract, vendor contract, lease, loan, purchase, or any other obligation that will increase the district's financial obligations, accounts payable, or liabilities. The District is required to obtain prior written approval from ADE, effective with receipt of this letter. Please retain this notice in your District audit file.

If you should have questions or need further information, please contact Ms. Hazel Burnett, ADE Coordinator for Fiscal Distress, at 501 683-5124, email hazel.burnett@arkansas.gov; or fax 501 683-5293.

Sincerely,



Bobbie Davis, Ed.D.
Assistant Commissioner
Fiscal and Administrative Services

cc: . Senator Kim Hendren
Representative Daryl Pace
Mr. Keith Harper, School Board President

2

**GENTRY
SCHOOL DISTRICT**

Fiscal Distress Indicators and Additional Concerns:

- * Projected ending balance June 30, 2008 of (\$254,225).
- * District utilized a \$1,000,000 cash flow loan for FY04.
- * District utilized a \$1,250,000 cash flow loan for FY07.
- * District anticipates a \$1,000,000 cash flow loan for FY09.

District Profile:	2004-05	2005-06	2006-07
4 QTR ADM	1,421.28	1,454	1,441
Assessment	110,920,456	118,963,070	131,928,940
Total Mills	40.00	40.00	40.00
Total Debt Bond/Non Bond	13,710,000	13,020,000	12,325,000
Per Pupil Expenditures	6,580	7,305	8,110
Personnel-Non-Fed Certified FTE	107.07	118.34	121.31
Avg Salary--Non-Fed Cert Clsrm FTE	40,762	40,654	40,007
Unrestricted Legal Bal (Excl Cat & QZAB)	533,691	470,553	*1,434,345

*2006-07 Net Unrestricted Legal Bal of \$1,434,345 includes the \$1,250,000 cash flow loan.

3



Gentry Public Schools



Dr. Randy C. Barrett, Superintendent
201 South Giles Avenue
Gentry, Arkansas 72734

Telephone: 479-736-2253 Fax: 479-736-2245 e-Mail: drbarrett@gentry2.nwsc.k12.ar.us

April 14, 2008 5:30 P.M.

Scott Smith, General Counsel
Legal Services, Central Administration
#4 Capitol Mall, Rm. 404-A
Little Rock, AR 72201

No Original Mailed.

By e-mail only

Dear Mr. Smith:

Thank you for the telephone call this afternoon. I appreciate your professional manner. This letter acknowledges that I understand the Department's position in this matter as stated in the original letter received by the District from the Department via certified mail on Monday, March 3, 2008. I also acknowledge there are other valid fiscal and legal financial considerations that have arisen in the District's and the Department's informal discussions leading up to this date which give credence to the District being identified as being in fiscal distress. Other than a difference in projecting the amount of the district's final ending legal balance on June 30, 2008, the District finds no fault in the Department's findings; nor does it make any argument against those findings. Regarding the issue of the legal ending balance, the District only notes that the timing and amounts involved in the collection of local tax revenues makes an exact projection uncertain.

The District maintains only the following:

1. The District was engaged in a building program for academic facilities in fiscal years 05, 06, and 07; those being a 12-classroom addition to the Gentry High School and a new K-2 Primary school.
2. The K-2 Primary school replaced a campus, whose Facility Condition Index was 63.23%, and ranked 22nd of 1129 school buildings on the DPSAFT's *Arkansas Facility Condition Index Ranking* where 1 is deemed most in need and 1129 is considered least in need.
3. The District issued two construction bonds in FY 05 in the amounts of \$7,000,000 and \$1,500,000. Related to these projects, in fiscal years 07 and 08, the District also received \$683,363.58 in Transitional funding and Partnership funding. These revenues together provided approximately \$9,200,000 for use in the above projects.

The mission of the Gentry School District is to work with the community in providing safe and successful experiences for each student.

4

4. The total cost of paying fiscal fees, designing, constructing, furnishing, and equipping the total construction projects from all available funds was approximately \$9,700,000.
5. The District realizes that it currently has a precarious financial status and welcomes technical assistance from the Department whether or not the outcome of the appeal is formal classification of being in fiscal distress.

In light of numerous informal discussions with the Department, subsequent to filing the District's original appeal on March 10, 2008, the District now believes the Department acted properly within its rules and legal authority when it identified the District as being in Fiscal Distress.

That being stated, the District wishes to continue its appeal to the State Board of Education, with the emphasis of its appeal being the attestation provided in item number 5 shown above. In such, the District petitions that only this letter and the attached Excel worksheet be maintained for the record on the District's behalf and also be provided to the State Board of Education.

Sincerely,



Randy C. Barrett, Ed.D.
Superintendent, Gentry Public Schools

Copy: Dr. Bobbie Davis, Assistant Commissioner
Fiscal And Administrative Services
Public School Finance

Dr. T. Kenneth James, Commissioner of Education
Arkansas Department of Education

Keith Harper, President
Gentry Board of Education

The mission of the Gentry School District is to work with the community in providing safe and successful experiences for each student.

5

**Gentry Public
School District
LEA 04-03**

*"Money in
the Bank"*

	End of Period Balance for Funds 1000,2000-2xxx, 3000, 4000, 5000	Amount of Cash Flow Loan Included in Balances	Amount of Building Fund Included in Balances	Period Balances Minus Cash Flow Loan	Period Balances Minus Building Fund & Cash Flow Loan
FY 04 Period 9	\$391,651.97	\$0.00	\$107,620.23	\$391,651.97	\$284,031.74
FY 04 Period 10	\$346,493.74	\$0.00	\$107,620.23	\$346,493.74	\$238,873.51
FY 04 Period 11	\$775,137.53	\$1,000,000.00	\$107,620.23	(\$224,862.47)	(\$332,482.70)
FY 04 Period 12	\$1,152,733.38	\$1,000,000.00	\$107,620.23	\$152,733.38	\$45,113.15
FY 04 Period 13	\$1,160,684.07	\$1,000,000.00	\$123,407.23	\$160,684.07	\$37,276.84
FY 05 Period 1	\$1,207,892.34	\$1,000,000.00	\$123,407.23	\$207,892.34	\$84,485.11
FY 05 Period 2	\$1,353,728.15	\$1,000,000.00	\$123,407.23	\$353,728.15	\$230,320.92
FY 05 Period 3	\$1,121,313.56	\$1,000,000.00	\$123,407.23	\$121,313.56	(\$2,093.67)
FY 05 Period 4	\$1,083,104.82	\$1,000,000.00	\$263,407.23	\$83,104.82	(\$180,502.41)
FY 05 Period 5	\$8,900,157.47	\$0.00	\$7,024,021.42	\$8,900,157.47	\$1,876,136.05
FY 05 Period 6	\$8,744,598.41	\$0.00	\$7,024,021.42	\$8,744,598.41	\$1,720,576.99
FY 05 Period 7	\$8,993,529.82	\$0.00	\$7,024,021.42	\$8,993,529.82	\$1,969,508.40
FY 05 Period 8	\$8,860,493.99	\$0.00	\$7,024,021.42	\$8,860,493.99	\$1,836,472.57
FY 05 Period 9	\$7,796,199.46	\$0.00	\$6,894,932.71	\$7,796,199.46	\$901,266.75
FY 05 Period 10	\$7,831,968.42	\$0.00	\$6,894,932.71	\$7,831,968.42	\$937,035.71
FY 05 Period 11	\$8,755,925.86	\$0.00	\$8,285,096.32	\$8,755,925.86	\$470,829.54
FY 05 Period 12	\$8,471,082.12	\$0.00	\$8,189,744.32	\$8,471,082.12	\$281,337.80
FY 05 Period 13	\$8,741,202.91	\$0.00	\$8,207,512.32	\$8,741,202.91	\$533,690.59
FY 06 Period 1	\$8,741,202.91	\$0.00	\$8,047,514.58	\$8,741,202.91	\$693,688.33
FY 06 Period 2	\$8,199,537.18	\$0.00	\$7,528,701.95	\$8,199,537.18	\$670,835.23
FY 06 Period 3	\$7,474,405.19	\$0.00	\$7,349,013.99	\$7,474,405.19	\$125,391.20
FY 06 Period 4	\$7,472,073.34	\$0.00	\$6,968,716.63	\$7,472,073.34	\$503,356.71
FY 06 Period 5	\$7,828,153.15	\$0.00	\$5,841,917.17	\$7,828,153.15	\$1,986,235.98
FY 06 Period 6	\$7,002,109.23	\$0.00	\$5,160,619.91	\$7,002,109.23	\$1,841,489.32
FY 06 Period 7	\$7,125,290.68	\$0.00	\$4,615,172.27	\$7,125,290.68	\$2,510,118.41
FY 06 Period 8	\$6,475,561.78	\$0.00	\$4,143,233.03	\$6,475,561.78	\$2,332,328.75
FY 06 Period 9	\$4,664,012.76	\$0.00	\$3,712,381.37	\$4,664,012.76	\$951,631.39
FY 06 Period 10	\$3,910,977.31	\$0.00	\$3,176,839.44	\$3,910,977.31	\$734,137.87
FY 06 Period 11	\$2,926,610.06	\$0.00	\$2,742,433.50	\$2,926,610.06	\$184,176.56
FY 06 Period 12	\$2,530,043.69	\$0.00	\$2,000,897.88	\$2,530,043.69	\$529,145.81
FY 06 Period 13	\$2,504,519.01	\$0.00	\$2,018,665.88	\$2,504,519.01	\$485,853.13
FY 07 Period 1	\$2,166,900.33	\$0.00	\$1,281,151.66	\$2,166,900.33	\$885,748.67
FY 07 Period 2	\$1,964,279.47	\$0.00	\$1,236,222.39	\$1,964,279.47	\$728,057.08
FY 07 Period 3	\$1,190,544.78	\$0.00	(\$329,031.12)	\$1,190,544.78	\$861,513.66
FY 07 Period 4	\$1,334,418.56	\$0.00	(\$329,031.12)	\$1,334,418.56	\$1,005,387.44
FY 07 Period 5	\$1,999,172.54	\$0.00	(\$329,031.12)	\$1,999,172.54	\$1,670,141.42
FY 07 Period 6	\$1,666,420.27	\$0.00	(\$421,055.00)	\$1,666,420.27	\$1,245,365.27
FY 07 Period 7	\$1,484,939.99	\$0.00	(\$553,402.49)	\$1,484,939.99	\$931,537.50
FY 07 Period 8	\$1,246,775.14	\$0.00	(\$553,402.49)	\$1,246,775.14	\$693,372.65
FY 07 Period 9	\$494,636.12	\$0.00	(\$564,770.74)	\$494,636.12	(\$70,134.62)
FY 07 Period 10	\$1,619,212.32	\$1,250,000.00	(\$559,086.61)	\$369,212.32	(\$189,874.29)
FY 07 Period 11	\$1,225,653.38	\$1,250,000.00	(\$559,086.61)	(\$24,346.62)	(\$583,433.23)
FY 07 Period 12	\$1,269,330.20	\$1,250,000.00	(\$576,015.61)	\$19,330.20	(\$556,685.41)
FY 07 Period 13	\$1,455,665.60	\$1,250,000.00	\$0.00	\$205,665.60	\$205,665.60
FY 08 Period 1	\$1,433,186.78	\$1,250,000.00	\$0.00	\$183,186.78	\$183,186.78
FY 08 Period 2	\$1,375,913.19	\$1,250,000.00	\$0.00	\$125,913.19	\$125,913.19
FY 08 Period 3	\$805,522.72	\$1,250,000.00	\$0.00	(\$444,477.28)	(\$444,477.28)
FY 08 Period 4	\$803,367.16	\$1,250,000.00	\$0.00	(\$446,632.84)	(\$446,632.84)
FY 08 Period 5	\$1,768,675.58	\$0.00	\$0.00	\$1,768,675.58	\$1,768,675.58
FY 08 Period 6	\$1,534,545.95	\$0.00	\$0.00	\$1,534,545.95	\$1,534,545.95
FY 08 Period 7	\$1,932,404.99	\$0.00	\$0.00	\$1,932,404.99	\$1,932,404.99
FY 08 Period 8	\$1,559,654.71	\$0.00	\$0.00	\$1,559,654.71	\$1,559,654.71
FY 08 Period 9	\$1,658,994.96	\$1,250,000.00	\$0.00	\$408,994.96	\$408,994.96

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Gentry School District ADE Response

Cash Flow Loans

District utilized a \$1,000,000 cash flow loan for FY04

District utilized a \$1,250,000 cash flow loan for FY07

District has utilized a \$1,250,000 cash flow loan for FY08

FY04

The FY04 unrestricted legal balance without the \$1,000,000 cash flow loan was \$37,277.

FY07

The FY07 unrestricted legal balance without the \$1,250,000 cash flow loan was \$184,345.

FY08

The FY08 unrestricted legal balance without the \$1,250,000 cash flow loan is projected to be (\$198,551).

Cash flow loans in and of themselves are not illegal. However, a district's having to access cash flow loans regularly due to low balance in operating funds is a cause of concern.

Capital Outlay Expenditures

The District engaged in a building program for academic facilities in fiscal years 2005, 2006, and 2007.

To finance this building program, the District issued two construction bonds in FY05 in the amounts of \$6,909,157.80 and \$1,456,500.00. In fiscal year 07 the District received \$405,661.98 in Transitional Funding and \$256,996.14 in Partnership Funding related to the above named projects. In FY07 the District received \$57,432.59 in Immediate Repairs Funding. In FY08 the District received an additional \$20,705.46 in Partnership Funding. The total received from the state facilities program for construction projects was \$740,796.17. In FY05, FY06, and FY07 the District received a total of \$98,893.49 in General Facilities Funds. In FY05, FY06 and Fy07 the District accrued \$244,815.07 interest proceeds. The total funds available for projects was \$9,450,162.53.

From bond proceeds, facilities funding, and interest the District accumulated \$9,450,162.53 with which to pay fiscal fees to bond agents, design, construct, furnish, and equip the above projects.

The total cost of paying fiscal fees, designing, construction, furnishing and equipping the total construction projects was \$9,552,864.30, as per APSCN documents.

As per APSCN documents, FY05, FY06, and FY07 total revenues receipted to building and facilities funds were \$9,450,162.53.

FY05, FY06, and FY07 total expenditures from building and facilities funds were \$9,552,864.30.

The remaining balance for these funds is \$20,705.46

Since 2005, the district has expended \$9,500,000 in facilities projects, according to ASPCN.

To fund these projects, the district voted a bond issue, accessed second lien bonds, received academic facilities immediate repairs, transitional, and partnership program funds. As of March 31, 2008, these funds totaled, with interest, \$9,450,162. As of March 31, the building fund has a balance of \$20,705. The District building fund at the beginning of 2005 had a balance of \$123,407. The total of these balances added to the funds received equals the total expenditures for the building projects.

Projected Fund Balances

The District has a declining operational fund balance.

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Gentry School District

	<u>Legal Balance</u>	<u>Resticted SOF</u>	<u>Current Loans</u>	<u>Unrestricted Legal Balance</u>
FY 04	1,037,276.84	0.00	1,000,000.00	37,276.84
FY 05	533,690.59	0.00	0.00	533,690.59
FY 06	485,853.13	15,300.16	0.00	470,552.97
FY 07	1,455,665.60	21,320.49	1,250,000.00	184,345.11
Two Year Change	921,975.01			(349,345.48)
Two Year Projected Balance	2,377,640.61			(165,000.37)
 <u>Cycle I 07-08 Budget Legal Balance</u>				
FY 08	1,509,581.65	-52,995.86	0	1,562,577.51
ADE Projected Balance 06/30/08				(198,551.00)

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ARKANSAS DEPARTMENT OF
Education

Dr. T. Kenneth James, Commissioner

4 State Capitol Mall • Little Rock, AR 72201-1019
(501) 682-4475
<http://ArkansasEd.org>

February 29, 2008

Greenland School District
Mr. Ron Brawner, Superintendent
P.O. Box 57
Greenland, AR 72737

Dear Mr. Brawner:

Pursuant to Ark. Code Ann. § 6-20-1905, this letter is to provide notice that the Greenland School District has been identified by the Arkansas Department of Education (ADE) as being in Fiscal Distress.

Pursuant to Ark. Code Ann. § 6-20-1904, the District meets one (1) or more of the criteria necessary to be identified as a school district in Fiscal Distress.

The ADE has the following items of concern:

- Declining fund balances for the past three years that could jeopardize the fiscal integrity of the District.
- FY06 Utilized Cash Flow Loan in the amount of \$110,966.
- FY07 Utilized Cash Flow Loan in the amount of \$300,000.
- FY08 Utilized Cash Flow Loan in the amount of \$500,000.
- District refunded federal funds.
- Projected negative ending balance in operating fund June 30, 2008 of (\$288,971).
- Material audit findings in FY06 and FY 07:
 - Errors on child nutrition applications.
 - Errors in inventory records.
 - Incorrectly recorded \$300,000 loan.

STATE BOARD OF EDUCATION: Chair: Diane Tatum, Pine Bluff • Vics Chair: Randy Lawson, Bentonville
Members: Sherry Burrow, Jonesboro • Jim Cooper, Melbourne
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The ADE will provide a list of all school districts identified in Fiscal Distress status to the State Board of Education (SBE) at the April 21, 2008 meeting. The State Board of Education will be requested to classify the districts in Fiscal Distress at the meeting. The District has the right to appeal this identification. The appeal process is described in the "Rules Governing the Arkansas Fiscal Assessment and Accountability Program" (attached). Ark. Code Ann. § 6-20-1901 et seq. governs the Fiscal Distress program. Any appeals will be heard at the April 21, 2008 State Board Meeting.

Ark. Code Ann. §6-20-1907 states that no school district identified as being in Fiscal Distress may incur any debt without prior written approval from ADE. "Any debt" includes any employment contract, vendor contract, lease, loan, purchase, or any other obligation that will increase the district's financial obligations, accounts payable, or liabilities. The District is required to obtain prior written approval from ADE, effective with receipt of this letter. Please retain this notice in your District audit file.

If you should have questions or need further information, please contact Ms. Hazel Burnett, ADE Coordinator for Fiscal Distress, at 501 683-5124, email hazel.burnett@arkansas.gov; or fax 501 683-5293.

Sincerely,



Bobbie Davis, Ed.D.

Assistant Commissioner
Fiscal and Administrative Services

cc: Senator Sue Madison
Representative Bill Pritchard
Mr. Bill Groom, School Board President

GREENLAND SCHOOL DISTRICT

Fiscal Distress Indicators and Additional Concerns:

- * Projected negative ending balance in operating fund June 30, 2008 of (\$288,971).
- * Declining fund balances for the past three years that could jeopardize the fiscal integrity of the District.
- * FY06 Short Term loan in the amount of \$110,966.
- * FY07 Short Term loan in the amount of \$300,000.
- * FY08 Short Term Loan in the amount of \$500,000.
- * Material state audit findings in FY06 and FY 07:
and inventory errors..
 - Errors on child nutrition applications.
 - Errors in inventory records.
 - Incorrectly recorded \$300,000 loan.
- * District refunded federal funds from Winslow.

	2004-05	2005-06	2006-07
4 QTR ADM	1,088.58	931	942
Assessment	55,931,147	59,756,118	68,341,076
Total Mills	37.9	37.5	37.5
Total Debt Bond/Non Bond	6,247,998	6,387,080	6,227,612
Per Pupil Expenditures	7,657	8,611	8,598
Personnel-Non-Fed Certified FTE	99.71	92.53	79.78
Avg Salary--Non-Fed Cert Clsrm FTE	37,762	35,851	43,632
Unrestricted Legal Bal (Excl Cat & QZAB)	918,788	905,289	143,701

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Greenland Public Schools

District No. 85
55 North Sandy / P.O. Box 57
Greenland, Arkansas 72737
(479) 521-2366
Fax (479) 521-1480
Ronald Brawner, Superintendent

RECEIVED
APR - 1 2008

Account Control

March 26, 2008

Dr. Bobbie Davis
Arkansas Department of Education
4 State Capitol Mall
Little Rock, Arkansas 72201-1071

RECEIVED

APR 01 2008

Financial Accountability and
Reporting

Dear Dr. Davis,

The letter we received that is dated February 29, 2008, states that we are to be classified as being in fiscal distress. The regulations state that we have 30 days to appeal this decision. The following information is our statements as to why we do not feel that we should be put on fiscal distress.

The letter states that we have had declining balances for the last three years. I cannot see that this is correct. In school year 2004-05 we had an operating balance of \$70,435. In school year 2005-06, we had an operating balance of \$539,764, which is an increase. In school year 2006-07, we had a balance of \$10,703, which is the first year that we showed the effects of losing 178 students. This shows a declining balance of one year.

The letter states that we utilized a cash flow loan in the amount of \$110,966 in school year 2006. This was not a cash flow loan but a revolving loan to purchase some property and a house that was located in the middle of our school site. The house has been converted into a central office so the central office could be moved out of the middle school to create more classroom space. It also prevented an unwanted business from locating in the middle of our campus. There was a cash flow loan taken out in July of 2007, but it was repaid in full in December of 2007.

There was a statement that the district had to refund federal funds. There was a total of \$107.82 that was still under Goals 2000. There was \$41.76 that was left in Arkansas Career Opportunities. This made a total of \$149.58 that we had to send back. These have been on the books since before anyone in this office became responsible for the books. In fact, the Career Opportunities money was for a program that Winslow had received funds for before we annexed them.

The letter we received showed a projected balance of -\$288,971 for this year. This calculation was done by the Dept. of Ed. We have cut costs this year and using our

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projections we are estimating an ending balance in the area of \$100,000. This is an increase over last year. We are also making plans to cut more costs next year. Since our student population has now become stable, we are better able to set our needs and budget.

There were three material audit findings listed. The first states there were errors on child nutrition applications. This leads one to believe there were several mistakes when in actuality there was one student form that had two students on it that the wrong box was checked. The division of Child Nutrition told us not to worry about it. The second finding states there were errors in inventory records. There was a safe listed in the old Winslow office that we thought was still there. The safe that was there was not the one that the auditor was looking for. After much research, we found out that before we annexed Winslow someone had broken into the office and stole the safe. They did not take it off of inventory. We did not know it was missing so we got written up about it. The third item stated that we incorrectly recorded a \$300,000 loan. We had a line of credit with the bank. I called them on June 29, 2007 and told them we needed \$300,000 deposited into our account. We were told the money would be in the bank that day. We recorded it as a deposit. The banker that was in charge of this transaction was called away due to his wife going into labor with their first child. This prevented him from completing the deposit that day and then he forgot about it until a week or so later. Therefore, we did put down the wrong date. A letter from the bank is attached.

I have listed several items that I disagree with. With that in mind, I also want to state the following information as part of our appeal.

I have made several changes since I took over as superintendent to get our school back in good fiscal standing. I have closed the Winslow campus and rified 20 positions in the process. Some of these teachers were at Greenland and some were at Winslow. When we closed the Winslow campus, there were 178 students that chose to go elsewhere. This was a loss of nearly one million dollars a year. We are still working on putting ourselves in a position to overcome this loss.

As I have stated in this letter, we have not had a three year declining balance. We did decline last year, but we feel we will come back up this year.

We are attempting to pass a millage and restructure some bonds in June of this year. If we are able to do this, we will increase our cash flow and be able to increase our amount of cash available. We are working on getting rid of unnecessary positions and eliminating some extended contracts. We are looking at eliminating two coaching positions.

Due to the fact that we have only one year of declining balance and we have plans to eliminate some unnecessary salaries, I am appealing the decision to put us on fiscal distress this year. I feel that we should have this coming year to prove that we are on the road to recovery. If we do not improve this coming year, yes we should be on fiscal

distress. I ask that you consider all of the information that I have given to you before you officially put us on fiscal distress.

Sincerely,

A handwritten signature in cursive script that reads "Ronald Brawner". The signature is written in dark ink and is positioned above the typed name.

Ronald Brawner
Superintendent
Greenland Schools

**Greenland School District
District's Appeal and Response from ADE**

District's Position - Fund Balances

Loss of 178 Kids.
District had only one year declining balance not a three year declining balance.

	<u>2004-05</u>	<u>2005-06</u>	<u>2006-07</u>
Operating Balance Fund #2000	70,435	539,764	10,703

ADE Response - Fund Balances

District has a declining balance.

	<u>2004-05</u>	<u>2005-06</u>	<u>2006-07</u>
Operating Balances	70,435	539,764	10,703
<u>Fund Balances moved to #2000 Operating Fund during 2005-06 year</u>			
2001 Winslow Operating Fund	120,800.04		
2002 ADM Consolidation Greenland	121,804.50		
2003 ADM Consolidation Winslow	92,345.24		
2246 Mentoring Grant	9,200.00		
6/30/2006 and 06/30/2007 Loan proceeds included in ending balance.		(\$140,000.00)	
ADJUSTED ENDING BALANCES	414,584.78	399,764.00	

District's Position - Cash Flow Loan in the amount of \$110,966

This was not a cash flow loan but a revolving loan to purchase property and a house.

ADE Response - Cash Flow Loan in the amount of \$110,966

Legislative Audit report dated June 30, 2006 in Notes to Financial Statements
Legislative Audit report dated June 30, 2007 in Notes to Financial Statements
"On June 2, 2006, the District executed a short-term note payable at 7.39% interest to purchase real estate consisting of land and a building. The principal amount of the short-term note payable was \$110,966. The note was retired August 28, 2006."

06/30/06 District recorded \$140,000 loan proceeds as a revolving loan
ADE letter dated February 29, 2008 refers to loan as a "cash
Loan was a short-term loan with a local Bank.

08/28/06 District purchased property and paved a parking lot for a total of \$127,886.29.
08/30/06 District recorded \$135,405. loan proceeds as a revolving loan.
01/27/06 and 06/26/07 District purchased two buses \$57,000 and \$74,855 for a total of
Cash flow loan taken out July 2007 and was repaid in full
\$41.58 left in Arkansas Career Opportunities (Winslow)
Total of \$149.58 returned

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ADE Response - Refund Federal Funds

01/14/08 District refunded to Secondary Workforce Education \$41.76 Career Opportunities to Workforce.
01/14/08 District refunded to ADE \$107.82 Goals 2000
Anytime a district fails to expend federal funds and has to repay, it is a sign of poor fiscal management.

District's Position - Projected Fund Balances

District says that they have cut expenditures and estimate an ending balance of \$100,000. This will be an increase over last year.
Student population is stable.

ADE Response - Projected Fund Balances

Projects a negative ending balance in the operating fund June 30, 2008 of (\$288,971).
As of 02/29/08 the Operating Fund #2000 balance was \$475,059.01, which includes the 01/31/08 cash flow loan of \$500,000.
The second quarter ADM is down by 15.59 students.

District Position - Audit Findings

Three (3) material Audit Findings:

- 1 Errors on child nutrition applications checked

ADE Response - Audit Findings

- 1 District's are required to have a review process for child nutrition applications. Since this number generates the NSLA funds, it must be accurate.

District Position - Audit Findings

- 2 Inventory records
Safe in the Winslow office was stolen.
Safe was not removed from inventory list, District did not know it was missing.

ADE Response - Audit Findings

- 2 An accurate inventory is an essential piece of the District's financial records. Accurate annual inventories are required by both state and federal laws and rules.

District Position - Audit Findings

- 3 Incorrectly recorded a \$300,000 loan.
District phoned bank 06/29/07 with a request for \$300,000 deposit from Line of Credit Banker forgot until a week later- due to his wife going into labor. Loan was posted in next Year. Letter from Bank as documentation.

