AGENDA
STATE BOARD OF EDUCATION

April 12, 2010
Arkansas Department of Education
Auditorium, State Education Building
9:00 AM

Back Print

Reports

Report-1 Chair's Report

Presenter: *Dr. Naccaman Williams*

Report-2 Commissioner's Report

Presenter: *Dr. Tom W. Kimbrell*

Report-3 Recognition of Master Principal Awardees - Arkansas Leadership Academy

The Master Principal Program of the Arkansas Leadership Academy will announce and recognize Arkansas school principals completing the Master Principal Program. Recipients will be announced from the podium.

Presenter: *Dr. Tom W. Kimbrell*

Report-4 Recognition of Academic Performance - National Title I Conference - Lonoke Middle School

Lonoke Middle School was recognized at the National Title I Conference in January of 2010 for its academic performance in reducing the academic achieveemnt gap between its sub-groups in the school. The Arkansas State Board of Education will also recognize this school for its academic accomplishments.

Presenter: *Dr. Tom W. Kimbrell*

Report-5 Recognition of Academic Performance - National Title I Conference - Cedar Park Elementary School in the Trumann School District

Cedar Park Elementary School School in the Trumann School District was recognized at the National Title I Conference in January for its progress in improving over-all academic perforamnce in the school over a two-year period. The Arkansas State Board of Education will also recognize this school for its academic accomplishments.

Presenter: *Dr. Tom W. Kimbrell*

Report-6 Report: Update on Wellness Grants Administered by the Arkansas Department of Education and Emerging State-Level Activities Related to Student Health

The Arkansas Department of Education administers grant activities related to student wellness. These grants are managed in conjunction with the Arkansas Department of Health and the Arkansas Center for Health Improvement. The purpose of this report is to provide the State Board of Education with an up-date on the current level of activity. Dr. Cox will also note activities pursuant to implementation of a School Health Initiatives Grant funded from the National Association of State Boards of Education (NASBE).

Presenter: *Dr. Dee Cox*

Report-7 Status Report on Consolidation/Annexation Plan Involving the Twin Rivers School District

On February 8, 2010, pursuant to Ark. Code Ann. § 6-15-207, the State Board of Education voted to allow the Arkansas Department of Education to: (1) take over immediate administrative control of the Twin Rivers School District; (2) relieve the Twin Rivers School Board of Directors from its duties; (3) appoint an interim administrator to oversee the operations of the Twin Rivers School District; and (4) develop a plan for the consolidation/annexation of the Twin Rivers School District with/into one or more districts that are contiguous to the Twin Rivers School District. This report will provide an update to the State Board of Education concerning a plan to annex portions of the Twin Rivers School District into one or more contiguous districts.

Presenter: *Dr. Tom Kimbrell, ADE Staff*

Report-8 Update - Annual School Performance Report

This report will provide a summary of the Annual School Performance Report (Report Card), which was released on March 13, 2010.

Presenter: *Dr. Charity Smith*

Consent Agenda

C-1 Minutes - March 8, 2010

Presenter: *Dr. Charles Watson*

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 Arkansas Department of Education (ADE) 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 Progress Report on the Status of Districts Classified in Fiscal Distress

Currently seven districts are classified by the State Board as being in Fiscal Distress. Department staff conducts on-site visits; reviews district financial improvement plans and financial reports, and works with Fiscal Distress districts on issues specific to the individual districts. The seven districts in Fiscal Distress are Decatur, Forrest City, Greenland, Mansfield, Osceola, Wickes and Yellville-Summit. A progress report for each district classified as being in Fiscal Distress is provided to the State Board every six months

Presenter: *Bill Goff*

C-5 Consideration of Recommendation of the Professional Licensure Standards Board for Training and Review of District Reporting Procedures for Case #09-083A – Angela Coats.

The Professional Licensure Standards Board's Sub-Committee on Ethics is recommending training and review of the district reporting procedures for Angela Coats for violation of ***Standard 3: An educator honestly fulfills reporting obligations associated with professional practices.***

Presenter: *Judy Kaye Mason*

C-6 Consideration of Recommendation of the Professional Licensure Standards Board for Training and Review of District Reporting Procedures for Case #09-083B – Tammy Tyler.

The Professional Licensure Standards Board's Sub-Committee on Ethics is recommending training and review of the district reporting procedures for Tammy Tyler for violation of ***Standard 3: An educator honestly fulfills reporting obligations associated with***

professional practices.

Presenter: *Judy Kaye Mason*

C-7 Consideration of Recommendation of the Professional Licensure Standards Board for Probation of Teaching License for Two (2) Years and a Fine of $75, as Well as Alcohol Rehab Counseling with Periodic Reports to the Arkansas Department of Education on Case #10-032 – John Eichman

The Professional Licensure Standards Board's Sub-Committee on Ethics is recommending probation of teaching license for two (2) years, a $75 fne and alcohol rehabilitation counseling with periodic reports to the Arkansas Department of Education for John Eichman for violation of ***Standard 7: An educator refrains from using, possessing and/or being under the influence of alcohol, tobacco, or unauthorized drugs while on school premises or at school-sponsored activities involving students.***

Presenter: *Judy Kaye Mason*

C-8 Consideration of Recommendation of the Professional Licensure Standards Board for Written Reprimand and Training with Monitored Progress in Autism Sensitivity and a Fine of $50 for Case #09-054 – Harry Branch.

The Professional Licensure Standards Board's Sub-Committee on Ethics is recommending a written reprimand, a fine of $50 and training in the field of Autism Sensitivity for Harry Branch for violation of ***Standard 1: An educator maintains a professional relationship with each student, both in and outside the classroom.***

Presenter: *Judy Kay Mason*

C-9 Request for Approval of Stipulated Agreement - Sean Frederick Steiger

Mr. Steiger was convicted of 1st Degree Assault, a Class A misdemeanor, in Stone County District Court in 2001. This is a disqualifying offense pursuant to Ark. Code Ann. § 6-17-410(c)(21). Mr. Steiger was given the opportunity to enter into a stipulated agreement with the Department of Education. Pursuant to this agreement, Mr. Steiger's teaching license will be placed on probation for a period of three (3) years from the issuance of his license. At the conclusion of the probationary period, provided that Mr. Steiger has neither been charged with or convicted of a disqualifying offense under Ark. Code Ann. § 6-17-410 or has been found to be in violation of the Code of Ethics for Arkansas Educators, Mr. Steiger will receive full licensure status.

Presenter: *Drew Blankenship*

C-10 Request for Approval: Consent Order for Surrender and Permanent Revocation of Teaching License of Corey Smith

Mr. Corey Smith has been accused of violating the Code of Ethics for Arkansas Educators in a complaint to the Professional Licensure Standards Board. Mr. Smith wishes to surrender his Arkansas teaching license and agree to a permanent revocation of his license by the State Board of Education through a consent order pursuant to Ark. Code Ann. §§ 6-17-422(i)(4)(A) and 25-15-208(b).

Presenter: *Tripp Walter*

C-11 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 – three 2nd Lien Bond Applications – Recommend Approval, four Voted Bond Application – Recommend Approval***

Presenter: *Cindy Hedrick and Amy Woody*

C-12 Consideration for Awarding Waiver Days - Cave City School District

During the 2009-2010 school year, the Cave City School District missed a total of 11 days due to inclement weather. The district proposes to make up a total of 10 days: 7 scheduled inclement weather days (which includes two spring break days) and 3 additional spring break days.

The district requests a waiver for one (1) day making the 2009-2010 school year a total of 177 instructional days.

Presenter: *Dr. Tom W. Kimbrell*

C-13 Consideration for Awarding Waiver Days - Deer/Mt. Judea School District

During the 2009-2010 school year, the Mt. Judea campus of the Deer/Mt. Judea School District missed a total of 11 days due to inclement weather. The Deer campus missed a total of 10 days due to inclement weather. The district proposes for both campuses to make up a total of 10 days: 5 scheduled inclement weather days and 5 spring break days.

The district requests a waiver for one (1) day for the Mt. Judea campus making the 2009-2010 school year a total of 177 instructional days.

Presenter: *Dr. Tom W. Kimbrell*

C-14 Consideration for Awarding Waiver Days - Highland School District

During the 2009-2010 school year the Highland School District missed a total of 12 days due to inclement weather. The district proposes to make up a total of 10 days: 8 scheduled inclement weather days, which includes 5 days of spring break; and 2 day extension of the school year.

The district requests a waiver for two (2) days making the 2009-2010 school year a total of 176 instructional days.

Presenter: *Dr. Tom W. Kimbrell*

C-15 Consideration for Awarding Waiver Days - Mt. View School District

During the 2009-2010 school year, the Mt. View School District missed a total of 12 days due to inclement weather. The district proposes to make up a total of 10 days: 5 inclement weather days and 5 spring break days.

The district requests a waiver for two (2) days making the 2009-2010 school year a total of 176 instructional days.

Presenter: *Dr. Tom W. Kimbrell*

C-16 Consideration for Awarding Waiver Days - Salem School District

During the 2009-2010 school year, the Salem School District missed a total of 12 days due to inclement weather. The district proposed to make up a total of 10 days: 5 scheduled inclement weather days and 5 spring break days.

The district requests a waiver for two (2) days making the 2009-2010 school year a total of 176 instructional days.

Presenter: *Dr. Tom W. Kimbrell*

C-17 Consideration for Awarding Waiver Days - Twin Rivers School District

During the 2009-2010 school year, the Twin Rivers School District missed a total of 14 days due to inclement weather. The district proposes to make up a total of 12 days: 5 scheduled inclement weather days (added to the end of the school year); 5 spring break days; and 2 holidays.

The district requests a waiver for two (2) days making the 2009-2010 school year a total of 176 instructional days.

The Department of Education recommends approval.

Presenter: *Dr. Tom W. Kimbrell*

C-18 Consideration for Awarding Waiver Days - Viola School District

During the 2009-2010 school year, the Viola School District missed a total of 12 days due to inclement weather: The district proposes to make up a total of 10 days: 5 scheduled inclement weather days (added to the end of the school year) and 5 spring break days.

The district requests a waiver for two (2) days making the 2009-2010 school year a total of 176 instructional days.

Presenter: *Dr. Tom W. Kimbrell*

C-19 Report on Waivers to School Districts for Teachers Teaching Out of Area for Longer than Thirty (30) Days, Ark. Code Ann. § 6-17-309.

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 10 school districts covering a total of 18 teaching positions and 8 school districts requesting waivers for 8 long-term substitutes. 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*

Action Agenda

A-1 Consideration of Involuntary Administrative Consolidation of the Turrell School District into One (1) or More School Districts

The Turrell School District is on the 2010 "Act 60" Consolidation List, meaning that the district must be consolidated with or annexed into one (1) or more districts as the district has fallen below 350 average daily student membership for both the 2007-2008 and 2008-2009 school years. As a voluntary petition for administrative annexation or consolidation of the Turrell School District (Turrell) has not been approved by the State Board of Education (Board), state law requires that the Board must administratively consolidate Turrell into one (1) or more school districts. The State Board of Education previously considered a Petition for Voluntary Annexation of the Turrell School District into the Earle School District at its April 13, 2009 meeting, and denied the Petition. A copy of the minutes of that meeting is attached. The districts which are contiguous to Turrell are: Earle (797 students (763 African-American)), East Poinsett County (801 students (669 Caucasian, 71 African-American)), Marion (4,046 students (2,238 Caucasian, 1,593 African-American)), Marked Tree (616 students (412 Caucasian, 192 African-American)), and South Mississippi County (1,335 students (854 Caucasian, 402 African-American)).

The Department has attached copies of academic, demographic, standards for accreditation, fiscal and other relevant information for Turrell and its contiguous districts. An opinion has been requested from the Attorney General's Office as to the segregative effect, if any, that would be caused to any school districts as a result of the proposed consolidation. The opinion has been received and attached.

Presenter: *ADE Staff*

A-2 Arkansas Better Chance 2009-2010 Funding Recommendations

Pursuant to the authority granted the State Board of Education, the DHS Division of Child Care and Early Childhood Education requests approval of the attached funding recommendations under the Arkansas Better Chance program.

Presenter: *Jamie Morrison*

A-3 Review of Open-Enrollment Public Charter School: School of Excellence, Humphrey, AR

The State Board of Education approved the application for the School of Excellence on November 5, 2007. The current five year charter contract for the school goes through June 30, 2013. A report was submitted to the State Board concerning the School of Excellence at the Board's March 8, 2010 meeting. The school was notified of an agenda item for the April State Board of Education meeting regarding a comprehensive review of the school's financial status.

A hearing will be held by the State Board of Education concerning a report from the Department on the fiscal status of the School of Excellence. Pursuant to Ark. Code Ann. § 6-23-105, the State Board may place the School of Excellence on probation or may modify or revoke its charter.

Presenter: *Dr. Mary Ann Duncan*

A-4 Consideration for Final Approval: Proposed Application for Open Enrollment, District Conversion and Limited Charter.

On July 13, 2009 the State Board approved for public comment Proposed Rules Governing Public Charter Schools and Applications. On August 21, 2009, a public hearing was held at the Department, with ten people in attendance. No comments were made regarding the application forms. After a review of the applications, the Charter School Unit presented recommendations to the State Board on December 14, 2009. At that time members of the State Board requested additional changes to the applications. The proposed

changes have been incorporated and are now ready for review and approval by the State Board. The Arkansas Department of Education is requesting final approval from the State Board of Education on the Application for Open Enrollment, District Conversion and Limited Charter.

Presenter: *Dr. Mary Ann Duncan*

A-5 Classification of District in Fiscal Distress - McGehee School District

Pursuant to Ark. Code Ann. §6-20-1905, the McGehee School District received notice by certified mail as being identified by the Arkansas Department of Education for Fiscal Distress status. The identification, recommendation for classification, and any appeal would be presented at the April 12, 2010, State Board meeting. The District was informed at that time they could not incur any future debt obligations without prior written approval from ADE.

The deadline for appeal was March 28, 2010, and no appeal was filed.

The Department recommends that McGehee School District be classified as being in Fiscal Distress.

Presenter: *Bill Goff*

A-6 Consider Recommendation for New Praxis II Cut Scores in German, French, Spanish, World Foreign Language Pedagogy and Business Education to be Effective September 1, 2010.

Recommendation of new Praxis II cut scores are as follows:

1) *New German exam (0183) Content Knowledge – recommended cut score of 163. This is the first exam for German.*

2) *New French exam (0174) Content Knowledge – recommended cut score of 162 replacing French Content Knowledge (0173) with cut score of 158 and French Productive Language Skills (0171) with cut score of 167.*

3) *New Spanish exam (0195) Content Knowledge – recommended cut score of 168 replacing Spanish Content Knowledge exam (0194) with a cut score of 160 and Spanish Productive Language Skills exam (0192) with a cut score of 141*

4) *New World Foreign Language Pedagogy exam (0841) - recommended cut score of 158 for all languages. Foreign languages will now have two (2) Praxis assessments instead of three.*

5) *New Business Education exam (0101) Content Knowledge – recommended cut score of 154, replacing Business Education (0100) with an old score of 550. The new test aligned to the new standards for Business Education.*

Presenter: *Beverly Williams*

A-7 Consideration of Waiver of National Board for Professional Teaching Standards repayment of State Funds – Tamora (Goodman) McDowell

As ADE continues to close outstanding NBPTS accounts; several unresolved balances have been discovered. These can not be waived or closed without the approval of the State Board. Recommendation that fee and substitute pay reimbursement waiver for Tamora (Goodman) McDowell be considered and granted due to health and/or extenuating circumstances as outlined. The State Board of Education has the authority to waive repayment of State monies in cases of death, disability, or extenuating circumstances as set forth in Ark. Code Ann. § 6-17-413 (b) (4) provides that repayment of moneys contributed by the department is not required if, due to the death or disability of the teacher or other extenuating circumstances as may be recognized by the State Board of Education, the teacher does not complete the certification process of the National Board for Professional Teaching Standards or does not teach in the Arkansas public school system for two (2) continuous school years after completing the certification process of the National Board for Professional Teaching Standards.

Presenter: *Beverly Williams*

A-8 Consideration for Final Approval: Rules Governing Initial and Standard/Professional Administrator and Administrator-Arkansas Correctional School License.

Revisions to this rule reflect the implementation of Act 733 of 2009 and changes made from public comments as well as other

changes. These rules were approved for public comment on June 8, 2009. A public hearing was held in the Auditorium of the Arkansas Department of Education on July 14, 2009. These rules were submitted for final approval at the September 2009 State Board of Education meeting where they were tabled at that time. Public comments, written and verbal were received and taken into consideration when revising these rules. Requirements for Administrator for Arkansas Correctional School License were incorporated into these rules.

A summary of the changes made since September 2009 are:

1) 3.01.2, 4.02.3.1.2 and 4.02.3.1.3 – The creation of a Building Level Administrator for the Arkansas Correctional Schools grades 5-12. This change was approved for recommendation by the Professional Licensure Standards Board and the ADE.

2) 4.02.1.1.1 and 4.02.2.2.1 - Allows individuals holding a license in Speech Language Pathology to pursue Curriculum/Program Administrator license in the area of Special Education only. This section did not receive the support of the Professional Licensure Standards Board; however, the Department is recommending its inclusion.

Consideration of recommendation for final approval of these rules is requested.

Presenter: *Beverly Williams*

A-9 Consideration for Final Approval: Rules Governing Initial, Standard/Professional and Provisional Teacher Licensure.

Revisions to this rule reflect the implementation of Act 1173 of 2009 (Central Registry) and changes made from public comments as well as other changes. These rules were approved for public comment on June 8, 2009. A public hearing was held in the Auditorium of the Arkansas Department of Education on July 14, 2009. These rules were submitted for final approval at the September 2009 State Board of Education meeting where they were tabled at that time. Public comments, written and verbal were received and taken into consideration when revising these rules.

A summary of the changes made since September 2009 are:

1) 3.18 – Expands the definition of a Traditional P-12 setting to including the Arkansas Correctional Schools

These changes were approved for recommendation by the Professional Licensure Standards Board and the ADE. Consideration of recommendation for final approval of these rules is requested.

Presenter: *Beverly Williams*

A-10 Consideration for Public Comment: Procedural Requirements Program Standards; and Special Education Eligibility and Program Guidelines for Children with Disabilities Ages 3-21

Changes in the provisions of the Individual with Disabilities Education Act (IDEA) implementing regulations neccesitates revision to present State special education rules and required forms to comply with federal requirements. In addition, updates are needed to reflect present State standards applicable to education in residential setting.

Presenter: *Marcia Harding*

A-11 Consideration for Approval: Emergency Rules Governing the Arkansas Comprehensive Testing, Assessment and Accountability Program and the Academic Distress Program

Act 1307 of 2009 substantially amended the requirements for End-of-Course assessments, including the requirement that the Arkansas State Board of Education (Board) establish by rule the requisite (pass) scale score for high-stakes end-of-course assessments. Act 1307 of 2009 requires that beginning in the 2009-2010 school year, all students in Grade 9 or below who are enrolled in Algebra I must complete and meet the requisite scale score on the End-of-Course Algebra I Examination in order to receive an academic credit toward graduation. The End-of-Course Algebra I pass scale score was determined by a statewide committee of educators who engaged in a standard setting process in January 2009. The Board approved the pass raw cut score for Algebra I on February 9, 2009. The Department recommends that an End-of-Course Algebra I Examination pass scale score of 159 and above be set forth in Section 6.0 of the Arkansas Department of Education Rules Governing the Arkansas Comprehensive Testing, Assessment and Accountability Program (ACTAAP). The Department also recommends that the tables in Section 6.04 of the ACTAAP Rules be revised. The

recommended changes reflect the need to provide scale score ranges that correspond with proficiency levels.