ADE Response - Audit Findings

- 3 This information is submitted to ADE as a part of the Cycle I Report which is due September therefore the District had ample time to correct the error.
Legislative Audit report dated June 30, 2006 -Findings and Questioned Costs Notes to Financial Statements
..."Significant errors included the incorrect recording of loan proceeds in the amount of \$300,000 and the failure to record deposits with paying agents totaling \$217,382."

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Other District Information

District has implemented a RIF of 20 positions.

Closed Winslow elementary fiscal year 2007.

Attempting to pass millage and restructure bonds June 2008

District believes they should have this coming year to prove they are on the road to recovery.

Other ADE Information

proceeds.

As of 02/29/08, the Operating Fund #2000 balance without the \$500,000 cash flow loan, was \$24,940.99.

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Greenland School District

	Legal Balance	Resticted SOF	Current Loans	Unrestricted Legal Balance
FY 05	1,005,212.25	100,709.58	0.00	904,502.67
FY 06	957,237.22	51,948.00	0.00	905,289.22
FY 07	196,599.65	52,898.58	300,000.00	(156,298.93)
Two Year Change	(808,612.60)			(1,060,801.60)
Two Year Projected Balance	(612,012.95)			(1,217,100.53)

Cycle I 07-08 Budget

FY 08	23,100.35	(23,571.16)	0.00	46,671.51
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FY 07 Legal Balance	196,599.65
Less Cash Loan	300,000.00
FY 07 Legal Balance Less Cash Loan	(103,400.35)

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ARKANSAS DEPARTMENT OF
Education

Dr. T. Kenneth James, Commissioner

4 State Capitol Mall • Little Rock, AR 72201-1019
(501) 682-4475
<http://ArkansasEd.org>

February 29, 2008

Mineral Springs School District
Mr. Max Adcock, Superintendent
P.O. Box 189
Mineral Springs, AR 71851

Dear Mr. Adcock:

Pursuant to Ark. Code Ann. § 6-20-1905, this letter is to provide notice that the Mineral Springs School District has been identified by the Arkansas Department of Education (ADE) as being in Fiscal Distress.

Pursuant to Ark. Code Ann. § 6-20-1904, the District meets one (1) or more of the criteria necessary to be identified as a school district in Fiscal Distress.

The ADE has the following items of concern:

- Declining fund balances for the past three years that could jeopardize the fiscal integrity of the District.
- Material state audit exceptions in FY06.
- Projected negative ending balance in the operating fund June 30, 2008 of (\$316,275).

The ADE will provide a list of all school districts identified in Fiscal Distress status to the State Board of Education (SBE) at the April 21, 2008 meeting. The State Board of Education will be requested to classify the districts in Fiscal Distress at the meeting. The District has the right to appeal this identification. The appeal process is described in the "Rules Governing the Arkansas Fiscal Assessment and Accountability Program" (attached). Ark. Code Ann. § 6-20-1901 et seq. governs the Fiscal Distress program. Any appeals will be heard at the April 21, 2008 State Board Meeting.

STATE BOARD OF EDUCATION: Chair: Diana Tatum, Pine Bluff • Vice Chair: Randy Lawson, Bentonville
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Fiscal Distress Identification
Page 2

Ark. Code Ann. §6-20-1907 states that no school district identified as being in Fiscal Distress may incur any debt without prior written approval from ADE. "Any debt" includes any employment contract, vendor contract, lease, loan, purchase, or any other obligation that will increase the district's financial obligations, accounts payable, or liabilities. The District is required to obtain prior written approval from ADE, effective with receipt of this letter. Please retain this notice in your District audit file.

If you should have questions or need further information, please contact Ms. Hazel Burnett, ADE Coordinator for Fiscal Distress, at 501 683-5124, email hazel.burnett@arkansas.gov; or fax 501 683-5293.

Sincerely,



Bobbie Davis, Ed.D.
Assistant Commissioner
Fiscal and Administrative Services

cc: Senator Jim Hill
Representative Scott Sullivan
Ms. Jacqueline Hale, School Board President

**MINERAL SPRINGS
SCHOOL DISTRICT**

Fiscal Distress Indicators and Additional Concerns:

- * Projected negative ending balance in operating fund June 30, 2008 of (\$316,275)
- * Declining fund balances for the past three years that could jeopardize the fiscal integrity of the District.
- * Material state audit exceptions in FY06.

District Profile	2004-05	2005-06	2006-07
4 QTR ADM	620.72	610	572
Assessment	28,281,635	29,710,575	30,885,840
Total Mills	34	34	34
Total Debt Bond/Non Bond	2,693,609	2,571,078	26,662,535
Per Pupil Expenditures	9,060	9,108	9,362
Personnel-Non-Fed Certified FTE	64.15	65.97	63.42
Avg Salary--Non-Fed Cert Clsrm FTE	37,480	37,724	37,362
Unrestricted Legal Bal (Excl Cat & QZAB)	959,472	497,559	393,220

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Mineral Springs Public Schools

130 W. Browning Street • P.O. Box 189
Mineral Springs, AR 71851-0189
Phone 870-287-4748 • Fax 870-287-5301



Max Adcock, Superintendent
Sammy F. Jackson, District Treasurer

March 24, 2008

Mark Tyler, Mineral Springs High School Principal
Jeanie Gorham, Mineral Springs Elementary Principal
Joe Ann Harris, Saratoga Elementary and High School Principal

Dr. Ken James, Ed.D.
Commissioner of Education
ADE
#4 State Capitol Mall
Little Rock, AR 72201

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MAR 31 2008

Financial Accountability and
Reporting

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COMMISSIONER'S OFFICE

MAR 27 2008

DEPARTMENT OF EDUCATION

Re: Appeal of Fiscal Distress Identification

Dr. James,

I would respectfully like to appeal the identification of my district for Fiscal Distress.

I have new information that shows my district has an expected carryover of approximately \$550,000. This was the main indicator for my district being identified. My enrollment is declining but consequently I have cut my expenditures by \$187,000 in 05/06, \$324,000 in 06/07 and \$100,000 in 07/08. I also expect to cut again this year by approximately \$200,000 to \$400,000.

The new information is a result of paying all personnel out of operating instead of appropriate categories. (NSLA, Federal, etc.) I usually make the appropriate adjustments (coding) at the years end. This coding caused our books to look as if we were in the red, whereas we expect to end the year approximately \$550,000 in the black. All the appropriate supporting documentation was furnished to the office of Fiscal and Administrative Services.

Sincerely,

Max Adcock, Superintendent

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Mineral Springs School District District Appeal and Response from ADE

District's Position - Fund Balances

District expects carryover of approximately \$550,000 June 30, 2008

Prior to Fiscal Distress Identification Letter, the District was paying all personnel out of operating instead of appropriate categories, such as NSLA, Federal, etc.

This coding caused the District to look as if it were in the red. The District expects to end the year with approximately \$550,000.

ADE Response - Fund Balances

District made numerous coding changes during the month of March 2008. Per district's information, these adjustments will amount to approximately \$700,000 for the year.

Before the coding adjustments, ADE projected a negative ending balance in the operating fund June 30, 2008 of (\$316,275).

ADE reviewed the list of coding changes. Comparing the ACSIP Plan to the changes identified by the district there are several concerns.

Example -

At the beginning of 2007-08, Mark Tyler was the high school principal at Mineral Springs. Changes submitted to Department on March 17, 2008 indicated that Mr. Tyler will be paid half-time from Professional Development (PD) funds. In ACSIP the entire PD budget amount is budgeted under purchased services. The district ACSIP amendment submitted on March 31 did not include this change. So this would be an unapproved expenditure. No PD money was budgeted for salaries and benefits. This \$40,800 expenditure would have to be paid from operating funds.

One instructional aide was approved in ACSIP being paid .75 FTE by Title I. Changes indicated that person would be paid 1.0 FTE by Title I to include working in Distance Learning. Those changes were not approved by amendment to ACSIP Plan. Therefore, changes submitted by district do not reconcile to approved changes in ACSIP Plan.

District asserts cuts in expenditures totaling \$700,000 for 2007-08.

ADE could not verify this projected \$700,000 in savings due to coding adjustments.

If the District implemented many of the changes listed, the District would be out of compliance with federal and state laws and regulations.

District's Position - Material State Audit Findings

District did not address the audit exceptions in the appeal.

ADE Response - Material State Audit Findings

Material state audit exceptions in FY06

2005:

District compensated employee without Board approval.

Paid contractor \$99,500 with no performance bond as required by law.

District paid \$36,325 to a consulting firm in which superintendent's brother has a financial interest. Board did not comply with ethics laws.

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2006:

District did not accrue property taxes in accordance with rules.

District paid sixteen employees in excess their contracts. Payments did not go through payroll and were not reported on W-2's.

Superintendent received extra salary payment in excess of his contract.

District paid professional services to a board member and a school employee.

District paid \$112,583 to consulting firm in which superintendent's brother has a financial interest. Board did not comply with ethics laws.

District Position - Expenditure Reductions

Enrollment is declining but District cut expenditures by \$187,000 in 2005-06 \$324,000 in 2006-07 and \$100,000 in 2007-08. Expect to cut this year by \$200,000 to \$400,000

ADE Response - Expenditure Reductions

The District's second quarter ADM is 530.28, down from 573.71 the previous year three quarter average ADM. Anytime a district loses students, the District must monitor and adjust.

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Mineral Springs School District

	<u>Legal Balance</u>	<u>Resticted SOF</u>	<u>Current Loans</u>	<u>Unrestricted Legal Balance</u>
FY 05	1,225,371.36	301,738.04	0.00	923,633.32
FY 06	788,211.30	290,760.41		497,450.89
FY 07	628,617.29	237,913.92		390,703.37
Two Year Change	(596,754.07)			(532,929.95)
Two Year Projected Balance	31,863.22			(142,226.58)
 <u>Cycle I 07-08 Budget Legal Balance</u>				
FY 08	755,815.02	826,446.56	0.00	(70,631.54)
ADE Projected Balance 06/30/08				(316,275.00)
As of March 31. 2008	226,610.99	103,636.57		122,974.42

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ARKANSAS DEPARTMENT OF
Education

Dr. T. Kenneth James, Commissioner

4 State Capitol Mall • Little Rock, AR 72201-1019
(501) 682-4475
<http://ArkansasEd.org>

February 29, 2008

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

Dear Dr. Best:

Pursuant to Ark. Code Ann. § 6-20-1905, this letter is to provide notice that the Westside Consolidated School District has been identified by the Arkansas Department of Education (ADE) as being in Fiscal Distress.

Pursuant to Ark. Code Ann. § 6-20-1904, the District meets one (1) or more of the criteria necessary to be identified as a school district in Fiscal Distress.

The ADE has the following items of concern:

- Declining fund balances for the past three years that could jeopardize the fiscal integrity of the District.
- Projected negative ending balance in operating fund June 30, 2008 of (\$87,061).

The ADE will provide a list of all school districts identified in Fiscal Distress status to the State Board of Education (SBE) at the April 21, 2008 meeting. The State Board of Education will be requested to classify the districts in Fiscal Distress at the meeting. The District has the right to appeal this identification. The appeal process is described in the "Rules Governing the Arkansas Fiscal Assessment and Accountability Program" (attached). Ark. Code Ann. § 6-20-1901 et seq. governs the Fiscal Distress program. Any appeals will be heard at the April 21, 2008 State Board Meeting.

STATE BOARD OF EDUCATION: Chair: Diane Tatum, Pine Bluff • Vice Chair: Randy Lawson, Bentonville
Members: Sherry Burrow, Jonesboro • Jim Cooper, Melbourne
Brenda Gullett, Fayetteville • Dr. Tim Knight, Arkadelphia • Dr. Ben Mays, Clinton
MaryJane Rabick, Little Rock • Dr. Raccaman Williams, Springdale

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Ark. Code Ann. §6-20-1907 states that no school district identified as being in Fiscal Distress may incur any debt without prior written approval from ADE. "Any debt" includes any employment contract, vendor contract, lease, loan, purchase, or any other obligation that will increase the district's financial obligations, accounts payable, or liabilities. The District is required to obtain prior written approval from ADE, effective with receipt of this letter. Please retain this notice in your District audit file.

If you should have questions or need further information, please contact Ms. Hazel Burnett, ADE Coordinator for Fiscal Distress, at 501 683-5124, email hazel.burnett@arkansas.gov; or fax 501 683-5293.

Sincerely,



Bobbie Davis, Ed.D.
Assistant Commissioner
Fiscal and Administrative Services

cc: Senator Jerry Bookout
Representative Chris Thyer
Mr. Michael Riggs, School Board President

**WESTSIDE CONSOLIDATED
SCHOOL DISTRICT**

Fiscal Distress Indicators and Additional Concerns:

- * Projected negative ending balance in operating fund June 30, 2008 of (\$87,061).
- * Declining fund balances for the past three years that could jeopardize the fiscal integrity of the District.

District Profile:	2004-05	2005-06	2006-07
4 QTR ADM	1,664	1,640	1,646
Assessment	79,653,605	82,213,382	84,095,694
Total Mills	32.17	32.17	32.17
Total Debt Bond/Non Bond	7,454,855	7,208,587	7,414,915
Per Pupil Expenditures	6,475	7,135	7,637
Personnel-Non-Fed Certified FTE	118	123	130
Avg Salary--Non-Fed Cert Clsrm FTE	38,486	38,271	39,196
Unrestricted Legal Bal (Excl Cat & QZAB)	1,045,951	867,253	218,063

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Financial Accountability and
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MAR 17 2008

DEPARTMENT OF EDUCATION

Brazil, Adlong & Winningham

email: lanaymoney@gmail.com ATTORNEYS AT LAW
bamo@conwaycorp.net

William Clay Brazil
Matthew W. Adlong
Caroline L. Winningham

Lanay Money, Assistant
Michelle Lewis, Assistant
Kim Murphy, Receptionist

March 14, 2008

Dr. T. Kenneth James, Commissioner
Arkansas Department of Education
4 State Capitol Mall
Little Rock, AR 72201-1019

Certified Mail

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ATTORNEY'S OFFICE

MAR 18 2008

DEPARTMENT OF EDUCATION
GENERAL DIVISION

Dear Dr. James:

Please treat this as a notice to attempt to appeal the decision of the Department of Education identifying the Westside Consolidated School District as being in fiscal distress. Specifically, the basis of appeal are as follows:

1. The district has not, to this date, received a written statement of how the department's projection of the negative balance in the operational funds has been derived.
2. The district has not had the opportunity to present its' case based upon the Department's findings to the Commissioner's Office prior to the date of the recommendation to the State Board of Education. The district's only input has been a one hour initial screening interview with the Department and a few phone calls without the benefit of reviewing any written record of calculations with respect to how the Department arrived at the predicted ending balance of June 30, 2008.
3. The district has demonstrated no material failures listed as indicators for fiscal distress designation in state regulations. The district does not qualify under the regulations' definition of jeopardizing "fiscal integrity", and furthermore, will not close its fiscal year on June 30, 2008 with a declining balance. The district believes it should have the opportunity to close-out the current fiscal year before a decision is based on the current fiscal year.
4. The district is reducing its expenditures and re-coding items that are legally permissible to do so, in such a manner that expects to finish the current fiscal year with an increase balance of operational funds, as identified by the Department of Education

Brazil, Adlong & Winningham Attorneys at Law
1315 Main Street Conway, AR 72034 501/327-4457

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5. The district is taking actions to initiate a reduction in force of employees, per its RIF policy, for the 2008-09 school year. The RIF will eliminate concerns for its operational balances for the next fiscal year and beyond.
6. Based on the APSCN computer report, the operational fund balance, as of February 2008, was \$927,644.16, which represents an increase of \$76,632.68 from the February 2007 balance.
7. The districts bank balance was \$1,395,312.25. This is a decrease to the previous balance and is due to a recently completed building project. Additionally, because there are outstanding Federal and Food Service payments that were not posted during February, 2008, the adjusted bank balance would have been \$1,545,368.00, which is consistent with the districts' bank balances over the past ten years.

8. The district does not agree with the Department's position that it will not have adequate funds to make payroll during the months of July and August 2008 due to insufficient funds present in selected operational funds. The district's position is: (1) this rationale or standard is not present in the regulations, (2) legal balance has been ignored, (3) we understand that other districts across Arkansas are allowed to accrue negative balances in Federal funds that are used to pay Federal salaries for approximately 8 months during each fiscal year until the release of Federal funds reimburses those accounts. The Department's rationale places an unfair burden on the district when ample case is on hand, payroll can be easily met, and, again, judgment is being passed on the district with more than five months remaining in the fiscal year.

9. Before the district was advised that this recommendation would be made to the state board, the district should have the opportunity to present its case to the Commissioner. As is, the Departments's staff meets with the Commissioner and it is decided at the time as to whether a recommendation will be made. The mere indication that this recommendation will be made, regardless of the outcome of the appeal, is damaging to the school district. It appears that the district should have the opportunity to present its case directly to the Commissioner before it is placed in the position of appearing in a public, state board meeting where its reputation is compromised.

10. The district further believes that there should be a clear distinction and separate process of how districts are treated who exemplify pure cases of mismanagement versus those who are victimized by factors that it has little or no control (i.e., severe decline in revenue, average daily membership, acts of God, etc.). To classify such districts along with those who exemplify gross mismanagement is both unfair and is contrary to the overall mission of educating children. This announcement further damages the district by causing accelerated loss of enrollment, highly qualified teachers, and subsequent injury to a district has been, up to now, a high-performing school district academically. In fact, its middle school was lauded as a best practices school last Fall by Governor Beebe.

Generally speaking, the district is not broke, but feels that in spite of the fact that it has experienced a decrease in enrollment and a sharp down turn spike in revenue, the district has not given raises, has decreased administrative cost to accreditation minimums and is continuing to make aggressive reductions to meet its fiscal responsibilities, the district projects an increased operational funds balance on June 30, 2008.

If you need anything else from the district, please let us know.

Sincerely,

William Clay Brazil

WCB/lm

cc: Dr. Jim Best 870-935-2123

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**Westside Consolidated School District
District's Appeal and Response from ADE**

Fund Balances

District has not received a written statement of how the department's projection of negative balance in the operational funds has been derived.

ADE Response - Fund Balances

The Department used the 2006-07 prior year and 2007-08 year to date APSCN information to calculate monthly revenue and expenditures for the remainder of the 2007-08 school year. The projected June 30, 2008 ending balance in the operating fund is (\$87,061).

District's Position - Presenting Case to Commissioner

District has not had the opportunity to present its case to the Commissioner's Office prior to the date of the recommendation to the State Board of Education.

ADE Response - Presenting case to Commissioner's Office

The Department phoned the District in early January of the possible Fiscal Distress identification. The Department mailed the first flag letter January 25, 2008 requesting additional information. Department personnel met with the District on February 4, 2008 to discuss additional information. The Fiscal Distress Unit reports to the Commissioner's office. Current law and rules requires the District appeal to the State Board.

District 's Postion - Indications for Fiscal Distress

District has demonstrated no material failures listed as indicators for fiscal distress designation in state regulations.

ADE Response - Indicators for Fiscal Distress

Declining fund balances for the past three years could jeopardize the fiscal integrity of the District. District has a declining balance.

	<u>2004-05</u>	<u>2005-06</u>	<u>2006-07</u>
Unrestricted Legal Balance	1,045,951	867,253	218,063
Decrease from prior year		-178,699	-649,190

District's Position - Operational Balances

District is reducing its expenditures and re-coding items that are legally permissible to do so, in such a manner that expects to finish the current fiscal year with an increase balance of operational funds.

ADE Response - Operational Balances

When possible expenditures should be coded correct initially. Act #723 will be in effect for the 2007-08 school year which tracks the number of journal entries made by the district. The Department's projection was calculated in February. The district should make any and all legal adjustments possible to increase the balance of operational funds by June 30.

District's Postion - Reduction in Force

District is taking actions to initiate a reduction in force of employees.

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ADE Response - Reduction in Force

With the classification of fiscal distress pending, the Department expects the district to take all necessary actions to increase fund balances.

District's Postion - Fund Balances

Operational fund balance as of February 2008 was \$927,644.16 which represents an increase of \$76,632.68 from February 2007 balance.

ADE Response - Fund Balances

The District included restricted funds in its total. The Department did not include restricted funds.

District's Postion - Bank Balances

District's bank balance was \$1,395,312.25 as of February 2008.

ADE Response - Bank Balances

As of February

The District refers to the bank balance which would include teacher salary, operating, building, debt service, federal grants, activity, and food service funds.

Less Building Fund (#3000-3999)

	<u>2006-07</u>	<u>2007-08</u>
	2,003,019.44	1,395,312.25
	840,376.27	284,473.65
	<u>1,162,643.17</u>	<u>1,110,838.60</u>

This balance included all funds and the Department concentrated on the general operational funds. The general operational funds are the only funds available to the district to meet Standards.

District's Postion - Fiscal Distress Identification Process

District believes there should be a clear distinction and separate process of how districts are treated who exemplify pure cases of mismanagement versus those who are victimized by factors that it has little or no control (i.e., severe decline in revenue, average daily membership, acts of God, etc.)

ADE Response

It is the responsibility of ADE to insure the financial integrity of all districts in the state. Decisions are made solely on the criteria available at the time of the identification process.

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Westside Consolidated School District

	<u>Legal Balance</u>	<u>Resticted SOF</u>	<u>Current Loans</u>	<u>Unrestricted Legal Balance</u>
FY 05	1,276,768.26	230,816.77	0.00	1,045,951.49
FY 06	1,033,562.06	166,309.10	0.00	867,252.96
FY 07	306,808.18	88,745.55	0.00	218,062.63
Two Year Change	(969,960.08)			(827,888.86)
Two Year Projected Balance	(663,151.90)			(609,826.23)
 <u>Cycle I 07-08 Budget Legal Balance</u>				
FY 08	616,069.36	147,597.10		468,472.26
 As of 02/29/08	 952,670.63	 118,728.31		 833,942.32

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ARKANSAS DEPARTMENT OF
Education

Dr. T. Kenneth James, Commissioner

4 State Capitol Mall • Little Rock, AR 72201-1019
(501) 682-4475
<http://ArkansasEd.org>

April 9, 2008

Dr. Valerie Tatum
City of Fire Community Development, Inc.
10510 Hwy I-30 (Ste. 1)
Little Rock, AR 72209

Re: Notice of State Board Meeting

Dear Dr. Tatum:

This letter is to inform you that your request for a hearing regarding Covenant Keepers College Preparatory Charter School will be considered at the State Board of Education's meeting on April 21, 2008. 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, Deputy Commissioner
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
Brenda Gullett, Fayetteville • Dr. Tim Knight, Arkadelphia • Dr. Ben Mays, Clinton
MaryJane Rebick, Little Rock • Dr. Naccaman Williams, Springdale

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April 6, 2008

Hello Dr. Brown,

We (City of Fire Community Development, Inc.) are requesting a hearing with the State Board of Education regarding a change in facility for this upcoming school year. Since our last meeting in January, the vendor MSPACE has implemented new financial mandates requiring credit history for one calendar year and 2/3rds of the installation cost up front. Ramtech (another vendor) was willing to provide (6) double-sided classroom buildings, but entering into this contract would have cost us an additional \$140,000 over our budget with connecting the plumbing and electrical, as well as, taking on the monthly lease for these buildings.

As an alternative, we have secured a building at 8300 Geyer Springs Road and we would like your permission to change our location. At this point, we are requesting a hearing for April 21st to disclose other information. If you have other questions and/or concerns, please let me know. Thanks.



Dr. Tatum

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APR 07 2008

CHARTER SCHOOL OFFICE

1. **Charter School:** Covenant Keepers Academy
2. **Location:** 8300 Geyer Springs Road Little Rock, AR 72209
3. **General Observations:** The facilities proposed by the Covenant Keepers is a two story building at 8300 Geyer Springs Road on the corner. A former church fellowship hall it was used as Felder Academy by Pulaski County School District in the Little Rock School District up until last year. The facility is on the south west corner it has ample parking both front and rear and sufficient space for drop off of children. The exterior of the building appears to be in pretty good condition, there is a small secure area that could be used for protected outside play activates.
4. **Academic Suitability:** The building is completely suitable to be used as an academic facility. There are classrooms, restrooms, and space for offices, workrooms and teacher lounges. The building lacks a dining area.
5. **ADA Accessibility:** The building is completely accessibly with the exception of the second floor. All activities regarding persons with handicaps will have to be conducted on the first floor.
6. **Life Safety Codes:** The facility was brought up to standard to meet the Felder Academy requirements. There is an integrated fire alarm and sprinkler system and it is ADA compliant.
7. **Conclusions and Recommendations:** The building appears, with no modifications, to be able to be used as an academic facility. It is wired; there are telephone outlets and computer outlets in all the rooms, an intercom connected to all the classrooms. It is therefore recommend that this building be considered as acceptable for academic space.

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APR 09 2008
CHARTER SCHOOL OFFICE

Inspected: D. Eaton 4/9/2008

Budget Worksheet

Directions: Fill in the budget expenses under the "Amount" heading. The "Total" column will calculate automatically.