The Board approved the Arkansas Department of Education Emergency Rules Governing the Arkansas Comprehensive Testing, Assessment and Accountability Program and the Academic Distress Program at its December 14, 2009 meeting. The Emergency ACTAAP Rules will expire on April 21, 2010. The ACTAAP Rules are undergoing the permanent rule promulgation process. If approved, these Emergency Rules will be in effect until the permanent rule promulgation process is completed for the ACTAAP Rules. Because the revisions are necessary for the Board and the Department to comply with Act 1307 of 2009 during the Spring 2010 testing cycle, the Department requests that the Board approve the Arkansas Department of Education Emergency Rules Governing the Arkansas Comprehensive Testing, Assessment and Accountability Program and the Academic Distress Program.

Presenter: *Jeremy Lasiter*

A-12 Request for Approval: Emergency Rules Governing Appeals Involving Student Residency Disputes Between School Districts

These Emergency Rules have been drafted to implement Act 1310 of 2009, which creates a process for resolving disputes between school districts concerning a student's proper school district of residence. Act 1310 allows for a preliminary investigation between two school districts when one school district has reason to believe that a student is unlawfully attending school in another school district. A school district may appeal from another school district's determination regarding the proper residency of the student to the Department of Education. Act 1310 requires that a departmental hearing officer investigate the appeal and conduct a hearing. A school district may appeal from the hearing officer's final decision to circuit court.

The Board approved the Arkansas Department of Education Emergency Rules Governing Appeals Involving Student Residency Disputes Between School Districtsat its December 14, 2009 meeting. The Emergency Rules will expire on April 21, 2010. The Proposed Rules Governing the Appeals Involving Student Residency Disputes Between School Districtsare undergoing the permanent rule promulgation process. If approved, these Emergency Rules will be in effect until the permanent rule promulgation process is completed. The Department requests that the Board approve the Arkansas Department of Education Emergency Rules Governing the Appeals Involving Student Residency Disputes Between School Districts.

Presenter: *Jeremy Lasiter*

Minutes
State Board of Education
Monday, March 8, 2010

The State Board of Education met on Monday, March 8, 2010, in the Auditorium of the State Education Building. Dr. Naccaman Williams, Chair, called the meeting to order at 9:00 a.m.

The following Board members were present: Dr. Naccaman Williams, Chair; Jim Cooper, Vice Chair; Sherry Burrow; Brenda Gullett; Sam Ledbetter; Alice Mahony; Dr. Ben Mays; Toyce Newton; and Vicki Saviers.

No members were absent.

Chair's Report

Vicki Saviers reported that she and Sam Ledbetter visited Forrest Heights Middle School and Cloverdale Middle School in the Little Rock School District on March 4. Ms. Saviers noted that the visits included interviews with the principals and representative teachers from both sites. She summarized her remarks by stating that members of the Board need to provide more opportunities for principals and teachers to express challenges faced in the public schools and that should help the Board do its job better.

Alice Mahony provided informational materials from a meeting of Girls of Promise held recently for young women attending the El Dorado School District. She noted that the meeting was to encourage young women that they can be successful in the business and professional world, but the challenge is through a quality education.

Brenda Gullett reported participation in a conference call with representatives from National Association of State Boards of Education (NASBE) at which time the topic of discussion was reauthorization of the Elementary and Secondary Education Act (No child Left Behind). She also reported that she would be attending the NASBE Legislative conference later in March.

Commissioner's Report

Dr. Kimbrell reported that the Arkansas proposal for Race to the Top was not selected as a finalist in the national review process. He stated that Department staff is already working to determine areas where the Arkansas proposal was viewed as deficient so that a revised proposal can be submitted later in the summer.

Dr. Kimbrell announced that the Common Core Standards will be officially available on March 10, 2010, for review and comment by the states. He encouraged the Board to go to the announced link and be prepared to make comments.

Other Reports

Dr. Paul Halverson from the Department of Health was not available for the scheduled report.

Dr. Mary Ann Duncan and Mr. Bill Goff summarized fiscal matters related to the School of Excellence Charter School now operating in Humphrey. Mr. Goff stated that there has been a change in administrator at the school and that it appears that the school will not be able to meet fiscal liabilities between now and the end of the fiscal year – June 30, 2010. Mr. Goff stated that an audit of funds and expenditures will have to be conducted to determine the exact condition of the financial standing. He noted that the audit process would begin immediately.

Vicki Wilson was introduced as the interim administrator of the charter school. Ms. Wilson stated that her goal is to maintain the operation of the school even though the number of students is very small. Ms. Wilson also indicated that parent groups and the school's board were exploring ways of raising funds to make up any deficit found.

Ms. Mahony asked about disbursement of the students should the school be forced to close. Ms. Wilson responded that most students would return to one of the public schools in the area and that a few might be home schooled.

Ms. Gullett asked if it was legal for public charter schools to raise funds to keep the school solvent. Dr. Duncan responded that other charters have raised funds and charters also have sought and received grants to help with management and operating costs.

Ms. Newton expressed concern that the students were suffering from lack of program management and the disturbing things going on in the school.

Dr. Kimbrell stated that ADE would be sending a resource team to the school during the week of March 8 to determine the educational and financial status of the School of Excellence.

Ms. Burrow expressed concern for the glowing report in the state summary that was released recently as compared to actual findings at this time. Ms. Wilson stated that the report was prepared and submitted by the previous administration before any of the fiscal issues were known.

Ms. Wilson stated that all of this news about the school's fiscal status is new and it was just presented to the local school board on the previous Saturday. She stated that her Board is taking the issue very seriously and wants to find a way to work through the issues so the community can keep the school. Ms. Wilson noted that the school was voluntarily appearing before the State Board to keep the Board apprised of the situation that exists.

No Action was taken.

Consent Agenda

Dr. Williams announced that Consent Agenda Item #9, Discussion of FY2010 Public School Fund Budget Reductions, would be moved to the end of the Action Agenda.

Ms. Mahony noted that on the item listing requests for waivers for teaching out of field that 31 out of the 53 waivers listed were for special education teachers. Beverly Williams responded that special education is one of the areas of greatest need for new teachers. Ms. Williams noted that for this school year there are between 700 and 800 special education teachers needed to meet the needs of students throughout all levels in the public schools.

- Minutes: February 8 and February 19, 2010
- Commitment to Principles of Desegregation Settlement Agreement: Report on the Execution of the Implementation Plan
- Newly Employed, Promotions and Separations
- Request for Approval of Stipulated Agreement – Kristy Reid
- Report on Waivers to School Districts for Teachers Teaching Out of Area for Longer Than Thirty (30) Days, Ark. Code Ann. § 6-17-309
- Consideration of Recommendation of the Professional Licensure Standards Board for Probation of Teaching License for Two (2) Years and a Fine of $75 for Case # 10-030 – Danny Collie
- Consideration of Recommendation of the Professional Licensure Standards Board for Probation of Teaching License for Three (3) Years and a $75 Fine with Continued Counseling on Case #10-034 – Robert Zorn
- Consideration of Recommendation of the Professional Licensure Standards Board for a Written Reprimand and an Fine of $50 for Case # 09-063 – Sharon Ward

Mr. Cooper moved approval of the amended Consent Agenda. Ms. Newton seconded the motion. The motion was adopted unanimously.

Action Agenda

(A full text of the deliberations of the Action Agenda prepared by the court reporter is available from the State Board Office in the Department of Education.)

Consideration of Petition for voluntary Administrative Annexation of the Turrell School District into the Earle School District

This item was removed from consideration by the Earle School District.

Consideration of Petition for voluntary Consolidation of the Wickes School District with the Van Cove School District (to be called Cossatot River School District)

Jeremy Lassiter was recognized to present this item. Mr. Lassiter reported that the two districts have met the legal requirements for consolidation and neither of the districts meets the requirement of Act 60 (enrollment under 350 for two consecutive years). Megan Witonski, superintendent of the Wicks School District and Andrew Curry, superintendent of the Van Cove School District, made presentations to the Board stressing that neither of the districts are required to consolidate at this time, but for financial reasons and for making improvements in programs for students. Both superintendents indicated that the two local boards were behind the plan and community meetings were held in both districts to share information about the plan. Mr. Curry reported that if the plan is approved, the new district proposes to construct a new high school facility between the two current schools that will serve students throughout the new district.

Suzanne Faulkner a parent from the Umpire community related to the Board that parents in that remote area of proposed new district were concerned over the lack of information and lack of involvement with planning of the consolidation. She requested that the merger be postponed so that the Umpire community could have more input into the process.

State Representative Bill Abernathy requested that the Board give this consolidation favorable recommendation. He noted the good working relationship between the two districts and the options that can emerge for students under a consolidated district.

Dr. Kimbrell complimented the two superintendents for their unselfish dedication to making this merger work. He stated that both have offered their positions in order for personalities not to get in the way of what is right for students in the area. Dr. Kimbrell stated that the Agency staff have reviewed the issues and believe that this merger is well designed and in the best interest of both districts.

Ms. Burrow asked about placement of elementary schools in the new district. Mr. Curry responded that at this time there are plans for a new 7-12 grade high school and the elementary grades will remain in the local communities.

Dr. Mays asked about the questions from the Umpire community. Mr. Curry responded that currently Umpire is classified as an isolated district and gets additional state funds. The isolated status allows funds to keep a k-12 school at that site. He stated that arrangement would be retained as long as the isolated funds remain and there are sufficient students to financially maintain a school.

Ms. Newton asked about any reduction in staff under the consolidation. Mr. Curry noted that there will be one administration, which will reduce positions and that this year there will be some reduction due to a loss in students. He indicated that attrition may take care of loss of jobs for this year.

Mr. Cooper opined that the consolidation seems to be the right thing at this time. He asked why the districts did not meet with the Umpire community. Ms. Witonski (Wickes superintendent) responded that the petition was just received last week and there was not time to set up a meeting before the hearing today.

Ms. Mahony asked about construction costs for a new high school facility. Mr. Curry responded that both districts have approved construction projects. He stated that with the consolidation, the new district can go back to the Facilities Commission and get the funds redirected to the high school project.

Mr. Ledbetter moved approval of the proposed voluntary consolidation to be effective July 1, 2010. Ms. Burrow seconded the motion. The motion was adopted unanimously on a roll-call vote.

Consideration of Petition for voluntary Administrative Annexation of the Delight School District into the Murfreesboro School District (to be called the South Pike County School District)

Jeremy Lassiter was recognized to present this item. Mr. Lassiter introduced superintendents Lavon Flaherty, Delight, and Curtis Turner, Murfreesboro, to present background information.

Mr. Flaherty stated that following the denial of the Delight/Weiner proposal at the February State Board meeting, representative from the Delight and Murfreesboro School Districts met and worked out terms for annexation of Delight into the Murfreesboro School District. Mr. Flaherty stated that there was no opposition to the annexation. Mr. Turner stated that the two local school boards had met before Delight entered into its agreement with Weiner and that after that proposal was denied, it was perhaps the only option for Delight at this time. Mr. Turner stated that he was not aware of any opposition to the annexation and this action would assure the continuation of a quality school for the students of South Pike County for a long time in the future.

No one spoke in opposition to the proposed annexation.

Dr. Kimbrell stated that the Department staff had reviewed the proposal and believes this proposal is in the best interest of these districts.

Mr. Cooper asked about the number of African American students in the districts. Mr. Flaherty stated that presently there were about 23 percent in the Delight District and that the ratio in the combined high school would be approximately 11 percent.

Ms. Gullett asked about leadership in the new district. Mr. Flaherty stated that he was definitely retiring at the end of this academic year. Mr. Turner responded that he had previously retired and was employed by the Murfreesboro District last year to help them through fiscal distress and he was committed to stay for the short term to make the annexation a reality.

Dr. Mays asked about school sites for next year. Mr. Turner responded that for the 2010-2011 school year there would be no facility changes. However, he stated that there are no guarantees over the long term. He indicated that some time in the future the high school 7-12 would probably be all housed on the Murfreesboro campus.

Dr. Williams asked if the districts allowed transfers. Both stated yes as long as legal requirements are met by the requesting families.

Ms. Saviers moved approval of the voluntary annexation of the Delight School District into the Murfreesboro School District effective July 1, 2010. Dr. Mays seconded the motion. The motion was adopted unanimously on a roll-call vote.

Consideration of Petition for Voluntary Administrative Annexation of the Weiner School District into the Harrisburg School District

Jeremy Lassiter was recognized to present this item. Mr. Lassiter stated that all legal aspects of a voluntary annexation of these two districts have been met.

Cale Block was recognized to present the position of the Weiner School District. Mr. Block stated that following the rejection of the consolidation request in February, the Weiner District met with representatives from Harrisburg and he feels that the proposal between these districts is a good one and will meet the needs of students in the Weiner School District. Chuck Hanson, superintendent of the Weiner District, and Danny Sample, superintendent of the Harrisburg School District, were recognized and spoke of the commitment of both districts. Mr. Sample stated that the attitude of the Harrisburg District is that it is important to be a good neighbor and that this is the first time that the two districts have really worked very closely together.

Dr. Kimbrell stated that the proposal has been reviewed by Department staff and he believes that it is a good proposal. He noted the difficulty of the Weiner District to change its intent following the denial of a previous proposal and he commends Mr. Hanson for his leadership in the Weiner community to make this proposal come to fruition.

Ms. Saviers asked what was different this time with the attitude of the Harrisburg District from previous attempts at annexation. Mr. Sample responded that when Weiner was seeking a partner, they approached several districts other than Harrisburg. He felt that there were some hurt feelings between the two communities during that time. He stated that after the previous Weiner proposal was rejected, both local boards and communities seemed to come together for the kids in the districts.

Mr. Cooper asked if this annexation would be good for the Harrisburg District. Mr. Sample responded, "Maybe."

Ms. Burrow moved approval of the voluntary annexation of the Weiner School District into the Harrisburg School District effective July 1, 2010. Mr. Cooper seconded the motion. The motion was adopted unanimously on a roll-call vote.

Renewal of District Conversion Public Charter School: Mountain Home High School Career Academies, Mountain Home, Arkansas

Dr. Mary Ann Duncan was recognized to present this item. Dr. Duncan stated that this school has been in operation as a conversion charter school for five years. Mountain Home High School Principal, Dana Brown, was recognized to provide a progress report for the school. Ms. Brown outlined the construct of the "academy" structure for the school and showed data reflective of improved test scores and decreased dropout rate. Another feature of the school is the active participation of community resources in the activities of the various academy projects.

Ms. Saviers asked what factors seem to influence improved test scores. Ms. Brown stated that within the academies there is a difference in instructional delivery and that every attempt is made to align student's needs and interests with the academy that best meets the student's interest. She also noted that the staff studies the student data from testing and is committed to providing instruction directed to the identified needs of the students.

Ms. Gullett asked about the racial makeup of the school. Ms. Brown responded that the student body is almost entirely composed of Caucasian students.

Dr. Mays asked if the core subject contest was different across the various academies. Ms. Brown responded that the content is determined by State Frameworks, which are the same across the academies, but the method of delivery will be uniquely different, which makes it more akin to student interest and needs.

Ms. Burrow commented on the low student dropout rate.

Ms. Mahony asked about accounting procedures and the seemingly large influx of cash into the school account. Superintendent, Charles Scribner, conferred with the district bookkeeper, to find that funds are transferred to the school account from the district money market funds on as "as needed" basis.

Dr. Mays asked about the efficiency of the academy structure and the extensive use of community resources. Ms. Brown responded that the benefit lies in the interest and achievement of students. She noted it is a lot of work and it takes a dedicated staff, but the staff and community value the opportunity for the students. She also noted that input from the community partners is a major part of the academy structure success.

Ms. Mahony asked about transition from the junior high school. Ms. Brown stated that the counseling staff is key to making the transition work. She noted that during a student's freshman year, the counselor works extensively with students to make the transition into the learning academies.

Dr. Mays asked if it costs more to operate this school. Dr. Scribner responded that the cost per student is no more for the high school than any other school within the district.

Ms. Gullett moved renewal of the conversion charter school for Mountain Home High School for five years. Ms. Saviers seconded the motion. The motion was adopted unanimously on a roll-call vote.

Renewal of District Conversion Public Charter School: Ridgeroad Middle Charter School, North Little Rock

Dr. Mary Ann Duncan was recognized to present this item. Dr. Duncan introduced Lenisha Broadway, principal of Ridgeroad Conversion Charter Middle School. Ms. Broadway provided data showing student performance and the overall school profile. She noted that the school continues on the school improvement list, but it is primarily for a subgroup within the school.

Ms. Burrow asked about the number of feeder elementary schools. Ms. Broadway noted that the school enrolls students from all of the 14 elementary schools in the North Little Rock District.

Dr. Mays asked about the programming for the extended day program at the school and how do students select activities and/or are engaged in remediation. Ms. Broadway noted that a number of the activities for the extended day are supervised by non-certified instructors, which is part of the waiver for this school. Some of the activities such as dance and service learning are managed by teachers that are not licensed. She stated that if students are in tutoring in basic subject classes, all those teachers meet licensure standards. Ms. Broadway also stated that students indicate an interest in an activity and generally they are placed in that activity unless they are required to be in tutoring session.

Ms. Gullett noted that the sub-population of students with disabilities is the group keeping the school in school improvement. She noted her interest in meeting the needs of students with disabilities, but she would hope the school could find a way to use growth or meeting a student's IEP as a way of meeting standards. Dr. Kimbrell stated that the sub group issue is a federal statute related to No Child Left Behind. Dr. Diana Julian commented that this concern has been raised with those working on national reauthorization of the Elementary and Secondary Education Act, but no definitive plan has been proposed.

Ms. Mahony inquired if the staff had considered Junior ROTC as an option to deal with student interest and discipline. Ms. Broadway responded no, but would like to know more about the options.

Ms. Saviers asked what were the advantages of the school being designated as a conversion charter school. Ms. Broadway noted the looping of teachers to move across the years with the students, waivers, a common planning time allowed because of the afternoon flexible schedule, and the extended day.

Mr. Cooper moved that Ridgeroad Conversion Charter School be approved for a five year renewal agreement with the provision that they report back to the Board after one year with an update on the

school improvement status. Ms. Gullett seconded the motion. The motion was adopted unanimously on a roll-call vote.

Reconsideration of the District Conversion Public Charter School Application for STAR Academy – Pulaski County Special School District

Reconsideration of the District Conversion Public Charter School Application for Harris Science and Health Elementary Charter – Pulaski County Special School District

These two items were removed from consideration at the request of the Pulaski County Special School District.

Consideration for Public Comment: Proposed Revision to Rules Governing the Arkansas Comprehensive Testing, Assessment and Accountability Program

Dr. Gayle Potter was recognized to present this item. Dr. Potter reminded the Board that these rules were adopted under the emergency clause in December and they are presented now for formal consideration. She indicated that there have been no changes since the December review.

Ms. Mahony questioned the type of tests required by statute in Act 1307 of 2009. Also, she asked about establishing the English test for Grade 10. Dr. Potter responded that the rule is drafted to mirror requirements of the statute. Dr. Potter noted that the English 10 test is first required in academic year 2013-2014. This will require the Department to move forward with development of the test by next year. Ms. Mahony asked about keeping the current English 11 test. Dr. Potter responded that probably only one English test should be maintained.

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

Consideration for Public Comment: Proposed Rules Governing the Arkansas College and Career Readiness Planning Program

Dr. Gayle Potter was recognized to present this item. Dr. Potter stated that this item provides expectations for total participation in the Plan and Explore testing programs.

Ms. Gullett asked how this will link to the Governor's program. Dr. Kimbrell responded that this program is mirrored from the act and it is completely consistent with the Governor's intent.

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

Consideration for Final Approval: Revised Rules Governing eligibility and Financial Incentives for National Board for Professional Teaching Standards Candidacy and Certification

Beverly Williams was recognized to present this item. Ms. Williams stated that the Department conducted a public hearing on these rules and revisions were made consistent with the comments. Ms. Williams noted that one of the comments related to the participation by speech-language pathologists. She stated that the response was to remove this group from the present rule and to develop a totally

separate policy for speech-language pathologists, which is under consideration for public comment in another rule.

Ms. Saviers moved approval for final adoption. Ms. Mahony seconded the motion. The motion was adopted unanimously.

The following Rules were considered for public comment as a single action item. Board members were provided an opportunity for comment on each of the rules.