<u>Line#</u>	<u>Revenues</u>	<u>Amount</u>	<u>Total</u>
1	Estimated State Charter School Aid:		
2	No. of Student (180) x 5,770.00		
3	Total State Charter School Aid	<u>\$1,038,600.00</u>	<u>\$1,038,600.00</u>
4			
5	Other Sources of Revenues:		
6	Contributions		
7	Grants	<u>\$200,000.00</u>	
7	Grants (ADE)	<u>\$150,000.00</u>	
8	Gifts		
9	Other (NSLP)	<u>\$130,284.00</u>	
10	Total Other Sources of Revenues		<u>\$480,284.00</u>
11			
12	TOTAL REVENUES		<u>\$1,518,884.00</u>
13			
14	<u>Expenditures</u>	<u>Amount</u>	<u>Total</u>
15			
16	Administration:		
17	Salaries: (No. of Positions 1.5)	<u>\$121,666.50</u>	
18	Fringe Benefits	<u>\$34,066.62</u>	
19	Purchased Services		
20	Supplies and Materials	<u>\$2,500.00</u>	
21	Equipment		
22	Other (Describe)		<u>\$158,233.12</u>
23			
24	Regular Classroom Instruction:		
25	Salaries: (No. of Positions 8.5)	<u>\$323,177.50</u>	
26	Fringe Benefits	<u>\$90,489.70</u>	
27	Purchased Services	<u>\$25,772.00</u>	
28	Supplies and Materials	<u>\$80,000.00</u>	
29	Equipment		
30	Other (Describe)		<u>\$519,439.20</u>
31			
32	Special Education:		
33	Salaries: (No. of Positions 1)	<u>\$38,000.00</u>	
34	Fringe Benefits	<u>\$10,640.00</u>	
35	Purchased Services		
36	Supplies and Materials	<u>\$2,500.00</u>	
37	Equipment		
38	Other (Describe)		<u>\$51,140.00</u>

39			
40	Gifted and Talented Program:		
41	Salaries: (No. of Positions ___)	_____	
42	Fringe Benefits	_____	
43	Purchased Services	_____	
44	Supplies and Materials	_____	
45	Equipment	_____	
46	Other (Describe)	_____	_____
47			
48	Alternative Education Program:		
49	Salaries: (No. of Positions ___)	_____	
50	Fringe Benefits	_____	
51	Purchased Services	_____	
52	Supplies and Materials	_____	
53	Equipment	_____	
54	Other (Describe)	_____	_____
55			
56	Guidance Services:		
57	Salaries: (No. of Positions 1)	<u>\$40,000.00</u>	
58	Fringe Benefits	<u>\$11,200.00</u>	
59	Purchased Services	_____	
60	Supplies and Materials	<u>\$2,500.00</u>	
61	Equipment	_____	
62	Other (Describe)	_____	<u>\$53,700.00</u>
63			
64	Health Services:		
65	Salaries: (No. of Positions .5)	_____	
66	Fringe Benefits	_____	
67	Purchased Services	<u>\$35,720.00</u>	
68	Supplies and Materials	<u>\$2,500.00</u>	
69	Equipment	<u>\$2,500.00</u>	
70	Other (Describe)	_____	<u>\$40,720.00</u>
71			
72	Media Services:		
73	Salaries: (No. of Positions ___)	_____	
74	Fringe Benefits	_____	
75	Purchased Services	_____	
76	Supplies and Materials	_____	
77	Equipment	_____	
78	Other (Describe)	_____	_____
79			
80	Fiscal Services:		
81	Salaries: (No. of Positions ___)	_____	
82	Fringe Benefits	_____	
83	Purchased Services	<u>\$8,000.00</u>	
84	Supplies and Materials	_____	
85	Equipment	_____	
86	Other (Describe)	_____	<u>\$8,000.00</u>

87			
88	Maintenance and Operation:		
89	Salaries: (No. of Positions____)	_____	
90	Fringe Benefits	_____	
91	Purchased Services	_____	
92	(include utilities)	<u>\$24,000.00</u>	
	(janitorial)	<u>\$15,000.00</u>	
93	Supplies and Materials	_____	
94	Equipment	_____	
95	Other (Annual Lease)	<u>\$120,000.00</u>	<u>\$159,000.00</u>
96			
97	Pupil Transportation:		
98	Salaries: (No. of Positions____)	_____	
99	Fringe Benefits	_____	
100	Purchased Services	_____	
101	Supplies and Materials	_____	
102	Equipment	_____	
103	Other (Describe)	_____	_____
104			
105	Food Services:		
106	Salaries: (No. of Positions .5)	<u>\$14,000.00</u>	
107	Fringe Benefits	_____	
108	Purchased Services	<u>\$130,284.00</u>	
109	Supplies and Materials	<u>\$2,500.00</u>	
110	Equipment	_____	
111	Other (Describe)	_____	<u>\$146,784.00</u>
112			
113	Data Processing:		
114	Salaries: (No. of Positions 1)	<u>\$25,000.00</u>	
115	Fringe Benefits	<u>\$7,000.00</u>	
116	Purchased Services	_____	
117	Supplies and Materials	_____	
118	Equipment	_____	
119	Other (Describe)	_____	<u>\$32,000.00</u>
120			
121	Substitute Personnel:		
122	Salaries: (No. of Positions____)	<u>\$11,660.00</u>	
123	Fringe Benefits	_____	<u>\$11,660.00</u>
124			
125	Debt Expenditures:	_____	_____
126	Other Expenditures:		
127	(Technology)	<u>\$67,233.00</u>	<u>\$67,233.00</u>
128			
129	TOTAL EXPENDITURES		\$1,247,909.32

**Building Comparison
Covenant Keepers Academy**

Summary	Sq Footage	Expense
MSPACE (3)	10,500	245,935
Ramtech (6)	9,216	271,770
Geyer Springs (1)	17,500	120,000

Geyer Springs vs. MSPACE	7,000	125,935
Geyer Springs vs. Ramtech	8,284	151,770

MSPACE

	Building One	Building Two	Building Three	Totals
Annual Lease	30,000	24,000	24,000	78,000
Freight In	9,411	9,411	9,411	28,233
Foundations	11,764	11,764	11,764	35,292
Erect Building	10,352	9,529	9,529	29,410
Plumbing	12,500	12,500	12,500	37,500
Electrical	12,500	12,500	12,500	37,500
Total	86,527	79,704	79,704	245,935

Ramtech

	Building One	Building Two	Building Three	Building Four	Building Five	Building Six	Totals
Annual Lease	12,780	12,780	12,780	12,780	12,780	12,780	76,680
Freight In	7,515	7,515	7,515	7,515	7,515	7,515	45,090
Foundations	-	-	-	-	-	-	-
Erect Building	-	-	-	-	-	-	-
Plumbing	12,500	12,500	12,500	12,500	12,500	12,500	75,000
Electrical	12,500	12,500	12,500	12,500	12,500	12,500	75,000
Total	45,295	45,295	45,295	45,295	45,295	45,295	271,770

Geyer Springs

	Building One	Totals
Annual Lease	120,000	120,000
Total	120,000	120,000

**Three Year Building Comparison Summary
Covenant Keepers Academy**

	<u>Sq Footage</u>	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>	<u>3 Year Total</u>	<u>3 Year Average</u>
MSPACE (3)	10,500	245,935	78,000	78,000	401,935	133,978
Ramtech (6)	9,216	271,770	121,975	134,755	528,500	176,167
Geyer Springs (1)	17,500	120,000	126,000	132,300	378,300	126,100
Geyer Springs vs. MSPACE	7,000	125,935	(48,000)	(54,300)	23,635	7,878
Geyer Springs vs. Ramtech	8,284	151,770	(4,025)	2,455	150,200	50,067

MSPACE

	<u>Building One</u>	<u>Building Two</u>	<u>Building Three</u>	<u>Totals</u>
Year 1				
Annual Lease	30,000	24,000	24,000	78,000
Freight In	9,411	9,411	9,411	28,233
Foundations	11,764	11,764	11,764	35,292
Erect Building	10,352	9,529	9,529	29,410
Plumbing	12,500	12,500	12,500	37,500
Electrical	12,500	12,500	12,500	37,500
Total	<u>86,527</u>	<u>79,704</u>	<u>79,704</u>	245,935
Year 2				
Annual Lease	30,000	24,000	24,000	78,000
Total	<u>30,000</u>	<u>24,000</u>	<u>24,000</u>	78,000
Year 3				
Annual Lease	30,000	24,000	24,000	78,000
Total	<u>30,000</u>	<u>24,000</u>	<u>24,000</u>	78,000
3 Year Total				<u>401,935</u>
3 Year Average				133,978

Ramtech

	<u>Building One</u>	<u>Building Two</u>	<u>Building Three</u>	<u>Building Four</u>	<u>Building Five</u>	<u>Building Six</u>	<u>Building Seven</u>	<u>Building Eight</u>	<u>Totals</u>
Year 1									
Annual Lease	12,780	12,780	12,780	12,780	12,780	12,780	12,780	12,780	76,680
Freight In	7,515	7,515	7,515	7,515	7,515	7,515	7,515	7,515	45,090
Foundations	-	-	-	-	-	-	-	-	-
Erect Building	-	-	-	-	-	-	-	-	-
Plumbing	12,500	12,500	12,500	12,500	12,500	12,500	12,500	12,500	75,000
Electrical	12,500	12,500	12,500	12,500	12,500	12,500	12,500	12,500	75,000
Total	<u>45,295</u>	<u>45,295</u>	<u>45,295</u>	<u>45,295</u>	<u>45,295</u>	<u>45,295</u>	<u>45,295</u>	<u>45,295</u>	271,770
Year 2									
Annual Lease	12,780	12,780	12,780	12,780	12,780	12,780	12,780	12,780	89,460
Freight In	-	-	-	-	-	-	-	-	7,515
Foundations	-	-	-	-	-	-	-	-	-
Erect Building	-	-	-	-	-	-	-	-	-
Plumbing	-	-	-	-	-	-	12,500	12,500	12,500
Electrical	-	-	-	-	-	-	12,500	12,500	12,500
Total	<u>12,780</u>	<u>12,780</u>	<u>12,780</u>	<u>12,780</u>	<u>12,780</u>	<u>12,780</u>	<u>45,295</u>	<u>45,295</u>	121,975
Year 3									
Annual Lease	12,780	12,780	12,780	12,780	12,780	12,780	12,780	12,780	102,240
Freight In	-	-	-	-	-	-	-	7,515	7,515
Foundations	-	-	-	-	-	-	-	-	-
Erect Building	-	-	-	-	-	-	-	-	-
Plumbing	-	-	-	-	-	-	12,500	12,500	12,500
Electrical	-	-	-	-	-	-	12,500	12,500	12,500
Total	<u>12,780</u>	<u>12,780</u>	<u>12,780</u>	<u>12,780</u>	<u>12,780</u>	<u>12,780</u>	<u>12,780</u>	<u>45,295</u>	134,755

3 Year Total

528,500

3 Year Average

176,167

Geyer Springs

	<u>Building One</u>	<u>Totals</u>
Year 1		
Annual Lease	120,000	120,000
Total	<u>120,000</u>	120,000
Year 2		
Annual Lease	126,000	126,000
Total	<u>126,000</u>	126,000
Year 3		
Annual Lease	132,300	132,300
Total	<u>132,300</u>	132,300
3 Year Total		<u>378,300</u>
3 Year Average		126,100

RECEIVED
APR 15 2008

LEASE AGREEMENT

CHARTER SCHOOL OFFICE

This Agreement, made this 7th day of April, between Talon Property Management, whose address is 8505 Geyer Springs Road, Little Rock, AR 72209 (the Lessor) and City of Fire Community Development Center, Inc, whose address is 10510 Interstate 30, Little Rock, AR 72209, (the Lessee) Witnesseth:

1. Leased Premises. For and in consideration of the rents, covenants and agreements herein entered into and agreed upon by the Lessee as obligations to the Lessor, the Lessor lets, leases and demises until Lessee, subject to the terms and conditions contained herein, the following described property situated in Pulaski County, Arkansas:

8300 Geyer Springs Road, Little Rock, AR 72209.

To have and to hold the premises unto the Lessee for and during the term herein stated, subject to the covenants, terms, conditions and liens herein contained.

2. Term. This lease shall commence on May 1, 2008, and shall extend for a term of 38 months, ending at midnight on June 30, 2011.

Lessee may renew the Lease for one extended term of 36 months. Lessee shall exercise such renewal option, if at all, by giving written notice to Lessor not less than ninety (90) days prior to the expiration of the Initial Term. The renewal term shall be at the rental set forth below and otherwise upon the same covenants, conditions and provisions as provided in this Lease.

3. Rent. Lessee agrees to pay to Lessor during the Initial, and if so created as permitted under this Lease, the Renewal Term, rental of \$120,000 per year payable in installments of \$10,000 per month. Each installment payment shall be paid in advance on the first day of each calendar month during the term of this lease. Moreover, this agreement provides for annual increases of five percent (5%) beginning July 1, 2009 (see Exhibit A).

4. Signs. Lessee shall not erect or install any exterior signs or advertising of any kind without the written consent of Lessor having first been obtained. Lessee agrees not to utilize any form of advertising that may or shall be deemed objectionable to Lessor or to the general public, including but not limited to loudspeakers, phonograph or related electronic equipment, radios, or similar devices which will be operated in such a manner as to project sound outside of the leased premises.

5. Lessor's Repairs. Lessor shall maintain the exterior walls and roof of the structure upon the leased premises in a reasonable state of repair and shall make such repairs to the surface of the parking area as may be required to keep and maintain the same in a good and tenantable condition. If Lessee is deprived of the use of a substantial portion of the leased premises during the making of any such repairs by the Lessor, the rent shall be abated or proportionately reduced according to the extent to which Lessee is deprived of such use.

6. Lessee's Repairs. Lessee shall keep the interior of the building, including interior walls and doors, wiring, plumbing, and window and door glass, in good repair, and shall maintain the heating and air conditioning equipment, all at Lessee's expense. Lessee agrees to satisfy promptly any lien or valid claim asserted against the leased premises for work done or materials furnished. Lessee shall, at the termination, surrender or forfeiture of this lease, return the premises with the

interior, including all of the above items, in as good and satisfactory condition as the same was at the beginning of the lease, normal wear and tear excepted. The Lessee shall have a period of thirty (30) days after taking possession of the leased premises to report any items that are not in good sanitary order, condition or repair.

7. Taxes. Lessee shall pay any and all ad valorem taxes and special improvement district taxes levied and assessed against the premises and the improvements located thereon during the term of this lease. Such taxes and assessments shall be pro-rated for any fractional calendar year.

8. Use. Lessee agrees to use the leased premises for the purpose of operating a charter school and for no other purpose or purposes without the written consent of Lessor and the Arkansas State Board of Education having been obtained in advance.

9. Payment of Rent and Notices. The rent payable hereunder shall be paid to Lessor at 8505 Geyer Springs Road, Little Rock, AR 72209 . Any notice provided for herein shall be given by certified mail with postage prepaid, addressed, if to Lessor, at the address to which the rent is then paid, and if to Lessee, at 10510 Interstate 30, Little Rock, AR 72209 . The person and the place to which notices are to be mailed may be changed by either party by notice to the other party.

10. Assignment. Lessee shall not assign this lease or sublet the leased premises without prior written consent of the Lessor and the Arkansas State Board of Education. Any such assignment or subletting shall in no way relieve Lessee from liability for the obligation imposed by this lease. Lessee may only be released from liability by a specific written release executed by Lessor.

11. Lessee's Default. If Lessee shall be in default as to the payment of rent for a period of thirty (30) days, or as to any other covenant herein provided for more than thirty (30) days after receipt of notice from Lessor specifying such default, or if any petition be filed in bankruptcy, including petitions for arrangements and reorganizations, by or against Lessee and such petition be not dismissed within thirty (30) days after its filing, or if a receiver or trustee be appointed for Lessee by reason of Lessee's insolvency or inability to pay its creditors, Lessor shall have the right, without limitation upon any other rights which may be given Lessor by law or by any other provision of this lease agreement, to re-enter the leased premises and relet the same as agent for Lessee upon the best terms and conditions reasonably obtainable, and Lessee shall be liable to the Lessor for the difference, if any, between the rent so obtained and the minimum rent stipulated to be paid in this lease. Lessee agrees that in such event, it will vacate the leased premises without further notice, and if it becomes necessary to bring any legal action to recover possession, Lessee agrees to pay a reasonable fee for the attorney of Lessor in such action.

12. Non-Waiver. It is agreed that the failure of Lessor to invoke any of the available remedies under this lease or under law in the event of one or more breaches or defaults by Lessee under the lease shall not be construed as a waiver of such provisions and conditions and shall not prevent Lessor from invoking such remedies in the event of any future breach or default.

13. Holdover. Lessee hereby agrees that upon the termination of this lease by expiration or by earlier termination for any reason whatsoever, Lessee will peaceably deliver possession of the leased premises to Lessor. In the event Lessee shall be permitted by Lessor to hold over after the expiration or termination of this lease, or any extension thereof, such holding over (in the absence of any written agreement to the contrary) shall be construed as a tenancy from calendar month to calendar month at a monthly rental equal to the rental for the last month paid under this

lease. A month-to-month tenancy arising by Lessee's holding over under this paragraph may be terminated by written notice from either party to the other party on or before the day on which any monthly rent is due with termination not becoming effective until the day on which the next following monthly rental would have otherwise become due. In the event it should become necessary for Lessor to institute any action at law to recover possession at the time of termination, whenever and however termination may occur, Lessee agrees that it will pay all costs and expenses of such action, including reasonable attorneys' fees.

14. Casualty. If at any time the leased premises, should be damaged by fire, or other major casualty not the fault of Lessee, and the cost of repairing the damage does not exceed twenty percent (20%) of the value of the improvements of the premises herein leased, then Lessor shall as soon as reasonably practicable repair the damage caused by fire or other casualty. If, however, the damage should exceed twenty percent (20%) of the value of the improvements of the premises herein leased, then Lessor shall have the option of either repairing the premises as set out above or terminating this lease as of the date of fire or other casualty by notice to Lessee within thirty (30) days after such date. If the damage should render the leased premises untenable for the use of the Lessee's business as set forth herein, the rental from the date of fire, or other major casualty not the fault of Lessee, to the date of the completion of the restoration of the premises shall be abated, such abatement being figured on a pro rata basis of the rentals, herein provided.

15. Condemnation. In the event all of the leased premises or such part thereof as renders the leased premises unsuitable for use in the activity or business of the Lessee, shall be acquired or taken by eminent domain for any public or quasipublic purpose, then the term of this lease shall cease and terminate as of the date of taking.

In the event that a partial taking does not render the leased premises unsuitable for use in the activity or business of the Lessee, this lease shall continue in full force and effect with a reduction in the rent proportionate to the amount of usefulness or necessity of the leased premises actually taken.

All damages awarded as a result of any taking, except such damages as are herein defined as Lessee's damages, shall be awarded to Lessor. Lessee shall be entitled to receive all damages which are compensation for damages to the leasehold estate and for removal of Lessee's business, fixtures, furniture and equipment. Lessee's right to damages shall be a right against the taking authority alone, and Lessee shall not be entitled to recover any damages from Lessor.

16. Insurance on Improvements. Lessee shall maintain, at Lessee's expense, fire, hazard and extended coverage insurance, including plate glass insurance, in the amount of the replacement value of any improvements erected upon the leased premises. A certificate of such insurance shall be delivered to Lessor prior to the inception of this lease. Lessee shall reimburse Lessor for the premiums paid for such insurance upon receipt of notice of the amount due, if Lessor is required to pay such premiums.

17. Insurance on Lessee's Property. Lessee shall be solely responsible for maintaining insurance on, its property, including but not limited to movables, trade fixtures installed by Lessee, furniture, furnishings and inventory.

18. Liability Insurance. Lessee shall, during the term of this lease, maintain public liability insurance on the leased premises and on the business operated by the Lessee or any subtenant occupying the leased premises. The limits of such public liability insurance shall afford

minimum protection of not less than \$2,000,000 combined single limit coverage of bodily injury, property damage or combination thereof. The policy representing such insurance shall name Lessor, its successor, or his heirs and assigns, and Lessee as insured. Such policy shall contain a clause that the insurer will not cancel or change the insurance without giving Lessor, its successors, or his heirs or assigns, ten (10) days' written notice, and a certificate of such insurance shall be delivered to Lessor prior to the inception of this lease.

19. Common Areas. Any parking area or other common areas which Lessor may provide shall be for the joint use of Lessor, Lessee, other tenants of Lessor, and the customers, invitees and employees of Lessor, Lessee, and other tenants of Lessor; Lessor hereby grants to Lessee the right, during the term of this lease, to use any parking area and other common areas which may be provided in common with others entitled to the use thereof. The use thereof shall be subject to such reasonable regulations or limitations as Lessor shall make or require from time to time.

20. Compliance with Laws. Lessor and Lessee agree not to violate any law, ordinance, rule or regulation of any governmental authority having jurisdiction of the leased premises and, if required solely by reason of Lessee's type of business, to make nonstructural repairs, improvements and alterations to the interior of the building on the leased premises and the common areas required by such authority.

21. Trash. All trash and refuse deposited outside the building must be placed in sufficient receptacles furnished by Lessee.

22. Title and Quiet Enjoyment. Lessor covenants and warrants that it is the owner in fee simple absolute of the leased premises and may lease the premises as herein provided. Upon payment by Lessee of the rents herein provided and upon the observance and performance of all the covenants, terms and conditions upon Lessee's part to be observed and performed, Lessee shall peaceably and quietly hold and enjoy the demised premises for the term hereby demised without hindrance or interruption by Lessor or any other person or persons lawfully or equitably claiming by, through or under Lessor, subject to the terms and conditions of this lease.

23. Succession. This lease agreement shall inure to the benefit of and be binding upon the parties hereto and their respective heirs, successors and assigns.

24. Waste. Lessee agrees not to commit waste, nor permit waste to result or to be done to or upon the property and premises; not to conduct any business thereon or therein, nor store or permit to be stored thereon or therein any explosives, combustible substances or materials of any nature, which would increase the fire hazard or cause a premium to be charged for insurance higher than that charged for the present use of such property; and not to operate, nor permit to be operated, nor to exist thereon or therein, any public or private nuisance.

25. Assets. Lessor and Lessee agree that pursuant to Ark. Code Ann. § 6-23-506: Upon dissolution of the open-enrollment charter school or upon non-renewal of the charter, all net assets of the open-enrollment charter school purchased with public funds shall be deemed the property of the State, unless otherwise specified in the charter of the open-enrollment charter school.

26. State Immunity. Lessor and Lessee agree that no indebtedness of any kind incurred or created by the open-enrollment charter school shall constitute an indebtedness of the State or its political subdivisions, and no indebtedness of the open-enrollment charter school shall involve or be secured by the faith, credit or taxing power of the State or its political subdivisions.

Furthermore, Lessor and Lessee agree that the Lessee shall not use the moneys received from the State pursuant to Ark. Code Ann. §§ 6-23-101, 6-23-201, 6-23-301, 6-23-401 or 6-23-501 et seq., for any sectarian programs or activity or as collateral for any debt, including any debt incurred by Lessee to Lessor pursuant to the provisions of the Lease Agreement.

27. Use of State Funds. Lessor and Lessee agree that Lessee shall not pay for any improvements, upgrades, additions or repairs to the leased facility described herein except as a reasonable part of the agreed upon rent payment described in paragraph 3 and those agreed upon Lessee repairs agreed upon in paragraph 6 of this Agreement. Furthermore, to the extent that any portion of rent payment in paragraph 3 or Lessee repairs in paragraph 6 are to be paid from State funding, the Lessor and Lessee shall provide a detailed budget and expenditure report specifying exactly that portion of rent payment or repair cost concerning any improvements, upgrades, additions or repairs to the lease facility and the amount of State funds to be used to support those components of the rent or repair cost to the Lessee.

28. State Approval. Lessor and Lessee agree that to the extent this Lessee will use any State funds from the Arkansas Public School Fund to pay the obligations of this lease agreement, the Lessee is first required to submit a copy of a detailed lease agreement (along with attached budget and expenditure report) setting forth all terms required herein along with any other relevant information required by the Arkansas State Board of Education and obtain the express approval of the Arkansas State Board of Education; otherwise this Agreement shall be considered null and void. Furthermore, neither the Lessor nor the Lessee shall change the terms or conditions of this Agreement without first obtaining the express approval of the Arkansas State Board of Education. Any such change without the express approval of the Arkansas State Board of Education shall be considered null and void to the extent State funds are used as consideration to meet the obligations contained herein.

29. Health, Safety, Facility and Zoning Codes. The Lessor and Lessee agree that the above described lease facility and the location of the facility comply with and meet all health, safety, facility and proper zoning codes of the State of Arkansas or any political subdivisions of the State. Specifically, the Lessor agrees covenants and warrants that the above described lease facility meets all state and local laws, regulations and ordinances with regard to fire, safety and health code conditions and requirements and that the facility is properly located in an appropriate zoned area sufficiently removed from any adult novelty, liquor or gaming locations of business or transaction so as to comply with state or local laws, ordinances or regulations and thus be in compliance with Ark. Code Ann. § 6-23-401.

30. Severability. Each paragraph of this lease agreement is severable from all other paragraphs. In the event any court of competent jurisdiction determines that any paragraph or subparagraph is invalid or unenforceable for any reason, all remaining paragraphs and subparagraphs will remain in full force and effect.

31. Interpretation. This lease agreement shall be interpreted according to and enforced under the laws of the State of Arkansas.

32. Entire Agreement. This lease agreement contains the entire agreement of both parties hereto, and no other oral or written agreement shall be binding on the parties hereto. This lease agreement supersedes all prior agreements, contracts and understandings of any kind between the parties relating to the subject matter thereof. This agreement may be executed in one or more

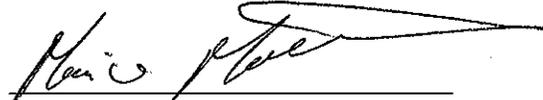
counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

33. Notice. All notices, requests, demands and other communications required by or permitted hereunder shall be in writing and shall be deemed to have been duly given when received by the party to whom directed; provided, however, that notice shall be conclusively deemed given at the time of its deposit in the United States mail when sent by certified mail, postage prepaid, to the other party at the following addresses (or at such other addresses as shall be given in writing by either party to the other):

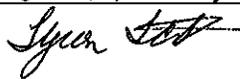
8505 Geyer Springs Road, Little Rock, AR 72209

34. Release of Dower: The undersigned, wife of Lessor herein, does hereby release and relinquish unto Lessee, for the term hereof and any extension thereof, all rights of dower and homestead which she has in the leasehold estate conveyed hereby to Lessee.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals on this 7th day of April.



Lessor

City of Fire Dev., Inc.
Lessee 

THIS AGREEMENT made between Talon Property Management Inc. (the Lessor) and City of Fire Community Development Center, Inc (the Lessee), WITNESSETH:

For and in consideration of the covenants and agreements hereinafter contained, Lessor does hereby let, lease and demise unto Lessee, and Lessee does hereby lease from Lessor, the following described premises in the City of Little Rock, County of Pulaski, State of Arkansas:

Proposed Cut-Score for Middle School Math to Teach Algebra to Eighth Grade Students
 April 2008

Praxis II test(s) cut-score review

Test #	Test Name	Score set-date	Score review date	Reason for review	AR pass rate	AR cut score	Contig. state avg.	SREB avg.	Nat'l state avg.	Notes	Recommendation
0069	Middle School Mathematics	*	2/5/2008	vehicle for MCE to demonstrate Algebra CK			147	148	150	Study value was set at 161 by review panel of AR teachers.	Set cut-score at 161.

Recommendations for Revised Cut-Scores for Praxis II Exams
April 2008

Praxis II test(s) cut-score review

Test #	Test Name	Score set-date	Score review date	Reason for review	AR pass rate	AR cut score	Contig. state avg.	SREB avg.	Nat'l state avg.	Notes	Recommendation
061	Mathematics: Content Knowledge	1999	10/2/07	Long time since score set. Low comparable cut-score.	81%	116	132	132	134	AR is lowest in the US. Raising the cut-score to 125 projects 64% pass rate. 131 (below the original 136) would yield 65% pass rate.	Raise cut-score to at least 125 in an effort to demonstrate increased quality of passers. PLSB Agreed
091	Physical Education: Content Knowledge	2002	10/2/07	High pass rate.	93%	141	147	149	149	Raising the cut score would demonstrate increased knowledge of passers. At 148 the projected pass rate would be 72%.	Raise cut-score to 149, the SREB avg. PLSB Agreed
146	Middle School Subjects: CK	2001	1/22/08	High pass rate. Low comparable cut-score	92%	139	150	144	144	Pass rate is high. AR cut-score is lowest in U.S. Raising to 1 SEM above the mean (to 144) could yield 87% pass rate. 146 would be 2nd highest in U.S. (with 85% pass rate.)	Raise cut-score to 146 (or at least 144) PLSB recommends cut-score of 144.
560	Marketing Education	2002	10/2/07	100% pass rate on primary review. Low comparable cut-score.	97%	570	653	627	620	Pass rate is high. Score of 620 (at or above the states' mean) would yield 90% pass rate. 680 would be 80%.	Raise cut-score to 620 (or higher). PLSB Agreed
1020	School Superintendent Assessment	2002	1/22/07	Very high pass rate.	97%	152	156	154	156	Pass rate is high. Cut-score is 2nd lowest in U.S. Raising to 1 SEM above (to 161) could yield 87% pass rate. 162 would be 2nd highest in nation, with 85% pass rate.	Raise cut-score to 162 (or at least 161). PLSB recommends cut-score of 156.

ARKANSAS DEPARTMENT OF EDUCATION RULES GOVERNING TEACHER LICENSURE BY RECIPROCITY

1.00 REGULATORY AUTHORITY

- 1.01** These rules shall be known as the Arkansas Department of Education Rules Governing Teacher Licensure by Reciprocity.
- 1.02** These regulations are enacted pursuant to the authority of the State Board of Education under Ark Code Ann. § 6-11-105 and 6-17-402 and 25-15-204.

2.00 PURPOSE

- 2.01** These rules amend the previous Rules and Regulations Governing the Certification Laws and Regulations. These rules govern provisional, initial, or standard licensure through reciprocity.