Consideration for Public Comment: Rules Governing Eligibility and Financial Incentives for Certified Speech-Language Pathologists

Consideration for Public Comment: Rules and Regulations Pertaining to the Immunization Requirements by the Arkansas State Board of Health and Arkansas Department of Health in Arkansas Schools

Consideration for Public Comment: Request to Rescind Rules and Regulations Pertaining to the Kindergarten through 12th Grade Immunization Requirements Pursuant to Act 244 of 1967, Act 633 of 1973, and Act 871 of 1997 for the Arkansas Department of Education

Consideration for Public Comment: Rules Governing School Based Automated External Defibrillator Devices in Arkansas Public Schools

Consideration for Public Comment: Rules Governing Closing the Achievement Gap

Consideration for Public Comment: Rules Governing Appeals Involving Student Residency Disputes Between School Districts

Dr. Mays asked about the authority of the Immunization rule that pertains to private schools. Dr. Dee Cox indicated that the state does not have jurisdiction over private schools and that reference should be removed. Dr. Cox noted that change to be made for the final draft.

Mr. Ledbetter moved approval for public comment of the stated rules. Ms. Saviers seconded the motion. The motion was adopted unanimously.

Discussion for FY 2010 Public School Fund Budget Reductions

John Kunkel was recognized to present this item. Mr. Kunkel stated to the Board that the intent of budget reductions was to meet the requirement of budget funds cuts announced by the Governor's Office and to recommend reductions that least impact student learning. Mr. Kunkel stated that initially the Department has $50 million in reserve and all of those funds are being spent to minimize impact to schools. Mr. Kunkel stated that with the savings and other funds allocated to the Public School Fund from the Governor's minimum cuts will be realized this year, but that will not be the case for the 2010-2011 budget year.

Mr. Ledbetter asked for further comment on next year. Mr. Kunkel stated that no reserve funding will be available and funding of some programs at the current level will be problematic without new income. Mr. Kunkel stated that for next year the budget will be between $40 and $50 million short of full funding

for the formula. He also indicated revenue collection from the counties is still incomplete and it may be later into the spring before all the income data are available.

Dr. Williams declared that no action is needed on the budget report.

Dr. Williams reported membership of the nominations committee for 2010-2011 officers: Ms. Burrow, chair; Dr. Mays and Mr. Cooper.

Brenda Gullett asked for the Board's support for her candidacy for nomination to regional director for National Association of State Boards of Education (NASBE). Dr. Williams responded with the affirmation of the Board, he would make the nomination to NASBE.

The Chair declared the meeting adjourned at 2:15 p.m.

The Board set the date of May 20-21, 2010 for a retreat meeting. Dr. Kimbrell recommended that the session would begin at 5:00 p.m. on Thursday, May 20, break for dinner, and continue with a session after dinner: then the meeting would reconvene on Friday May 21 and continue through lunch. He stated that ADE staff would prepare the agenda and arrange for the meeting location.

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

ADE'S PROJECT MANAGEMENT TOOL EXECUTIVE SUMMARY
MARCH 31, 2010

This document summarizes the progress that ADE has made in complying with the provisions of the Implementation Plan during the month of March 2010.

IMPLEMENTATION PHASE ACTIVITY	PMT EXECUTIVE SUMMARY AS OF MARCH 31, 2010
I. Financial Obligation	As of February 28, 2010, State Foundation Funding payments paid for FY 09/10 totaled $35,533,062 to LRSD, $21,579,943 to NLRSD, and $27,343,813 to PCSSD. The Magnet Operational Charge for FY 09/10 paid as of February 28, 2010, was $9,586,646. The allotment for FY 09/10 was $15,177,490. M-to-M incentive distributions for FY 09/10 as of February 28, 2010, were $2,657,946 to LRSD, $4,031,316 to NLRSD, and $6,368,406 to PCSSD. In September 2009, General Finance made the last one-third payment to the Districts for their FY 08/09 transportation budget. As of September 30, 2009, transportation payments for FY 08/09 totaled $4,236,159.97 to LRSD, $1,300,628.11 to NLRSD, and $3,482,736.87 to PCSSD. In September 2009, General Finance made the first one-third payment to the Districts for their FY 09/10 transportation budget. In January 2010, General Finance made the second one-third payment to the Districts for their FY 09/10 transportation budget. As of January 31, 2010, transportation payments for FY 09/10 totaled $2,778,700 to LRSD, $887,615.26 to NLRSD, and $2,229,905.22 to PCSSD. In March 2009, a bid for 16 new Magnet and M-to-M buses was awarded to Central States Bus Sales. The buses for the LRSD include 8 - 65 passenger buses for $65,599 each. The buses for the NLRSD include 2 - 65 passenger buses for $65,599 each. The buses for the PCSSD include 6 - 65 passenger buses for $65,599 each. In August 2009, 16 new Magnet and M-to-M buses were delivered to the districts in Pulaski County. Finance paid Central States Bus Sales $1,049,584. In July 2009, Finance paid the Magnet Review Committee $92,500. This was the total amount due for FY 09/10. In July 2009, Finance paid the Office of Desegregation Monitoring $200,000. This was the total amount due for FY 09/10.

IMPLEMENTATION PHASE ACTIVITY	PMT EXECUTIVE SUMMARY AS OF MARCH 31, 2010
II. Monitoring Compensatory Education	On January 7, 2010, 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. Recent news articles about the desegregation case were discussed. One article talked about declining enrollments in the Little Rock School District and the Pulaski County Special School District (PCSSD). The PCSSD lost 275 students this year. Since state funding is based on average enrollment, the reduction in students could cost the PCSSD $1.6 million if the number of students stays the same the rest of the year. Enrollment in public charter schools in Pulaski County is up this year by 718 students. Also discussed was the news that U.S. District Judge Brian Miller postponed the unitary status hearing date for the North Little Rock School District from January 11 to January 25. He postponed the unitary status hearing date for the PCSSD from January 25 to February 22. The Joshua Intervenors had requested delays in the hearings. The next Implementation Phase Working Group Meeting is scheduled for April 4, 2010 at 1:30 p.m. in room 201-A at the ADE.
III. A Petition for Election for LRSD will be Supported Should a Millage be Required	Ongoing. All court pleadings are monitored monthly.
IV. Repeal Statutes and Regulations that Impede Desegregation	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 86th Legislative Session, and any new ADE rules or regulations.
V. Commitment to Principles	On March 8, 2010, the Arkansas State Board of Education reviewed and approved the PMT and its executive summary for the month of February.

IMPLEMENTATION PHASE ACTIVITY	PMT EXECUTIVE SUMMARY AS OF MARCH 31, 2010
VI. Remediation	The Arkansas Department of Education (ADE) provided three days of P.A.D.R.E.S. parental involvement training on working with Latino parents. This was for the three districts in Pulaski County on March 3 - 5, 2010. The Arkansas Department of Education (ADE) conducted a webinar on March 11, 2010, to train for administration of the English Language Development Assessment (ELDA). The webinar took place from 9:00 a.m.-11:30 a.m.
VII. Test Validation	On February 12, 2001, the ADE Director provided the State Board of Education with a special update on desegregation activities.
VIII. In-Service Training	On February 1, and March 19, 2010, Leadership Team members from Pulaski County schools in Smart Accountability and designated Arkansas Department of Education staff participated in two regional workshops that were held at the Crowne Plaza in Little Rock. The facilitator of these workshops, Dr. Howie Knoff, provided information on the School Leadership Team (SLT) and its ability to guide the school's organizational capacity, effective committee and staff processes, and academic and behavioral supports and interventions. The SLT is critical to the Smart Accountability process—completing the assessments needed to develop the Improvement Plan required to guide the school to Achieving status. The two-day workshop included the following: integrating the components of the Scholastic Audit with the ACSIP planning and implementation process and the development of school-based committee and leadership structures that parallel these components; the organization and development of effective committees; how the evidence-based blueprints are used with a data-based functional assessment, problem solving process to form the infrastructure of a school's Response-to-Intervention/Closing the Academic Achievement Gap process to support students who are not responding to effective classroom instruction and behavioral management; and how to integrate data collection, analysis, and evaluation into the appraisal of existing, and the development of new, School Improvement Plans that maximize the use of effective instructional and classroom/school management practices by all school staff members.
IX. Recruitment of Minority Teachers	In January 2010, the ADE Office of Professional Licensure mailed a list of the fall 2009 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, 2010
X. Financial Assistance to Minority Teacher Candidates	Ms. Tara Smith of the Arkansas Department of Higher Education reported minority scholarships for Fiscal Year 2009-2010 on February 24, 2010. 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 are as follows:

STAR Race	Male Count	Male Award	Female Count	Female Award	Total Count	Total Award
White	38	156,000	175	716,000	213	872,000
Black	2	6,000	19	78,000	21	84,000
Hispanic			3	15,000	3	15,000
Other			2	12,000	2	12,000
Totals	40	162,000	199	821,000	239	983,000

MTS Race	Male Count	Male Award	Female Count	Female Award	Total Count	Total Award
Black	5	22,500	30	129,544	35	152,044
Hispanic			1	2,500	1	2,500
Asian			1	5,000	1	5,000
Native Amer						
Totals	5	22,500	32	137,044	37	159,544

MMF Race	Male Count	Male Award	Female Count	Female Award	Total Count	Total Award
Black	8	38,750	33	142,500	41	181,250
Hispanic			2	7,500	2	7,500
Asian			2	2,500	2	2,500
Native Amer			1	1,250	1	1,250
Other						
Totals	8	38,750	38	153,750	46	192,500

IMPLEMENTATION PHASE ACTIVITY	PMT EXECUTIVE SUMMARY AS OF MARCH 31, 2010
XI. Minority Recruitment of ADE Staff	The MRC met on January 25, 2010 at the ADE. In the past, reports were produced showing the racial percentages of ADE sections for their employees at grade 21 and above. Since the revision of the employee grade system was done by OPM, the new report uses grades C121 to C130. A report was presented at the meeting that showed ADE employees by race and section for the quarter ending December 31, 2009. After reviewing the report, it was determined that some of the staff should be placed in different sections due to the ADE reorganization. It was also decided that the number of employees in each section should be included along with the racial percentages. A new report will be handed out after the changes have been made. On February 22, 2010, a revised report of ADE employees by race and section for the quarter ending December 31, 2009 was emailed to members of the MRC committee for their review. The report was modified and sent to the ADE Commissioner on February 26.
XII. School Construction	This goal is completed. No additional reporting is required.
XIII. Assist PCSSD	Goal completed as of June 1995.
XIV. Scattered Site Housing	This goal is completed. No additional reporting is required.
XV. Standardized Test Selection to Determine Loan Forgiveness	Goal completed as of March 2001.
XVI. Monitor School Improvement Plans	During February through March 2010, ACSIP supervisors from the ADE have attended ACSIP Leadership Team meetings at the following schools in Pulaski County: North Pulaski High School in the PCSSD; Oak Grove High School in the PCSSD; Landmark Elementary in the PCSSD; Northwood Middle School in the PCSSD; Park Hill Elementary in the NLRSD; RidgeRoad Middle School in the NLRSD; NLR West High School in the NLRSD; NLR East High School in the NLRSD; Sylvan Hills High School in the PCSSD; Mills High School in the PCSSD; and Fuller Middle School in the PCSSD. The purpose of these leadership team meetings has been to set up teams, train team members and to start reviewing the data to evaluate the effectiveness of the school improvement plans. ADE staff members have assisted by facilitating, providing support to principals, and providing research on team building. They have offered technical assistance to the PCSSD and NLRSD also through meetings, phone calls, and e-mails with Federal Coordinators, ACSIP supervisors, Title 1 Specialists, and other district staff and principals about needs or questions including federal law, the National School Lunch Act and Smart Accountability.

IMPLEMENTATION PHASE ACTIVITY	PMT EXECUTIVE SUMMARY AS OF MARCH 31, 2010
XVII. Data Collection	On February 12, 2010, the Arkansas Department of Education released a revised report on grade inflation. The report, mandated by Act 2197 of 2005, compares the grades of public high school students taking Algebra I and Geometry during the 2008-2009 school year with their scores on the state's 2009 End of Course exams for those courses. High schools for which 20 percent or more of students made an A or B in the course but failed to score proficient or advanced on the corresponding End of Course exams are identified as having grade inflation. The report identified 52 high schools with 20 percent or more grade inflation. The 2009 Annual School Performance Report Card data was made available to School Administrators for viewing in January of 2010. Schools entered their school EGuide/ED.STATS username and password to login to the NORMES Website to see a private copy of their 2009 school performance report data.
XVIII. Work with the Parties and ODM to Develop Proposed Revisions to ADE's Monitoring and Reporting Obligations	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.

NEWLY EMPLOYED FOR THE PERIOD OF March 1, 2010 – March 31, 2010

Glenda Cupples – Administrative Specialist III, Grade C112, Division of Fiscal and Administrative Services, Federal Grants Management, effective 03/29/10.

***Eric James – Education Investigator, Grade C121, Division of Human Resources/ Licensure, Professional Licensure Standards Board (PLSB), effective 03/29/10.**

***Barbara Means – Public School Program Advisor, Grade C122, Division of Academic Accountability, Monitoring State/Federal, effective 03/10/10.**

Krystal Nail – Public School Program Advisor, Grade C122, Special Programs, Gifted and Talented, effective 03/22/10.

PROMOTIONS/ LATERAL TRANSFERS FOR THE PERIOD OF March 1, 2010 – March 31, 2010

No promotions or transfers for this period.

SEPARATIONS FOR THE PERIOD OF March 1, 2010 – March 31, 2010

Jennifer Flinn – Attorney Specialist, Grade C126, Central Administration, Legal Services, effective 03/26/10. 1 year, 8 months, 19 days. Code: 07

Nancy French – Administrative Specialist III, C112, Special Programs, Gifted and Talented, effective 03/31/10. 21 years, 0 months, 27 days. Code: Retirement

Frank Wimer – Public School Program Manager, C126, Division of Academic Accountability, Standard Assurance, effective 03/01/10. 8 years, 5 months, 3 days. Code: Retirement

Abigail Wolf – Administrative Specialist II, C109, Division of Learning Services, School Improvement/Federal Programs, effective 03/31/10. 0 years, 9 months, 16 days. Code: 01

***Minority**

AASIS Code:
01 – Voluntary Termination
07- Career Opportunity
Retirement

Decatur School District
LEA # 402
Benton County

Classified in Fiscal Distress July 14, 2008

Fiscal Distress Indicators and Additional Concerns:

* Following the 2006-07 school year, a declining balance determined to jeopardize the fiscal integrity of the District
* Other fiscal conditions of the District seemed to have a detrimental impact on the continuation of educational services

District Profile:	2005-06	2006-07	2007-08	2008-09
Superintendent	Mike Parrish	Mike Parrish	Dave Smith	Lee Ortman
4 QTR ADM	565	577	557	512
Assessment	39,142,540	41,103,865	44,870,460	46,007,725
Total Mills	40.00	40.00	39.90	39.90
Total Debt Bond/Non Bond	4,953,106	6,471,092	6,233,852	5,971,375
Per Pupil Expenditures	9,097	8,802	10,733	8,820
Personnel-Non-Fed Certified FTE	53.17	43.77	52.77	46.99
Personnel-Non-Fed Certified Clsrm FTE	47.24	41.30	49.25	42.78
Avg Salary-Non-Fed Cert FTE	39,191	48,170	39,777	41,470
Avg Salary-Non-Fed Cert Clsrm FTE	36,354	45,139	37,263	37,868
Net Legal Balance (Excl Cat & QZAB)	393,298	*1,346,212	62,709	801,757

*2006-07 Net Legal Balance excludes expenditures that were not recorded on District books

Background Information:

- On July 31, 2008, the State Board of Education considered the request for the proposed annexation of the Decatur School District to a contiguous school district
- On August 1, 2008, the Department of Education assumed administrative control of the Decatur School District
- Manual checks written but not recorded on District books for 2006-07 and 2007-08 total approximately $2.4 million
- Bank accounts were not reconciled from September 2005 until State Reconstitution by ADE.
- 941 Quarterly Tax Reports for the second quarter of 2007 which was due July 15, 2007, was not filed until June 2008
- 941 Quarterly Tax Reports for the first quarter of 2008 which was due April 15, 2008, was not filed until June 2008
- State taxes for the months of April and May 2008 were not paid to the Department of Finance and Administration until June 2008.
- All known late fees, penalties and interest due to IRS have been settled.

District Actions

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

2008-09

- Reduced certified personnel by 2.5 FTE's through attrition and RIF
- Reduced classified personnel by 1.75 FTE's through attrition and RIF
- Renegotiated copier lease and removed one trash dumpster from contract
- Implemented district purchase order procedures
- Eliminated special services transportation and centralized bus stops
- Implemented energy savings procedures
- Utilized categorical and federal funds efficiently
- Replaced staff at a lower salary
- Utilized central office staff to segregate financial duties

2009-10

- Reduced certified personnel by 1 FTE through attrition
- Reduced classified personnel by 2.25 FTE's through RIF
- Reduced 15 contract days from 1 certified position
- Eliminated three $1,000 stipends from certified personnel
- Closed 28,000 square feet of middle school for energy conservation

Decatur School District
LEA # 402
Benton County

Comments:

The District was classified in Fiscal Distress on July 14, 2008.

On January 19, 2010 the State Board of Education voted to remove fiscal distress classification of the Decatur School District and to return local control to the newly elected board and staff as of October 1, 2010.

The Department is in the process of filling the superintendent vacancy for the 2010-11 school year.

Forrest City School District
LEA # 6201
St. Francis County

Classified in Fiscal Distress ################

Fiscal Distress Indicators and Additional Concerns:

* A declining balance determined to jeopardize the fiscal integrity of the school district

District Profile:	2005-06	2006-07	2007-08	2008-09
Superintendent	**Lee R. Vent**	**Lee R. Vent**	**Dr. Jerry Woods**	**Dr. Jerry Woods**
4 QTR ADM	3,787	3,659	3,583	3411
Assessment	160,707,810	164,250,637	167,834,915	166,734,930
Total Mills	31.20	31.20	31.20	31.20
Total Debt Bond/Non Bond	11,478,356	11,155,000	11,145,000	16,095,000
Per Pupil Expenditures	8,471	9,026	9,136	9,864
Personnel-Non-Fed Certified FTE	272.77	285.86	272.14	281.61
Personnel-Non-Fed Certified Clsrm FTE	246.63	261.65	240.76	249.19
Avg Salary-Non-Fed Cert FTE	52,023	50,291	52,568	51,941
Avg Salary-Non-Fed Cert Clsrm FTE	50,251	47,844	50,309	49,821
Net Legal Balance (Excl Cat & QZAB)	2,107,318	3,262,048	2,700,841	1,485,002

District Actions

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

2009-10

- Eliminated unused telephone lines
- Eliminated free building use and will charge rental
- Reduce operating expenditures by reclassifying to ARRA funds
- Eliminate lawn service contract
- Reduce staff travel

2010-11

- Utilize supply inventory overage
- Eliminate M&O Uniforms
- Reduce minimum of 10 classified personnel through RIF
- Reduce 5 certified and 3 classified staff through RIF
- Reduce substitute costs by utilizing existing staff
- Eliminate district student workers
- Eliminate 4 certified coaching stipends through RIF
- Eliminate 1 certified coaching stipend by combining dance and cheer
- Reduce costs by not purchasing textbooks where possible
- Reduce costs by not purchasing uniforms for student activities
- Eliminate costs for 5th-7th grade athletics
- Request waiver $500 teacher supply requirement
- Reduce costs of community support events

Forrest City School District
LEA # 6201
St. Francis County

Comments:

The District was classified in Fiscal Distress on December 14, 2009. The 2010-11 school year will complete the first full year of fiscal distress.

The Forrest City School District's projected general operating ending balance for June 30, 2010 is contingent on the approval of a revised State Fiscal Stabilization Fund (SFSF)-American Recovery and Reinvestment Act (ARRA) plan.

The District's revised SFSF ARRA Plan has not been submitted to the Department of Education, therefore has not been approved as of this date.

If the revised SFSF ARRA Plan is approved the District will reclassify approximately $1,677,137 from general operating funds to ARRA funds, which will give the district the projected ending balance of $873,276.

Title District's Title I and IDEA ARRA Plans have been revised.

Greenland School District
LEA # 7204
Washington County

Classified in Fiscal Distress April 21, 2008

Fiscal Distress Indicators and Additional Concerns:

* Projected negative in operating fund June 30, 2008, of ($288,971) (Based on trend analysis of prior three years)
* 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 FY07
  - Errors on child nutrition applications
  - Errors in inventory records
  - Incorrectly recorded $300,000 loan
* District refunded federal funds from Winslow

District Profile:	2005-06	2006-07	2007-08	2008-09
Superintendent	**Ronald Brawner**	**Ronald Brawner**	**Ronald Brawner**	**Roland Smith**
4 QTR ADM	931	942	922	805
Assessment	59,756,118	68,341,076	78,384,655	82,915,646
Total Mills	37.50	37.50	36.90	36.90
Total Debt Bond/Non Bond	6,387,080	6,227,612	5,913,851	7,175,902
Per Pupil Expenditures	8,611	8,598	8,068	7,657
Personnel-Non-Fed Certified FTE	92.53	79.78	74.08	68.72
Personnel-Non-Fed Certified Clsrm FTE	85.53	75.49	66.83	62.65
Avg Salary-Non-Fed Cert FTE	38,060	46,893	48,476	44,049
Avg Salary-Non-Fed Cert Clsrm FTE	35,851	43,632	46,040	41,167
Net Legal Balance (Excl Cat & QZAB)	905,289	143,701	*87,534	788,924

**2007-08 Net Legal Balance includes a 621,000 in cash flow loans.

Background Information

- On June 30, 2008, district utilized an additional short term loan in the amount of $121,000. The total short term loan amount for FY08 is $621,000
- On July 14, 2008, the State Board of Education considered the request for the proposed annexation of the Greenland School District to a contiguous school district
- On July 15, 2008, the Department of Education assumed administrative control of the Greenland School District

District Actions

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

2008-09

- Reduced contracted days of certified and classified personnel
- Reduced certified personnel by 13 FTE's through RIF and attrition
- Reduced classified personnel by 8.5 FTE's through RIF and attrition
- Approved 2.6 New Debt Service Mills and bond restructure in the June 2008 election
- Sold used school buses and vehicles
- Utilized categorical and federal funds efficiently
- Eliminated employee benefits above the state minimum
- Eliminated track program, employee cell phones, I-Book payment, and dues
- Consolidated 2 bus routes
- Monitor energy usage and consumption
- Continue to monitor operational spending
- Conduct monthly town meetings
- City sales tax passed in election held March 10, 2009

Additional Actions not on Fiscal Distress Plan 2009-10

- Reduced certified personnel by 1 FTE - two 1/2 principal positions
- Achieved e-rate savings
- Reduced costs by efficiently using stimulus monies
- Saved costs with improved copy machines
- Saved costs by obtaining defibrillator, classroom furniture and textbooks through donations

Greenland City School District
LEA # 7204
Washington County

Comments:

The District was classified in Fiscal Distress on April 21, 2008.

On January 19, 2010 the State Board of Education voted to remove fiscal distress classification of the Greenland School District and return local control to the newly elected board and staff as of October 1, 2010.

The Department is in the process of filling the superintendent vacancy for the 2010-11 school year.

Mansfield School District
LEA # 6606
Sebastian County

Classified in Fiscal Distress: April 13, 2009

Fiscal Distress Indicators and Additional Concerns:

* A declining balance determined to jeopardize the fiscal integrity of the school district

District Profile:	2005-06	2006-07	2007-08	2008-09
Superintendent	**Jim Hattabaugh**	**Jim Hattabaugh**	**Jim Hattabaugh**	**Jim Hattabaugh**
4 QTR ADM	1,071	1,022	984	982
Assessment	40,952,118	45,335,509	54,303,877	56,141,985
Total Mills	40.01	40.01	40.01	40.01
Total Debt Bond/Non Bond	10,027,493	9,884,807	9,738,338	9,939,799
Per Pupil Expenditures	7,253	7,806	8,727	8,681
Personnel-Non-Fed Certified FTE	85.19	90.00	92.71	89.10
Personnel-Non-Fed Certified Clsrm FTE	78.20	82.07	86.08	82.09
Avg Salary-Non-Fed Cert FTE	43,484	44,737	44,933	46,168
Avg Salary-Non-Fed Cert Clsrm FTE	41,276	42,457	43,289	44,214
Net Legal Balance (Excl Cat & QZAB)	899,008	611,812	242,458	*307,384

*2008-09 Net Legal Balance includes a $481,000 cash flow loan

District Actions

Effective November 6, 2009 Mr. Robert Evans was named interim Superintendent for the District

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

2009-10

• Reduced certified personnel by 3 FTE's through RIF
• Reduced FTE partially for 4 certified FTE's
• Eliminated all dental benefits and plan/tuition reimbursement
• Reduced days of 10 certified staff with extended contracts
• Reduced days and position for Asst. Treasurer
• Eliminated Department Chair stipends for 14 certified personnel
• Eliminated 7th grade athletic stipends for 9 certified personnel
• Reduced contract days for 13 bus driver positions
• Reduced classified personnel (cafeteria) by 7 FTE's through RIF
• Implement 4 day school week
• Monitor all expenditures
• Reduced all tuition reimbursement benefit
• Utilize categorical and federal funds efficiently
• Eliminate Paraprofessional position
• RIF to 1/2 Art & GT combined position
• Reducing costs by replacing with less experienced person in three positions
• Reduced certified personnel (band) by 1 FTE's through RIF
• Replace full time nurse with part time nurse

2010-11

• Monitor all expenditures to remain within budget
• Monitor all expenditures related to 4 day school week
• Reduce cost through attrition and retirement
• Hire certified replacement staff at lower salaries
• Use Honeywell Energy Conserv. Program
• Reduce and regulate trips by Superintendent
• Judicial use of Stimulus Money
• Realign bus routes
• Reduce Life insurance
• RIF coaching stipends
• Reduce operating costs by utilizing NSLA funds more efficiently
• Reduced certified personnel by 7 FTE's through RIF and reassignment
• Reduced certified personnel by .34 FTE through RIF (above standards)

Mansfield School District
LEA # 6606
Sebastian County

Comments:

The District was classified in Fiscal Distress on April 13, 2009. The 2009-10 school year will complete the first full year of fiscal distress.

The Mansfield School Board has suspended Jim Hattabaugh with pay. On November 6, 2009 the District hired Bob Evans as Interim Superintendent to finish the 2009-10 school year.

The District's Fiscal District Plan (Plan) was written by Mr. Hattabaugh and approved by the school board on April 20, 2009. On November 6, 2009 the responsibility to implement the plan transferred to Interim Superintendent Mr. Evans.

The District's Fiscal Distress Plan included $1,132,760 expenditure reductions for the 2009-10 school year. The District has estimated achieving $463,340 of this amount.

The following Fiscal Distress Plan objectives appear unlikely to be achieved during 2009-10 school year.

•Save $300,000 on four day school week
(District estimates approximately $35,000)
•Reduce certified personnel by 3 FTE's through RIF
(Actual 1 FTE)
•Reduce FTE partially for 4 certified FTE's
(District could not identify)
•Reduce teacher tuition reimbursement benefit for 2009-10
(Savings will be effective 2010-11)
•Reduce 7 FTE's in Cafeteria through RIF
(Actual 3.66 FTE's)
•Reduce 1 FTE Para Professional employee
(Paid with VI-B Funds, no savings to operating funds)
•The FT nurse replaced with PT nurse
(Paid with Medicaid Funds, no savings to operating funds)

The District is in the process of filling the superintendent vacancy for the 2010-11 school year.

Osceola School District
LEA # 4713
Mississippi County

Classified in Fiscal Distress: April 13, 2009

Fiscal Distress Indicators and Additional Concerns:

* A declining balance determined to jeopardize the fiscal integrity of the school district.

District Profile:	2005-06	2006-07	2007-08	2008-09
Superintendent	**Milton Washington**	**Milton Washington**	**Milton Washington**	**Milton Washington**
4 QTR ADM	1,574	1,531	1,537	1,558
Assessment	63,345,298	65,470,461	71,755,660	72,599,297
Total Mills	35.30	35.30	35.30	35.30
Total Debt Bond/Non Bond	4,620,000	6,775,000	6,620,000	10,390,000
Per Pupil Expenditures	8,599	9,198	10,132	9,389
Personnel-Non-Fed Certified FTE	139.39	140.90	141.95	132.99
Personnel-Non-Fed Certified Clsrm FT	127.95	130.81	130.81	120.97
Avg Salary-Non-Fed Cert FTE	41,216	42,224	43,089	43,560
Avg Salary-Non-Fed Cert Clsrm FTE	39,658	40,415	41,350	41,589
Net Legal Balance (Excl Cat & QZAB)	2,180,317	1,239,688	711,540	*1,236,178.07

*2008-09 legal balance includes $700,000 proceeds from sale of land

District Actions

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

2008-09
- Received funds from sale of land held by District
- Reduced transportation expenditures by reducing number of bus routes
- Monitored utility costs
- Reduced transportation expenditures by reducing number of bus routes
- Received funds from sale of lone bus and one car held by District

2009-10
- Reduced certified personnel by 4 FTE's through RIF
- Reduced 75% of extended day contracts
- Reduced certified salaries when hiring replacements for open positions
- Continuously monitored utility costs
- Reduced expenditures for security officers by reducing hours 50%
- Reduced staff when possible by monitoring student numbers
- Received funds from sale of five vehicles held by District
- Realigned bus routes

2010-11
- Continuously monitored purchasing and travel
- Reduce expenditures for security officers by transferring costs to grant
- Reduce certified personnel (counselor) by 1/2 FTE through RIF
- Reduce personnel through attrition
- Plans to close East Elementary and move students & staff to West campus
- Bond restructure being considered
- Reduce expenditures through new copier lease

Other Information:

* Passed 2.9 New DS Mills in September 2008 election - total mills 38.2

Osceola School District
LEA # 4713
Mississippi County

Comments:

The District was classified in Fiscal Distress on April 13, 2009. The 2009-10 will complete the first full year of fiscal distress.

District had a prior classification with Fiscal Distress program during 2002-03 and 2003-04.

District utilized approximately $975,000 of categorical funds carryover balance during the 2008-09 school year.

The District currently has numerous building projects in progress funded with Partnership, ARRA, and bond proceeds.

The Arkansas Department of Education Standards Unit is working with the District regarding School Improvement and staffing.

The District appears to be achieving the objectives listed in the Fiscal Distress Plan for the 2009-10 school year.

Wickes School District
LEA # 5705
Polk County

Classified in Fiscal Distress December 14, 2009

Fiscal Distress Indicators and Additional Concerns:

* A declining balance determined to jeopardize the fiscal integrity of the school district

District Profile:	2005-06	2006-07	2007-08	2008-09
Superintendent	**Allen Blackwell**	**Allen Blackwell**	**Allen Blackwell**	**Allen Blackwell**
4 QTR ADM	693	699	713	698
Assessment	29,369,492	30,295,381	31,689,088	35,020,460
Total Mills	39.20	39.20	39.20	39.20
Total Debt Bond/Non Bond	3,126,008	3,013,435	4,944,972	4,786,549
Per Pupil Expenditures	8,577	9,206	9,708	10,117
Personnel-Non-Fed Certified FTE	65.04	71.08	72.95	75.06
Personnel-Non-Fed Certified Clsrm FTE	59.04	65.80	67.82	68.93
Avg Salary-Non-Fed Cert FTE	41,961	41,530	44,914	44,664
Avg Salary-Non-Fed Cert Clsrm FTE	39,929	39,921	43,750	44,664
Net Legal Balance (Excl Cat & QZAB)	727,444	1,085,699	785,870	499,125

Effective for the 2009-2010 school year Ms. Megan Witonski is Superintendent for the District

District Actions

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

2009-10

• Reduced certified personnel through RIF of eligible employees prior to end of 09-10
• Reduced operating costs for certified salaries by using NSLA funds where possible
• Reduced certified personnel salary costs by reducing salary schedule to state minimum

2010-11

• Reduce certified personnel through RIF
• State Board approved Consolidation of Wickes and Van Cove School Districts March 8, 2010
• Restructure of consolidated staff

Wickes School District
LEA # 5705
Polk County

Comments:

The District was classified in Fiscal Distress on December 14, 2009. The 2010-11 will complete the first full year of fiscal distress.

On March 8, 2010 the State Board of Education approved the voluntary consolidation of the Wickes and Van Cove School Districts (to be called Cossatot River School District) effective July 1, 2010 for the 2010-11 school year.

6-13-1603. Administrative reorganization.

(g) Any school district not designated as being in academic or **fiscal distress** for the current school year and previous two (2) school years that administratively receives by consolidation or annexation a school district designated by the state board as being in academic or fiscal distress at the time of consolidation or annexation shall not be subject to academic or fiscal distress sanctions for a period of three (3) years from the effective date of consolidation unless:

(1) The school district fails to meet minimum teacher salary requirements; or

(2) The school district fails to comply with the Standards for Accreditation of Arkansas Public Schools and School Districts issued by the Department.

The Wickes School District's Fiscal Distress Plan was submitted prior to the State Board approving voluntary consolidation with Van Cove. The objectives included in the Fiscal Distress Plan are being revised/adjusted due to the consolidation.

Yellville-Summit School District
LEA # 4502
Marion County

Classified in Fiscal Distress December 14, 2009

Fiscal Distress Indicators and Additional Concerns:

* A declining balance determined to jeopardize the fiscal integrity of the school district

District Profile:	2005-06	2006-07	2007-08	2008-09
Superintendent	**Jack Leatherman**	**Jack Leatherman**	**Jack Leatherman**	**Jack Leatherman**
4 QTR ADM	931	898	885	860
Assessment	47,919,372	50,019,329	52,744,249	56,703,541
Total Mills	34.08	36.98	36.98	36.98
Total Debt Bond/Non Bond	2,760,943	6,121,493	7,179,450	6,941,537
Per Pupil Expenditures	7,522	8,001	8,509	8,875
Personnel-Non-Fed Certified FTE	77.01	87.86	80.12	78.94
Personnel-Non-Fed Certified Clsrm FTE	72.86	81.62	74.76	73.59
Avg Salary-Non-Fed Cert FTE	41,395	37,430	43,001	42,735
Avg Salary-Non-Fed Cert Clsrm FTE	39,325	36,356	41,653	41,605
Net Legal Balance (Excl Cat & QZAB)	1,875,426	1,838,478	1,011,654	522,713

Effective for the 2009-2010 school year Mr. John Dwyer is Interim Superintendent for the District.

District Actions

Utilized cash flow loan in the amount of $400,000 October 2009

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

2009-10

- Obtained second lien bonds to replace operating monies used for construction and to repay balance due on multipurpose building.
- Reduced maintenance and utility costs by relocating preschool students from portable buildings to main campus
- Reduced certified salaries by transferring costs to ARRA funds
- Reduced substitute salary costs by transferring central office staff member to full time substitute
- Reduced cost of special education maintenance of effort from operating by transferring costs to ARRA funds
- Eliminated one bus route and reconfigured others to use less bus drivers

2010-11

- Reduce certified personnel by 5 FTE through RIF and attrition
- Reduce cost of alternative education for students by housing locally and using current teachers
- Reduce certified salaries by transferring costs to ARRA funds
- Reduce certified personnel through RIF of eligible employees above standards
- Reduce certified personnel by reconfiguring school allowing 1 less principal
- Eliminate two bus route1 and reconfigured others to use less bus drivers

Yellville-Summit School District
LEA # 4502
Marion County

Comments:

The District was classified in Fiscal Distress on December 14, 2009. The 2010-11 will complete the first full year of fiscal distress.

The Yellville-Summit superintendent Jack Leatherman resigned October 16, 2009. On October 19, 2009 the District hired John Dwyer as Interim Superintendent to finish the 2009-10 school year.

The Yellville-Summit School District's projected general operating ending balance for June 30, 2010 is heavily reliant on the ARRA Plan. The ARRA Plan has been approved by the Department of Education. Based on the ARRA Plan the District will reclassify approximately $537,170 expenditures from general operating funds to ARRA funds. The District is projecting the general operating ending balance to be $548,798.93 as of June 30, 2010.

Arkansas Department of Education
Decatur School District
2009-10 General Operating Funds
Budget Summary

General Operating Funds:1000, 1218, 2000, 2001, 2218, 2392, 2394, 4000

FY10 Budget

Beginning Balance	Revenue	Expenditures	Projected Balance 6/30/2010
786,171	3,849,304	3,877,595	757,880

FY09 as of February 28, 2009

Beginning Balance	Revenue	Expenditures	Balance as of 2/28/2009
2,480	3,193,746	2,726,668	469,558

FY10 as of February 28, 2010

Beginning Balance	Revenue	Expenditures	Balance as of 2/28/2010
786,171	2,469,071	2,519,079	736,163

The District is projecting the FY10 General Operating Balance to be $786,782 at June 30, 2010

(Does not include Building, Categorical, Federal, Activity and Food Service Funds)

Data Source: APSCN documents

4/1/20102:38 PM

Arkansas Department of Education
Decatur School District
Review of General Operating Funds
Revenue

General Operating Funds: 1000, 1218, 2000, 2001, 2218, 2392, 2394, 4000

		2008-09 For 8 months ending 02/28/09	2009-10 For 8 months ending 2/28/2010	2009-10 Actual compared to 2008-09 Actual	2009-10 Annual Budget	2009-10 Budget Balance	2009-10 % of Budget Expended
Revenue:							
11110	**Property Taxes Current**	1,095,630	979,407	(116,223)	1,050,500	71,093	93.23%
11120	**Property Tax 40%**	15,486	74,635	59,148	460,077	385,442	16.22%
11125	**Property Tax Rel. 40%**	0	0	0	0	0	0.00%
11140	**Property Tax Delinquent**	110,829	107,260	(3,568)	170,000	62,740	63.09%
11150	**Excess Commission**	62,503	61,953	(550)	62,500	547	99.12%
11160	**Land Redemption**	5,672	3,522	(2,150)	6,500	2,978	54.19%
11400	**Penalties/Interest on Tax**	15,051	10,930	(4,120)	22,000	11,070	49.68%
11500	**Int on Unappor Prop Tax**	0	0	0	0	0	0.00%
12900	**Other Local Non-LEA Reven**	1,557	2,524	967	0	(2,524)	0.00%
14290	**Other Programs**	0	0	0	0	0	0.00%
14100	**From Individuals**	250	0	(250)	0	0	0.00%
15100	**Interest on Investments**	6,411	7,177	766	0	(7,177)	0.00%
19130	**LEA Buildgs & Facilities**	50	0	(50)	0	0	0.00%
19200	**Private Contributions**	228,806	0	(228,806)	0	0	0.00%
19300	**Sales of Supplies & Material**	4,798	11	(4,787)	0	(11)	0.00%
19800	**Refunds of Prior Yr Expenditures**	13,967	2,147	(11,821)	0	(2,147)	0.00%
19900	**Misc Revenue from Local Sources**	0	12,184	12,184	0	(12,184)	0.00%
31101	**State Foundation Funding**	1,380,582	1,030,925	(349,657)	1,890,030	859,105	54.55%
31102	**Enhanced Educational Fund**	31,261	9,754	(21,507)	17,884	8,130	54.54%
31460	**Declining Enrollment**	0	158,549	158,549	158,549	0	0.00%
32250	**Mentoring Program**	0	0	0	0	0	0.00%
32310	**Hand Child-Supv/Extended Yr**	0	0	0	0	0	0.00%
32355	**SP ED Catastrophic**	0	0	0	0	0	0.00%
32361	**G T Advanced Placement**	0	0	0	0	0	0.00%
32710	**AR Better Chance (ABC) Grant**	0	0	0	0	0	0.00%
32912	**General Facilities Funding**	5,720	4,903	(817)	4,903	0	100.00%
32915	**Debt Service Funding**	9,035	6,361	(2,674)	6,361	0	100.00%
51999	**Audit ADJ for Prior Year**		0	0	0	0	0.00%
51400	**Current Loans**	171,000	(3,172)	(174,172)	0	3,172	0.00%
52300	**Transfer from Building Fund**	35,138					
	Total Revenue	**3,193,746**	**2,469,071**	**(724,675)**	**3,849,304**	**1,380,233**	64.14%