3.00 DEFINITIONS- For the purpose of these Rules, the following terms shall mean:

- 3.01** Additional Licensure Plan (ALP)- shall be the recognized process for allowing a licensed teacher to be employed in an out-of-field teaching position while meeting the program of study requirements at an Arkansas University/College and/or assessment requirements for said position.
- 3.02** Building Level Administrator- a principal, assistant principal or vice principal. (grade levels P-8 and/or 7-12)
- 3.03** Content/Standard Teaching Area- 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.
- 3.04** Curriculum/Program Administrator-an individual who is responsible for program development and administration, and/or employment evaluation decisions. Each Curriculum/Program Administrator license is limited to the following areas:
- 3.04.1** Special Education (grade levels P-4 and/or 4-12, or P-12)
- 3.04.2** Gifted & Talented Education (grade levels P-8 and/or 7-12)

- 3.04.3 Career and Technical Education (grade levels 4-8, 7-12 and/or Post Secondary)**
- 3.04.4 Content Area Specialist (grade levels P-8 and/or 7-12)**
- 3.04.4.1 The areas of licensure for Content Area Specialist are listed in Appendix A.**
- 3.04.5 Curriculum Program Administrator (grade levels P-8, and/or 7-12)**
- 3.05 District Level Administrator- a superintendent, assistant or associate superintendent, or deputy superintendent. (grade level P-12)**
- 3.06 Endorsement- teaching or administrative licensure areas, which require an initial or standard teaching license, prior to the endorsement being added.**
- 3.07 Induction-the period of time beginning with a teacher's or administrator's first employment as the teacher of record or administrator in an Arkansas public school, cooperative, or agency that requires an Arkansas Initial teaching or initial administrator license.**
- 3.08 Initial Teaching License- a three (3)-year teaching license, issued by the State Board of Education, which allows the license holder to teach in Arkansas public schools.**
- 3.09 Level and Area of Licensure:**
- a.) Level of licensure - the grade/age level parameters of the teaching license, such as P-4, 4-8, P-8, P-12, 7-12 and PS (post-secondary).**
- b.) Area of licensure- the particular content field, including but not limited to, Early Childhood, Middle Childhood Science/Mathematics, Social Studies, and Family and Consumer Sciences.**
- 3.10 Mentoring- the act of a certified mentor providing support and focused feedback to a novice teacher/administrator through the state-adopted mentoring model as a part of the Induction process.**
- 3.11 Novice teacher- any licensed teacher-of-record with less than one (1) year of public school, or accredited private school, classroom teaching experience, not including student internship or substitute teaching.**
- 3.12 Performance Assessment-an assessment tool used for evaluation of the classroom performance of a novice teacher, as part of the Induction process.**

- 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 License by Reciprocity-** one (1) year teaching license that (may be renewable or non-renewable) allows a teacher coming from out of state or out of country to be employed as a teacher while completing all requirements necessary for the Initial or Standard teaching license. Applicants who have participated in, but not completed, an alternate route to licensure in another state are excluded from provisional licensure.
- a.) A non-renewable teaching license issued to applicants holding an out-of-state license and that have been required to test and/or take Arkansas History; or
 - b.) A non-renewable teaching license issued to applicant that have completed their degree in teacher preparation program out of state, but did not license, and that have been required to test and/or take Arkansas History; or
 - c.) A non-renewable teaching license issued to applicant out-of-country that have met the provisions of section 4.02.6 of this Rule and have been required to test and/or take Arkansas History; or
 - d.) A renewable teaching license issued to applicants from out-of-state when the teaching areas are not recognized by Arkansas, and they have been required to complete a program of study or additional coursework for Arkansas licensure. It may be renewed twice.
- 3.15** **Reciprocity-** the recognition of a teaching license from another state or country based on the terms of the interstate contract agreement and Arkansas rules governing licensure by reciprocity.
- 3.16** **Standard Non-Instructional License-** a five (5)-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.
- 3.17** **Standard Teaching License-** a five (5)-year renewable license, issued by the State Board of Education, which allows the license holder to teach in Arkansas public schools.
- 3.18** **State Board Required Assessments-** specific performance –based assessments approved by the State Board of Education.

3.19 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.

3.20 Teaching experience-that experience earned while employed as a licensed teacher, administrator, librarian, or counselor for a public or private school, agency or organization in a pre-kindergarten through grade 12 setting.

4.00 REQUIREMENTS FOR OBTAINING INITIAL OR A STANDARD LICENSURE TEACHING LICENSE BY RECIPROCITY

4.01 Eligibility

4.01.1 Applicants shall hold ~~or be eligible to hold~~ a valid or expired provisional, initial or standard teaching license from another state or country.

4.01.1.1 Applicants licensing in Added Endorsement Areas as identified in the Areas and Levels of Licensure shall hold or have held a “content teaching area” of licensure.

4.01.2 Any applicant that has completed a teacher preparation program from another state or country but did not license.

4.02 General Requirements

~~**4.02.1** Applicants for licensure through reciprocity shall complete the application form, criminal background check and provide a copy of a current or expired teaching license, verification of three years teaching experience, and/or copies of test scores required for out-of-state or out-of-country licensure and official transcripts reflecting the completion of Bachelor’s Degree (Master’s Degree when required) from a National Council for Accreditation of Teaching Education (NCATE) or regionally accredited institution of higher education state approved teacher preparation program.~~

~~**4.02.1** Applicants for licensure through reciprocity holding a current out-of-state or out-of-country teaching license and current certification from the National Board for Professional Teaching Standards (NBPTS), shall be eligible for the five-year standard teaching license upon submission of a completed application form, official transcripts, copy of current out-of-state or out-of-country teaching license and successful completion of the required background checks. A Praxis II Specialty Area assessment shall be required when the out of state licensure area is not recognized by Arkansas.~~

4.02.1 Teachers licensing through reciprocity with less than one year of teaching experience shall be issued an Initial / Provisional License and participate in the Induction Program (mentoring and the state mandated performance assessment). ~~during the first three (3) years of teaching in Arkansas. The Praxis III Performance Assessment shall not be required for teachers holding a current or expired, standard out-of-state or out-of-country teaching license at the time they applied for their Arkansas teaching license~~

4.02.2 Any individual who holds a valid teaching license from another state, and who has not graduated from a college/university holding regional/national accreditation and/or a teacher preparation program that holds a national accreditation approved by the U.S. Department of Education, or that is a state approved an NCATE preparation program, or regionally accredited institution of higher education, is not eligible for licensure in Arkansas.

~~4.02.4~~ Candidates from countries not included in the National Association of State Directors of Teacher Education and Certification (NASDTEC) agreements may make application for admission into the Non-traditional Licensure Program.

4.02.3 ~~Professional exams~~ Specialty area assessments required for out-of-state or out-of-country teacher licensure may be accepted for Arkansas teacher licensure.

4.02.4 Required assessments for Arkansas licensure through reciprocity shall be waived upon providing the following documentation:

4.02.4.1 Valid out-of-state or out-of-country teaching license as a teacher, administrator, librarian, counselor or in other compatible licensure areas as identified in the areas and levels of licensure as adopted by the State Board of Education.

4.02.4.2 Three years of teaching experience as documented on school district, agency or organization letterhead.

~~4.02.4.3 Teaching experience shall be defined as that experience earned while employed as a licensed teacher, administrator, librarian or counselor for a public or private school, agency or organization in a Pre-Kindergarten through grade twelve setting.~~

OR

- 4.02.4.3 Score report reflecting a passing score for the Specialty Area Assessment(s) required for the out-of-state ~~or out-of-country~~ teaching license (OR) written verification from the licensing agency that the required Specialty Area Assessment(s) for licensure were successfully completed.
- 4.02.5** All out-of-country applicants shall have their credentials evaluated by one of the ADE approved private credential evaluation agencies located in the United States.
- 4.02.5.1** The private evaluation agency shall complete a course-by-course evaluation of the applicant's transcript, indicate the applicant's major area of study and document whether the applicant's degree is equivalent to one that would have been completed at ~~an~~ a regionally accredited institution or an institution of higher education in the United States that holds national accreditation that is approved by the U.S. Department of Education.
- 4.02.5.2** The private evaluation agency shall also document whether the professional preparation for teacher licensure out-of-country and the areas of teacher licensure represented by the out-of-country license are equivalent to ~~the~~ a teacher preparation program in the United States that holds national accreditation approved by the US Department of Education, or that is state approved. ~~required for teacher licensure in the United States.~~
- 4.02.5.3** This evaluation will determine eligibility for teacher licensure in Arkansas.
- 4.02.6** Applicants from out of state or out of country with an expired license shall take and pass the Praxis II Specialty Area Test(s) for all areas of standard licensure and the Praxis II Principles of Learning and Teaching for the appropriate level of teacher licensure to be eligible for a standard Arkansas teaching license. Applicants with an expired license from out-of-state or out-of-country shall ~~not~~ be eligible for a provisional license.
- 4.02.7** Out-of-state ~~and out-of-country~~ applicants for teacher licensure whose current license was granted without ~~professional exams,~~

~~and a specialty area assessment or~~ who cannot document at least three years of teaching experience shall take and pass the Praxis II Specialty Area Test for all areas of standard licensure and endorsements and the Praxis II Principles of Learning and Teaching for ~~the appropriate~~ one of their levels of teacher licensure.

4.02.8 All candidates with licensure areas/endorsements from other states ~~or countries~~ with reciprocity agreements through NASDTEC shall ~~automatically~~ receive the Arkansas equivalent licensure area(s)/endorsements, provided all other licensure requirements have been met.

4.02.9 Applicants from out-of-state or out-of-country with a license in special education or a related service area(s), i.e. Visual Specialist or Hearing Specialist, seeking a standard teaching license shall initially meet the standards established for such licensure in Arkansas to receive a standard teaching license. A one year, renewable twice, provisional teaching license shall be available for those applicants not meeting the established standards for special education licensure. The applicant shall meet the standards established for special education licensure within three years of receiving a provisional license to be in keeping with the “highest standards” of the Individuals with Disabilities Education Act Amendments of 1997 pertaining to qualified personnel. The Office of Special Education will assist the Office of Professional Licensure in identifying the course of action for meeting Arkansas standards for licensure in special education or related service area(s). The provisional license shall be converted to a standard license upon meeting the established standards including the required Praxis II Specialty Area Assessments for Arkansas special education licensure.

4.02.10 Teachers and/or administrators being licensed in Early Childhood P-4, ~~any Middle School~~ Childhood 4-8 area or Secondary Social Studies, shall complete a three-hour course in Arkansas History before receiving a an initial / standard Arkansas teaching license. A one-year, non-renewable provisional teaching license shall be available for those that haven't completed the three-hour Arkansas History course.

4.02.11 Applicants whose standard teaching area(s) are not recognized by ~~compatible with an Arkansas standard teaching~~ ~~shall area be licensed for the~~ shall receive the teaching area and level that most closely parallels their out-of-state or out-of-country licensure area(s).

~~When the standard teaching area(s) are not compatible, the applicant shall take and pass the required Praxis II Specialty Area Exam(s) for all parts of the licensure area(s) requested through reciprocity that are not compatible with the Arkansas licensure area(s).~~

4.02.12 Applicants whose endorsement(s) are not compatible with an equivalent to an Arkansas endorsement area, shall take the required Praxis II Specialty Area Exam(s) for the Arkansas endorsement area(s) that most closely parallels their out-of-state or out-of-country endorsement area(s) in order to add the Arkansas endorsement area(s) to their standard teaching license. In cases where the endorsement area does not have a subject specific Praxis II Specialty Area Exam, the applicant shall complete the prescribed program of study for the endorsement area and Praxis II Exam assigned to that endorsement area.

~~**4.02.14** Provisional teaching license shall become effective for one year from the date the teacher/administrator is hired.~~

4.02.13 Standard teaching licenses will become effective January 1 of the year the license is issued and shall expire December 31 of the last year the license is valid. A Standard teaching license issued prior to January 1, 2002 shall be valid for six years if based on a Bachelor's Degree and shall be valid for ten years if based on a Master's Degree. A standard teaching license issued after January 1, 2002 shall be valid for five years.

~~**4.02.15** Provisional license shall not be issued to any person possessing a valid Arkansas standard/initial teaching license.~~

4.02.14 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.

4.02.14.1 Submit an application for teacher licensure.

~~**4.02.15.2** Submit an official transcript reflecting the completion of an 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).~~

- 4.02.14.2** Submit documentation of having completed a teacher preparation program that holds national accreditation recognized by the U.S. Department of Education, or that is state approved.
- 4.02.15.3** ~~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.~~
- 4.02.14.3** Submit an official transcript(s) reflecting the completion of a Bachelor's Degree (Master's Degree when required), from an institution of higher education that is regionally accredited or that holds national accreditation that is approved by the U.S. Department of Education.
- 4.02.14.4** Document successful passing of the state required basic skills assessment(s), specialty area assessment(s) for each licensure/endorsement area, and pedagogical assessment for one of their levels of licensure.
- 4.02.14.5** Successfully clear ~~complete~~ a background check through the Arkansas State Police and the Federal Bureau of Investigation as required by Ark. Code Ann. § 6-17-410.
- 4.02.14.6** Successfully complete the three-hour, college level, Arkansas History course when required.
- 4.02.14.7** The initial teaching license shall be converted to the five-year, standard Arkansas teaching license upon successful completion of Induction (mentoring and Praxis III-Performance Assessment).
- 4.02.15** Only the areas of licensure and/or endorsement listed on an out-of-state or out-of-country license shall be recognized for licensure through reciprocity.
- 4.02.16** Candidates from out of state ~~or out-of-country~~ that have completed a teacher education program and hold an initial or provisional teaching license shall meet the following requirements for their Arkansas three-year initial teaching license.

4.02.16.1 Submit an application for teacher license.

~~**4.02.17.2** Submit an official transcript reflecting the completion of an 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).~~

4.02.16.2 Submit an official transcript reflecting the completion of a teacher preparation program with a minimum of a bachelor's degree (Master's degree when required), from an institution of higher education that is regionally accredited or that holds national accreditation recognized by the U.S. Department of Education, or that is state approved. The specific program, as well as the institution shall meet this criteria.

~~**4.02.17.3** 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 licensure.~~

4.02.16.3 Submit an official transcript reflecting the completion of a Bachelor's Degree (Master's Degree when required), from an institution of higher education that is regionally accredited or that holds national accreditation that is recognized by the U.S. Department of Education .

4.02.16.4 Document testing that was required for the out-of-state or out-of-country initial or provisional teaching license. When it cannot be documented that the applicant has met the requirements of Section 4.02.75 of these Rules, the applicant shall successfully complete the state required basic skills assessments(s), specialty area assessment(s) for each licensure/endorsement area and pedagogical assessment at one of their levels of licensure.

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

- 4.02.16.6** Candidates shall provide a copy of their out-of-state teaching license to the Office of Professional Licensure.
- 4.02.16.7** Candidates receiving the Initial Arkansas teaching license shall complete Induction (mentoring and Praxis III-Performance Assessment).
- 4.02.16.8** Candidates shall successfully complete the three-hour, college level, Arkansas History course when required.
- 4.02.16.9** The initial teaching license shall be converted to the five-year, standard Arkansas teaching license upon the successful completion of mentoring and the Praxis III – Performance Assessment.
- 4.02.17** 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.
- 4.02.18** Candidates from out of state that have completed a teacher preparation program and hold a standard teaching license shall meet the following requirements for their five-year, standard Arkansas teaching license.
- 4.02.18.1** Submit an application for teacher licensure.
- 4.02.18.2** Submit an official transcript reflecting the completion of a Bachelor's Degree (Master's Degree when required), from an institution of higher education that is regionally accredited or that holds national accreditation that is recognized by the U.S. Department of Education .
- 4.02.18.3** Successfully clear a background check through the Arkansas State Police and the Federal Bureau of Investigation as required by Ark. Code Ann 6-17-410.
- 4.02.18.4** Provide verification of three years of teaching experience or verification of having successfully

passed testing a specialty area assessment(s) required for the out-of-state teaching license.

4.02.18.5 Candidates that cannot verify experience or testing shall successfully pass the state required specialty area assessment(s) for each licensure/endorsement area and pedagogical assessment at one of their levels of licensure.

4.02.18.6 Candidates shall provide a copy of their out-of-state teaching license.

4.02.18.7 Candidates shall pass the three-hour Arkansas History course when required.

4.02.19 Candidates from out-of –state that have completed a teacher preparation program and hold either an expired initial or expired standard teaching license, shall complete the following requirements for their initial or standard teaching license.

4.02.19.1 Submit an application for teacher licensure.

4.02.19.2 Submit an official transcript reflecting the completion of a Bachelor's Degree (Master's Degree when required), from an institution of higher education that is regionally accredited or that holds national accreditation that is recognized by the U.S. Department of Education.

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

4.02.19.4 Submit a copy of their expired out-of-state-teaching license.

4.02.19.5 Successfully pass the state required specialty area assessment for each licensure/ endorsement area, and the state required pedagogical assessment for one of their levels of licensure.

4.02.19.6 Candidates shall successfully pass a three-hour, Arkansas history course when required.

- 4.02.19.7** Candidates receiving the initial Arkansas teaching license shall complete Induction (mentoring and Praxis III-Performance Assessment).
- 4.02.19.8** The initial license shall be converted to the five-year, standard Arkansas teaching license upon the successful completion of mentoring and the Praxis III- Performance.
- 4.02.19.9** Candidates holding an expired teaching license ~~are not~~ shall be eligible for a provisional teaching license.
- 4.02.20** Candidates who completed an out-of-country teacher preparation program shall meet the following requirements for their initial, Arkansas teaching license.
- 4.02.20.1** Submit an application for teacher licensure.
- 4.02.20.2** Document successful passing of the state required basic skills assessment, specialty area assessment(s) for each licensure/endorsement area, and pedagogical assessment at one of their levels of licensure.
- 4.02.20.3** Successfully clear a background check through the Arkansas State Police and the Federal Bureau of Investigation as required by Ark. Code Ann § 6-17-410.
- 4.02.20.4** Meet the requirements of section 4.02.6 of these rules.
- 4.02.20.5** Successfully pass the three-hour college level Arkansas History course when required.
- 4.02.20.6** The initial teaching license shall be converted to the five-year, standard Arkansas teaching license upon successful completion of Induction (Mentoring and Praxis III-Performance Assessment).
- 4.02.21** Candidates adding additional licensure/endorsement areas by reciprocity to a current Arkansas teaching license, shall meet the requirements of the Rules Governing the Addition of Areas of Licensure or Endorsement.

- 4.02.22** Candidates that—choosing not to transfer all licensure/endorsement areas by reciprocity when licensing initially in Arkansas, shall meet the requirements of the Rules Governing the Addition of Areas of Licensure or Endorsement if/when the candidate chooses to add those licensure/endorsement areas at a later date.
- 4.02.23** All candidates for licensure by reciprocity shall clear the required State Police and Federal Bureau of Investigation background checks regardless of previous background checks already completed.
- 4.02.24** Effective May 1, 2007, teachers licensing in P.E./Wellness/Leisure by reciprocity, shall be given the licensure code numbers of 227 and/or 228 upon documentation of one year or more of prior coaching experience or eligibility to be employed as a coach.
- 4.02.24.1** A coaching endorsement will not be added automatically to license with these codes, but the teacher will be allowed to coach.
- 4.02.25** Then prior coaching experience or eligibility to be employed as a coach cannot be documented, the new licensure code numbers for P.E./Wellness/Leisure of 235 and/or 236 shall be assigned.
- 4.02.25.1** Teachers holding the new licensure code numbers of 235 and/or 236 shall not be automatically approved to be employed as a coach in the public schools of Arkansas.
- 4.02.25.2** Teachers holding the new licensure code of 235 and/or 236, employed as coaches shall work under the ALP (Additional Licensure Plan) for the coaching endorsement (7-12).
- 4.02.26** Individuals licensing as a Speech Language Pathologist shall meet the following requirements.
- 4.02.26.1** Document completion of a Master’s Degree in Speech Language Pathology from a regionally accredited college/university.

4.02.26.2 Document successful passing of the required specialty area assessment.

4.02.26.3 Successfully clear the required State Police and FBI background checks.

4.02.27 Individuals licensing as a School Psychology Specialist shall meet the following requirements.

4.02.27.1 Document completion of an advanced degree specialist degree in School Psychology from a regionally accredited college/university or

4.02.27.2 Document completion of a Master's Degree in Counseling/Psychology with a graduate level program of study in School Psychology from a regionally accredited college/university.

4.02.27.3 Document successful passing of the required Specialty area assessment.

4.02.27.4 Successfully clear the required State Police and FBI background checks.

4.02.28 The Office of Professional Licensure reserves the right to license individuals by Reciprocity that have met their state's degree/program of study requirements and testing requirement but have not fulfilled other ancillary requirements for licensure.

5.00 REQUIREMENTS FOR OBTAINING A PROVISIONAL TEACHING LICENSE BY RECIPROCITY

~~5.01~~ ~~A one year non-renewable, provisional teaching license shall be available to out-of-state or out-of-country applicants that have completed a teacher preparation program but have not licensed or hold an initial, or provisional license, upon providing the following documentation.~~

~~5.01.1~~ ~~A completed application for licensure.~~

~~5.01.2~~ ~~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.~~

- ~~5.01.3 Successful completion of both parts of the required background checks (Arkansas State Police and Federal Bureau of Investigation).~~
- ~~5.01.4 Out of country applicants shall present documentation of transcript evaluation by an independent evaluation agency in the United States as specified in section 3.02.8.~~
- ~~5.01.5 Proof of employment on the verification of provisional licensure eligibility form indicating employing school district and hire date.~~
- ~~5.01.6 Copy of out of state or out of country teaching license.~~
- ~~5.01.7 All coursework assessed because it has been longer than five years since program completions, shall be completed prior to receiving a provisional teaching license.~~
- ~~5.02 A one year renewable (two times) provisional teaching license shall be available to out of state or out of country applicants whose licensure area(s) are incompatible with an Arkansas licensure area upon providing the following documentation.~~
- ~~5.02.1 A completed application for licensure.~~
- ~~5.02.2 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.~~
- ~~5.02.3 Successful completion of both parts of the required background checks (Arkansas State Police and Federal Bureau of Investigation).~~
- ~~5.02.4 Copy of valid, a provisional, initial, or standard out of state or out of country teaching license. This will not be required when applicant did not license out of state or out of country.~~
- ~~5.02.5 Out of country applicants shall present documentation of transcript evaluation by an independent evaluation agency in the United States as specified in section 3.02.86.~~
- ~~5.02.6 Applicants wishing to renew the provisional teaching license shall submit a new application for licensure requesting the renewal of their provisional teaching license and shall provide proof of employment on the verification of provisional licensure~~

~~eligibility form indicating the employing school district and hire date.~~

~~5.02.7 Proof of employment on the verification of provisional licensure eligibility form indicating employing school district and hire date.~~

~~5.03 one year non renewable provisional teaching license shall be available for out-of-state and out-of-country applicant that cannot document the following:~~

~~5.03.1 Three years of teaching experience or completion of required testing for the out-of-state or out-of-country teaching license.~~

~~5.03.2 Three hour Arkansas History course when required.~~

~~5.04 he one year non renewable provisional teaching license shall be issued upon providing the following documentation:~~

~~5.04.1 A completed application for licensure.~~

~~5.04.2 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.~~

~~5.04.3 Successful completion of both parts of the required background checks (Arkansas State Police and Federal Bureau of Investigation).~~

~~5.04.4 Copy of valid, standard teaching license from out of state or out-of-country.~~

~~5.04.5 Proof of employment on the verification of provisional licensure eligibility form indicating employing school district and hire date.~~

~~5.04.6 Out-of-country applicants shall present documentation of transcript evaluation by an independent evaluation agency in the United States as specified in section 3.02.8.~~

5.01 A one year non-renewable provisional teaching license shall be issued to:

5.01.1 Out-of state or out-of country applicants who:

- 5.01.1.1** Have completed a teacher preparation but have not licensed or,
 - 5.01.1.2** Hold a provisional, initial, or standard teaching license and,
 - 5.01.1.3** Have been required to take Arkansas History or State-required licensure assessments.
 - 5.02** The one-year non-renewable provisional teaching license shall be issued upon providing the following documentation, to the Office of Professional Licensure.
 - 5.02.1** A completed licensure application form
 - 5.02.2** Written documentation of transcript evaluation by a State approved, independent Evaluation agency located in the United States that meets the requirements of Section 4.02.6 of these rules.
 - 5.02.3** Successfully clear the Arkansas State Police and Federal Bureau of Investigation background checks required by Ark. Code Ann. § 6-17-410.
 - 5.02.4** Official transcripts
 - 5.02.5** Copy of out-of state or out-of country teaching license.
 - 5.02.6** Proof of employment on the Verification of Provisional Licensure Eligibility Form that reflects the employing school district and hire date.
 - 5.03** Eligibility for a one-year renewable (two times) provisional teaching license:
 - 5.03.1** Out-of-state or out-of-country applicants who
 - 5.03.1.1** Completed a teacher preparation program but have not licensed or,
 - 5.03.1.2** Holds an initial, provisional, or standard teaching license and,
 - 5.03.1.3** Holds licensure/endorsement area (s) that are not equivalent with Arkansas licensure/endorsement areas and,

- 5.03.2** Completion of one-third of the program of study (coursework) shall be completed before renewing the provisional license for each of the two renewals allowed.
- 5.03.3** Completion of the program of study (coursework and testing) is required to convert the provisional to a standard Arkansas license.
- 5.04** The one-year renewable (two times) provisional teaching license shall be issued upon providing the following documentation.
- 5.04.1** A complete licensure application form.
- 5.04.2** Written documentation of transcript evaluation by a state approved, independent evaluation agency located in the United States that meets the requirements of Section 4.02.6 of these rules.
- 5.04.3** Successfully clearing the State required, Arkansas State Police and Federal Bureau of Investigation background checks.
- 5.04.4** Official transcripts reflecting completion of one-third of required coursework with no less than six hours per year.
- 5.04.5** Copy of out-of -state or out-of -country teaching license.
- 5.04.6** Proof of employment on the Verification of Provisional Licensure Eligibility Form that reflects the employing school district and hire date.
- 5.05** Applicants wishing to renew the provisional teaching license shall submit the following.
- 5.05.1** A completed application form
- 5.05.2** Proof of employment on the Verification of Provisional Licensure Eligibility that reflects the employing school district and hire date.
- 5.05.3** Verification of having completed the required coursework the preceding year.
- 5.06** A provisional teaching license shall become effective for one year from the date the teacher/administrator is hired.

5.07 A provisional license shall not be issued to any person possessing a valid Arkansas standard/initial teaching license.

6.00 REQUIREMENTS FOR CONVERTING A PROVISIONAL TEACHING LICENSE TO AN INITIAL OR STANDARD TEACHING LICENSE BY RECIPROcity

6.01 The one-year non-renewable provisional teaching license shall be converted to the three-year Initial or five year Standard teaching license when the following documentation has been submitted to the Office of Professional Licensure.

6.01.1 A completed application for licensure requesting the conversion of the provisional teaching license.

6.01.2 Score reports reflecting successful completion of the state required basic skills assessment (all parts), specialty area assessment(s) and pedagogical assessment when required.

6.01.3 Official transcript(s) reflecting the successful completion of a three (3)- hour Arkansas History course when required.

6.02 The one-year renewable provisional teaching license shall be converted to the three-year initial or standard five-year teaching license when the following documentation has been submitted.

6.02.1 A completed application for licensure requesting conversion of the provisional to the three-year initial or five-year standard teaching license.

6.02.2 Official transcript reflecting successful completion of a three (3) hour Arkansas History course when required.

6.02.3 Score report reflecting successful completion of state required content assessment(s), pedagogical assessment and basic skills assessments (all parts) when required.