Data Source: APSCN documents

Arkansas Department of Education
Decatur School District
Review of General Operating Funds
Expenditures

General Operating Funds: 1000, 1218, 2000, 2001, 2218, 2392, 2394, 4000							
		2008-09	2009-10	2009-10 Actual	2009-10	2009-10	2009-10
		For 8 months	For 8 months	compared to	Annual	Budget	% of Budget
Expenditures		ending 02/28/2009	ending 02/28/2010	2008-09 Actual	Budget	Balance	Expended
60000-62999	**Salaries & Benefits**	**1,708,276**	**1,688,339**	**(19,938)**	**2,840,872**	**1,152,533**	59.43%
Other:							
63210	Instructional	0	0	0	4,000	4,000	0.00%
63310	Purc Svc Prof & technical	40	0	(40)	50	50	0.00%
63320	Prof Emp Trn & Dev Svcs	70	50	(20)	0	(50)	0.00%
63410	Pupil Services	1,678	3,101	1,423	5,000	1,899	62.03%
63450	Purc Svc Medical	240	905	665	750	(155)	120.67%
63590	Other Technical Services	0	1,060	1,060	1,000	(60)	106.00%
63900	Other Purc Prof Tech Serv	14,016	30,838	16,822	50,395	19,557	61.19%
64110	Water/Sewer	3,110	3,027	(83)	6,000	2,973	50.45%
64210	Disposal/Sanitation	7,739	9,301	1,562	13,525	4,224	68.77%
64230	Custodial	0	0	0	0	0	0.00%
64240	Lawn Care	0	0	0	0	0	0.00%
64310	Building & Grounds	24,933	24,492	(441)	40,000	15,508	61.23%
64320	Equipment & Vehicles	0	0	0	0	0	0.00%
64420	Equip & Vehicles	224	0	(224)	0	0	0.00%
64430	Rent of Comp & Tech Eqp	15,483	17,778	2,296	23,805	6,027	74.68%
64500	Construction Services	5,000	0	(5,000)	0	0	0.00%
64900	Other Purc Property Services	0	0	0	0	0	0.00%
65210	Property Insurance	14,029	19,307	5,278	14,500	(4,807)	133.15%
65240	Fleet Insurance	7,152	6,860	(292)	6,860	0	100.00%
65250	Accident Ins for Students	8,250	5,580	(2,670)	5,580	0	0.00%
65290	Other Insurance	0	0	0	0	0	0.00%
65310	Telephone	1,463	5,618	4,154	500	(5,118)	1123.51%
65320	Postage	0	1,301	1,301	2,100	799	61.97%
65330	Technology Svc	6,608	1,238	(5,370)	1,700	463	72.79%
65400	Advertising	0	0	0	0	0	0.00%
65610	To LEA's Within State	458	1,250	792	5,500	4,250	22.73%
65690	Other Tuition	0	0	0	0	0	0.00%
65810	Cert In District	229	1,303	1,074	0	(1,303)	0.00%
65820	Trvl CLS In District	0	364	364	2,000	1,636	0.00%
65830	Trvl Cert Out District	0	25	25	0	(25)	0.00%
65840	Trvl CLS Out District	16	66	50	0	(66)	0.00%
65880	Meals	0	46	46	0	(46)	0.00%
65890	Lodging	0	192	192	0	(192)	0.00%
65900	Misc Purc Svs	0	0	0	1,000	1,000	0.00%
65910	Svs Purchased Locally	17,281	30,132	12,851	60,270	30,138	49.99%
66100	General Supplies	48,564	92,690	44,126	122,413	29,723	75.72%
66107	Low Value Equipment	0	0	0	0	0	0.00%
66210	Natural Gas	29,019	16,341	(12,678)	52,000	35,659	31.43%
66220	Electricity	36,770	34,196	(2,574)	54,000	19,804	63.33%
66260	Gasoline/Diesel	19,186	15,469	(3,716)	30,000	14,531	51.56%
66300	Food	0	0	0	0	0	0.00%
66410	Textbooks	31,587	14,759	(16,828)	19,850	5,091	0.00%
66420	Library Books	0	0	0	0	0	0.00%
66430	Periodicals	0	0	0	0	0	0.00%
66440	Audiovisual Materials	0	0	0	0	0	0.00%
66500	Techn Supplies	0	0	0	0	0	0.00%
66510	Software	0	0	0	0	0	0.00%
66520	Other	0	0	0	0	0	0.00%
66527	Low Value tech Supplies	0	4,209	4,209	0	(4,209)	0.00%
67320	Vehicles	0	0	0	0	0	0.00%
67340	Technology Hardware	0	0	0	0	0	0.00%
67390	Other Equipment	0	0	0	0	0	0.00%
68100	Dues & Fees	2,822	4,404	1,583	4,118	(286)	106.95%
68300	Interest	245,371	234,073	(11,298)	237,081	3,008	98.73%
68998	Adjust/Tina Murry Errors	24,937	540	(24,397)	0	(540)	0.00%
68999	Allocated Charges	0	0	0	5,000	5,000	0.00%
69100	Redemption of Principal	415,977	250,226	(165,751)	267,726	17,500	93.46%
69380	To Food Service Fund	36,143	0	(36,143)	0	0	0.00%
Total Other Exp.		**1,018,392**	**830,740**	**(187,652)**	**1,036,723**	**205,983**	**80.13%**
	Total Expenditures	**2,726,668**	**2,519,079**	**(207,589)**	**3,877,595**	**1,358,516**	64.96%

Data Sources: APSCN documents

Arkansas Department of Education
Forrest City School District
2009-10 General Operating Funds
Budget Summary

General Operating Funds: 1000, 1218, 1240, 1246, 2000, 2001, 2002, 2003, 2004, 2006, 2008, 2009, 2010, 2011, 2012, 2080, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2218, 2219, 2227, 2230, 2231, 2232, 2234, 2235, 2240, 2244, 2246, 2250, 2255, 2271, 2295, 2300, 2327, 2340, 2361, 2364, 2365, 2369, 2373, 2376, 2380, 2389, 2392, 2394, 2396, 2444, 2995, 4000

FY10 Budget

Beginning Balance	Revenue	Expenditures	Projected Balance 6/30/2010
1,487,567	25,578,337	26,969,903	96,002

FY09 as of February 28, 2009

Beginning Balance	Revenue	Expenditures	Balance as of 2/28/2009
2,740,565	16,398,866	16,564,325	2,575,107

FY10 as of February 28, 2010

Beginning Balance	Revenue	Expenditures	Balance as of 2/28/2010
1,487,567	16,337,926	16,812,383	1,013,110

The District is projecting the FY10 General Operating Balance to be $873,276 at June 30, 2010

(Does not include Building, Categorical, Federal, Activity and Food Service Funds)

Data Source: APSCN documents

4/1/20102:43 PM

Arkansas Department of Education
Forrest City School District
Review of General Operating Funds
Revenue

General Operating Funds: 1000, 1218, 1240, 1246, 2000, 2001, 2002, 2003, 2004, 2006, 2008, 2009, 2010, 2011, 2012, 2080, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2218, 2219, 2227, 2230, 2231, 2232, 2234, 2235, 2240, 2244, 2246, 2250, 2255, 2271, 2295, 2300, 2327, 2340, 2361, 2364, 2365, 2369, 2373, 2376, 2380, 2389, 2392, 2394, 2396, 2444, 2995, 4000

		2008-09 For 8 months ending 02/28/09	2009-10 For 8 months ending 2/28/2010	2009-10 Actual compared to 2008-09 Actual	2009-10 Annual Budget	2009-10 Budget Balance	2009-10 % of Budget Expended
Revenue:							
11110	**Property Taxes Current**	2,600,710	2,610,159	9,449	2,600,000	(10,159)	100.39%
11115	**Prop Tax Relief-Sales Tax**	103,412	150,362		160,000	9,638	93.98%
11120	**Property Tax 40%**	437,037	362,336	(74,701)	1,667,349	1,305,013	21.73%
11125	**Property Tax Rel. 40%**	0	0	0	0	0	0.00%
11140	**Property Tax Delinquent**	129,554	204,210	74,656	220,000	15,790	92.82%
11150	**Excess Commission**	4,564	3,693	(871)	4,500	807	82.06%
11160	**Land Redemption**	215,707	236,464	20,758	297,000	60,536	79.62%
11400	**Penalties/Interest on Tax**	0	0	0	0	0	0.00%
12800	**In Lieu of Tax**	15,710	15,322	(388)	15,322	0	100.00%
15100	**Interest on Investments**	48,208	61,732	13,524	38,000	(23,732)	162.45%
19130	**LEA Buildgs & Facilities**	0	990	990	5,000	4,010	19.80%
19200	**Private Contributions**	71,039	15,255	(55,784)	20,000	4,745	76.28%
19300	**Sales of Supplies & Material**	0	0	0	0	0	0.00%
19516	**Staff Development**	637	449	(188)	900	451	49.86%
19550	**Transits-Flow Thru Money**	3,670	3,693	23	12,000	8,307	30.77%
19800	**Refunds of Prior Yr Expenditures**	40,678	119,408	78,730	130,000	10,592	91.85%
19900	**Misc Revenue from Local Sources**	107,073	112,379	5,306	101,000	(11,379)	111.27%
31101	**State Foundation Funding**	10,622,219	10,247,734	(374,485)	16,103,585	5,855,851	63.64%
31102	**Enhanced Educational Fund**	199,085	76,183	(122,902)	119,719	43,536	63.63%
31103	**98% Tax Collection Rate GTD**	0	0	0	170,000	170,000	0.00%
31450	**Student Growth**	0	0	0	0	0	0.00%
31460	**Declining Enrollment**	0	517,987	517,987	517,987	0	100.00%
31620	**Supp Millage Incentive**	100,645	86,268	(14,377)	86,268	0	100.00%
31900	**Other**	58,671	58,671	0	58,671	0	100.00%
32227	**College Prep Enrich Pgm**	732	14,500	13,768	0	(14,500)	0.00%
32232	**Alt Learn Prog**	0	8,661	8,661	0	(8,661)	0.00%
32250	**Mentoring Program**	26,163	32,316	6,153	32,316	0	0.00%
32260	**Act 799 of 2003 Game/Fish**	2,371	0	(2,371)	2,000	2,000	0.00%
32290	**Oth Grants/Aid State**	703	2,250	1,547	1,500	(750)	150.00%
32310	**Hand Child-Supv/Extend Yr**	7,326	0	(7,326)	38,500	38,500	0.00%
32314	**Sp Ed Extended School Year**	0	0	0	64,320	64,320	0.00%
32330	**Non Hand Resid Treatment**	34,020	66,060	32,040	135,000	68,940	48.93%
32340	**Hand Resident Treatment**	79,260	25,319	(53,941)	195,000	169,681	12.98%
32361	**G/T Advanced Placement**	250	850	600	0	(850)	0.00%
32430	**Voc Spec Needs Project**	0	12,500	12,500	0	(12,500)	0.00%
32480	**Voc New Pgm Start-Up**	0	15,491	15,491	15,491	0	100.00%
32710	**AR Better Chance (ABC) Grant**	754,931	777,600	22,669	972,000	194,400	80.00%
32727	**AR/Hippy (AR DHS)**	147,315	141,832	(5,483)	183,307	41,475	77.37%
32740	**Inf/Tod Prog DHS**	5,434	6,918	1,484	58,200	51,282	11.89%
32909	**Coord Sch Health**	21,570	19,621	(1,949)	690	(18,931)	2845.18%
32912	**General Facilities Funding**	68,536	58,745	(9,791)	58,745	0	100.00%
32915	**Debt Service Funding**	226,225	213,539	(12,686)	213,468	(71)	100.03%
32917	**Dept Of Health**	0	9,875	9,875	75,000	65,125	13.17%
32990	**Other Grants and Aid**	89,562	0	(89,562)	27,957	27,957	0.00%
51200	**Revolving Loans**	0	0	0	1,000,000	1,000,000	0.00%
52300	**Transfer from Building Fund**	0	14,426	14,426	28,900	14,473	49.92%
52600	**Transfer from Federal Grants**	0	26,156	26,156	73,000	46,844	35.83%
52800	**Transfer from Food Service**	175,000	0	(175,000)	0	0	0.00%
52900	**Indirect Cost**	0	0	0	65,143	65,143	0.00%
53100	**Sale of Equipment**	100	0	(100)	2,500	2,500	0.00%
53400	**Compen-Loss Fixed Assets**	750	7,972	7,222	8,000	28	99.65%
	Total Revenue	**16,398,866**	**16,337,926**	**(60,941)**	**25,578,337**	**9,240,412**	**63.87%**

Data Source: APSCN documents

Arkansas Department of Education
Forrest City School District
Review of General Operating Funds
Expenditures

General Operating Funds: 1000, 1218, 1240, 1246, 2000, 2001, 2002, 2003, 2004, 2006, 2008, 2009, 2010, 2011, 2012, 2080, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2218, 2219, 2227, 2230, 2231, 2232, 2234, 2235, 2240, 2244, 2246, 2250, 2255, 2271, 2295, 2300, 2327, 2340, 2361, 2364, 2365, 2369, 2373, 2376, 2380, 2389, 2392, 2394, 2396, 2444, 2995, 4000

Expenditures		2008-09 For 8 months ending 02/28/09	2009-10 For 8 months ending 2/28/2010	2009-10 Actual compared to 2008-09 Actual	2009-10 Annual Budget	2009-10 Budget Balance	2009-10 % of Budget Expended
60000-62999	**Salaries & Benefits**	**12,913,762**	**13,307,439**	**393,677**	**22,676,127**	**9,368,688**	**58.68%**
Other:							
63130	Board of Ed Services	17,208	17,852	644	17,000	(852)	105.01%
63210	Pur Svcs-Inst-Prof/Tech	0	0	0	35,201	35,201	0.00%
63220	Subs Pur Svcs	159,052	136,510	(22,542)	239,265	102,755	57.05%
63230	Consulting - Educational	0	0	0	3,200	3,200	0.00%
63310	Emp train/Dev-Cert	7,820	5,383	(2,437)	20,298	14,915	26.52%
63320	Emp train/Dev-CL	3,437	2,850	(587)	21,660	18,810	13.16%
63410	Data Processing Services	0	0	0	0	0	0.00%
63440	Legal	0	0	0	0	0	0.00%
63444	Contract Prep/Rev	0	0	0	0	0	0.00%
63445	Legal-Research/Opinions	20,145	29,549	9,404	37,000	7,451	79.86%
63450	Medical	3,350	240	(3,110)	6,850	6,610	3.50%
63470	Architectural	600	3,075	2,475	1,500	(1,575)	205.00%
63490	Other Professional Services	0	0	0	0	0	0.00%
63590	Other Technical Services	19,292	16,443	(2,849)	17,752	1,309	92.63%
63900	Other Purc Prof Tech Serv	258,932	329,685	70,753	540,874	211,189	60.95%
64110	Water/Sewer	32,075	31,510	(565)	37,750	6,240	83.47%
64210	Disposal/Sanitation	35,148	31,027	(4,121)	50,000	18,973	62.05%
64240	Lawn Care	19,516	1,526	(17,990)	2,616	1,090	58.33%
64310	Non-Tech Repairs/Maint	79,540	72,014	(7,525)	106,796	34,782	67.43%
64320	Tech Repairs/Maint	0	0	0	0	0	0.00%
64410	Land & Bldgs	2,700	0	(2,700)	1,200	1,200	0.00%
64420	Equip & Vehicles	11,834	3,266	(8,568)	6,770	3,504	48.24%
64500	Construction Services	0	0	0	0	0	0.00%
64900	Other Purc Property Services	15,198	12,176	(3,021)	15,076	2,900	80.77%
65210	Property Insurance	136,564	136,573	9	136,573	0	100.00%
65220	Liability Insurance	12,450	9,454	(2,996)	0	(9,454)	0.00%
65240	Fleet Insurance	14,960	14,688	(272)	14,960	272	98.18%
65250	Accident Ins for Students	32,019	32,971	951	32,771	(200)	100.61%
65290	Other Insurance	13,543	14,854	1,311	17,855	3,001	83.19%
65310	Telephone	64,137	56,024	(8,113)	52,807	(3,217)	106.09%
65320	Postage	6,483	5,420	(1,062)	12,513	7,093	43.32%
65400	Advertising	9,348	8,711	(637)	15,000	6,289	58.07%
65500	Printing & Binding	0	0	0	0	0	0.00%
65800	Travel Expenses	0	0	0	0	0	0.00%
65810	Travel-CE In Dist	19,067	4,893	(14,174)	12,802	7,909	38.22%
65820	Trvl CLS In District	9,288	7,021	(2,267)	29,227	22,206	24.02%
65870	Travel Non-Employee	5,288	2,398	(2,890)	5,577	3,179	43.00%
65880	Meals	1,006	716	(289)	7,310	6,594	9.80%
65900	Misc Purc Svs	1,850	3,617	1,767	144,081	140,464	2.51%
66100	General Supplies	221,958	176,207	(45,751)	234,099	57,892	75.27%
66101	Sup&Mat/Unit Maint	0	0	0	0	0	0.00%
66107	Equip Un 1000	199,508	83,135	(116,373)	86,077	2,942	96.58%
66120	Uniforms/Accessories	69,506	42,156	(27,349)	42,241	85	99.80%
66150	Art Sup/Materials	8,848	0	(8,848)	0	0	0.00%
66170	Veh-Sup/Materials	12,502	21,583	9,081	7,000	(14,583)	308.33%
66180	Bldg/Grnd-S&M Supp&Mater	65,342	56,864	(8,477)	91,850	34,986	61.91%
66210	Natural Gas	126,034	98,631	(27,403)	175,435	76,804	56.22%
66220	Electricity	379,784	349,054	(30,730)	498,000	148,946	70.09%
66240	Oil	7,903	3,336	(4,567)	8,000	4,664	41.70%
66260	Gasoline/Diesel	137,027	108,744	(28,282)	121,100	12,356	89.80%
66410	Textbooks	310,179	124,597	(185,582)	147,525	22,928	84.46%
66420	Library Books	5,624	0	(5,624)	0	0	0.00%
66430	Periodicals	545	0	(545)	0	0	0.00%
66440	Audiovisual Materials	23	0	(23)	0	0	0.00%
66500	Techn Supplies	5,467	13,591	8,124	17,379	3,788	78.20%
66510	Software	4,377	21,674	17,298	34,500	12,826	62.82%
66527	Low Value tech Supplies	6,183	809	(5,374)	0	(809)	0.00%
66900	Other Supplies & Material	27,832	32,163	4,331	37,500	5,337	85.77%
66910	Tires	13,043	10,061	(2,981)	15,000	4,939	67.08%
67200	Buildings	4,224	0	(4,224)	0	0	0.00%
67310	Machinery	2,270	0	(2,270)	0	0	0.00%
67320	Vehicles	8,780	0	(8,780)	0	0	0.00%
67330	Furniture & Fixtures	5,464	0	(5,464)	0	0	0.00%
67340	Tech Rel Hardware	136,426	12,561	(123,864)	3,500	(9,061)	358.89%
67350	Tech Software	0	2,194	2,194	0	(2,194)	0.00%
67390	Other Equip-Over 1000	28,489	13,616	(14,873)	21,991	8,375	61.92%
68100	Dues & Fees	27,333	23,505	(3,827)	30,385	6,880	77.36%
68300	Interest	281,380	712,010	430,630	711,910	(100)	100.01%
68900	Miscellaneous Expenditure	3,000	3,000	0	3,000	0	100.00%
69100	Redemption of Principal	150,000	365,000	215,000	365,000	0	100.00%
69380	To Food Service Fund	295,000	240,000	(55,000)	0	(240,000)	0.00%
69400	Return to State	94,664	0	(94,664)	0	0	0.00%
Total Other Exp.		**3,650,563**	**3,504,944**	**(145,619)**	**4,293,775**	**788,832**	**81.63%**
	Total Expenditures	**16,564,325**	**16,812,383**	**248,058**	**26,969,903**	**10,157,520**	**62.34%**

Data Sources: APSCN documents

Arkansas Department of Education
Greenland School District General Operating Funds
Summary

General Operating Funds:1000, 1218, 2000, 2001, 2218, 2392, 2393, 2394, 4000, 4394

FY10 Budget

Beginning Balance	Revenue	Expenditures	Projected Balance 6/30/2010
624,510	6,409,963	5,865,670	1,168,803

FY09 as of February 28, 2009

Beginning Balance	Revenue	Expenditures	Balance as of 2/28/2009
2,036	4,371,086	3,771,120	602,002

FY10 as of February 28, 2010

Beginning Balance	Revenue	Expenditures	Balance as of 2/28/2010
624,510	4,485,353	3,288,588	1,821,274

The District is projecting the FY10 General Operating Balance to be $1,306,259.33 at June 30, 2010

(Does not include Building, Categorical, Federal, Activity and Food Service Funds)

Arkansas Department of Education
Greenland School District
Review of Unrestricted Funds
Revenue

General Operating Funds 1000, 1218, 2000, 2001, 2218, 2392, 2393, 2394, 4000, 4394							
		2008-09	2009-10	2009-10 Actual	Annual		2009-10
		For 8 months	For 8 months	compared to	Budget	2009-10 Budget	% of Budget
		ending 02/28/09	ending 2/28/2010	2008-09 Actual	2009-10	Balance	Expended
Revenue:							
11110	**Property Taxes Current**	1,596,187	1,927,602	331,415	2,026,515	98,913	95.12%
11115	**Property Taxes Relief**	0	0	0	0	0	0.00%
11120	**Property Tax 40%**	224,114	187,803	(36,311)	802,425	614,622	23.40%
11140	**Property Tax Delinquent**	133,289	111,903	(21,386)	200,000	88,097	55.95%
11150	**Excess Commission**	5,342	5,860	518	90,000	84,140	6.51%
11160	**Land Redemption**	7,686	4,328	(3,357)	8,500	4,172	50.92%
11200	**Sales and Use Tax**	0	45,480	0	70,000	24,520	64.97%
11400	**Penalties/Interest on Tax**	4,094	5,331	1,238	4,500	(831)	118.48%
11500	**Int on Unappor Prop Tax**	1,000	312	(688)	1,500	1,188	0.00%
13100	**From Individuals**	0	0	0	250	250	0.00%
15100	**Interest on Investments**	8,730	15,649	6,918	15,000	(649)	104.32%
19120	**Other rent - Land Owned LEA**	4,750	4,775	25	7,600	2,825	62.82%
19200	**Private Contributions**	0	0	0	0	0	0.00%
19800	**Refunds of Prior Yr Expenditures**	29,943	(7,119)	(37,062)	2,000	9,119	-355.95%
19900	**Misc Revenue from Local Sources**	1,060	0	(1,060)	500	500	0.00%
21200	**Severance Tax**	404	218	(186)	218	0	100.00%
31101	**State Foundation Funding**	2,187,951	1,728,090	(459,861)	2,715,573	987,483	63.64%
31102	**Enhanced Educational Fund**	51,321	17,926	(33,395)	28,170	10,244	63.64%
31460	**Declining Enrollment**	0	360,618	360,618	360,618	0	0.00%
31620	**Supplement Millage**	41,152	35,273	(5,879)	35,273	0	100.00%
31900	**Other**	350	350	0	0	(350)	0.00%
32250	**Pathwise Mentor**	0	0	0	0	0	0.00%
32260	**AR Game/Fish Commission**	0	0	0	0	0	0.00%
32310	**Hand Child-Supv/Extended Yr**	0	0	0	0	0	0.00%
32361	**G T Advanced Placement**	0	0	0	0	0	0.00%
32912	**General Facilities Fund**	19,111	16,381	(2,730)	16,381	0	100.00%
32915	**Debt Service Supplement**	34,002	15,658	(18,344)	15,524	(134)	100.86%
32990	**Other Grants/Aide State**	0	0	0	0	0	0.00%
42100	**Forest Reserve**	18,101	8,912	(9,189)	8,912	0	100.00%
42200	**Flood Control**	10	3	(6)	4	1	84.96%
53100	**Sale of Equipment**	2,490	0	(2,490)	500	500	0.00%
53200	**Sale of Build & Grounds**	0	0	0	0	0	0.00%
	Total Revenue	**4,371,086**	**4,485,353**	**114,267**	**6,409,963**	**1,924,610**	**69.97%**

Data Source: APSCN documents

Arkansas Department of Education
Greenland School District
Review of Unrestricted Funds
Expenditures

General Operating Funds 1000, 1218, 2000, 2001, 2218, 2392, 2393, 2394, 4000, 4394							
		2008-09	2009-10	2009-10 Actual	2009-10	2009-10	2008-09
		For 8 months	For 8 months	compared to	Annual	Budget	% of Budget
Expenditures		ending 02/28/09	ending 2/28/2010	2008-09 Actual	Budget	Balance	Expended
61000-52999	**Salaries & Benefits**	**2,586,339**	**2,568,566**	**(17,773)**	**4,319,290**	**1,750,724**	59.47%
Other:							
63130	Board of Ed Services	0	0	0	3,000	3,000	0.00%
63210	Inst Serv	0	2,856	2,856	3,400	544	84.00%
63445	Legal- Reserarch & Opinions	0	0	0	105,000	105,000	0.00%
63450	Medical	3,075	3,723	649	4,800	1,077	77.56%
63590	Other Technical Services	9,520	2,957	(6,562)	11,975	9,018	24.70%
63900	Other Purc Prof Tech Serv	27,438	25,351	(2,086)	61,450	36,099	41.26%
64110	Water/Sewer	26,649	26,401	(247)	50,000	23,599	52.80%
64210	Disposal/Sanatation	5,039	5,697	658	10,000	4,303	56.97%
64230	Custodial	161,908	161,908	0	243,000	81,092	66.63%
64240	Lawn Care	7,020	7,560	540	14,000	6,440	54.00%
64310	Building & Grounds	9,739	16,694	6,954	24,000	7,306	69.56%
64320	Tech Maint Repair	143	2,989	0	4,119	1,130	72.56%
64430	Equipment Rental	9,584	9,023	(561)	13,100	4,077	68.88%
64500	Construction	0	5,500	0	5,500	0	100.00%
64900	Other Purc Property Services	6,768	7,807	1,038	11,100	3,293	70.33%
65210	Property Insurance	28,723	30,775	2,052	30,775	0	100.00%
65240	Fleet Insurance	6,954	6,840	(114)	8,220	1,380	83.21%
65250	Accident Ins for Students	8,750	8,750	0	8,750	0	100.00%
65290	Other Insurance	310	384	74	500	117	76.70%
65310	Telephone	7,057	10,385	3,328	13,000	2,615	79.89%
65320	Postage	944	1,281	337	2,908	1,627	44.05%
65400	Advertising	326	1,447	1,121	4,300	2,853	33.65%
65610	To LEA's Within State	0	0	0	46,379	46,379	0.00%
65810	Cert In District	0	68	68	100	32	67.53%
65820	Trvl CLS In District	0	0	0	0	0	0.00%
65870	Travel Non-Employee	0	0	0	0	0	0.00%
65880	Meals	14	32	18	750	718	4.23%
65890	Lodging	99	406	307	2,650	2,244	15.32%
66100	General Supplies	35,841	45,179	9,338	101,310	56,132	44.59%
66107	Low Value Equipment	0	1,000	1,000	1,000	0	100.00%
66210	Natural Gas	33,668	27,774	(5,894)	55,000	27,226	50.50%
66220	Electricity	60,769	53,843	(6,926)	93,000	39,157	57.90%
66260	Gasoline/Diesel	24,471	20,764	(3,707)	45,000	24,236	46.14%
66300	Food	0	0	0	600	600	0.00%
66410	Textbooks	25,066	47,958	22,892	57,232	9,274	83.80%
66430	Periodicals	0	0	0	0	0	0.00%
66440	Audiovisual Materials	0	0	0	700	700	0.00%
66500	Techn Supplies	0	0	0	0	0	0.00%
66510	Software	1,836	10,590	8,754	3,586	(7,004)	295.32%
66520	Other	3,008	2,428	(580)	7,505	5,077	32.35%
66527	Low Value tech Supplies	0	2,980	2,980	1,533	(1,447)	194.40%
67100	Land & Improvements	0	0	0	5,000	5,000	0.00%
67330	Furniture & Fixtures	0	0	0	0	0	0.00%
67340	Technology Hardware	0	0	0	3,114	3,114	0.00%
67390	Other Equipment	0	0	0	4,250	4,250	0.00%
68100	Dues & Fees	1,111	2,974	1,863	9,983	7,010	29.79%
68300	Interest	19,975	144,508	124,533	288,645	144,137	50.06%
68830	Property Tax	0	0	0	1,000	1,000	0.00%
69100	Redemption of Principal	637,069	13,541	(623,529)	163,745	150,205	8.27%
69320	To Parent Involvement	509	451	(58)	0	(451)	0.00%
69380	To Food Service Fund	21,400	7,200	(14,200)	21,400	14,200	33.64%
Total Other Exp.		**1,184,782**	**720,022**	**(464,760)**	**1,546,380**	**826,358**	**46.56%**
	Total Expenditures	**3,771,120**	**3,288,588**	**(482,533)**	**5,865,670**	**2,577,083**	56.06%

Data Sources: APSCN documents

Arkansas Department of Education
Mansfield School District General Operating Funds
Summary

General Operating Funds:1000, 1001, 1020, 1025, 1215, 1215, 1216, 1246, 2000, 2001, 2020, 2025, 2040, 2215, 2216, 2218, 2224, 2225, 2227, 2232, 2241, 2246, 2271, 2285, 2340, 2361, 2392, 2393, 4000

FY10 Budget

Beginning Balance	Revenue	Expenditures	Projected Balance 6/30/2010
431,241	7,160,239	7,499,574	91,906
(Includes $481,000 Cash Flow Loan)		(Includes $481,000 Cash Flow Loan Payment)	

FY09 as of February 28, 2009

Beginning Balance	Revenue	Expenditures	Balance as of 2/28/2009
327,335	4,472,842	4,592,774	207,402

FY10 as of February 28, 2010

Beginning Balance	Revenue	Expenditures	Balance as of 2/28/2010
431,241	4,955,023	4,735,752	650,512
(Includes $481,000 Cash Flow Loan)	(Includes $175,000 Cash Flow Loan Proceeds)	(Includes $481,000 Cash Flow Loan Payment)	(Includes $175,000 Cash Flow Loan)

The District is projecting the FY10 General Operating Balance to be $179,969 at June 30, 2010

(Does not include Building, Categorical, Federal, Activity and Food Service Funds)

Financial Accountability and Reporting
April 12, 2010

Data Source: APSCN documents

Arkansas Department of Education
Mansfield
School District
Review of General Operating Funds
Revenue

General Operating Funds:1000, 1001, 1020, 1025, 1215, 1215, 1216, 1246, 2000, 2001, 2020, 2025, 2040, 2215, 2216, 2218, 2224, 2225, 2227, 2232, 2241, 2246, 2271, 2285, 2340, 2361, 2392, 2393, 4000

		2008-09 For 8 months ending 02/28/09	2009-10 For 8 months ending 2/28/2010	2009-10 Actual compared to 2008-09 Actual	2009-10 Annual Budget	2009-10 Budget Balance	2009-10 % of Budget Expended
Revenue:							
11110	**Property Taxes Current**	1,068,780	1,352,547	283,766	1,353,463	916	1.00
11115	**Property Taxes Relief**	53,505	150,835	97,330	0	(150,835)	0.00
11120	**Property Tax 40%**			0	561,420	561,420	0.00
11125	**Prop tax 40% 6/30**	177,056	8,619	(168,437)	0	(8,619)	0.00
11140	**Property Tax Delinquent**	74,016	67,457	(6,559)	200,000	132,543	0.34
11150	**Excess Commission**	35,059	1,834	(33,225)	40,000	38,166	0.05
11160	**Land Redemption**		12,039	12,039	0	(12,039)	0.00
11400	**Penalties/Interest on Tax**		2	2	1,000	998	0.00
14240	**Fees From Vocational Ed**	22,165		(22,165)	24,215	24,215	0.00
14900	**Trans Fees Other Sources**	546	3,099	2,553	0	(3,099)	0.00
15100	**Interest on Investments**	4,700	2,444	(2,257)	2,500	56	0.98
19200	**Private Contributions**	11		(11)	0		0.00
19300	**Sales of Supplies & Materials**		2,900	2,900	2,100	(800)	1.38
19510	**Other LEA within State**			0	49,579	49,579	0.00
19800	**Refunds of Prior Yr Expenditures**	11,165	1,596	(9,570)	39,998	38,402	0.04
19900	**Misc Revenue from Local Sources**	5,052	15,667	10,615	0	(15,667)	0.00
21200	**Severance Tax**	800	220	(580)	1,000	780	0.22
31101	**State Foundation Funding**	2,763,301	2,813,629	50,328	4,421,418	1,607,789	0.64
31102	**Enhanced Educational Fund**	54,670	21,994	(32,676)	34,566	12,572	0.64
31620	**Supplement Millage**	22,219	19,045	(3,174)	19,045	0	1.00
31900	**Other**	700	350	(350)	0	(350)	0.00
32232	**AR School Recognition Program**		4,640	4,640	0	(4,640)	0.00
32250	**Qual Enhancement/Mentoring**	12,435	8,200	(4,235)	8,000	(200)	1.03
32361	**Adv Placement Incentive**		550	550	0	(550)	0.00
32385	**Juvenile Serious Offender**	(153,751)	124,135	277,886	220,000	95,865	0.56
32480	**Voc New Start-Up Prog**		1,000	1,000	15,491	14,491	0.06
32912	**General Facilities Fund**	17,681	15,155	(2,526)	15,155	0	1.00
32915	**Debt Service Supplement**	122,120	118,380	(3,740)	117,290	(1,090)	1.01
42100	**Forest Reserve**	29,761	26,787	(2,975)	30,000	3,213	0.89
42300	**Mineral Leases**	3,872	6,901	3,029	4,000	(2,901)	1.73
45326	**Educ Technology Title IID**	149,771		(149,771)	0	0	0.00
51400	**Current Loans**	(2,794)	175,000	177,794	0	(175,000)	0.00
	Total Revenue	**4,472,842**	**4,955,023**	**482,181**	**7,160,239**	**2,205,216**	**0.69**

Data Source: APSCN documents

Arkansas Department of Education
Mansfield School District
Review of General Operating Funds
Expenditures

General Operating Funds:1000, 1001, 1020, 1025, 1215, 1215, 1216, 1246, 2000, 2001, 2020, 2025, 2040, 2215, 2216, 2218, 2224, 2225, 2227, 2232, 2241, 2246, 2271, 2285, 2340, 2361, 2392, 2393, 4000

Expenditures		2008-09 For 8 months ending 02/28/09	2009-10 For 8 months ending 2/28/2010	2009-10 Actual compared to 2008-09 Actual	2009-10 Annual Budget	2009-10 Budget Balance	2009-10 % of Budget Expended
61000-62999	**Salaries & Benefits**	**3,421,562**	**3,033,756**	**(387,806)**	**5,429,396**	**2,395,641**	**0.56**
Other:							
63210	Instructional Services	36,300	40,083	3,783	37,000	(3,083)	1.08
63230	Consulting- Educational	2,524	988	(1,536)	1,538	550	0.64
63310	Certified/Prof Dev Training	580	124,210	123,630	220,000	95,790	0.56
63320	Classified/Prof Training	1,315		(1,315)	1,500	1,500	0.00
63410	Pupil Services		3,783	3,783	0	(3,783)	0.00
63440	Legal	613	1,574	962	7,000	5,426	0.22
63444	Legal- Review	860		(860)	0	0	0.00
63445	Legal- Research & Opinions	10,007	11,289	1,282	0	(11,289)	0.00
63450	Medical	1,969	632	(1,337)	500	(132)	1.26
63490	Other Professional Service		900	900	0	(900)	0.00
63590	Other Technical Services			0	0	0	0.00
63900	Other Purc Prof Tech Serv	34,532	30,962	(3,570)	32,000	1,038	0.97
64110	Water/Sewer	15,946	14,658	(1,289)	22,000	7,342	0.67
64210	Disposal/Sanitation	4,640	5,241	601	7,500	2,259	0.70
64230	Custodial			0	0	0	0.00
64240	Lawn Care	8,254		(8,254)	0	0	0.00
64310	Rep/Maint -Building & Grounds	45,642	32,283	(13,359)	60,600	28,317	0.53
64320	Rep/Maint - Equip & Vehicle	15,455	19,185	3,730	14,270	(4,915)	1.34
64420	Rental Equip & Vehicles	1,534	976	(558)	2,700	1,724	0.36
64900	Other Purc Property Services		300	300	0	(300)	0.00
65210	Property Insurance	31,171	33,347	2,176	33,347	0	1.00
65240	Fleet Insurance	7,421	7,980	559	8,000	20	1.00
65250	Accident Ins for Students	9,320		(9,320)	0	0	0.00
65290	Other Insurance	5,408	5,356	(52)	5,400	44	0.99
65300	Communications		150	150	0	(150)	0.00
65310	Telephone	31,738	18,361	(13,377)	48,850	30,490	0.38
65320	Postage	3,246	2,994	(252)	1,900	(1,094)	1.58
65330	Networking Internet Serv	6,875	2,682	(4,194)	6,500	3,818	0.41
65400	Advertising	1,071	615	(456)	800	185	0.77
65610	To LEA's Within State			0	0	0	0.00
65800	Travel	112		(112)	0	0	0.00
65810	Travel -Cert In District	1,831	1,613	(218)	1,600	(13)	1.01
65820	Travel - CLS In District	765	475	(290)	1,175	700	0.40
65830	Travel - Cert Out of District		23	23	0	(23)	0.00
65870	Travel Non-Employee			0	0	0	0.00
65880	Meals	3,483	3,944	460	3,870	(74)	1.02
65890	Lodging	4,399	1,506	(2,893)	4,550	3,044	0.33
66100	General Supplies	116,400	81,681	(34,720)	128,800	47,119	0.63
66107	Low Value Equipment			0	0	0	0.00
66210	Natural Gas	23,017	28,728	5,711	50,000	21,272	0.57
66220	Electricity	89,627	68,831	(20,796)	119,200	50,369	0.58
66240	Oil	318	15,837	15,519	1,700	(14,137)	9.32
66260	Gasoline/Diesel	28,928	8,636	(20,292)	40,000	31,364	0.22
66300	Food			0	0	0	0.00
66410	Textbooks	61,938	30,146	(31,792)	31,000	854	0.97
66430	Periodicals	336	304	(32)	350	46	0.87
66440	Audiovisual Materials			0	0	0	0.00
66500	Techn Supplies			0	0	0	0.00
66510	Software	5,496		(5,496)	0	0	0.00
66520	Other		690	690	0	(690)	0.00
66527	Low Value tech Supplies			0	0	0	0.00
67310	Machinery		2,200	2,200	0	(2,200)	0.00
67330	Furniture & Fixtures			0	0	0	0.00
67340	Technology Hardware	108,078		(108,078)	5,000	5,000	0.00
67390	Other Equipment		1,380	1,380	0	(1,380)	0.00
68100	Dues & Fees	52,818	10,001	(42,817)	9,400	(601)	1.06
68300	Interest	277,513	380,309	102,796	423,391	43,082	0.90
68830	Property Tax			0	0	0	0.00
69100	Redemption of Principal	119,731	707,147	587,415	712,865	5,719	0.99
69380	To Food Service Fund			0	25,872	25,872	0.00
69400	Program Funding Return			0	0	0	0.00
Total Other Exp.		**1,171,212**	**1,701,997**	**530,784**	**2,070,178**	**368,181**	**0.82**
	Total Expenditures	**4,592,774**	**4,735,752**	**142,978**	**7,499,574**	**2,763,822**	**0.63**