6.02.4 Official transcript and documentation of successful completion of program of study (coursework) when required.

~~**6.03** The one year non renewable provisional teaching license shall be converted to a standard five year teaching license when the following documentation has been submitted.~~

~~6.03.1 A completed application for licensure requesting the conversion of the provisional license.~~

~~6.03.2 Official transcript reflecting the successful completion of a three (3) hour Arkansas History course when required.~~

~~6.03.3 Score report reflecting successful completion of the state required specialty area assessment(s) and pedagogical assessment (OR) written documentation reflecting three years of teaching experience or completion of required testing for the out-of-state or out-of-country teaching license.~~

7.00 REQUIREMENTS FOR CONVERTING AN INITIAL TEACHING LICENSE TO A STANDARD TEACHING LICENSE.

7.01 The three-year, initial teaching license shall be converted to the five year standard teaching license upon providing the following documentation.

7.01.1 Verification of the successful completion of Induction (Mentoring and the Praxis III-Performance Assessment).

8.00 REQUIREMENTS FOR OBTAINING AN INITIAL BUILDING LEVEL OR CURRICULUM PROGRAM ADMINISTRATOR LICENSE BY RECIPROCITY

8.01 ELIGIBILITY

8.01.1 The applicant shall hold or have previously held a standard "teaching area" of licensure in another state or country.

8.01.2 The applicant shall hold a valid Initial Administrator license or its equivalent in another state or country.

8.01.2.1 There are two Initial Administrator licenses.

8.01.2.1.1 Building Level Administrator,

AND

8.01.2.1.2 Curriculum Program Administrator

8.01.3 Applicants shall have completed a graduate degree from a college/university holding regional/national accreditation recognized by the U.S. Department of Education.

8.01.4 If the graduate degree is not in Educational Leadership, the applicant shall have completed in addition to the degree. a graduate level Educational Leadership program of study holding regional/national accreditation recognized by the U.S. Department of Education in addition to the degree.

8.01.5 If the applicant's graduate degree and program of study are not from a college/university holding NCATE or TEAC national accreditation as recognized by the US Department of Education then.

8.01.5.1 An applicant with at least one year of administrative experience, in the licensure area sought, shall receive an appropriate (Initial / Standard) Administrator's License.

8.01.5.2 An applicant with less than one year of administrative experience, in the licensure area sought, shall complete an Administrator Licensure Completion Plan (ALCP) of study from an approved Arkansas College/University.

8.01.6 The applicant seeking licensure as an Initial Building Level Administrator shall have a minimum of four years of teaching experience, with three years of classroom teaching experience at the level of licensure being sought.

8.01.7 The applicant seeking licensure as an Initial Curriculum Program Administrator shall have a minimum of four years of teaching experience with at least three years of teaching experience at the level or in the area in which the applicant is seeking licensure.

8.01.8 Applicants for licensure as an Initial Curriculum Program Administrator shall also hold Arkansas licensure in the specialty area where applicable.

8.01.8.1 If the specialty area is an added endorsement area gained without a program of study, it will not serve as a platform for gaining the Curriculum Program Administrator License.

9.00 CONVERTING THE INITIAL BUILDING LEVEL ADMINISTRATOR LICENSE TO A STANDARD BUILDING LEVEL ADMINISTRATOR LICENSE

9.01 The Initial Building Level Administrator License shall be converted to a Standard Building Administrator license when:

9.01.1 A minimum of one year work experience as a Building Level Administrator is verified.

9.01.2 The applicant has completed one year of the state mentoring program for Building Level Administrators.

9.01.3 The applicant has passed and submitted a score report for the School Leaders Licensure Assessment.

9.02 If experience and/or testing and/or mentor were completed out of state, and/or verified, they shall be waived in Arkansas.

10.00 CONVERTING THE INITIAL CURRICULUM PROGRAM ADMINISTRATOR LICENSE TO A STANDARD CURRICULUM PROGRAM ADMINISTRATOR LICENSE

10.00 The Initial Curriculum Program Administrator license shall be converted to a Standard Curriculum Program Administrator license when:

10.00.1 A minimum of one year work experience as a Curriculum Program Administrator is verified.

10.00.2 The applicant has completed one year of the state mentoring program for Curriculum Program Administrator.

10.00.3 The applicant has passed and submitted a score report for the School Leaders Licensure Assessment.

10.02 If experience and/or testing and/or mentor were completed out of state, and/or verified, they shall be waived in Arkansas.

11.00 REQUIREMENTS FOR OBTAINING A STANDARD BUILDING LEVEL OR CURRICULUM PROGRAM ADMINISTRATOR LICENSE BY RECIPROCITY

11.01 ELIGIBILITY

11.01.1 The applicant shall hold or shall have previously held a Standard teaching area of licensure in another state or country.

11.01.2 The applicant shall hold a valid ~~current~~ Standard Building Level or Curriculum Program Administrator license or the equivalent in another state or country.

11.01.3 Applicants shall have satisfied all requirements in Section 8.01 of these Rules.

11.01.4 The applicant shall have successfully completed a specialty area assessment in Educational Leadership.

11.01.4.1 If no assessment was required out of state, but the applicant has completed three years of employment as an administrator, the Arkansas-required assessment shall be waived.

11.01.4.2 If no assessment was required out of state and the applicant has completed **less than** three years of employment as an administrator, he/she shall take and successfully complete the Arkansas-required assessment for these areas of administration.

11.01.5 When licensed as an Administrator in Arkansas, and employed as such, the administrator shall attend the Beginning Administrator Induction and Follow-up training sessions conducted as part of the State Mentoring Program for Administrators.

12.00 REQUIREMENTS FOR OBTAINING A STANDARD DISTRICT LEVEL ADMINISTRATOR LICENSE BY RECIPROCITY

12.01 Applicants shall hold or shall have previously held a Standard teaching area of licensure in another state or country.

12.02 Applicants shall hold a valid Standard District Level Administrator license in another state or country.

12.03 Applicants shall hold a valid Standard Building or Curriculum Program Administrator license in another state or country, or

12.03.1 Document a minimum of five years experience as a District Level Administrator

12.04 Applicants shall have satisfied all requirements contained in Section 8.01 of these Rules.

12.04.1 The preparation for District Level Administrator shall consist of an advanced degree in Educational Leadership, or a graduate level degree with an advanced program of study in Educational Leadership.

12.05 District Administrator licensure requires the School Superintendent's Assessment. This test may be waived if:

12.05.1 The applicant successfully completed an assessment out-of-state for this area.

OR

12.05.2 The applicant has completed three years or more of employment as a District Administrator.

13.00 **REQUIREMENTS FOR ADDING ADDITIONAL AREAS OF LICENSURE/ENDORSEMENT BY RECIPROCITY**

13.01 Applicants shall submit a completed application requesting the addition of the area(s) of licensure or endorsement.

13.02 Applicants shall meet the requirements of the Rules Governing the Addition of Areas of Licensure or Endorsement and/or rules governing a particular licensure/endorsement area.

13.02.1 Applicants shall meet degree, program of study (coursework), Praxis Assessment and experience requirements when required for adding areas of licensure/endorsement.

13.03 Arkansas required Praxis Assessment(s) shall be waived upon providing documentation of having completed the specialty area assessment required for the out-of-state licensure area.

13.03.1 When testing was not required for the out-of-state teaching license, or the licensure area being added by reciprocity is incompatible with the equivalent Arkansas licensure/endorsement area, the applicant shall successfully complete the required Arkansas Praxis Assessment(s).

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

1.0 AUTHORITY

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

2.0 PURPOSE

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

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

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

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

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

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

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

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

4.0 END-OF-COURSE ASSESSMENTS

- 4.01 Each and every student attending an Arkansas public school shall participate in the statewide program of educational assessments required in §§ 6-15-433, 6-15-2009 and 6-15-2010.
 - 4.01.1 Specifically each and every student shall participate in the statewide program of initial end-of-course assessments of Algebra I by the ninth grade year of high school, Biology by the tenth grade year of high school and Geometry by the tenth grade year of high school and any other end-of-course assessments as designated by the State Board of Education (SBE).
 - 4.01.2 Those students who did not take an initial end-of-course assessment of Algebra I, Biology, Geometry or other end-of-course assessment designated by the SBE by the appropriate grade required in § 4.01.1 of these Rules because they were previously enrolled in a school out of state or enrolled in a private school or home school in Arkansas shall be required to participate in an Algebra I, Biology and Geometry end-of-course assessment immediately upon completion of each said course unless that student can show they have already received credit for passage of each course from an out-of-state school or an in-state private or home school on the student's transcript.
- 4.02 Beginning with the 2009-2010 school year and each school year thereafter, each and every student required to participate in the statewide program of educational assessments required by § 6-15-2009 shall not receive credit on their transcript for any course which requires an end-of-course assessment under § 4.01 of these Rules until that student has received a pass score on an initial end-of-course assessment(s) or received a satisfactory pass score on an Alternative Assessment as required in § 7.03 of these Rules.

- 4.03 Any student that fails to receive a pass score on an initial end-of-course assessment or an Alternative Assessment shall be remediated and have opportunity to participate in subsequent end-of-course assessments or Alternative Assessments as allowed in §§ 7.02 and 7.03 of these Rules.

5.0 END-OF-COURSE & ALTERNATIVE EXAM TESTING CYCLE

- 5.01 The OCAR shall establish and publish by Commissioner's Memo each school year an end-of-course testing cycle that shall be strictly followed by school districts unless the district has sought and obtained a written waiver of the testing cycle from the OCAR.
- 5.02 The end-of-course testing cycle published by the OCAR shall include a testing cycle for those students who failed an initial end-of-course assessment and are required by § 6-15-2009 to take and pass a subsequent end-of-course assessment before receiving academic credit on the student's transcript for the course which corresponds to the initial end-of-course assessment.
- 5.03 In addition, the OCAR shall establish and publish each school year by Commissioner's Memo an Alternative Assessment Exam testing cycle that shall be strictly followed by school districts unless the district has sought and obtained a written waiver of the Alternative Assessment Exam testing cycle from OCAR.
- 5.04 The Alternative Assessment Exam testing cycle shall include a testing cycle for those students who failed an initial Alternative Assessment Exam and are required by § 6-15-2009 to take and pass an Alternative Assessment Exam before receiving academic credit on the student's transcript for the course which corresponds to the Alternative Assessment Exam.
- 5.05 The ADE shall prepare and develop the form of the end-of-course assessment and Alternative Assessment, along with any and all documents, manuals, forms and protocols necessary for the proper administration, completion, submission and scoring of the assessment. The assessment shall be comprised of sections which include both multiple choice and open-response test items.
- 5.06 Any and all Arkansas laws and ADE Rules covering test administration, security and confidentiality that apply to examinations given in Arkansas public schools from K-12th grade shall apply in full to the end-of-course assessment and Alternative Assessment.

6.0 END-OF-COURSE & ALTERNATIVE ASSESSMENT PASS REQUIREMENTS

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

7.00 NOTIFICATION AND REMEDIATION

- 7.01 Upon the failure of a student to obtain a pass score on an initial end-of-course assessment required by § 6-15-2009, the school district which the student attends shall provide written notice of such failure to the student’s parent or guardian within seven (7) business days from the date that the district receives the student’s score.
- 7.02 Students who do not achieve a pass score on any end-of-course assessment shall participate in a remediation program to receive credit for the corresponding course.
- 7.03 Beginning with the 2009-2010 school year, students who fail to attain a passing score on any end-of-course assessment shall not receive credit for the course until at least one of the conditions set forth in §§ 7.03.1 and 7.03.2 of these Rules are met. Any student failing to meet one of these conditions shall not be entitled to graduate with a high school diploma from an Arkansas high school or charter school.
 - 7.03.1 The student is identified as attaining a proficient pass score on a subsequent end-of-course assessment as that score is established by ADE per § 6.02 of these Rules.

- 7.03.1.1 No student that is identified as having failed to meet the pass score on an initial end-of-course assessment shall be entitled to take more than three (3) additional subsequent end-of-course assessments.
- 7.03.1.2 Prior to a student taking additional end-of-course assessments, the student shall be given a sufficient opportunity and time for remediation.
- 7.03.2 The student is identified as having, by the end of grade twelve (12), finished an appropriate Alternate exit course and is identified as having met a satisfactory pass score on an Alternate Assessment directly related to the Alternate exit course.
 - 7.03.2.1 Any student that fails to pass the end-of-course assessment after three additional attempts shall be required to take and pass an Alternate exit course and attain satisfactory pass score on a subsequent Alternate Assessment.
 - 7.03.2.2 Alternate exit courses may be offered through a distance learning class and may be offered outside the normal school day.
 - 7.03.2.3 A student is who is identified as a student with disabilities under the Individuals with Disabilities Act, 20 U.S.C. § 1400 et seq., who, because of the nature of the disabilities, cannot meet the requirements, may graduate from high school by demonstrating alternate competencies or Alternate levels of competency as contained in the student's individualized education program.

Arkansas Department of Education Rules Governing the Requirement of Schools to Have Automatic External Defibrillators

1.00 REGULATORY AUTHORITY

- 1.01 This rule shall be known as the Arkansas Department of Education Rules Governing the Requirement of Schools to Have Automatic External Defibrillators.
- 1.02 This rule is promulgated pursuant to Ark. Code Ann. §§ 6-11-105, 6-15-207, 25-15-201 et seq., 20-13-1301-1305 and 6-10-122.

2.00 PURPOSE

- 2.01 The purpose of this rule is to require schools to have Automatic External Defibrillators if funds are available as required by 5.01.

3.00 DEFINITIONS

- 3.01 “Automatic External Defibrillator” - A device that is used to administer an electric shock through the chest wall to the heart; has built in computers within the device to assess the patient’s heart rhythm, judge whether defibrillation is needed, and then administer the shock; has audible or visual prompts, or both, to guide the user through the process; has received approval from the United States Food and Drug Administration of its premarket modification; is capable of recognizing the presence or absence of ventricular fibrillation and rapid ventricular tachycardia and is capable of determining without intervention by an operator whether defibrillation should be performed; and upon determining that defibrillation should be performed, either automatically charges and delivers an electrical impulse to an individual’s heart or charges and delivers an electrical impulse at the command of the operator.
- 3.02 “Cardiac arrest” means a condition, often sudden, that is due to abnormal heart rhythms called arrhythmias. It is generally the result of some underlying heart disease.
- 3.03 “CPR” means a combination of rescue breathing and chest compressions and external cardiac massage used to sustain a person’s life until advanced assistance arrives.
- 3.04 “Defibrillation” means administering an electrical impulse to an individual’s heart in order to stop ventricular fibrillation or rapid ventricular tachycardia.
- 3.05 “Ventricular fibrillation” means the most common arrhythmia that causes cardiac arrest. It is a condition in which the heart’s electrical impulses suddenly become chaotic; often without warning, causing the heart’s pumping action to stop abruptly.

4.00 AUTOMATIC EXTERNAL DEFIBRILLATOR REQUIREMENTS

- 4.01 Schools are required to have an automatic external defibrillator if funds are available as required by 5.01.
- 4.02 Schools that acquire an automatic external defibrillator must ensure that expected automatic external defibrillator users complete appropriate knowledge and skills courses at least once every two (2) years in CPR and automated external defibrillator use based upon current American Heart Association scientific guidelines, standards, and recommendations for providing CPR and the use of automated external defibrillators as published in American Heart Association, American Red Cross, or equivalent course materials.
- 4.03 Schools that acquire an automatic external defibrillator must ensure that the defibrillator is maintained and tested according to the manufacturer's operational guidelines and instructions.
- 4.04 Any person who renders emergency care or treatment on a person in cardiac arrest by using an automated external defibrillator activates the emergency medical services system as soon as possible and immediately reports any clinical use of the automated external defibrillator to the medical provider responding to the emergency.
- 4.05 Schools that acquire an automatic external defibrillator must notify an agent of emergency communications, 911, or vehicle dispatch center of the existence, location, and type of automatic external defibrillator.
- 4.06 Pursuant to Ark Code Ann. § 20-13-1305(a), any person who in good faith and without compensation renders emergency care or treatment using an automatic external defibrillator is immune from civil liability as a result of the care or treatment or as a result of any act or failure to act in providing or arranging further medical treatment, if the person acts as an ordinary, reasonably prudent person would have acted under the same or similar circumstances.

5.00 FUNDING

- 5.01 Districts are required to comply with these Rules to the extent that appropriations have been made by the General Assembly to cover the expenditures required by the districts to purchase automatic external defibrillators.

**ARKANSAS DEPARTMENT OF EDUCATION
PROPOSED RULES AND REGULATIONS
GOVERNING THE PURCHASE OF INSTRUCTIONAL MATERIALS BY
ARKANSAS SCHOOL DISTRICTS**

Proposed Revision March 2008

1.00 Regulatory Authority

- 1.01 These regulations shall be known as the Arkansas Department of Education's regulations implementing Ark. Code Ann. §§ 6-21-402 through 6-21-413.
- 1.02 These regulations are enacted pursuant to the State Board of Education's authority under Ark. Code Ann. § 6-21-404 (Repl. 1993), as amended by Acts 280 and 605 of 1995.

2.00 Purpose

- 2.01 The purpose of these regulations is to describe how the Arkansas Department of Education (ADE) will implement Ark. Code Ann. §§ 6-21-402 through 6-21-413.
- 2.02 These regulations shall establish the general guidelines for the use of state funds for the purchase of instructional materials for Arkansas school districts for grades kindergarten through twelve (K-12) for the school year 1995-96.

3.00 Definitions

- 3.01 Instructional materials: Traditional books and trade books in printed and bound form; activity-oriented programs; manipulatives; handheld calculators; hands-on materials; and technology-based materials that require the use of electronic equipment in order to be used in the learning process.
- 3.02 Arkansas Textbooks/Instructional Materials List (State Recommended List): Those textbooks and other instructional materials that have been recommended by the state textbook committee.
- 3.03 State Textbooks/Instructional Materials Selecting Committee (state committee): Individuals recommended by the ~~Director~~ Commissioner of General Education and approved by the State Board to examine textbooks and other instructional materials and make recommendations for the State Recommended List.

4.00 Distribution of Textbooks/Instructional Materials Funds

- 4.01 For the 1995-96 school year, the State Board of Education shall allocate \$44.50 per ADM for the purchase of instructional materials in grades K-12.
- 4.02 The calculation of textbook aid shall be based on the previous year's first three quarter average ADM.
- 4.03 After the end of the first quarter of attendance, districts will receive instructional materials funding based upon actual student growth.
- 4.04 The amount funded per pupil will be the same for grades K-12. There will be no specific allocation amounts for the various grade levels.
- 4.05 Local school districts shall maintain documentation of expenditures for instructional materials to satisfy audit requirements.

5.00 General Requirements

- 5.01 The State Board will adopt a State Recommended List of Instructional Materials for each instructional level on all subject matter required by the Arkansas Standards for Accreditation.
- 5.02 The State Board shall make and execute state contracts with publishers who wish to provide instructional materials to be used in grades K-12 and who meet the pricing requirements of Ark. Code Ann. § 6-21-406.
- 5.03 Any instructional materials purchased with state funds must be consistent with the curriculum and educational goals established by the State Board of Education. If a district is denied purchase of instructional materials with state funds as a result of those items being declared inconsistent with the curriculum and educational goals established by the State Board of Education, that district may appeal the decision to the State Board of Education.
- 5.04 The Department of Education on an annual basis shall prepare and distribute to school districts a State Recommended List of Instructional Materials for all subjects that fall within the year's subject area selecting cycle.
- 5.05 School districts may select instructional materials from the State Recommended List or may purchase other instructional materials not on the recommended listing.
- 5.06 School districts must notify the Department of Education by May 1 each year regarding the instructional materials the district wishes to purchase by state contract from the State Recommended List.

5.07 School districts desiring to purchase instructional materials not on the State Recommended List must contact the Department of Education and identify those instructional materials which they desire to purchase with state funds. Districts desiring to use state funds to purchase instructional materials not on the State Recommended List must provide a justification for their specific request assuring that the materials requested are consistent with the curriculum and educational goals established by the State Board of Education. The request must also include an explanation of why the instructional materials on the State Recommended List were not considered appropriate for use by the district. The Department of Education will immediately seek to procure the required state contracts for these items. Districts should specifically identify these instructional materials and notify the Instructional Materials Unit of the ADE in writing by June 30 of each year.

6.00 State Selecting Committee

6.01 The State Department of Education shall select statewide selection committees no later than June 15 of each school year. Each state committee shall be composed of members representative of the subject areas and grades being adopted and from the state at large. The committee shall include certified personnel from public schools and shall include a majority of classroom teachers.

6.02 The state committee shall recommend a list of instructional materials consistent with the curriculum and educational goals established by the State Board.

7.00 Purchasing Procedures

7.01 After the state contracts have been entered into by the publishers to provide instructional materials and each district has selected its own instructional materials, then each local school district shall procure the selected instructional materials from an appropriate book depository in the State of Arkansas or from another entity having a state contract for those specific instructional materials.

7.02 No invoices for the purchase of instructional materials by local school districts shall be processed by the Arkansas Department of Education.

- 7.03 School districts shall maintain appropriate invoices and/or documentation of expenditures to demonstrate that the district has properly expended state funds allocated for instructional materials.

8.00 Department Monitoring and Reporting

8.01 The Arkansas Department of Education shall monitor to ensure that all districts in Arkansas comply with the provisions of Ark. Code Ann. § 6-21-401 through 6-21-413 ("The Free Textbook Act of 1975"). The primary methods of compliance shall be the Reports of Local Adoptions filed with the Arkansas Department of Education, and the inclusion of compliance with the provisions of Ark. Code Ann. §§ 6-21-401 through 6-21-413 within the list of items covered by a school district's Statement of Assurance which is filed with the Arkansas Department of Education, as set forth in Ark. Code Ann. § 6-15-202(f)(50).

8.02 Any school district failing to provide textbooks and other instructional materials to its students as provided for in Ark. Code Ann. § 6-21-403 shall be reported by the Arkansas Department of Education in its Annual School Performance Report.

8.03 The Arkansas State Board of Education, through the Arkansas Department of Education, shall report to the members of the House Education and Senate Education Committees annually any school district out of compliance by November 1, 2007, and each year thereafter.

ARKANSAS DEPARTMENT OF EDUCATION
RULES GOVERNING STANDARDS FOR ACCREDITATION OF ARKANSAS
PUBLIC SCHOOLS AND SCHOOL DISTRICTS
Proposed Revision March 2008 ~~November 2007~~

1.0 REGULATORY AUTHORITY

- 1.01 These rules shall be known as the Arkansas Department of Education Rules Governing the Standards for Accreditation of Arkansas Public Schools and School Districts.
- 1.02 These rules are promulgated pursuant to Ark. Code Ann. §§ 6-11-105, 6-15-207, 25-15-201 et seq., and Acts 219, 829 and 1015 of 2007.
- 1.03 These rules replace previously adopted Rules Governing Standards for Accreditation of Arkansas Public Schools revised January 2005.

2.0 PURPOSE

- 2.01 These rules are to set forth the Standards for Accreditation of Arkansas public schools and school districts.
- 2.02 The purpose of these rules is to describe the process whereby Arkansas public schools or school districts will be cited or placed in probationary status for failure to meet Standards for Accreditation.
- 2.03 The purpose of these rules is to set forth the enforcement actions that may be applied to Arkansas public schools or school districts that fail to meet Standards for Accreditation.

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

- 3.01 “Cited” - Accredited-cited status assigned to a school or school district that fails to meet any standard identified as a cited violation in these rules.
- 3.02 “Core academic course” means a course taught in any of the following subject areas defined by NCLB: English, Reading or Language Arts, Mathematics, Science, Foreign Language, Social Studies, Arts.
- 3.03 “Department” - Arkansas Department of Education.
- 3.04 “Enforcement action” - intervention by the State to require compliance of a school or a school district that fails to meet Standards for Accreditation of Arkansas Public Schools and School Districts.
- 3.05 “Highly qualified teacher” means a teacher who holds at least a Bachelor's Degree, holds full state license, and has demonstrated subject area competence in each of the core academic subjects in which the teacher teaches, and who meets such other necessary requirements as set forth in the Arkansas Department of Education Rules Governing Highly Qualified Teachers Pursuant to the No Child Left Behind Act of 2001, 20 U.S.C. § 6301 et seq.

- 3.06 "Probationary" - Accredited-probationary status assigned to a school or school district that fails to meet any standard identified as a probationary violation in these rules or fails to correct by the specified deadline a violation for which it acquired cited status.
- 3.07 "Public School District/Public School" - those school districts and schools (including open-enrollment charter schools) created pursuant to Title 6 of Arkansas Code and subject to the Arkansas Comprehensive Testing, Assessment and Accountability Program except specifically excluding those schools or educational programs created by or receiving authority to exist pursuant to Ark. Code Ann. §§ 6-15-501, 9-28-205, and 12-29-301, et seq., or other provisions of Arkansas law.
- 3.08 "Standards for Accreditation" - a series of requirements that specify what a school or school district shall meet in order to be fully accredited by the Arkansas Department of Education.
- 3.09 "State Board of Education" - Arkansas State Board of Education.

4.0 CITED STATUS

- 4.01 A school district, which is deemed to have failed to meet any standard defined with a cited status in these rules and is referenced as applicable to a school district, shall be assigned cited status.
- 4.02 A school, which is deemed to have failed to meet any standard defined with a cited status in these rules and is referenced as applicable to a school, shall be assigned cited status.
- 4.03 No school or school district shall maintain a cited status for violation of any particular standard for a time period greater than two (2) consecutive school years including the year the cited status is assigned, unless provided otherwise in these rules.
- 4.04 Any school or school district that fails to remedy itself from cited status for violation of a particular standard after a two (2) year time period shall be assigned accredited-probationary status.
- 4.05 For the purpose of these Rules, D means district, S means school, C means cite, P means probation, and Policy means a policy is required.

5.0 PROBATIONARY STATUS

- 5.01 A school district shall be assigned a probationary status which is deemed to have failed to meet any standard defined with a probationary status in these rules or was in cited status for the same violation the previous two (2) consecutive years and is referenced as applicable to a school district.
- 5.02 A school shall be assigned a probationary status which is deemed to have failed to meet any standard defined with a probationary status in these rules or was in cited status for the same violation the previous two (2) consecutive years and is referenced as applicable to a school.
- 5.03 No school or school district shall maintain a probationary status for violation of any standard for more than two (2) consecutive school years including the year the probationary status is declared.

D (District) S (School) C (Cited) P (Probation) Policy (Policy required)

- 5.04 Any school or school district that fails to remedy itself from probationary status after the two (2) year time period will be subject to mandates of Ark. Code Ann. § 6-15-207 (Act 1467 of 2003).

STANDARDS FOR ACCREDITATION OF ARKANSAS PUBLIC SCHOOLS AND SCHOOL DISTRICTS

- D/P 6.0 STANDARD I EQUAL EDUCATIONAL OPPORTUNITIES**
- 6.01 All school districts' policies and actions shall be nondiscriminatory and shall be in compliance with state and federal laws.
- 6.02 Pursuant to Ark. Code Ann. § 6-15-202(a) and Act 829 of 2007, all school districts which have not obtained full and complete unitary status and have been released from court supervision over desegregation obligations are strongly encouraged to seek unitary status and obtain an appropriate court order proclaiming such unitary status from the respective federal courts in which their cases have been filed.
- 6.03 By September 15 of each school year, any school district that has not been declared by court order to have reached complete and full unitary status shall file a report with the Arkansas Department of Education stating whether in the district's opinion the school district is unitary in status or not. Any school district that has not reached complete and full unitary status and has not been released from court supervision over desegregation obligations but which believes the district is in complete and full unitary status shall provide a written quarterly report to the Arkansas Department of Education by September 15 and the report shall provide a detailed plan with proposed time lines of how the district has complied with any desegregation plan or obligations and shall state how the district will seek to obtain a determination of full unitary status and release from court supervision and a release of any and all court ordered desegregation obligations.
- 6.04 If by July 1, 2009 and each school year thereafter, the Arkansas Department of Education is unable to verify the district's attempts to comply with their submitted detailed plan for obtaining a determination of full unitary status and release from court supervision as required in §6.03 of these Rules, then the Department of Education shall report to the State Board of Education:
- 1) Whether the failure of the school district to obtain full and complete unitary status is having a negative impact on the state's overall obligation to provide a general, suitable and efficient school system; and
 - 2) Whether the school district should be placed on probationary status and subject to the provisions of Ark. Code Ann. § 6-15-201 et seq.
- 6.05 The SBE shall consider the report issued by the ADE under § 6.04 of this Rule and may designate or classify a school district in probationary status and take any necessary intervention allowed under § 6-15-201 et seq. if the SBE determines the district's inability to obtain unitary status is having a negative impact on the obligation to provide a general, suitable and efficient education.

7.0 STANDARD II GOALS AND ADMINISTRATION OF ARKANSAS PUBLIC SCHOOLS AND SCHOOL DISTRICTS

Policy	7.01	STATE AND NATIONAL GOALS	<p>It is well established by history and law that education is a state responsibility. As a framework for school district planning, a set of statewide and national goals for education and a long-term plan to meet these goals have been developed.</p>
D/C			<p>As one of these goals, pursuant to No Child Left Behind, teachers of core academic classes shall hold a designation as a Highly Qualified Teacher (HQT).</p>
	7.02	SCHOOL DISTRICT GOALS	
D/P		7.02.1	<p>Each school district in Arkansas shall be required to develop, with appropriate staff and community participation, a comprehensive plan. School district goals shall be compatible with state and national educational goals and shall address local needs. The plan shall be filed with and reviewed by the Department annually.</p>
D/C		7.02.2	<p>Each school district shall provide and publish, in a newspaper with general circulation in the district before November 15 of each school year, a report to the public detailing progress toward accomplishing program goals, accreditation standards, and proposals to correct deficiencies. If there is no paper media with general circulation, notification shall be mailed to parents.</p>
S/C		7.02.3	<p>Each school shall systematically and, at least annually, explain its policies, programs, and goals to the community in a public meeting that provides opportunities for parents and other members of the community to ask questions and make suggestions concerning the school program.</p>
	7.03	SCHOOL DISTRICT ADMINISTRATION	
D/P		7.03.1	<p>OPERATING POLICIES AND PROCEDURES</p> <p>Each school board shall adopt written policies for the operation of the school district in accordance with guidelines established by the Department.</p>
		7.03.2	<p>RECORDS AND REPORTS</p>
S/P		7.03.2.1	<p>Each school shall maintain all reports and records necessary for effective planning, operation, and education.</p>
Policy		7.03.2.2	<p>Each school district shall annually submit an accurate and timely report to the Department appraising its students' performance. The report shall be prepared in accordance with guidelines developed by the Department.</p>
		7.03.3	<p>SCHOOL BOARDS</p>

- D/C** 7.03.3.1 Each school board, prior to November 15 of each year, shall hold a public meeting, at a time and place convenient for a majority of the school patrons and employees, to review and discuss its annual report detailing progress toward accomplishing its district's program objectives, accreditation standards, and proposals to correct deficiencies.
- D/C** 7.03.3.2 All accreditation and evaluation studies and reports shall be reported and discussed in a public meeting at a time and place convenient for a majority of the school patrons and employees.

7.04 SCHOOL GOALS

- S/P** 7.04.1 The administrators, teachers, other school staff, and parents of each school shall develop the annual comprehensive school improvement plan to monitor that school's progress and to project its continuing needs. The annual school improvement plan shall be filed with and reviewed by the Department.
- S/P** 7.04.2 Schools shall review each curriculum area annually to ensure alignment with state standards.

8.0 STANDARD III ACTIVE COMMUNITY INVOLVEMENT

- D/P** 8.01 Each school district shall form a coalition of parents, and representatives of agencies and institutions, and of business and industry to develop and implement a comprehensive plan for effective and efficient community involvement in the delivery of comprehensive youth services and support.
- S/C** 8.02 Each individual school shall investigate and, where feasible, utilize community resources in the instructional program of the school.

9.0 STANDARD IV CURRICULUM

9.01 COURSE CONTENT FRAMEWORKS

- Policy** 9.01.1 The Department shall appoint committees to write curriculum frameworks based on the adopted Arkansas Student Learning Expectations. Each committee shall consist of teachers and instructional supervisory personnel from public schools assisted by teachers from institutions of higher education. Committees will meet periodically to review, revise, and update the curriculum frameworks.
- S/P** 9.01.2 Each accredited school shall use these curriculum frameworks to plan instruction leading to student demonstration of proficiency in the Arkansas content standards.
- Policy** 9.01.3 The Department, with advice from public schools and institutions of higher education, shall devise an assessment system that will measure progress toward meeting the content standards expressed in the Arkansas Curriculum Frameworks. These evaluations shall serve as a major factor in determining the accreditation status of public schools.

Policy 9.02 EARLY CHILDHOOD EDUCATION CURRICULUM

The early childhood education curriculum shall be developmentally appropriate for the age span of the children within the groups and implemented with attention to the different needs, interests, and developmental levels of those individual children. This curriculum shall be aligned to Arkansas Better Chance standards.

S/P

9.03 CURRICULUM

S/P

9.03.1 SMART CORE AND CORE

- 9.03.1.1 Guidelines for the development of Smart Core curriculum policies and informed consent document shall be established by the Department. Each school district shall adopt written Smart Core curriculum policies consistent with those guidelines.
- 9.03.1.2 The Smart Core curriculum is contained within the 38 units that must be taught each year. (See 14.03.1 for a listing of Smart Core requirements)
- 9.03.1.3 In order to ensure that every child has access to a rigorous curriculum, beginning with the seventh grade class of 2004-2005, the Smart Core curriculum and core curriculum will be a standard component of the required course of study to graduate from Arkansas public schools.
- 9.03.1.4 All students will participate in the Smart Core curriculum unless the parent or guardian waives the student's right to participate. In such case of a waiver, the student will be required to participate in the core.
- 9.03.1.5 Each school district shall adopt written policies that inform parents about the Smart Core curriculum and the required course of study for graduation.
- 9.03.1.6 Each district's written policies regarding Smart Core curriculum and the required course of study for graduation shall be included in the student handbook and filed with the Department.
- 9.03.1.7 Local districts and individual schools shall involve parents, staff, and students in the formulation and review of the Smart Core curriculum and the course of study for the graduation policy.
- 9.03.1.8 Students and parents shall acknowledge that they have received the school's policy regarding Smart Core curriculum and the required course of study for graduation by a signed statement. The school shall document procedures and methods used to inform parents and students of this policy. Parents shall sign an Informed Consent document provided by the Department. Teachers, administrators, and counselors shall be provided with appropriate training in this policy.

9.03.1.9 The core curriculum for grades K-8 shall encompass all types of developmentally appropriate learning experiences and provide for differences in rates of learning among children. It shall emphasize overarching processes of reasoning and problem solving, communicating, connecting (linking knowledge, skills, and other understandings within and across disciplines to real-life situations), and internalizing (acting on the learning to make it meaningful, useful, and worthwhile). English Language Acquisition Standards shall also be used for all English Language Learners (ELL) students at all grade levels.

S/P

9.03.2 GRADES K-4

Reading, writing, and mathematics shall be incorporated into all curriculum areas. All students shall receive instruction in each content area annually.

9.03.2.1 Language Arts

Reading
Writing
Listening, Speaking, Viewing

9.03.2.2 Mathematics

Number sense, properties, and operations
Measurement
Geometry and spatial sense
Data analysis and statistics
Patterns, algebra, and functions

9.03.2.3 Social Studies

History and culture of Arkansas (a unit at each grade level with emphasis at grade 4), the nation, and the world (including foreign language experiences)
Geography
Economics
Civic education
Social sciences processes and skills

9.03.2.4 Science

Life science systems
Earth/space systems
Physical systems
Environmental education

9.03.2.5 Tools for Learning

Technical skills: research and information skills, use of computers and calculators
Data gathering: use of data banks, atlases, dictionaries, almanacs, networks, news sources, and interviews

9.03.2.6 Fine Arts
Visual arts instruction, appreciation, and application
Performing arts instruction, appreciation, and application

9.03.2.7 Practical Living Skills/Career Exploration

9.03.2.8 Health and Safety Education and Physical Education

S/P

9.03.3 GRADES 5-8
Reading, writing, and mathematics shall be incorporated into all curriculum areas. All students shall receive instruction in each content area annually.

9.03.3.1 Language Arts
Reading
Writing
Listening, Speaking, Viewing

9.03.3.2 Mathematics
Number sense, properties, and operations
Measurement
Geometry and spatial sense
Data analysis and statistics
Patterns, algebra, and functions

9.03.3.3 Science
Life science systems
Earth/space systems
Physical systems
Environmental education

9.03.3.4 Social Studies
History and culture of Arkansas (a unit at grades 5 and 6, with emphasis at grade 5), the nation, and the world (including foreign language experiences)
Geography
Economics
Civic education
Social science process skills

9.03.3.5 Physical Education

9.03.3.6 Fine Arts
Visual arts instruction, appreciation, and application
Performing arts instruction, appreciation, and application

9.03.3.7 Health and Safety

9.03.3.8 Tools for Learning

Technical skills: research and information skills, use of computers and calculators

Data gathering: use of data banks, atlases, dictionaries, almanacs, networks, news sources, and interviews

9.03.3.9 Career and Technical Education

9.03.3.10 Each school shall teach annually reading and mathematics skills to assist those students who need such additional instruction to make satisfactory progress in their required courses.

9.03.3.11 A unit of Arkansas history shall be taught as a social studies subject at each elementary grade level in every public elementary school in this state with greater emphasis at the fourth (4th) and fifth (5th) grade levels, and at least one (1) full semester of Arkansas history shall be taught to all students at the 7th, 8th, 9th, 10th, 11th, or 12th grade level in every public secondary school in this state.

9.03.3.12 Upon approval by the Department, courses taught in grades 5-8 may be offered for high school graduation credit. Courses shall have the same rigor as those taught in high school, but content for a single course may be taught over a two-year period. Teachers shall be certified in the subject area taught with students participating in appropriate End-of-Course examinations. Schools shall have appropriate follow-up curriculum in place for students adopting an accelerated schedule.

S/P

9.03.4 GRADES 9-12

Reading, writing, and mathematics shall be incorporated into all curriculum areas. The following courses shall be taught annually for a total of 38 units, except as otherwise allowed in Ark. Code Ann. §§ 6-15-213 and 6-15-214, as articulated in these rules.

9.03.4.1 Language Arts - 6 units

4 units English

1 unit oral communications or ½ unit oral communications and ½ unit drama

1 unit journalism

(Other options as approved by the Department)

9.03.4.2 Science - 5 units (Active student participation in laboratory experience is required for a minimum of 20% of instructional time.)

1 unit biology

1 unit chemistry

1 unit physics

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(Other options as approved by the Department)

9.03.4.3 Mathematics - 6 units

1 unit Algebra I
1 unit geometry
1 unit Algebra II
1 unit pre-calculus mathematics to include trigonometry
(Other options as approved by the Department)

9.03.4.4 Foreign Languages - 2 units of the same language

9.03.4.5 Fine Arts - 3 ½ units

1 unit art
1 unit instrumental music
1 unit vocal music
½ unit survey of fine arts or an advanced art or an advanced music course

9.03.4.6 Computer Applications with emphasis on current applications-1 unit

9.03.4.7 Social Studies - 4 units

1 unit American history with emphasis on 20th Century America
1 unit world history
1 unit civics or civics/government
½ unit of Arkansas history if not taught in grade 7 or 8
(Other options as approved by the Department)

9.03.4.8 Health and Safety Education and Physical Education - 1½ units

1 unit physical education
½ unit health and safety education

9.03.4.9 Career and Technical Education - 9 units of sequenced career and technical education courses (programs of study) representing three (3) occupational areas.

In addition to the currently approved programs, districts may develop and request approval for innovative programs of study based on community and student needs.

9.03.4.10 The course offerings should include appropriate Advanced Placement (AP) courses. Weighted credit/additional quality points for designated AP courses will be contingent upon the teacher completing training as required by the Department and the student taking the applicable AP examinations.

9.03.4.10.1 Any school district meeting the following conditions may petition the Department to count an appropriate approved AP course in the place of a specified required 38 unit course in the subject areas of mathematics, English,

science and social studies under the following conditions:

- 9.03.4.10.2 The public school district has a qualified teacher for the required 38 unit course;
- 9.03.4.10.3 No students enrolled in the required 38 unit course;
- 9.03.4.10.4 An AP course in the same subject area as the required course has students enrolled in the course;
- 9.03.4.10.5 The public school district teaches all other 38 unit courses required by the Standards for Accreditation; and
- 9.03.4.10.6 The public school district teaches the required 38 unit course to any student who enrolls in the public school district after the school year begins.
- 9.03.4.10.7 The public school district may teach the required course to a new student:
 - i. In a traditional classroom setting;
 - ii. Through distance learning with a qualified teacher, or
 - iii. By making individual modifications for the required course from the AP course syllabus to accommodate the new student.
- 9.03.4.10.8 The public school district shall notify the Department in writing after registration in the spring prior to the beginning of the new school year and immediately after the school year begins if no students enrolled in the required course and the public school district will seek to meet the Standards for Accreditation using the AP course.
- 9.03.4.10.9 Upon receiving the public school district's written notification and after spring registration and after verifying the information, the Department shall permit the public school district to meet the Standards for Accreditation by teaching the AP course in place of the required course.
- 9.03.4.10.10 If a new student enrolls in the required course, the public school district shall immediately notify the Department in writing.
- 9.03.4.11 Additional foreign language courses such as the Level III and IV of the same foreign language and other foreign language should be included.
- 9.03.4.12 If a course required to be taught by a school district under the State Board of Education's Standards for Accreditation has an enrollment of one (1) or more students and all students enrolled in the course leave the school district after the course has commenced but before the completion of the course in each given school year or school

semester the course is to be taught, and no other students that are eligible to take the course enroll to attend the school district campus where the course is required to be taught, the course shall be considered as taught by the school district in compliance with the Standards for Accreditation under the following conditions:

- 9.03.4.12.1 The school district superintendent certifies in writing that no student was enrolled in the district and was eligible to take the required course enrolled to attend the school district campus where the course was required to be taught after the initial student or students left the school district;
- 9.03.4.12.2 The school district provides written proof, as required by the Department, that the school district had the course scheduled to be taught on the school district's master course schedule during the entire time the course was required to be taught;
- 9.03.4.12.3 The school district provides written proof, as required by the Department, that the school district had a properly certified teacher employed and able to teach the required course during the entire time the course was required to be taught and the course was listed on the school district's master course schedule;
- 9.03.4.12.4 The Department, upon review of proper records of the district and information certified by the school district superintendent, confirms that the school district satisfied the requirements of Sections 9.03.4.12 - 9.03.4.12.3 of these rules and verifies that the information submitted pursuant to Sections 9.03.4.12 - 9.03.4.12.3 of these rules is correct; and
- 9.03.4.12.5 At the end of the school semester in which the course was required to be taught, the school district petitions the State Board of Education, in writing, for a waiver of the Standards for Accreditation requirement that the particular course be taught for that school semester.
- 9.03.4.12.6 The State Board of Education shall waive the requirement for only the semester in which the student or students left the school district.
- 9.03.4.12.7 The superintendent and the school board president of the school district seeking the waiver shall appear before the State Board of Education to present their request for a waiver.
- 9.03.4.12.8 Representatives of the Department shall appear before the State Board of Education to confirm and verify the information required to be filed with the Department under this section.

9.03.4.12.9 Upon satisfaction of the requirements of Sections 9.03.4.12 - 9.03.4.12.8 of these rules, the State Board of Education shall waive the requirement that the course be taught on a semester basis.

10.0 STANDARD V INSTRUCTION

10.01 REQUIRED TIME FOR INSTRUCTION AND SCHOOL CALENDAR

- D/P** 10.01.1 Student-teacher interaction time shall be for a minimum of 178 days, except as waived by the Department for professional development.
- D/P** 10.01.2 All public school teacher/administrator contracts (elementary, secondary, vocational - exception vocational agriculture) shall be a minimum of 190 days.
- D/P** 10.01.3 At least ten (10) days or sixty (60) hours shall be used for professional development and in-service training and at least two (2) days shall be used for parent/teacher conferences.
- D/S/P** 10.01.4 The planned instructional time in each school day shall not average less than six (6) hours per day or thirty (30) hours per week.

10.02 CLASS SIZE AND TEACHING LOAD

- Policy** 10.02.1 Early childhood education programs shall be no more than ten (10) students to one (1) teacher in a classroom or no more than twenty (20) students to one (1) teacher and a qualified adult aide.
- S/P** 10.02.2 Kindergarten shall be no more than twenty (20) students to one (1) teacher in a classroom. However, kindergarten class maximum may be no more than twenty-two (22) with a one half time instructional aide being employed for those classes.
- S/P** 10.02.3 The average student/teacher ratio for grades one through three in a school district shall be no more than twenty-three (23) students per teacher in a classroom. There shall be no more than twenty-five (25) students per teacher in any classroom.
- S/P** 10.02.4 The average student/teacher ratio for grades four through six in a school district shall be no more than twenty-five (25) students per teacher in a classroom. There shall be no more than twenty-eight (28) students per teacher in any classroom.
- S/P** 10.02.5 In grades seven through twelve, a teacher shall not be assigned more than one hundred fifty (150) students; an individual academic class shall not exceed thirty (30) students, provided that, in exceptional cases or for courses that lend themselves to large group instruction, these ratios may be increased.

D/C 10.03 INSTRUCTIONAL MATERIALS

School districts shall adopt instructional materials which provide complete coverage of a subject as described in that subject's curriculum frameworks and which fit the achievement

levels of the students assigned to each teacher.

10.04 DISCIPLINE

- D/P** 10.04.1 Guidelines for the development of student discipline policies shall be established by the Department. Each school district shall adopt written discipline policies consistent with those guidelines that include a code of student behavior.
- D/P** 10.04.2 Each district's written policies shall be filed with the Department.
- D/S/P** 10.04.3 Local districts and individual schools shall involve parents, staff, and students in the formulation and review of their student discipline policies, rules, and procedures.
- S/P** 10.04.4 Schools shall inform students and parents of the rules and procedures by which the school is governed. Schools shall make the students aware of the behavior that will call for disciplinary action, as well as the types of corrective actions that may be imposed.
- S/P** 10.04.5 Students and parents shall acknowledge that they have received the school's discipline policies by a signed statement. The school shall document procedures and methods used to inform parents and students of the policy.
- D/S/P** 10.04.6 Teachers and administrators, classified school employees, and volunteers shall be provided with appropriate student discipline training as required by Ark. Code Ann. § 6-18-502.

D/C 10.05 EXTRACURRICULAR ACTIVITIES

Each school district shall adopt a written policy on extracurricular and non-instructional activities and their appropriate place in the school program. The policy shall limit and control interruptions of instructional time in the classroom and the number of absences for such activities.

D/C 10.06 REQUIREMENTS FOR PARTICIPATION IN EXTRACURRICULAR ACTIVITIES

Each school district shall adopt a written policy specifying the requirements students must meet to be eligible to participate in extracurricular activities.

D/C 10.07 HOMEWORK AND INDEPENDENT STUDY SKILLS

Each school district shall adopt a written policy for appropriate and meaningful homework. The policy shall promote the development of students' independent study skills and work to be done outside the classroom which will reinforce and strengthen academic skills, broaden the educational experiences of students, and relate those experiences to the real life of the community. Parents shall be notified of the policy at the beginning of each school year.

D/C 11.0 **STANDARD VI ATTENDANCE AND ENROLLMENT**

11.01 MANDATORY ATTENDANCE

All children who are ages five (5) through seventeen (17) on or before September 15 are

required to be in school that school year with the exception of five-year-old children for whom kindergarten has been waived by the parent, guardian, or person having custody or charge; students who have received a high school diploma or its equivalent; or students who are enrolled in a postsecondary vocational-technical institution, a community college, or a two-year or four-year institution of higher education.

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| S/C | 11.02 | INITIAL ENROLLMENT | A birth certificate, Social Security Number, or other documentation, as provided by law, shall be required to enroll in school. |
| Policy | 11.03 | EARLY CHILDHOOD EDUCATION PROGRAMS | It is recommended that school districts provide the opportunity for each child age three (3) on or before September 15 to enroll in an approved early childhood education program. No parent or guardian shall be required to enroll a child in an early childhood education program at age three (3). |
| D/P | 11.04 | KINDERGARTEN | Each school district must provide a full-day kindergarten for each child age five (5) on or before September 15. A parent or guardian shall sign a waiver if they elect not to enroll a child in kindergarten at age five (5). Any six-year-old child who has not completed a state accredited kindergarten program prior to public school enrollment shall be evaluated by the school district to determine whether placement for the child shall be in kindergarten or the first grade. |
| D/S/P | 11.05 | IMMUNIZATION REQUIREMENTS | All schools and school districts shall meet immunization requirements established by state and federal laws.
All enrolling kindergarten students shall furnish evidence of a comprehensive and developmental preschool examination. |

12.0 STANDARD VII STUDENT PERFORMANCE

- | | | | |
|--------------|-------|------------------------------------|---|
| D/S/P | 12.01 | PERFORMANCE OF ALL STUDENTS | Schools shall be responsible for assessing each student's progress at each grade level in acquiring mastery of the competencies, skills, and other subjects required by law and Arkansas Comprehensive Testing, Assessment and Accountability Program (ACTAAP) regulations. Assessment data may include performance assessments, competency test scores, standardized test scores, subject matter mastery test scores, and observations of teachers and parent(s) or guardian(s). |
| S/P | 12.02 | GRADING | Grades assigned to students for performance in a course shall reflect only the extent to which a student has achieved the expressed academic objectives of the course. Grades that are aligned with other educational objectives such as the student learning expectations contained in the curriculum frameworks may also be given. |

- S/P** 12.03 **SPECIAL EDUCATION STUDENTS**
- Students with special needs shall have equal access to programs that meet the criteria for their identified Individualized Education Program and shall receive services in the least restrictive environment that meets their needs.
- 12.04 **SCHOOL REPORTING OF STUDENTS' PERFORMANCE**
- D/C** 12.04.1 Each local district shall adopt a written policy requiring teachers to communicate with the parent(s) or guardian(s) of each student during the school year to discuss the student's academic progress and requiring more frequent communication with the parent(s) or guardian(s) of students not performing at the level expected for their grade.
- S/C** 12.04.2 Each school shall schedule no fewer than two (2) parent-teachers conferences per school year to encourage communication with parents.
- S/C** 12.04.3 All grade level conferences with parent(s) and or guardian(s) shall be scheduled at a time and place to best accommodate those participating in the conference. The school shall document participation or nonparticipation in required conferences. If a student is to be retained at any grade level, notice of retention and the reasons for retention shall be communicated promptly in a personal conference.
- 12.05 **TRANSFER BETWEEN SCHOOLS**
- D/C** 12.05.1 Any student transferring from a school accredited by the Department to another school accredited by the Department shall be placed into the same grade the student would have been in had the student remained at the former school.
- D/C** 12.05.2 Any student transferring from home school or a school that is not accredited by the Department to a school that is accredited by the Department shall be evaluated by the staff of that accredited school to determine that student's proper placement in the accredited school.

13.0 STANDARD VIII SCHOOL PERFORMANCE

Data from the performance indicators shall be used by the Department and schools in establishing goals and objectives for school improvement.

14.0 STANDARD IX GRADUATION REQUIREMENTS

- S/P** 14.01 For the graduating classes of 2004-2005, 2005-2006, 2006-2007, and 2007-2008, a minimum total of twenty-one (21) units shall be earned by a student in order for that student to be entitled to graduate from an Arkansas public high school. Only one (1) of the required units may be in a physical education course. The twenty-one (21) units must be satisfied from those twenty-one units which were in existence prior to the last rule change to Section 14 of the Standards by the State Board of Education in December 2003. Specifically, those units, at a minimum, are as follows:

CORE - Fifteen (15) units

English - four (4) units

Oral Communications – one half ($\frac{1}{2}$) unit

Social Studies – three (3) units [one (1) unit of world history, one (1) unit of U. S. history, one half ($\frac{1}{2}$) unit of civics or government]

Mathematics -three (3) units [one (1) unit of algebra or its equivalent* and one (1) unit of geometry or its equivalent.* All math units must build on the base of algebra and geometry knowledge and skills.]

Science – three (3) units [at least one (1) unit of biology or its equivalent and one (1) unit of a physical science]

Physical Education – one half ($\frac{1}{2}$) unit

Health and Safety – one half ($\frac{1}{2}$) unit

Fine Arts – one half ($\frac{1}{2}$) unit

* A two-year algebra equivalent or a two-year geometry equivalent may be counted as two units of the three (3) unit requirement.

D/C

CAREER FOCUS – Six (6) units

All units in the career focus requirement shall be established through guidance and counseling at the local school district based on the students' contemplated work aspirations. Career focus courses shall conform to local district policy and reflect state frameworks through course sequencing and career course concentrations where appropriate.

Local school districts may require additional units for graduation beyond the fifteen (15) core and the career focus units. These may be academic and/or technical areas. All the core and career focus units must total at least twenty-one (21) units to graduate.

D/S/P

14.02

For the graduating classes of 2008-2009 and each graduating class thereafter, a minimum total of twenty-two (22) units shall be earned by a student in order for that student to be entitled to graduate from an Arkansas public high school. Only one (1) of the required units may be in a physical education course. Specifically, for the graduating class of 2008-2009, the required units, at a minimum, are as follows:

CORE - Sixteen (16) units

English - four (4) units

Oral Communications – one half ($\frac{1}{2}$) unit

Social Studies – three (3) units [one (1) unit of world history, one (1) unit of U. S. history, one half ($\frac{1}{2}$) unit of civics or government]

Mathematics -four (4) units [one (1) unit of algebra or its equivalent* and one (1) unit of geometry or its equivalent.* All math units must build on the base of algebra and geometry knowledge and skills.] Comparable concurrent credit college courses may be substituted where applicable.

Science – three (3) units [at least one (1) unit of biology or its equivalent and one (1) unit of a physical science]

Physical Education – one half ($\frac{1}{2}$) unit

Health and Safety – one half ($\frac{1}{2}$) unit

Fine Arts – one half ($\frac{1}{2}$) unit

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* A two-year algebra equivalent or a two-year geometry equivalent may each be counted as two units of the four (4) unit requirement.

D/C

CAREER FOCUS – Six (6) units

All units in the career focus requirement shall be established through guidance and counseling at the local school district based on the students' contemplated work aspirations. Career focus courses shall conform to local district policy and reflect state frameworks through course sequencing and career course concentrations where appropriate.

D/S/P

14.03 Specifically, for the graduating classes of 2009-2010 and all graduating classes thereafter, the required twenty-two (22) units, at a minimum, shall be taken from the "Smart Core" curriculum or from the "Core" curriculum. All students will participate in the Smart Core curriculum unless the parent or guardian waives the student's right to participate. In such case of a waiver, the student will be required to participate in Core. The required twenty-two (22) units, at a minimum, are to be taken from the Smart Core or Core as follows:

SMART CORE - Sixteen (16) units

English - four (4) units - 9th, 10th, 11th, 12th

Mathematics - four (4) units [All students must take a mathematics course in grade 11 or grade 12 and complete Algebra II.]
Comparable concurrent credit college courses may be substituted where applicable.