Data Sources: APSCN documents

Arkansas Department of Education
Osceola School District
2009-10 General Operating Funds
Budget Summary

General Operating Funds:1000, 1010, 1232, 1240, 1246, 1365, 2000, 2001, 2002, 2010, 2065, 2217, 2232, 2240, 2244, 2246, 2271, 2365, 2392, 2394, 2995, 4000

FY10 Budget

Beginning Balance	Revenue	Expenditures	Projected Balance 6/30/2010
1,231,573	10,904,442	11,566,406	569,609

FY09 as of February 28, 2009

Beginning Balance	Revenue	Expenditures	Balance as of 2/28/2009
707,840	7,249,821	6,847,724	1,109,937

FY10 as of February 28, 2010

Beginning Balance	Revenue	Expenditures	Balance as of 2/28/2010
1,231,573	7,041,008	6,501,979	1,770,603

The District is projecting the FY10 General Operating Balance to be $1,663,782 at June 30, 2010

(Does not include Building, Categorical, Federal, Activity and Food Service Funds)

Data Source: APSCN documents

4/1/20102:45 PM

Arkansas Department of Education
Osceola School District
Review of General Operating Funds
Revenue

General Operating Funds: 1000, 1010, 1232, 1240, 1246, 1365, 2000, 2001, 2001, 2002, 2010, 2065, 2217, 2232, 2240, 2244, 2246, 2271, 2365, 2392, 2394, 2995, 4000

		2008-09 For 8 months ending 02/28/09	2009-10 For 8 months ending 2/28/2010	2009-10 Actual compared to 2008-09 Actual	2009-10 Annual Budget	2009-10 Budget Balance	2009-10 % of Budget Expended
Revenue:							
11110	**Property Taxes Current**	1,596,281	1,585,833	(10,448)	1,700,000	114,167	93.28%
11120	**Property Tax 40%**	27,522	27,626	104	726,000	698,374	3.81%
11125	**Property Tax Rel. 40%**	0	0	0	0	0	0.00%
11140	**Property Tax Delinquent**	65,372	56,479	(8,893)	107,000	50,521	52.78%
11150	**Excess Commission**	40,542	35,043	(5,499)	0	(35,043)	0.00%
11160	**Land Redemption**	37,027	23,689	(13,339)	80,000	56,311	29.61%
11400	**Penalties/Interest on Tax**	9,193	5,894	(3,298)	18,000	12,106	32.75%
12800	**In Lieu of Tax**	0	33,436	33,436	16,000	(17,436)	208.98%
15100	**Interest on Investments**	28,918	5,665	(23,253)	10,000	4,335	56.65%
19110	**16th Section Land Rent**	37,929	420	(37,509)	0	(420)	0.00%
19120	**Other Rent-Land Owned LEA**	360	360	0	640	280	56.25%
19130	**LEA Buildgs & Facilities**	3,360	5,130	1,770	7,000	1,870	73.29%
19200	**Private Contributions**	44,550	0	(44,550)	0	0	0.00%
19300	**Sales of Supplies & Material**	775	0	(775)	0	0	0.00%
19800	**Refunds of Prior Yr Expenditures**	9,203	4,116	(5,087)	10,000	5,884	41.16%
19900	**Misc Revenue from Local Sources**	71,102	4,610	(66,492)	20,000	15,390	23.05%
31101	**State Foundation Funding**	4,545,461	4,719,484	174,023	7,416,335	2,696,851	63.64%
31102	**Enhanced Educational Fund**	85,225	34,713	(50,512)	54,552	19,839	63.63%
31450	**Student Growth**	27,150	0	(27,150)	0	0	0.00%
31460	**Declining Enrollment**	0	0	0	0	0	0.00%
31620	**Supp Millage Incentive**	159,815	136,985	(22,830)	136,985	0	100.00%
31900	**Other**	350	350	0	350	0	100.00%
32232	**Ark School Recognition**	0	8,274	8,274	0	(8,274)	0.00%
32250	**Mentoring Program**	48,783	40,569	(8,215)	43,600	3,031	93.05%
32310	**Hand Child-Supv/Extend Yr**	0	0	0	11,362	11,362	0.00%
32314	**Sp Ed Extended School Year**	0	16,946	16,946	0	(16,946)	0.00%
32330	**Non Hand Resid Treatment**	90,300	36,660	(53,640)	170,400	133,740	21.51%
32340	**Hand Resident Treatment**	42,480	25,500	(16,980)	69,600	44,100	36.64%
32710	**AR Better Chance (ABC) Grant**	140,452	128,632	(11,820)	176,205	47,573	73.00%
32912	**General Facilities Funding**	27,836	23,859	(3,977)	23,859	0	100.00%
32915	**Debt Service Funding**	79,745	80,735	990	80,654	(81)	100.10%
32990	**Other Grants and Aid**	25,090	0	(25,090)	0	0	0.00%
52600	**Transfer from Federal Grants**	5,000	0	(5,000)	0	0	0.00%
52900	**Indirect Cost Reimbursement**	0	0	0	25,900	25,900	0.00%
	Total Revenue	**7,249,821**	**7,041,008**	**(208,813)**	**10,904,442**	**3,863,434**	**64.57%**

Data Source: APSCN documents

Arkansas Department of Education
Osceola School District
Review of General Operating Funds
Expenditures

General Operating Funds: 1000, 1010, 1232, 1240, 1246, 1365, 2000, 2001, 2001, 2002, 2010, 2065, 2217, 2232, 2240, 2244, 2246, 2271, 2365, 2392, 2394, 2995, 4000

Expenditures		2008-09 For 8 months ending 02/28/09	2009-10 For 8 months ending 2/28/2010	2009-10 Actual compared to 2008-09 Actual	2009-10 Annual Budget	2009-10 Budget Balance	2009-10 % of Budget Expended
60000-62999	**Salaries & Benefits**	**4,748,692**	**4,492,882**	**(255,810)**	**8,350,344**	**3,857,462**	**53.80%**
Other:							
63210	Instructional	28,854	0	(28,854)	11,000	11,000	0.00%
63220	Substitute Teachers	86,262	92,556	6,295	144,000	51,444	64.28%
63230	Consulting - Educational	1,266	0	(1,266)	0	0	0.00%
63240	Student Assessment	0	0	0	1,000	1,000	0.00%
63310	Prof Development	17,913	4,485	(13,428)	12,200	7,715	36.77%
63320	Prof Development	802	1,597	795	4,150	2,553	38.49%
63445	Legal-Research/Opinions	11,531	21,400	9,869	40,000	18,600	53.50%
63450	Purc Svc Medical	0	334	334	500	166	66.80%
63460	Information Tech	5,599	14,562	8,962	8,000	(6,562)	182.02%
63470	Architectural	6,434	0	(6,434)	0	0	0.00%
63490	Other Professional Services	18,299	11,596	(6,703)	18,500	6,904	62.68%
63590	Other Technical Services	0	975	975	0	(975)	0.00%
63900	Other Purc Prof Tech Serv	16,763	8,522	(8,240)	30,000	21,478	28.41%
64110	Water/Sewer	0	0	0	0	0	0.00%
64210	Disposal/Sanitation	0	0	0	0	0	0.00%
64230	Custodial	0	0	0	0	0	0.00%
64240	Lawn Care	0	0	0	0	0	0.00%
64310	Non-Tech Repairs/Maint	178,621	204,808	26,187	309,815	105,007	66.11%
64320	Tech Repairs/Maint	47,632	4,529	(43,103)	53,950	49,421	8.39%
64410	Land & Bldgs	6,501	1,330	(5,171)	5,300	3,970	25.09%
64420	Equip & Vehicles	8,852	338	(8,514)	8,000	7,662	4.22%
64500	Construction Services	0	0	0	0	0	0.00%
64900	Other Purc Property Services	7,597	9,360	1,763	13,000	3,640	72.00%
65210	Property Insurance	90,224	93,014	2,790	93,100	86	99.91%
65240	Fleet Insurance	10,907	10,907	0	10,910	3	99.97%
65250	Accident Ins for Students	18,129	19,035	906	19,035	0	100.00%
65290	Other Insurance	5,536	5,559	23	6,690	1,131	83.09%
65310	Telephone	34,791	69,647	34,857	38,000	(31,647)	183.28%
65320	Postage	3,997	2,334	(1,663)	5,050	2,716	46.22%
65400	Advertising	8,963	3,839	(5,123)	10,700	6,861	35.88%
65690	Other Tuition	122,520	62,160	(60,360)	240,000	177,840	25.90%
65700	Food Svcs Management	0	67,396	67,396	135,000	67,604	49.92%
65810	Cert In District	2,566	3,266	701	4,750	1,484	68.76%
65820	Trvl CLS In District	3,327	983	(2,343)	2,800	1,817	35.12%
65870	Travel Non-Employee	3,424	5,754	2,329	14,000	8,246	41.10%
65900	Misc Purc Svs	0	0	0	0	0	0.00%
66100	General Supplies	338,508	255,654	(82,854)	441,455	185,801	57.91%
66101	Comp Curriculum	1,063	0	(1,063)	0	0	0.00%
66102	Supplementary Curr	0	395	395	6,400	6,005	6.17%
66103	Core Curriculum	0	0	0	4,900	4,900	0.00%
66104	Outdoor Play	0	0	0	2,000	2,000	0.00%
66105	Staff Meals	0	482	482	2,000	1,518	24.09%
66107	Low Value Equipment	4,156	6,864	2,708	10,050	3,186	68.30%
66210	Natural Gas	88,597	69,907	(18,690)	128,500	58,593	54.40%
66220	Electricity	221,596	221,883	287	334,400	112,517	66.35%
66260	Gasoline/Diesel	34,033	27,140	(6,893)	56,000	28,860	48.46%
66410	Textbooks	134,190	42,242	(91,948)	91,200	48,958	46.32%
66420	Library Books	2,664	1,507	(1,157)	8,500	6,993	17.73%
66430	Periodicals	1,442	947	(494)	3,000	2,053	31.57%
66440	Audiovisual Materials	90	0	(90)	0	0	0.00%
66500	Techn Supplies	3,885	785	(3,100)	13,000	12,215	6.04%
66527	Low Value tech Supplies	162	0	(162)	3,000	3,000	0.00%
66900	Other Supplies & Material	6,337	9,426	3,089	9,900	474	95.21%
67310	Machinery	0	0	0	15,000	15,000	0.00%
67320	Vehicles	14,800	0	(14,800)	0	0	0.00%
67330	Furniture & Fixtures	2,500	1,416	(1,084)	22,150	20,734	6.39%
67340	Equip State	2,178	2,156	(22)	3,000	844	71.87%
67390	Other Equipment	7,933	0	(7,933)	0	0	0.00%
68100	Dues & Fees	12,014	10,058	(1,956)	15,255	5,197	65.93%
68300	Interest	138,383	237,146	98,763	469,902	232,756	50.47%
68830	Property Tax	1,691	1,780	89	2,000	220	89.02%
68999	Allocated Charges	0	0	0	0	0	0.00%
69100	Redemption of Principal	170,000	245,000	75,000	245,000	0	100.00%
69370	To Student Activity Fund	0	20,946	20,946	0	(20,946)	0.00%
69380	To Food Service Fund	165,500	119,500	(46,000)	90,000	(29,500)	132.78%
69400	Return to State	0	13,575	13,575	**0**	(13,575)	0.00%
Total Other Exp.		**2,099,032**	**2,009,097**	**(89,935)**	**3,216,062**	**1,206,965**	**62.47%**
	Total Expenditures	**6,847,724**	**6,501,979**	**(345,746)**	**11,566,406**	**5,064,427**	**56.21%**

Data Sources: APSCN documents

Arkansas Department of Education
Wickes School District General Operating Funds
Summary

General Operating Funds:1000, 1120, 1227, 1246, 1365, 2000, 2001, 2002, 2003, 2004, 2120, 2217, 2225, 2227, 2228, 2232, 2234, 2240, 2246, 2251, 2265, 2271, 2369, 2392, 2393, 2394, 2398, 2560, 4000

FY10 Budget

Beginning Balance	Revenue	Expenditures	Projected Balance 6/30/2010
496,849	5,110,312 (Includes $380,000 Cash Flow Loan Proceeds)	5,325,134	282,027

FY09 as of February 28, 2009

Beginning Balance	Revenue	Expenditures	Balance as of 2/28/2009
784,678	3,253,082	3,771,449	266,311

FY10 as of February 28, 2010

Beginning Balance	Revenue	Expenditures	Balance as of 2/28/2010
496,849	3,741,874 (Includes $380,000 Cash Flow Loan Proceeds)	2,927,336 (Includes $380,000 Cash Flow Loan Proceeds)	1,311,387

The District is projecting the FY10 General Operating Balance to be $1,360,095 at June 30, 2010

(Does not include Building, Categorical, Federal, Activity and Food Service Funds)

Financial Accountability and Reporting
April 12, 2010

Data Source: APSCN documents

Arkansas Department of Education
Wickes School District
Review of General Operating Funds
Revenue

General Operating Funds:1000, 1120, 1227, 1246, 1365, 2000, 2001, 2002, 2003, 2004, 2120, 2217, 2225, 2227, 2228, 2232, 2234, 2240, 2246, 2251, 2265, 2271, 2369, 2392, 2393, 2394, 2398, 2560, 4000

		2008-09 For 8 months ending 02/28/09	2009-10 For 8 months ending 2/28/2010	2009-10 Actual compared to 2008-09 Actual	2009-10 Annual Budget	2009-10 Budget Balance	2009-10 % of Budget Expended
Revenue:							
11110	**Property Taxes Current**	742,518	811,132	68,614	995,140	184,008	0.82
11115	**Property Taxes Relief**	6,444	28,755	22,311	0	(28,755)	0.00
11120	**Property Tax 40%**	0	0	0	350,205	350,205	0.00
11125	**Prop tax 40% 6/30**	84,394	68,286	(16,108)	0	(68,286)	0.00
11140	**Property Tax Delinquent**	46,825	39,619	(7,206)	0	(39,619)	0.00
11150	**Excess Commission**	12,868	11,501	(1,367)	0	(11,501)	0.00
11160	**Land Redemption**	4,042	5,279	1,237	0	(5,279)	0.00
11500	**Interest on Unapp Prop Tax**	23	19	(4)	0	(19)	0.00
12800	**PMT In Lieu of Taxes**	12,164	6,822	(5,342)	0	(6,822)	0.00
12900	**Other Local Non-LEA Revenue**	365	0	(365)	0	0	0.00
13160	**Public PreK Tuition**	5,134	4,299	(835)	0	(4,299)	0.00
15100	**Interest on Investments**	15,027	10,698	(4,330)	0	(10,698)	0.00
19120	**Other Rent- Land Owned LEA**	65	0	(65)	0	0	0.00
19130	**LEA Buildings & Facilities**	0	55	0	0	(55)	0.00
19200	**Private Contributions**	2,562	10,815	8,253	1,021	(9,794)	10.59
19550	**Transits-Flow Thru Money**	12,530	1	0	0	(1)	0.00
19800	**Refunds of Prior Yr Expenditures**	4,729	6,298	1,569	3,500	(2,798)	1.80
19900	**Misc Revenue from Local Sources**	2,041	2,477	436	10	(2,467)	247.68
21200	**Severance Tax**	1,634	1,120	(515)	0	(1,120)	0.00
28000	**Revenue In Lieu of Taxes**	0	1,741	1,741	0	(1,741)	0.00
31101	**State Foundation Funding**	2,129,403	2,069,561	(59,842)	3,252,169	1,182,608	0.64
31102	**Enhanced Educational Fund**	39,585	15,553	(24,032)	24,441	8,888	0.64
31450	**Student Growth**	0	133,523	133,523	0	(133,523)	0.00
31620	**Supplement Millage**	44,120	37,817	(6,303)	37,817	0	1.00
32219	**AR Science & Math Grant**	0	6,000	6,000	0	(6,000)	0.00
32232	**AR School Recognition Program**	0	1,933	1,933	0	(1,933)	0.00
32250	**Qual Enhancement/Mentoring**	2,000	2,000	0	4,000	2,000	0.50
32260	**AR Game & Fish**	954	2,691	1,737	0	(2,691)	0.00
32290	**Other State Grants**	0	500	500	0	(500)	0.00
32310	**Hand Child-Supv Extend Yr**	0	518	518	0	(518)	0.00
32912	**General Facilities Fund**	10,462	8,968	(1,494)	8,968	0	1.00
32915	**Debt Service Supplement**	64,057	53,258	(10,799)	53,041	(217)	1.00
32990	**Other Grants**	2,400	0	(2,400)	0	0	0.00
41300	**Revenue In Lieu of Taxes**	6,097	16,713	0	0	(16,713)	0.00
42100	**Forest Reserve**	638	3,923	3,286	0	(3,923)	0.00
51400	**Current Loans**	0	380,000	380,000	380,000	0	1.00
	Total Revenue	**3,253,082**	**3,741,874**	**488,793**	**5,110,312**	**1,368,438**	**0.73**

Data Source: APSCN documents

Arkansas Department of Education
Wickes School District
Review of General Operating Funds
Expenditures

General Operating Funds:1000, 1120, 1227, 1246, 1365, 2000, 2001, 2002, 2003, 2004, 2120, 2217, 2225, 2227, 2228, 2232, 2234, 2240, 2246, 2251, 2265, 2271, 2369, 2392, 2393, 2394, 2398, 2560, 4000