Algebra I or Algebra A & B (Grades 7-8 or 8-9)

Geometry or Investigating Geometry or Geometry A & B
(Grades 8-9 or 9-10)

Algebra II

Fourth math unit range of options: (choice of: Transitions to College Math, Pre-Calculus, Calculus, Trigonometry, Statistics, Computer Math, Algebra III, or an Advanced Placement math)

Natural Science - three (3) units with lab experience chosen from Physical Science, Biology or Applied Biology/Chemistry, Chemistry, Physics or Principles of Technology I & II or PIC Physics

Social Studies - three (3) units

Civics or Civics/American Government

World History

American History

Oral Communications - one half (½) unit

Physical Education - one half (½) unit

Health and Safety - one half (½) unit

Fine Arts - one half (½) unit

CAREER FOCUS - Six (6) units

D/C

All units in the career focus requirement shall be established through guidance and counseling at the local school district based on the students' contemplated work aspirations. Career focus courses shall conform to local district policy and reflect state frameworks through course sequencing and career course concentrations where appropriate.

Local school districts may require additional units for graduation beyond the

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sixteen (16) Smart Core and the six (6) career focus units. These may be in academic and/or technical areas. All the Smart Core and career focus units must total at least twenty-two (22) units to graduate.

CORE - Sixteen (16) units

English - four (4) units

Oral Communications - one half ($\frac{1}{2}$) unit

Social Studies - three (3) units [one (1) unit of world history, one (1) unit of U. S. history, one half ($\frac{1}{2}$) unit of civics or government]

Mathematics - four (4) units [one (1) unit of algebra or its equivalent* and one (1) unit of geometry or its equivalent.* All math units must build on the base of algebra and geometry knowledge and skills.]

Comparable concurrent credit college courses may be substituted where applicable.

Science - three (3) units [at least one (1) unit of biology or its equivalent and one (1) unit of a physical science]

Physical Education - one half ($\frac{1}{2}$) unit

Health and Safety - one half ($\frac{1}{2}$) unit

Fine Arts - one half ($\frac{1}{2}$) unit

* A two-year algebra equivalent or a two-year geometry equivalent may each be counted as two units of the four (4) unit requirement.

D/C

CAREER FOCUS - Six (6) units

All units in the career focus requirement shall be established through guidance and counseling at the local school district based on the students' contemplated work aspirations. Career focus courses shall conform to local district policy and reflect state frameworks through course sequencing and career course concentrations where appropriate.

Local school districts may require additional units for graduation beyond the sixteen (16) Core and the six (6) career focus units. These may be in academic and/or technical areas. All the Core and career focus units must total at least twenty-two (22) units to graduate.

S/P

14.04 A unit of credit shall be defined as the credit given for a course which meets for a minimum of 120 clock hours. A minimum average six-hour day or minimum thirty (30) hour week is required.

S/P

14.05 SPECIAL EDUCATION

14.05.1 For a student with disabilities, the Individualized Education Program (IEP) serves as the student's "graduation plan."

14.05.2 Beginning not later than age 14, or earlier if determined appropriate by a student's IEP Team, transition planning must be initiated to prepare a student for exit from a secondary education program to post-secondary life. This includes planning for the student's exit from school due to graduation. For a student with disabilities, fulfillment of the requirements set forth in the student's IEP constitutes the basis for graduation from high school.

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15.0 STANDARD X PERSONNEL

D/P	15.01	SCHOOL DISTRICT SUPERINTENDENT	Each school district shall employ a full-time superintendent when enrollment exceeds three hundred (300). A full-time superintendent may, at the discretion of the local school district, teach no more than two (2) classes per day.
S/P	15.02	PRINCIPALS	Each school shall employ at least a half-time principal. A full-time principal shall be employed when a school's enrollment reaches three hundred (300). A school district superintendent may be permitted to serve as a half-time principal when district enrollment is less than 300 providing the superintendent is appropriately certified and is not already teaching classes. Schools with an enrollment exceeding five hundred (500) shall employ at least one full-time principal and a half-time assistant principal, instructional supervisor, or curriculum specialist.
	15.03	LICENSURE AND RENEWAL	
D/S/P	15.03.1	All administrative, teaching, and other personnel shall hold a current, valid Arkansas license as required by law.	
D/S/C	15.03.2	All administrative, teaching, and other personnel shall meet appropriate State licensure and renewal requirements for the position to which they are assigned.	
D/S/C	15.03.3	A person not fully qualified for a position may be used in emergencies only and may not be replaced by a person not fully qualified for the position, unless appropriate documentation is provided to the Department describing efforts to hire a qualified individual.	
Policy	15.03.4	Licensure renewal in a subject area shall require intervening educational experience related to that subject area.	
Policy	15.03.5	Licensure renewal for administrative and other personnel shall require appropriate intervening educational experience related to their responsibilities.	
Policy	15.03.6	Issuance and revocation of a license shall be in accordance with Arkansas Code and State Board of Education regulations promulgated for such action.	
Policy	15.03.7	The State licensure system shall include a process designed to provide qualified individuals applying for a license an alternative to completion of a traditional teacher education program.	
	15.04	PROFESSIONAL DEVELOPMENT AND IN-SERVICE TRAINING	
D/P	15.04.1	Each school district shall have flexibility in establishing plans for professional development and in-service training, provided the plans meet standards and rules for professional development as established by the Department. Beginning with the 2004-2005 school year, and each year thereafter, a minimum of sixty (60) hours of professional development, to include six (6) hours of technology, is required for teachers and administrators annually.	

- D/P** 15.04.1.1 Each teacher shall be required to have no less than two (2) hours of professional development designed to enhance understanding of effective parental involvement strategies. These two (2) hours may be included in the sixty (60) hours required for professional development.
- D/P** 15.04.1.2 Each administrator shall be required to have no less than three (3) hours of professional development designed to enhance understanding of effective parent involvement strategies, the importance of administrative leadership in setting expectations, and creating a climate conducive to parental participation. These three (3) hours may be included in the required sixty (60) hours of professional development.
- 15.04.2 For each administrator, the sixty (60) hour professional development requirement shall include training in data disaggregation, instructional leadership, and fiscal management.

15.05 HIGHLY QUALIFIED TEACHERS REQUIREMENT FOR CORE ACADEMIC CLASSES

- 15.05.1 Every public school district shall ensure that the percentage of core academic classes taught by highly qualified teachers in the district's schools is no less than 10 percentage points below the state's total percentage of core academic classes taught by highly qualified teachers.
- 15.05.2 Any school district failing to meet the requirements of Section 15.05.1 shall receive a citation at the appropriate district and school level.

16.0 STANDARD XI SUPPORT SERVICES

Support services shall be designed to be comprehensive and integral to the process of schooling and the development of all students. Each school district for each school building site shall develop and implement a written plan, as set forth in current laws. The plans shall be based upon the needs identified by parents, teachers, principals, students, and other agencies with which the school district works.

16.01 GUIDANCE AND COUNSELING

- S/P** 16.01.1 Each school shall provide a developmentally appropriate guidance program to aid students in educational, personal/social, and career development.
- S/C** 16.01.2 Each school shall provide supportive personnel and appropriate facilities to ensure effective counseling to meet individual needs of students.
- D/P** 16.01.3 Each school shall assign appropriate certified counselor staff with the district being required to maintain an overall ratio of one (1) to four hundred fifty (450).

16.02 MEDIA SERVICES

- D/C** 16.02.1 Sufficient resources shall be budgeted and spent yearly for purchasing and maintaining an appropriate, current collection.
- S/C** 16.02.2 A process to provide for input from teachers, parents, and students in the

acquisition of instructional materials shall be implemented. These materials shall enhance and support the goals of the school improvement plan.

S/P 16.02.3 The role of the library media center shall support technology as a tool for learning. Each school with fewer than three hundred (300) students enrolled shall employ at least a half-time, licensed library media specialist. A school with three hundred (300) or more students enrolled shall employ a full-time licensed library media specialist. Schools enrolling fifteen hundred (1,500) or more students shall employ two full-time, licensed library media specialists. The library media specialist(s) shall ensure that access to records and resource data bases shall be available to students. The media specialist(s) shall assist students in the development and use of research skills.

S/C 16.02.4 The school media collection shall consist of a balance of print, nonprint, and electronic media adequate in quality and quantity to meet the needs of the developmentally appropriate curricular program. The minimum book collection, exclusive of textbooks, shall be three thousand (3,000) volumes, or at least eight (8) books per student enrolled, whichever figure is larger. A minimum technology requirement will be one (1) computer per media center with multimedia/networking capacity for administrative purposes only.

16.03 HEALTH AND SAFETY SERVICES

D/P 16.03.1 Each school district shall have a health services program under the direction of a licensed nurse. The program shall include screening, referral, and follow-up procedures for all students.

S/C 16.03.2 Each school shall provide facilities, equipment, and materials necessary for operation of a school health services program.

S/C 16.03.3 The school health services program shall provide and maintain current health appraisal records for all students in accordance with guidelines developed by the Department.

S/C 16.03.4 Each school shall take proper measures to ensure the safety of its students and protect against injuries which may occur in or on the school facilities or site.

S/C 16.03.5 In accordance with Ark. Code Ann. § 6-18-1005, health services shall include but not be limited to: (1) Students with special health care needs, including the chronically ill, medically fragile, technology dependent, and students with other health impairments shall have an Individualized Healthcare Plan. (2) Invasive medical procedures required by students and provided at school shall be performed by trained, licensed personnel who are licensed to perform the task; the regular classroom teacher shall not perform these tasks. (3) Custodial Healthcare services required by students under an Individualized Healthcare Plan shall be provided by trained school employees other than the regular classroom teachers.

17.0 STANDARD XII SPECIAL EDUCATION

Special education programs and special schools shall be accredited in accordance with applicable laws and rules adopted by the State Board of Education.

18.0 STANDARD XIII GIFTED AND TALENTED EDUCATION

- S/C** 18.01 Each school district shall develop procedures to identify gifted and talented students in accordance with guidelines established by the Department.
- D/P** 18.02 Each school district shall provide educational opportunities for students identified as gifted and talented appropriate to their ability.
- S/C** 18.03 Each school shall use procedures to evaluate the effectiveness of the provisions of these educational opportunities.

19.0 STANDARD XIV SUPPLEMENTARY EDUCATIONAL OPPORTUNITIES

- D/C** 19.01 Each school district shall develop and implement programs which take advantage of educational opportunities outside the traditional classroom.
- D/C** 19.02 Each school district shall provide opportunities for qualified students to enroll in courses at institutions of higher education.
- D/P** 19.03 Each school district shall provide appropriate alternative program(s) for students who are identified as requiring such programs to continue their education.
- Policy** 19.04 Each school district should provide opportunities for summer school and adult education programs.

20.0 STANDARD XV FACILITIES AND EQUIPMENT

- D/P** 20.01 School facilities shall be planned and constructed in accordance with the laws of the State of Arkansas and the regulations of the Arkansas Department of Health, the office of the State Fire Marshall, and the Department.
- D/C** 20.02 Each room shall be furnished with equipment and instructional materials necessary to provide the environment and working conditions appropriate for subjects or activities assigned.

21.0 STANDARD XVI AUXILIARY SERVICES

- Policy** Auxiliary services, such as transportation and food services, shall be provided in accordance with applicable laws, regulations, and guidelines developed by the Department.

22.0 STANDARD XVII COOPERATION AMONG SCHOOL DISTRICTS

School districts may comply with these standards through cooperative efforts among themselves. All plans for cooperation among school districts and institutions of higher learning for the purpose of complying with these standards shall be submitted for approval to the Department.

23.0 STANDARD XVIII ACCREDITATION OF SCHOOLS

- Policy** 23.01 COMPLIANCE WITH STANDARDS

A school or district shall be accredited on the basis of its complying with these standards and state law related to these standards.

Policy

23.02 DEPARTMENT GUIDELINES

The Department shall prepare guidelines to be used in the evaluation of schools or districts to determine whether they are in compliance with these standards. The guidelines will provide for the design and format for reports required to be submitted to the Department to indicate the extent to which school districts and schools are in compliance. The guidelines will include criteria for measuring each standard and the documentation required to indicate compliance with the standard. Required reports will be submitted to the Department by October 15 of each year.

Policy

23.03 ACCREDITATION PROCESS

The Department shall annually review all reports and investigate any suspected deficiencies in meeting standards. All written complaints charging violations of standards received by the Department shall be investigated. Each year the Department shall make an on-site visit to a selected number of school districts and review the schools for compliance with the standards. The Department shall notify all school districts and schools not meeting the Standards for Accreditation of deficiencies by May 15 of each year.

23.04 ACCREDITATION

S/P

23.04.1 Any school or district, which falls below current Standards for Accreditation, as determined by the Department, shall be notified in writing as being classified in either cited or probationary status by May 15 of each year.

Policy

23.04.2 School districts shall be notified of a school's or school district's probationary status and advised that the school will be classified as probationary for no more than two (2) school years, after which time they shall be classified as not accredited. Schools classified as not accredited are subject to enforcement actions as described herein pursuant to Ark. Code Ann. § 6-15-207.

23.04.3 The Department shall review by May 15 annually, pertinent information from every school district to ensure that the district and schools are in compliance with current Standards for Accreditation, and shall make an on-site review of each school's compliance at least every two (2) years or more frequently if deemed necessary by the Department.

23.04.4 A comprehensive evaluation shall be conducted in accordance with guidelines established by the Department (i.e., with the Department prescribed procedures and school improvement planning processes). The Department shall use teams of evaluators that may include representatives from the Department, colleges and universities, and teachers and administrators from other districts. The Department shall report the conclusions of the evaluation team to the local school within thirty (30) days. (Conform to Standards Review and the Arkansas Consolidated School Improvement Plan [ACSIP])

23.04.5 The Department shall provide school improvement teams to local school districts needing assistance in meeting the standards or when it is determined a

school has deficiencies. The school improvement team shall recommend action that the school should take to improve its program and eliminate deficiencies.

Policy

23.04.6 Any person who knowingly submits falsified information requested or required by the Department may be subject to licensure action pursuant to Ark. Code Ann. § 6-17-410 and other relevant state and federal law.

24.0 SPECIFIC TIME FRAME FOR CITATIONS OR PROBATIONS

CITATIONS:

- 24.01 A school or school district will be placed in cited status for licensure deficiencies for the second and third year of an individual's Additional Licensure Plan (ALP). This status will continue for the length of time prescribed by the individual's approved Additional Licensure Plan, not to exceed two (2) years. Any school employing a teacher not completing the ALP process after the two (2) year cited process shall be assigned accredited-probationary status.
- 24.02 A school or school district will be placed in cited status for improper ratios and class sizes caused by unexpected population shifts. Such status may extend to October 15 of the next school year. At the conclusion of the cited term, if the same violation exists, the school shall be assigned probationary status.
- 24.03 A school district will be placed in cited status for failing to hold the Annual Report to the Public School Board meeting prior to November 15. Such status will extend to October 15 of the next school year. At the conclusion of the cited term, if the same violation exists, the school district shall be assigned probationary status.
- 24.04 A school district will be placed in cited status for providing a late Annual Accreditation Report to the Department. Such status will extend to October 15 of the next school year. At the conclusion of the cited term, if the same violation exists, the school district shall be assigned probationary status.

PROBATIONS: For the following violations, any school district or school that fails to meet the identified date of corrections will be recommended to the State Board of Education for loss of accreditation.

- 24.05 A school will be placed in probationary status for high school classes which meet less than 120 clock hours (to be corrected within thirty days).
- 24.06 A school will be placed in probationary status for an instructional day that is less than six (6) hours per day or thirty (30) hours each week (to be corrected within thirty days).
- 24.07 A school will be placed in probationary status for any staff member(s) not holding a valid Arkansas license. Such status will not extend beyond January 30 of the current school year.
- 24.08 A school or school district will be placed in probationary status for failing to employ a superintendent, principal, assistant principal (if required), nurse, or counselor. Such status will extend to the first day of the next academic semester.
- 24.09 A school will be placed in probationary status for lack of written policies mandated by law or the Standards for Accreditation (to be corrected in 60 days).

- 24.10 A school will be placed in probationary status for lack of a guidance program. Such status will extend to the first day of the next academic semester.
- 24.11 A school district will be placed in probationary status for lack of a health services program. Such status will extend to the first day of the next academic semester.
- 24.12 A school district will be placed in probationary status for lack of a gifted and talented program. Such status will extend to the first day of the next academic semester.
- 24.13 A school or school district will be placed in probationary status for lack of a media services program. Such status will extend to the first day of the next academic semester.
- 24.14 A school district will be placed in probationary status for lack of a special education program. Such status will extend to the first day of the next academic semester.
- 24.15 A school will be placed in probationary status for improper ratios/class sizes NOT CAUSED by unexpected population shifts (to be corrected in 30 days).
- 24.16 A school district will be placed in probationary status for failing to file an accurate or complete Equity Compliance Report. Such status will extend to the first day of the next academic semester, but cannot extend beyond October 15 of the next year.
- 24.17 A school or school district shall be placed in probationary status for failing to teach the required courses mandated by these Standards for Accreditation. Such status will extend to the first day of the next academic semester, but cannot extend beyond October 15 of the next school year.
- 24.18 A local school or school district shall be placed in probationary status for violations of the law (e.g., Ark. Code Ann. §§ 6-16-132, 6-16-130, 6-15-1101, 6-17-309, 6-18-223, or 6-15-1601 et seq.). Such status shall extend to the official review date issued by the Department.

25.0 ENFORCEMENT OF STANDARDS FOR ACCREDITATION

- 25.01 The State Board of Education may, on its own motion or upon petition from the Department, take any number of the following actions, listed in paragraph 25.03, to address a school or school district which has failed to meet all Standards for Accreditation any time after a school or school district has received notice of being placed in probationary status pursuant to paragraph 23.04.1. The Department shall petition the State Board of Education for enforcement action in the time period provided in these rules when a school or school district has failed to remedy all probationary violations when a specific time period for correction is required regarding a particular standard.
- 25.02 The State Board of Education shall take at least one of the following actions, listed in paragraph 25.03, to address any school or school district which has failed to meet all Standards for Accreditation for two (2) consecutive school years including the year the probationary status was issued to the school or school district, unless the State Board of Education, at its discretion, issues written findings supported by a majority of the board, that the school district could not meet current standards for the relevant time period due to impossibility caused by external forces beyond the school district's control.
- 25.03 The State Board of Education shall be allowed to take the following actions to address any

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school or school district on probationary status for failing to meet the Standards for Accreditation:

- 25.03.1 Require a school district to reorganize, or to reassign the administrative, instructional, or support staff of a public school;
- 25.03.2 Require a school or school district to institute and fully implement a curriculum that is based on State academic content and achievement standards, including providing appropriate professional development at the cost of the school district;
- 25.03.3 Remove a particular school from the jurisdiction of a school district and establish alternative public governance and supervision of such school or schools;
- 25.03.4 Require a school district to close down or dissolve a particular school or schools within a school district;
- 25.03.5 Annex a school district or districts or parts thereof with another receiving school district or districts pursuant to the authority of Ark. Code Ann. § 6-13-1401 et seq. and this subchapter;
- 25.03.6 Consolidate a school district or districts or parts thereof with another school district or districts or parts thereof to form a resulting district pursuant to the authority of Ark. Code Ann. § 6-13-1401 et seq. and this subchapter;
- 25.03.7 Reconstitute the leadership of a school district by removing permanently or suspending on a temporary basis the superintendent of the school district or any particular board members of a school district. The State Board of Education shall have the authority to appoint an administrator or to call for the election of new school board members to administer the affairs and provide governance of the school district, or both;
- 25.03.8 Take any other appropriate action allowed by law which is determined by the State Board of Education to assist and address a school or school district failing to meet the Standards for Accreditation.
- 25.03.9 LOSS OF ACCREDITATION

25.04 PUBLICATION AND DISSEMINATION

- 25.04.1 When any school of a school district or the school district is determined by the State Board of Education to be in probationary status for failure to meet the Standards for Accreditation, that school district, after exhausting its rights to appeal, shall:
 - 25.04.1.1 Publish the probationary status determination and findings of the State Board of Education to the public and the parents or care giver of each student enrolled in the school or school district determined to have failed to meet the Standards for Accreditation;
 - 25.04.1.2 The public notice shall be in an understandable and uniform format;
 - 25.04.1.3 The public notice shall be published or disseminated, immediately after the State Board of Education's determination, on the web-site of

the school district and published at least one (1) time a week for two (2) consecutive weeks in a local newspaper of general circulation in the affected school district.

26.0 RIGHT OF APPEAL

- 26.01 In the event a district or school believes the Department has improperly determined that any school or school district has failed to meet Standards for Accreditation, the school district shall have a right to file its written appeal with the office of the Director of the Department.
- 26.02 Any such appeal shall be held in an open hearing, and the decision of the Board shall be in open session. The appeal must be filed not later than May 30 following the May 15 written notification, and the State Board of Education hearing must be held prior to August 15 of the same calendar year.
- 26.03 The State Board of Education may confirm the classification of a school or school district accreditation status, as determined by the Department, or it may sustain the appeal of the district.
- 26.04 Pursuant to the Ark. Code Ann. § 6-15-203, an appeal from the ruling of the Board may be made by a school district to the Pulaski County Circuit Court provided such appeal is made pursuant to the Arkansas Administrative Procedures Act, Ark. Code Ann. § 25-15-201 et seq.

27.0 WAIVER AUTHORITY AND PROCESS

- 27.01 The State Board on its own motion, or on petition from the Department, or from a school district may, upon a showing of just cause in a public hearing of the State Board, grant a waiver of any accreditation standard for a time period of no longer than one (1) school year, except that no curricula, student performance, school performance, or any standard required by law may be waived for any time period.
- 27.02 Any petition for waiver of any accreditation standard by a school district shall be filed in the Office of the Director of the Department thirty (30) calendar days prior to the State Board of Education hearing the waiver petition. The State Board may waive the thirty (30) day time requirement, when in the State Board of Education's determination, circumstances prevent the petition from being filed within the thirty (30) day time frame.
- 27.03 Any hearing of the State Board of Education concerning a waiver of any accreditation standard shall be conducted in a public hearing of a properly announced regular or special meeting of the State Board of Education in accord with Arkansas law.



Arkansas Department of Education Rules & Regulations 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 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 recommended for funding 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, the term ‘ABC’ will be used to refer to all participating programs.
- 3.03 ADE: Arkansas Department of Education
- 3.04 AECPPDS: 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 [Child Record: A collection of documentation kept in a file that relates to the child’s enrollment in the ABC program. See Section 13.9 for specific information as to what documentation the record must contain.](#)

- 3.11 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.
- 3.12 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.
- 3.13 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 |
- These components serve as the basis of ABC funding levels.
- 3.14 DCCECE: Division of Child Care and Early Childhood Education
- 3.15 DECA: Deveraux Early Childhood Assessment
- 3.16 DHS: Arkansas Department of Human Services
- 3.17 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.
- 3.18 [EPSDT \(Early and Periodic Screenings, Diagnosis and Treatment\): A health screening tool used by Medicaid to ensure children are receiving preventive screenings and necessary health services. Also known as well child screenings for non-Medicaid children. ABC children are required to have this screening annually.](#)
- 3.19 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.
- 3.20 FPL: Federal Poverty Level
- 3.21 IEP: Individualized Education Program
- 3.22 IDEA: Individuals with Disabilities Education Act
- 3.23 INDEX: Investigating, Discovering and Exploring, the state-approved curriculum training on Math and Science for Young Children.
- 3.24 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.
- 3.25 HIPPY: Home Instruction for Parents of Preschool Youngsters
- 3.26 LEA: Local Education Agency
- 3.27 NAEYC: National Association for the Education of Young Children
- 3.28 [OUNCE: An observational assessment tool developed by Dr. Sam Meisels used to measure the development of infants and toddlers.](#)
- 3.29 PAT: Parents as Teachers
- 3.30 Single-Site Classroom: One ABC classroom at a geographic location

- 3.31 Multi-classroom Site: Multiple ABC classrooms located on the same premises
- 3.32 SSN: Social Security Number
- 3.33 Shall: Mandatory standard
- 3.34 Should: Standard is recommended but not mandatory
- 3.35 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.
- 3.36 [Staff: Indicates teachers and paraprofessionals working in a classroom with ABC children. For home-visiting programs, ‘staff’ refers to home visitors and coordinators.](#)
- 3.37 Work Sampling System (WSS): A web-based instrument used by ABC programs to assess a [preschool](#) 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 which does not exceed 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
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- 4.04 Eligible children for ABC for School Success must meet the following qualifications:

<ul style="list-style-type: none"> -Must be 3 or 4 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 child resides and there is space for child to attend.
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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. 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. [Proof of age must be established before child is enrolled.](#)
- 4.07 In determining income eligibility, programs shall use ~~a family's~~ gross income from [parents'](#) 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~~ [Parents or guardians](#) claiming no earned income (full-time students or unemployed) shall produce a signed and notarized statement to that effect, which shall be kept 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~~ [household](#) family member arrested for/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 4.04, but priority enrollment shall be provided to children eligible under Section 4.04. 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 4.03 or 4.04 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 18.06 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 Center or 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 (Requirement shall be suspended if 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 [and health](#) 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, HIPPIY, 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 and referring families to other programs when

appropriate. [DCCECE will evaluate the quality of an ABC program's collaboration in the grant renewal process.](#)

- 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 monthly.~~ Payment shall be prorated for agencies not in operation ~~a full program year~~ [at least 178 days](#). During the year, programs shall be ~~audited~~ [reviewed](#) 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 termination from ABC, to all collection proceedings allowed by law. Funds may be withheld from future payments to satisfy repayment.~~ [to termination from ABC.](#) ~~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 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 for previous year services.
- 6.07 Payment 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 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 [in COPA](#) 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 [fiscal guidelines in the ABC Financial Program Manual](#) ~~guidelines outlined in the grant application instructions.~~ [Failure to do so will result in corrective action, up to and including termination from the program.](#)
- 7.04 ~~A complete and final disclosure audit of~~ Each ABC program is required [to submit complete financial statements](#) annually ~~and must be submitted annually~~ for review to DCCECE. [Statements must cover agency's previous fiscal year and include all ABC funds.](#) 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 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~~ [corrective action](#) (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 ABC. DCCECE is not obligated to review any proposal received after submission deadline stated in 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

- 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 [child care license](#) ~~in good standing as referenced in Section 9.1.~~ [Programs must remain in substantial compliance with all licensing standards necessary to protect the health, safety and welfare of children.](#) Any ABC program whose license is revoked shall be immediately terminated from the ABC program. [An ABC program with a founded complaint or self-report that it fails to correct within a reasonable time shall be subject to termination from the program.](#)
- 9.03 Agencies that are barred from participating in DHS programs pursuant to DHS 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, ACA 6-45-103 and 106

(Supp. 1993). An overall score of 5.0 is required for the ERS which is applicable to each 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 to the Agency ABC Administrator or Coordinator and Teacher. Technical assistance shall be given to the Agency.
2 nd No Pass (ERS Score < 5.0)	Conference shall be held between Agency ABC Administrator, Teacher and DCCECE staff to advise Agency of 2 nd No Pass Status and required improvements. Agency is placed on probationary status with 3 rd review scheduled within 60 days of conference.
3 rd No Pass (ERS Score < 5.0)	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.

- 9.06 For each child enrolled, ABC programs shall provide a minimum of 7 hours per day, 178 days per year for instruction. [Home-visiting programs must provide a minimum of 1 hour per week for home visits with parents.](#)
- 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 does 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 direct specific cases to DCCECE for technical assistance or guidance.~~

Section 10 – Staff/Pupil Child Ratio for Classroom Programs

- 10.01 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~~ [Teachers in a school-based or cooperative-based ABC program](#) 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.~~ [All other teachers shall hold a minimum of a bachelor's degree in early childhood education or child development, the only exception being a teacher hired before May 15, 2008 must hold a minimum of an associate degree in early childhood or child development or meet the requirements listed on a current Staff Qualifications Plan, whichever results in the higher degree.](#) 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 [bachelor's degree and](#) 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.~~
- 11.02 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.
- 11.03 Programs replacing a teacher or paraprofessional during the year—including those taking an indefinite leave of absence—shall consult with DCCECE on specific qualifications needed.
- 11.04 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 experience in early childhood.
- 11.05 Caregivers in an infant/toddler ABC room shall hold a minimum of a CDA credential in infant/toddler care.

- ~~11.06 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.~~
- 11.06 While adhering to the necessary qualifications, ABC programs should also strive to maintain an ethnically diverse staff appropriate to child enrollment.
- 11.07 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.
- 11.08 Teachers and paraprofessionals shall be required to receive [complete these](#) training in the following areas [professional development courses](#):
- 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
 - [Initial](#) Work Sampling Online [or Ounce Online \(if program serves infants/toddlers\)](#)
 - COPA
 - [Environmental Rating Scales \(ECERS, ITERS\)](#)
 - ~~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. [At their discretion](#), DCCECE or ADE Special Education may mandate additional training, [including DECA and other training related to special needs](#) subject to needs in various locations.~~
- 11.09 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~~ [corrective action](#) as outlined in Section 21.
- 11.10 The ABC program coordinator and all ABC staff shall register with the AECPDS Registry. The Registry identification number for each staff shall be entered in COPA.
- 11.11 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~~ [11.02](#).

12.02 For ABC programs operating infant/toddler classrooms, programs must have one (1) qualified caregiver meeting the requirements of Section 11.05 for either every four children (infants [0-18 months](#)) or seven children (toddlers [18-36 months](#)).

12.03 In multi-classroom sites, the following staffing patterns shall be adhered to:

#—Classrooms	Lead-Teacher	Classroom-Teacher	Paraprofessional
1	1	0	1
2	1	1	2
3	1	2	3
4	2	2	4

[Regardless of a teacher’s hire date, ABC programs must provide a minimum of one \(1\) teacher with a bachelor’s degree for every three \(3\) classrooms at each site.](#)

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. 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 Nat’l 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 [comprehensive](#) 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. The record shall contain copies of:
- Birth certificate, hospital birth record or other official verification of birth date
 - Documentation of 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 screening [and any referrals to Special Education](#)
 - Samples of child's work
 - Teacher/parent observations and ~~Summaries~~ [documentation](#) of parent-teacher conferences
 - [Finalized Work Sampling Developmental Checklists for each period or finalized Ounce assessments at each Ounce age level](#)

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. 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 dis-enrollment 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 Where allowed by regulations, programs may charge families not qualifying for free/ reduced lunch a fee to cover only the actual cost of meals. DCC-ECE shall establish a cap on the amount such families can be charged. Other than this one exception, 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 checked daily. Applicable information shall be distributed to classroom staff by program coordinator.

Section 14 – Classroom Management/Special Education

- 14.01 No child shall be dismissed or expelled from ABC 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. Corporal punishment is an unacceptable method of discipline and shall not be used. Programs shall specifically define their approach to handling inappropriate behavior in the ABC parent handbook.
- 14.03 When a child presents with challenging behavior, teaching staff shall follow NAEYC standards:
- Observe the children, then identify events, activities, interactions and other factors that predict and may contribute to challenging behavior.
 - Rather than focus on eliminating the behavior, teaching staff shall focus on teaching the child social, communication, and emotional regulation skills, using environmental modifications, activity modifications, adult/peer support and other 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.
- 14.04 Teacher-parent discussions regarding a child's behavior shall be held in private and shall focus on 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 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. 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. [Children with a current IEP may not be required to have an annual developmental screening.](#)
- 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 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 [annual](#) age-appropriate ~~health~~ [well child](#) screening [or EPSDT](#), which includes a hearing and vision test, performed by a licensed physician or ~~physician assistant~~ [nurse practitioner](#). 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. [Children not meeting this requirement will be dismissed from the program.](#)
- 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 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 2 parent-teacher conferences shall be given to parents.

- 16.03 The program shall publish and utilize a parent handbook specifically for ABC program. [Attendance, tardy and discipline policies shall be clearly outlined in the handbook. Parents shall sign a statement stating they have received the handbook and understand its contents. Programs shall maintain a copy of the signed statement in the child record.](#)
- 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 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 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.
- 17.03 If an ABC program is approved [by Child Care Licensing](#) to use the “buddy” system on a bus, the Agency shall NOT pair an ABC child with another child younger than sixth grade.
- 17.04 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 vehicle alone. After exiting vehicle, an ABC child shall not cross a street unless accompanied by authorized adult.

Section 18 – Other Program Models

- 18.01 Alternate programs may include, but are not limited to, Licensed Child Care Family Homes, PAT and HIPPY. 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 – HIPPY

- 19.01 HIPPY programs shall meet program criteria as outlined in the contractual agreement signed by each site with Arkansas Children’s Hospital and HIPPY USA.
- 19.02 Each HIPPY program serving at least 160 families must have one (1) full-time coordinator, holding at least a bachelor’s degree in education, social work, sociology, psychology, or related field. Coordinators without a related degree must obtain 12 college course hours in early childhood. Programs with more than 250 children must also have at least one part-time coordinator who holds at least an Associates Degree in early childhood education, social work, psychology or related field. Coordinators shall also meet additional requirements in the HIPPY USA Coordinator job description.

Coordinators must attend National HIPPY Pre-service Training and receive certification. Regardless of the number of children served, HIPPY Agencies must ensure all home-based visitors are supervised appropriately by trained staff.

- 19.03 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 HIPPY home-based educators are required to attend new Home-based Educators training provided by Arkansas State HIPPY.
- 19.04 Hiring of any HIPPY coordinator or home-based educator not meeting the requirements of 19.02-19.03 must be approved by DCCECE through a Staff Qualifications Plan. DCCECE shall monitor such plans to ensure adequate progress is being made. HIPPY 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.
- 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 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
 - Child is in the custody of family member other than mother and father

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 performing assessment 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 4-9 and 13-16.
- 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 – Parents As Teachers (PAT)

- 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 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 HIPPIY 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 Any teacher in an ABC family home approved after May 15, 2008 must possess a minimum of a bachelor's degree in early childhood education or child development. For homes approved prior to May 15, 2008, ~~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 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 applicable ERS for family homes shall be utilized. Family homes shall be subject to the same guidelines as listed in Section 9.

Section 22 – Compliance and Corrective Action

- 22.01 An ABC program found to be out of compliance with any ABC Rule or Regulation shall be [subject to corrective action](#) ~~placed on a 60-day Compliance Plan, during which~~ ~~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~~ [Other corrective action may include](#) immediate termination from the ABC program, ~~denial of future ABC funds~~ [withholding of payments](#), repayment of funds and exclusion from participation in any DHS programs [through Policy 1088](#).
- 22.02 Issues for ~~a compliance plan~~ [corrective action](#) may include, but are not limited to:
- Founded licensing or maltreatment complaints
 - 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, [ABC Financial Procedures](#) or any part of an approved grant application
 - [Failure to remain current on all federal and state tax payments](#)
 - 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~~ [Reports not submitted within required deadlines or incomplete reports](#)
 - 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 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. [This includes submission of data in either written or electronic form.](#)
- 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.

**Summary of Substantive Proposed Changes
to ABC Rules and Regulations
April 2008**

Change as Result of Public Comment?	Section	Proposed Change
X	3.10	Defines "child record".
X	3.18	Defines "EPSDT".
X	3.28	Defines "OUNCE Assessment" for ABC programs.
	3.36	Defines "staff" as it relates to ABC program.
	4.06	Proof of child's age must be established before child is enrolled in program.
	4.11	Clarifies which family members are included in this income exemption.
	6.02	Quality of program's collaboration is reviewed during grant renewal period.
	6.05	Programs found to enroll ineligible will be subject to termination from program.
	7.03	Failure to operate program within established financial procedures will result in corrective action or termination.
	9.02	Programs failing to correct a licensing deficiency from either a founded complaint or self-report maybe terminated from the program.
X	9.06	Home-visiting programs must provide a minimum of one hours per week per family in home visits.
	11.01	All teachers in a non-public school or non-cooperative based ABC program hired after May 15, 2008 must have a minimum of a bachelor's degree in child development or early childhood education. Teachers in such program hired before May 15, 2008 may continue to work with either an associate degree or under an approved Staff Qualifications Plan. The Division will consider degrees in other areas if the staff holds a bachelor's degree.
X	11.08	OUNCE Assessment added to list of required trainings.
	12.03	Staff pattern requirements are changed to reflect that, regardless of hire date, ABC programs must provide a minimum of one teacher with a bachelor's degree for every 3 classrooms at a site.
	13.16	If meal program regulations allow, families not qualifying for free-reduced lunch may be charged a nominal fee to cover actual cost of meals only.
X	15.05	Children having a current IEP may be exempt from annual developmental screenings.
	15.08	Children must complete well child screening annually. Children not completing health screening may be dismissed from the ABC program.

Change as Result of Public Comment?	Section	Proposed Change
	19.07	For children dually enrolled in a center-based program and home-visiting program, the center-based program shall be responsible for assessments and screenings.
	21.03	Teachers in a licensed family home approved for ABC after May 15, 2008 must possess a minimum of a bachelor's degree in early childhood education or child development.
	22.02	Not remaining current on any tax payment has been added as a reason for corrective action.
	22.03	The interpretation of falsified document(s) has been expanded to include the submission of any data or document in electronic format.

**ARKANSAS DEPARTMENT OF EDUCATION
PROPOSED RULES GOVERNING THE REQUIREMENT OF A CRIMINAL
BACKGROUND CHECK FOR THE EMPLOYMENT OF PERSONNEL IN
SCHOOL DISTRICTS**

January 2008

1.00 REGULATORY AUTHORITY

- 1.01 These rules shall be known as Arkansas Department of Education ~~Regulations~~ Rules Governing the Requirement of Criminal Background Checks for the Employment of Personnel in School Districts and Requirement of Criminal Background Checks for All First-Time Applicants, Each Applicant for His or Her First License Renewal, and the Revocation Procedures for Such Licenses.
- 1.02 These rules are enacted pursuant to the State Board of Education's Authority under Ark. Code Ann. §§ ~~6-11-105, 6-17-105, §6-17-405, § 6-17-410, § 6-17-414 and § 6-17-421~~ and Act 1573 of 2007.

2.00 PURPOSE

- 2.01 It is the purpose of these rules to set forth the requirements for a criminal background check for each first-time applicant for a license issued by the State Board of Education and each applicant for his or her first license renewal on or after July 1, 1997.
- 2.02 It is further the purpose of these rules to prescribe the procedure for revocation of an educational license.
- 2.03 It is further the purpose of these rules to clarify whose criminal background check fees shall be paid by the Department of Education.
- 2.04 It is further the purpose of these rules to clarify that the superintendent shall have the responsibility of reporting licensure violations of teachers to the State Board.
- 2.05 It is further the purpose of these rules to add provisions concerning the requirement of criminal background checks for the employment of noncertified personnel in school districts, and fraudulent acts by fiscal officers of public school districts.

3.00 DEFINITIONS/ACRONYMS

For the purposes of these rules and regulations:

- 3.01 ADE: Arkansas Department of Education.

- 3.02 Applicant: An individual that is a first-time applicant for a license issued by the State Board of Education; an individual applying for his or her first license renewal on or after July 1, 1997, and an individual applying for initial employment as a fiscal officer of a school district.
- 3.03 Breach of fiduciary trust: means the wrongful misappropriation by a person of any fund or property, which had lawfully been committed to him or her in a fiduciary character.
- 3.04 Criminal background check: a state and nationwide criminal records check conducted by the Arkansas State Police and the Federal Bureau of Investigation, including the taking of fingerprints.
- 3.05 FBI: Federal Bureau of Investigation.
- 3.06 First-time applicant: initial or first license issued to each applicant by the State Board of Education.
- 3.07 Fiscal Officer: any certified or non-certified employee of a school district or education service cooperative who has any right, duty, or responsibility to access funds of a school district in excess of two hundred dollars (\$200), specifically including, but not limited to, superintendents, fiscal officers and bookkeepers.
- 3.08 Fraud: means all acts, omissions and concealments involving a breach of a legal or equitable duty and resulting in damage to another.
- 3.09 Fraudulent Act: An act involving fraud, or breach of fiduciary trust, which is punishable under the criminal code in the jurisdiction within which the act occurred.
- 3.10 License renewal applicant for purposes of payment by the Department of Education: employees of Arkansas public school districts, employees of other public education institutions located in Arkansas, and employees of the Department of Education for his or her first license renewal on or after July 1, 1997.
- 3.11 Law enforcement officer: a state police officer, a city police officer, a sheriff or a deputy sheriff.
- 3.12 Letter of provisional eligibility: a six-month, non-renewable letter of provisional eligibility for licensure issued by the State Board of Education to a first-time applicant during the period that the criminal background check is being conducted by the Arkansas State Police and the FBI.
- 3.13 OPL: Office of Professional Licensure of the ADE.

3.14 SBE: State Board of Education.

4.00 THE CRIMINAL BACKGROUND CHECK

- 4.01 Each applicant for an initial license issued by the SBE and each first-time license renewal applicant will submit the following to the Office of Professional Licensure:
- 4.01.1 Completed application form including program of studies verification (if applicable)
 - 4.01.2 Official transcripts (must bear college seal)
 - 4.01.3 Satisfactory scores of on the Praxis Series Examinations including:
 - 4.01.3.1 Praxis I
 - 4.01.3.2 PPST/Praxis II
 - 4.01.3.3 Principles of Learning and Teaching
 - 4.01.3.4 Specialty area test
 - 4.01.4 Effective July 1, 1996, no application for issuance of a first-time license will be considered without a criminal background check by the Arkansas State Police and the FBI.
 - 4.01.5 Effective July 1, 1997, no application for issuance of a license renewal will be considered without a criminal background check by the Arkansas State Police and the FBI.
 - 4.01.6 Effective April 10, 1997, no applicant for initial employment as a certified employee shall be hired by a school district without a criminal background check by the Arkansas State Police and FBI.
 - 4.01.7 Effective February 6, 2004, the board of directors of a school district shall require an applicant for initial employment as a fiscal officer to have performed a criminal background check by the Arkansas State Police and the FBI, along with other background checks required by these Rules and/or Arkansas law due to the applicant's noncertified or certified employee status.
- 4.02 Each applicant shall complete the State Police fingerprint card in the presence of a law enforcement officer, and shall have the law enforcement officer sign the fingerprint card and give his/her jurisdiction, the date and his/her badge number.

- 4.03 Each applicant must sign a release of information and submit it to the ADE and shall be solely responsible for the payment of any fee associated with the criminal background check to the Arkansas State Police.
- 4.04 The Department of Education shall be responsible to the Department of Arkansas State Police for the payment of any fee associated with the criminal record check of each applicant as defined in Section 3.068 for his or her first license renewal after July 1, 1997.
- 4.05 Upon completion of the criminal background check, the Identification Bureau of the Arkansas State Police shall forward all information obtained concerning the applicant in the commission of any offense listed in Ark. Code Ann. § 6-17-410 (c) or referenced in Ark. Code Ann. § 6-17-410 ~~(e)(2)(A)~~ (d)(1)(A)(v) to the Attorney's Office of the ADE.
- 4.06 The criminal background check conducted by the Arkansas State Police and the FBI shall have been completed no earlier than twelve (12) months prior to the application for an initial license issued by the SBE.
- 4.07 SBE shall be authorized to issue a six-month, non-renewable letter of provisional eligibility for licensure to a first-time applicant pending the results of the criminal records check. This letter of provisional eligibility for licensure shall be issued only to those applicants who meet all other qualifications for licensure by the SBE, and who have submitted the Arkansas State Police background check showing no violations listed in either Ark. Code Ann. § 6-17-410 (c) or referenced in Ark. Code Ann. § 6-17-410(d)(1)(A)(v).
- 4.08 The ~~Director~~ Commissioner of the Department of Education shall be authorized to extend the period of provisional eligibility to the end of the contract year if:
- 4.08.1 The applicant is employed by a local school district; and
- 4.08.2 Results of the criminal records check are delayed.
- 4.09 The letter of provisional eligibility will immediately become invalid upon receipt of information obtained from the criminal background check from the Arkansas State Police and the FBI and other eligibility information indicating that the applicant has pleaded guilty or nolo contendere to, or has been found guilty of, any offense listed in Ark. Code Ann. § 6-17-410(c) or referenced in Ark. Code Ann. § 6-17-410(d)(1)(A)(v).
- 4.10 The ADE will not issue a first-time teaching license nor a license renewal until the criminal background check conducted by the Arkansas State Police and the FBI has been completed.

- 4.11 The ADE shall promptly inform the board of directors of the local school district whether or not the affected employment applicant for a fiscal officer position is eligible for employment.
- 4.12 In addition to any ineligibility for employment due to the results of criminal background checks required due to the applicant's certified or non-certified employee status, no person shall be eligible for employment as a fiscal officer by a local school district if the results of the criminal records check released to the ADE by the applicant reveals that the applicant has pleaded guilty or nolo contendere to, or has been found guilty of, a fraudulent act, only after an opportunity for a hearing before the SBE upon reasonable notice in writing.
- 4.13 The board of directors of a local school district is authorized to offer provisional employment to an affected applicant for employment as a fiscal officer pending receipt of eligibility information from the ADE.

5.00 REQUEST FOR WAIVER

- 5.01 A request to waive the provisions of ~~either~~ Ark. Code Ann. § 6-17-410(c) ~~or Ark. Code Ann. § 6-17-414 (b)(1)~~ can be made to the SBE. A request for waiver of provisions of the aforementioned statutes may be made by:
 - 5.01.1 the board of a local school district,
 - 5.01.2 the affected applicant for licensure (Ark. Code Ann. § 6-17-410(c)) ~~or employment (Ark. Code Ann. § 6-17-414 (b)(1))~~, or
 - 5.01.3 the person holding a license subject to revocation (Ark. Code Ann. § 6-17-410 (c)(1) ~~only~~).
- 5.02 The request must be made in writing to the ~~Coordinator of OPL or designee~~ ADE's Attorney's Office within ~~twenty (20)~~ thirty (30) calendar days after notification of denial of a license. The request for a waiver shall include, but not be limited to, the following:
 - 5.02.1 a ~~certified~~ copy of court records indicating ~~grounds for~~ a plea of guilty or nolo contendere or a conviction,
 - 5.02.2 any other pertinent documentation to indicate surrounding circumstances.
- 5.03 If an individual notifies ADE in writing that he/she desires a hearing, the SBE will hold a hearing.

- 5.04 If the individual does not notify the ADE that he/she desires a hearing, the SBE will not hold a hearing and may take action based upon proof submitted by ~~OPL~~ the ADE's Attorney's Office.
- 5.05 Circumstances for which a waiver may be granted shall include, but not be limited to, the following:
- 5.05.1 The age at which the crime was committed.
- 5.05.2 The circumstances surrounding the crime.
- 5.05.3 The length of time since the crime.
- 5.05.4 Subsequent work history.
- 5.05.5 Employment references.
- 5.05.6 Character references; and
- 5.05.7 Other evidence demonstrating that the applicant does not pose a threat to the health or safety of school children or school personnel.
- 5.06 ~~For individuals~~ Individuals falling under the provisions of Ark. Code Ann. § 6-17-414, ~~are not entitled to request a waiver~~ no waiver shall be granted if the SBE determines that the offense was a violent, physical, or sexual offense.

6.00 SCHOOL DISTRICT RESPONSIBILITIES

- 6.01 The superintendent of each school district shall report to the SBE through the Coordinator of OPL or ~~designee~~ the ADE's Attorney's Office the name of any ~~person holding a license issued by the SBE and~~ licensed or classified personnel currently employed, or employed during the two (2) previous school years, by the local district who has pleaded guilty, nolo contendere, or has been found guilty of ~~a felony~~ any offense listed in Ark. Code Ann. §§ 6-17-410(c) or 6-17-414(b), who holds ~~such~~ a license obtained by fraudulent means, who has had a similar license revoked in another state, who has intentionally compromised the validity or security of any student test or testing program administered or required by the ADE, or has submitted falsified information requested or required by the ADE.
- 6.02 The superintendent of each school district shall report to the SBE the name of any fiscal officer who is currently employed or who was employed during the two (2) previous years by the local school district

who has pleaded guilty or nolo contendere to, or has been found guilty of, a fraudulent act.

- 6.0~~2~~3 The superintendent with knowledge shall report, in writing to the SBE through the Coordinator of OPL or ~~designee~~ the ADE's Attorney's Office, any information contained in Section 6.01. The complaint does not have to be made in any specific form, but it should contain enough information about the person holding a license issued by the SBE to warrant starting an investigation.
- 6.04 Failure of a superintendent to report a violation by certified mail within five (5) calendar days of knowledge, as listed in Section 6.01 may result in sanctions imposed by the SBE, including but not limited to loss of accreditation.

7.00 LICENSE REVOCATION PROCEDURES

- 7.01 A complaint is filed with OPL or the ADE's Attorney's Office, or the ADE receives information from the criminal background check and any other eligibility information reflecting that the individual pled guilty, nolo contendere, or has been found guilty of an offense or offenses listed in Ark. Code Ann. § 6-17-410 (c) or is referenced in Ark. Code Ann. § 6-17-410~~(e)(2)(A)~~ (d)(1)(A)(v).
- 7.02 ~~OPL~~ The ADE's Attorney's Office investigates the complaint and determines whether the individual's educational license must or may be revoked.
- 7.03 If ~~OPL~~ the ADE's Attorney's Office determines revocation of a license is appropriate, OPL or the ADE's Attorney's Office notifies the individual who has plead guilty, nolo contendere, or been found guilty of the offense(s) listed in Ark. Code Ann. § 6-17-410 in writing by certified mail of the date, time and location that the SBE will consider revocation. The letter shall also provide the individual reasonable notice of the cause to be considered.
- 7.04 If the individual notifies ADE in writing ~~no less than~~ within thirty (30) days after notice of the cause is received by the individual that he/she desires a hearing, the SBE will hold a hearing.
- 7.05 If the individual does not notify the ADE that he/she desires a hearing within the time frame stated in Section 7.04, the SBE will not hold a hearing and may take action based upon proof submitted by the ADE.

8.00 CURRENTLY EMPLOYED FISCAL OFFICERS AND APPLICANTS

8.01 (i) A fiscal officer that pleads guilty or nolo contendere to, or has been found guilty of, a fraudulent act, shall be dismissed from employment with the school district, but only after an opportunity for a hearing before the SBE upon reasonable notice in writing.

(ii) The SBE, after conducting a hearing, shall determine either:

(a) that the applicant is eligible for employment and that the applicant should be denied employment and/or a license that the applicant's employment and licensure status should be terminated should be prevented or that the termination of employment of the currently employed fiscal officer should be required, or

(b) that the applicant is eligible for employment and/or a license or that the applicant's employment and licensure status should not be terminated.

8.02 The SBE shall be entitled to consider:

8.02.1 The age of the fiscal officer at the time the criminal act occurred;

8.02.2 The length of time since the conviction;

8.02.3 Whether the fiscal officer has pleaded guilty, nolo contendere, or has been found guilty of any other criminal violation since the original conviction;

8.02.4 Whether the original conviction was expunged or pardoned; and

8.02.5 Any other relevant facts.

8.03 After making its decision, the SBE shall reduce its decision to writing and shall mail copies of the decision to the fiscal officer applicant or currently employed fiscal officer and the Superintendent of the affected school district.

ARKANSAS DEPARTMENT OF EDUCATION
PROPOSED RULES GOVERNING CRIMINAL BACKGROUND CHECKS
FOR SUBSTITUTE TEACHERS

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.
- 1.02 These rules shall be known as the Arkansas Department of Education Rules Governing Criminal Background Checks for Substitute Teachers.

2.00 DEFINITIONS

For the purpose of these rules, the following terms shall mean as follows:

- 2.01 “Applicant” means an individual who is being considered for employment as a substitute teacher by a local school district.
- 2.02 “Initial employment” means the first time that an applicant has been considered for employment by a local school district.
- 2.03 “Non-licensed staff position” means a position with a local school district which does not require the holder of the position to possess an Arkansas teacher’s license pursuant to Ark. Code Ann. § 6-17-401 *et seq.*
- 2.04 “Non-continuous employment” means consideration for employment as a substitute teacher in a local school district by an applicant who has been previously employed by the same local school district in a non-licensed staff position and the last previous employment of the applicant by the district was no earlier than the previous school year.
- 2.05 “Substitute teacher” means an individual who does not hold an Arkansas teacher’s license who is employed by a local school district to provide classroom teaching services on an occasional or temporary basis.

3.00 CRIMINAL BACKGROUND CHECKS FOR SUBSTITUTE TEACHERS

- 3.01 The board of directors of a local school district or an education service cooperative shall require, as a condition for initial employment or non-continuous employment as a substitute teacher, that an individual apply to the Identification Bureau of the Arkansas State Police for statewide and national criminal records checks.

- 3.02 The Identification Bureau of the Arkansas State Police shall forward the information necessary for the processing of the nationwide criminal records check to the Federal Bureau of Investigation for the completion of the criminal records check.
- 3.03 The applicant shall sign a release of information permitting the completed statewide and nationwide criminal records checks to be submitted to the Arkansas Department of Education.
- 3.04 Upon completion of the criminal records check, the Identification Bureau of the Arkansas State Police shall forward all releaseable information obtained concerning the applicant to the Department of Education.
- 3.05 The Department of Education shall promptly inform the board of directors of the local school district or education service cooperative whether or not the applicant is eligible for employment pursuant to Ark. Code Ann. § 6-17-414(b).
- 3.06 No non-licensed applicant shall be eligible for employment as a substitute teacher by a local school district or education service cooperative if the applicant has pleaded guilty or *nolo contendere* to or has been found guilty of any offense listed under Ark. Code Ann. § 6-17-414(b) by any court in the State of Arkansas or of any similar offense by a court in another state or of any similar offense by a federal court.
- 3.07 The board of directors of a local school district or education service cooperative may offer provisional employment to a substitute teacher pending receipt of eligibility information from the Department of Education.
- 3.08 Any information received by the Department of Education from the Identification Bureau of the Arkansas State Police pursuant to this section shall not be available for examination except by the affected applicant for employment or his or her duly authorized representative, and no record, file or document shall be removed from the custody of the Department of Education.
 - 3.08.1 Any information made available to the affected applicant for employment shall be information pertaining to that applicant only.
- 4.00 NON-LICENSED SUBSTITUTE TEACHERS WORKING FOR MORE THAN ONE (1) SCHOOL DISTRICT
 - 4.01 Any non-licensed individual who has successfully completed the statewide and nationwide criminal records checks referenced in Section 3.00 of these rules, and who is employed as a substitute teacher for a local school

district for a given school year, may also be concurrently employed by one (1) or more other local school districts during the same school year without the necessity of completing another statewide and nationwide criminal records check.

- 4.02 Local school districts who wish to hire an applicant covered under Section 4.01 of these rules may, upon verifying that the applicant is employed as a substitute teacher for a local school district, contact the Department of Education's Office of Professional Licensure to ascertain the applicant's eligibility for employment.
- 4.03 Under no circumstances shall the Department of Education release information received from the Identification Bureau of the Arkansas State Police on any applicant to any local school district.