Expenditures		2008-09 For 8 months ending 02/28/09	2009-10 For 8 months ending 2/28/2010	2009-10 Actual compared to 2008-09 Actual	2009-10 Annual Budget	2009-10 Budget Balance	2009-10 % of Budget Expended
61000-62999	**Salaries & Benefits**	**2,611,735**	**2,093,187**	**(518,548)**	**3,846,572**	**1,753,385**	**0.54**
Other:							
63130	Board of Ed Services	1,718	0	(1,718)	968	968	0.00
63310	Certified/Prof Dev Training	450	190	(260)	0	(190)	0.00
63320	Classified/Prof Training	450	80	(370)	0	(80)	0.00
63445	Legal- Research & Opinions	2,956	1,901	(1,055)	4,385	2,484	0.43
63490	Other Professional Service	11,400	8,763	(2,637)	7,288	(1,475)	1.20
63590	Other Technical Services	243	0	(243)	0	0	0.00
63900	Other Purc Prof Tech Serv	2,168	119	(2,049)	3,732	3,613	0.03
64110	Water/Sewer	7,988	6,551	(1,437)	11,002	4,451	0.60
64210	Disposal/Sanitation	3,819	3,819	0	5,821	2,002	0.66
64230	Custodial	13,531	522	(13,009)	2,600	2,078	0.20
64240	Lawn Care	400	0	(400)	400	400	0.00
64310	Rep/Maint -Building & Grounds	11,360	22,433	11,073	49,541	27,108	0.45
64320	Rep/Maint - Equip & Vehicle	1,666	150	(1,516)	1,084	934	0.14
64420	Rental Equip & Vehicles	2,829	3,570	741	0	(3,570)	0.00
64430	Rental of Computers & Equip	463	0	(463)	0	0	0.00
64500	Construction Services	3,000	0	(3,000)	0	0	0.00
65210	Property Insurance	38,813	27,998	(10,815)	39,227	11,229	0.71
65220	Liability Insurance	3,819	3,325	(494)	3,819	494	0.87
65240	Fleet Insurance		11,073	11,073	11,411	338	0.97
65250	Accident Ins for Students		8,557	8,557	8,557	0	1.00
65290	Other Insurance	8,150	212	(7,938)	8,773	8,561	0.02
65300	Communications	800	0	(800)	0	0	0.00
65310	Telephone	1,767	8,280	6,512	3,022	(5,258)	2.74
65320	Postage		904	904	2,857	1,953	0.32
65400	Advertising	1,867	1,063	(804)	2,601	1,538	0.41
65500	Printing & Binding	3,009	838	(2,171)	1,400	562	0.60
65610	To LEA's Within State	1,680	0	(1,680)	0	0	0.00
65810	Travel -Cert In District	84	0	(84)	76	76	0.00
65820	Travel - CLS In District	1,315	20	(1,295)	24	4	0.83
65880	Meals	417	602	186	3,989	3,387	0.15
65890	Lodging	1,479	1,457	(22)	3,958	2,501	0.37
65910	Srv Purch LEA In State	3,235	3,000	(235)	0	(3,000)	0.00
66100	General Supplies	156,894	72,053	(84,840)	98,085	26,032	0.73
66107	Low Value Equipment	2,058	1,309	(750)	1,500	191	0.87
66110	Act 1687 Supplies	9,376	791	(8,585)	0	(791)	0.00
66188	Provisional II Meal Difference		73,016	0	0	(73,016)	0.00
66210	Natural Gas	22,002	8,880	(13,121)	37,112	28,232	0.24
66220	Electricity	61,939	65,292	3,353	102,721	37,429	0.64
66230	Propane/Butane	15,971	20,526	4,555	17,130	(3,396)	1.20
66260	Gasoline/Diesel	41,832	26,107	(15,724)	67,629	41,522	0.39
66410	Textbooks	61,621	25,602	(36,019)	0	(25,602)	0.00
66420	Library Books	2,810	3,149	338	0	(3,149)	0.00
66430	Periodicals	1,070	200	(870)	0	(200)	0.00
66500	Techn Supplies	4,641	0	(4,641)	450	450	0.00
66510	Software	5,467	265	(5,202)	0	(265)	0.00
66527	Low Value tech Supplies	9,540	2,818	(6,722)	0	(2,818)	0.00
66600	Building Materials	690	0	(690)	600	600	0.00
67310	Machinery	7,112	1,550	(5,562)	0	(1,550)	0.00
67320	Vehicles	77,635	0	(77,635)	240,000	240,000	0.00
67330	Furniture & Fixtures	27,925	0	(27,925)	1,000	1,000	0.00
67340	Technology Hardware	11,637	0	(11,637)	0	0	0.00
67390	Other Equipment	6,233	16,041	9,807	3,000	(13,041)	5.35
68100	Dues & Fees	10,112	0	(10,112)	5,364	5,364	0.00
68300	Interest	204,727	158,908	(45,819)	162,732	3,824	0.98
68999	Ath Indirect Cost	0	0	0	24,647	24,647	0.00
69100	Redemption of Principal	213,080	121,240	(91,841)	359,979	238,739	0.34
69330	To Building Fund	0	120,077	120,077	120,078	1	1.00
69380	To Food Service Fund	0	899	899	60,000	59,101	0.01
69400	Program Funding Return	74,466	0	(74,466)	0	0	0.00
Total Other Exp.		**1,159,714**	**834,149**	**(325,565)**	**1,478,562**	**644,413**	**0.56**
	Total Expenditures	**3,771,449**	**2,927,336**	**(844,112)**	**5,325,134**	**2,397,798**	**0.55**

Data Sources: APSCN documents

Arkansas Department of Education
Yellville-Summit School District
General Operating Funds
Summary

General Operating Funds:1000,1218,1246,2000,2001,2218,2234,2240,2246,2250,2255,2265,2271,2340,2995,4000,4394

FY10 Budget

Beginning Balance	Revenue	Expenditures	Projected Balance 6/30/2010
497,413	5,805,597	6,958,109	(655,100)

FY09 as of February 28, 2009

Beginning Balance	Revenue	Expenditures	Balance as of 2/28/2009
983,244	4,090,345	3,888,581	1,185,008

FY10 as of February 28, 2010

Beginning Balance	Revenue	Expenditures	Balance as of 2/28/2010
497,413	4,503,209 (Includes $400,000 Cash Flow Loan Proceeds)	4,258,912 (Includes $400,000 Cash Flow Loan Payment)	741,711

The District is projecting the FY10 General Operating Balance to be $548,798.93 at June 30, 2010

Financial Accountability and Reporting
April 12, 2010

Data Source: APSCN documents

Arkansas Department of Education
Yellville-Summit School District
Review of General Operating Funds
Revenue

General Operating Funds:1000,1218,1246,2000,2001,2218,2234,2240,2246,2250,2255,2265,2271,2340,2995,4000,4394							
		2008-09 For 8 months as of 02/28/09	2009-10 For 8 months as of 02/28/10	2009-10 Actual compared to 2008-09 Actual	2009-10 Annual Budget	2009-10 Budget Balance	2009-10 % of Budget Expended
Revenue:							
11110	**Property Taxes Current**	1,140,112	1,157,422	17,310	888,349	(269,073)	1.30
11115	**Property Taxes Relief**	22,234	76,441	54,207	74,740	(1,701)	1.02
11120	**Property Tax 40%**	220,097	181,086	(39,011)	567,035	385,950	0.32
11125	**Prop tax 40% 6/30**	0	0	0	0	0	0.00
11140	**Property Tax Delinquent**	63,830	61,254	(2,577)	10,887	(50,366)	5.63
11150	**Excess Commission**	6,011	2,712	(3,299)	12	(2,699)	223.35
11160	**Land Redemption**	9,093	14,764	5,671	12,811	(1,953)	1.15
11500	**Unapportioned Taxes**	691	4,743	4,052	1,639	(3,104)	2.89
14240	**Fees From Vocational Ed**	0	0	0	0	0	0.00
14900	**Trans Fees Other Sources**	0	0	0	0	0	0.00
15100	**Interest on Investments**	13,859	2,453	(11,406)	8,000	5,547	0.31
19200	**Private Contributions**	0	6,000	6,000	6,000	0	1.00
19300	**Sales of Supplies & Materials**	195	6,414	6,219	500	(5,914)	12.83
19510	**Other LEA within State**	0	0	0	0	0	0.00
19800	**Refunds of Prior Yr Expenditures**	6,814	14,999	8,185	3,000	(11,999)	5.00
19900	**Misc Revenue from Local Sources**	9,181	7,450	(1,730)	20,000	12,550	0.37
21200	**Severance Tax**	333	108	(225)	500	392	0.22
22000	**Restricted Grants-In-Aid**	1,974	0	(1,974)	0	0	0.00
31101	**State Foundation Funding**	2,487,343	2,340,934	(146,409)	3,678,614	1,337,680	0.64
31102	**Enhanced Educational Fund**	49,840	19,145	(30,695)	30,089	10,944	0.64
31460	**Declining Enrollment**	0	119,724	0	119,724	0	1.00
31620	**Supplement Millage**	38,837	33,289	(5,548)	33,289	0	1.00
31900	**Other**	0	350	350	350	0	1.00
32232	**AR School Recognition Program**	0	4,098	4,098	0	(4,098)	0.00
32250	**Qual Enhancement/Mentoring**	0	2,000	2,000	0	(2,000)	0.00
32260	**Game and Fish Funds**	3,550	2,217	0	5,000	2,783	0.44
32314	**Extended School Year**	0	888	0	888	0	1.00
32330	**Non-Hand-Resid Treatment**	0	0	0	3,670	3,670	0.00
32340	**Hand-Resident Treatment**	0	0	0	1,115	1,115	0.00
32355	**Sp Ed Catastophic**	0	0	0	39,366	39,366	0.00
32361	**G/T Advanced Placement**	1,400	200	(1,200)	0	(200)	0.00
32385	**Juvenile Serious Offender**	0	0	0	0	0	0.00
32430	**Workforce Spec Needs Proj**	0	750	0	750	0	1.00
32909	**Coordinated School Health**	0	21,152	0	75,000	53,848	0.28
32912	**General Facilities Fund**	0	0	0	0	0	0.00
32915	**Debt Service Supplement**	0	0	0	0	0	0.00
32990	**Other Grants**	0	4,000	0	4,000	0	1.00
42200	**Flood Control**	13,485	9,856	(3,628)	15,000	5,144	0.66
45326	**Educ Technology Title IID**	0	0	0	0	0	0.00
51400	**Current Loans**	0	400,000	0	0	(400,000)	0.00
51900	**Mics Non Revenue**	1,466	0	(1,466)	0	0	0.00
52300	**Transfer from Building Fund**	0	3,838	0	200,636	196,798	0.02
52700	**Transfer from Student Activity**	0	290	290	0	(290)	0.00
52800	**Transfers from Food Service Fund**	0	4,632	0	4,632	0	1.00
	Total Revenue	**4,090,345**	**4,503,209**	**412,865**	**5,805,597**	**1,302,387**	**0.78**

Data Source: APSCN documents

Arkansas Department of Education
Yellville-Summit School District
Review of General Operating Funds
Expenditures

General Operating Funds:1000,1218,1246,2000,2001,2218,2234,2240,2246,2250,2255,2265,2271,2340,2995,4000,4394							
		2008-09	2009-10	2009-10 Actual	2009-10	2009-10	2009-10
		For 8 months	For 8 months	compared to	Annual	Budget	% of Budget
Expenditures		ending 02/28/09	ending 2/28/2010	2008-09 Actual	Budget	Balance	Expended
61000-62999	**Salaries & Benefits**	**2,944,435**	**2,946,060**	**1,625**	**5,304,663**	**2,358,603**	**0.56**
Other:							
63210	Instructional Services	0	10,000	10,000	0	(10,000)	0.00
63130	Board of Ed Services	0	193	193	193	0	1.00
63210	Instructional	0	10,602	10,602	14,262	3,660	0.74
63310	Certified/Prof Dev Training	605	1,400	795	0	(1,400)	0.00
63320	Classified/Prof Training	742	1,538	796	1,883	345	0.82
63410	Pupil Services	0	15,491	15,491	15,491	0	1.00
63440	Legal	0	1,456	1,456	0	(1,456)	0.00
63450	Medical	2,850	1,710	(1,140)	6,285	4,575	0.27
63490	Other Professional Service	30,921	56,000	25,079	44,446	(11,554)	1.26
63590	Other Technical Services	5,904	1,606	(4,298)	4,518	2,912	0.36
63900	Other Purc Prof Tech Serv	10,747	5,567	(5,180)	11,506	5,939	0.48
64110	Water/Sewer	8,591	9,812	1,222	13,200	3,388	0.74
64210	Disposal/Sanitation	10,723	10,269	(454)	15,800	5,531	0.65
64310	Rep/Maint -Building & Grounds	3,315	2,381	(934)	1,650	(731)	1.44
64320	Rep/Maint - Equip & Vehicle	7,882	6,424	(1,458)	11,908	5,484	0.54
64410	Rental on Land & Bldgs	7,024	10,155	3,131	6,980	(3,175)	1.45
64420	Rental Equip & Vehicles	5,599	3,687	(1,912)	7,147	3,460	0.52
64500	Construction Services	22,917	19,228	(3,689)	40,000	20,772	0.48
64900	Other Purc Property Services	30	30	0	137	107	0.22
65210	Property Insurance	35,157	35,157	0	35,157	0	1.00
65240	Fleet Insurance	8,726	8,424	(302)	9,028	604	0.93
65250	Accident Ins for Students	2,200	8,500	6,300	8,500	0	1.00
65290	Other Insurance	6,365	53	(6,312)	65	12	0.82
65310	Telephone	7,758	4,687	(3,071)	8,811	4,124	0.53
65320	Postage	4,042	3,200	(842)	7,186	3,986	0.45
65330	Networking Internet Serv	2,630	149	(2,481)	600	451	0.25
65400	Advertising	155	1,098	943	758	(340)	1.45
65500	Printing & Binding	0	0	0	250	250	0.00
65610	To LEA's Within State	39,066	71,507	32,441	36,211	(35,296)	1.97
65800	Travel	0	0	0	0	0	0.00
65810	Travel -Cert In District	1,955	741	(1,214)	352	(389)	2.11
65820	Travel - CLS In District	319	1,478	1,159	2,061	583	0.72
65870	Travel Non-Employee	312	1,963	1,651	1,997	34	0.98
65880	Meals	360	896	536	1,074	179	0.83
65890	Lodging	1,030	5,499	4,469	7,247	1,748	0.76
66100	General Supplies	201,611	176,560	(25,051)	229,635	53,075	0.77
66107	Low Value Equipment	26,524	16,918	(9,605)	22,236	5,318	0.76
66210	Natural Gas	31,890	32,666	776	47,449	14,783	0.69
66220	Electricity	69,810	85,176	15,366	83,732	(1,444)	1.02
66260	Gasoline/Diesel	49,650	35,924	(13,726)	64,900	28,976	0.55
66410	Textbooks	80,304	24,882	(55,422)	24,394	(488)	1.02
66420	Library Books	10,478	1,160	(9,318)	609	(551)	1.91
66430	Periodicals	1,573	1,808	235	5,360	3,552	0.34
66440	Audiovisual Materials	1,394	40	(1,354)	1,285	1,245	0.03
66500	Techn Supplies	3,520	5,261	1,741	5,103	(158)	1.03
66527	Low Value tech Supplies	9,785	20,149	10,365	45,898	25,749	0.44
67320	Vehicles	38,400	0	(38,400)	0	0	0.00
67330	Furniture & Fixtures	0	3,490	3,490	11,500	8,010	0.30
67340	Technology Hardware	1,729	3,622	1,893	4,422	800	0.82
67350	Tech- Software	0	0	0	1,000	1,000	0.00
67390	Other Equipment	14,965	8,044	(6,921)	6,620	(1,424)	1.22
68100	Dues & Fees	8,670	10,377	1,707	18,619	8,242	0.56
68300	Interest	144,468	147,976	3,508	325,819	177,843	0.45
68900	Misc Expenditures	10,444	16,362	5,918	13,619	(2,743)	1.20
69100	Redemption of Principal	11,007	411,537	400,530	426,543	15,007	0.96
Total Other Exp.		**944,146**	**1,312,852**	**368,706**	**1,653,447**	**340,594**	**0.79**
	Total Expenditures	**3,888,581**	**4,258,912**	**370,331**	**6,958,109**	**2,699,198**	**0.61**

Data Sources: APSCN documents

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 12, 2010

APPLICATIONS FOR COMMERCIAL BONDS

COMMERCIAL BOND APPLICATIONS:

3	**2nd Lien**	**$**	**10,305,000.00**

SCHOOL DISTRICTS FINANCIAL TRANSACTIONS
COMMERCIAL BONDS
2ND LIEN
RECOMMEND APPROVAL

DISTRICT	COUNTY	ADM	AMOUNT OF APPLICATION	TOTAL DEBT W/THIS APPLICATION	PURPOSE
Beebe*	White	3,117	3,605,000	18,365,000	Funding the District's portion of the following partnership project: building and equipping a career and technical center ($3,500,000) and cost of issuance and underwriter's discount allowance ($105,000) with any remaining funds to be used for other capital projects and equipment purchases.
Greene County Tech	Greene	3,301	5,140,000	34,606,000	Completing the construction of the new high school ($5,000,000) and cost of issuance and underwriter's discount allowance ($140,000) with any remaining funds to be used for other capital projects and equipment purchases.
Marion	Crittenden	3,903	1,560,000	34,214,657	Making additions and improvements at Marion Elementary and Avondale Elementary ($1,500,000) and cost of issuance and underwriter's discount allowance ($60,000) with any remaining funds to be used for other capital projects and equipment purchases.

*Please note that the 2nd Lien Bond application in the amount of $2,580,000 approved for Beebe School District at the February 8, 2010 State Board Meeting has been withdrawn and resubmitted due to higher cost estimates.

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 12, 2010

APPLICATIONS FOR COMMERCIAL BONDS

COMMERCIAL BOND APPLICATIONS:

4 Voted	**$**	**218,995,000.00**

SCHOOL DISTRICTS FINANCIAL TRANSACTIONS
COMMERCIAL BONDS
VOTED
RECOMMEND APPROVAL

DISTRICT	COUNTY	ADM	AMOUNT OF APPLICATION	TOTAL DEBT W/THIS APPLICATION	PURPOSE
Bentonville	Benton	12,535	207,270,000	207,270,000	Refunding all outstanding bonded and non-bonded debt ($137,588,652), erecting a new K-6 elementary school and erecting and equipping a new 7-8 junior high school ($65,035,908) and cost of issuance and underwriter's discount allowance ($4,645,440) with any remaining funds to be used for constructing, refurbishing, remodeling and equipping school facilities.
England	Lonoke	792	4,195,000	4,219,990	Refunding the outstanding bond issues dated December 1, 1999, April 1, 2001 and October 1, 2003 ($2,773,876) and refurbishing, remodeling, and equipping of school facilities ($1,303,639) and cost of issuance and underwriter's discount allowance ($117,485).
Green Forest	Carroll	1,207	5,970,000	8,410,000	Refunding the District's November 5, 2003 bonds ($4,885,000), equipping and making additions and improvements to existing facilities ($885,000) and cost of issuance including accrued interest ($200,000).
Harmony Grove	Saline	970	1,560,000	8,165,000	Making additions to, refurbishing, and equipping of elementary classrooms ($1,504,560) and cost of issuance and underwriter's discount allowance ($55,440).

Arkansas COMMISSIONER'S COMMUNICATION
DEPARTMENT OF EDUCATION
4 State Capitol Mall Little Rock Arkansas 72201-1071 (501) 682-4475
Dr. Tom W. Kimbrell, Commissioner

Memo Number : COM-10-131 **Date Created :** 02/11/2010

Attention:

Superintendents

Type of Memo: Informational

Response Required: Yes

Section: Communications - Julie Thompson, Director

Subject:
Inclement Weather Waivers

Regulatory Authority:

Contact Person:
Julie Johnson Thompson

Phone Number:
501-683-4786

E-mail:
julie.thompson@arkansas.gov

Many school districts in Arkansas have had to miss instructional days due to inclement weather. The state's Standards of Accreditation require all public school districts to offer 178 instructional days of six hours instructional time each year. School districts are also required to include five make-up dates in their school calendars.

School districts that have missed more than 10 days will be able to submit a request for a waiver for the additional days. Arkansas Department of Education staff will review the requests on a case by case basis and make a recommendation to Arkansas State Board of Education, which has the authority to approve the waivers.

Before submitting a waiver request, schools districts that have missed more than 10 days should make up as many days in excess of the first 10, which must be made up, as is possible. School districts should try to use any of the following options for making up missed instructional days:

* Using the five inclement-weather days already built into the calendar.
* Using previously scheduled teacher-work days as instructional days.
* Holding instructional days on upcoming scheduled holidays such as President's/Bates Day, Good Friday, Memorial Day.
* Using part or all of spring break.
* Adding days to the end of the school year.
* Other proposed options must be approved by the Department of Education.

To request a waiver, send a letter by March 1, 2010, to:
Dr. Tom W. Kimbrell, Commissioner
Arkansas Department of Education
Four Capitol Mall
Little Rock, AR 72201

Please be sure to include in the letter the number of days for which a waiver is requested as well as a detailed outline of how missed days have been or will be made up. The first set of hearings for waivers will be heard at the March 2010 meeting of the Arkansas State Board of Education.

Attachments:

None

ADE

Cave City School District

711 North Main
P.O. Box 600
Cave City, Arkansas 72521

Phone
870-283-5391

Fax
870-283-6887

February 23, 2010

RECEIVED
COMMISSIONER'S OFFICE
FEB 26 2010
DEPARTMENT OF EDUCATION

Dr. Tom Kimbrell
Commissioner
Arkansas Department of Education
Four Capitol Mall
Little Rock, AR. 72201

Dr. Kimbrell:

The purpose of this letter is to formally request that the Cave City School District be granted one waiver day of the 178 days we are required to attend by Standard's of Accreditation. To date, we have missed eleven days this calendar year. We built seven inclement-weather days into the 2009-2010 school calendar, which included attending on Good Friday, adding four days to the end of the year, and attending two days of Spring Break. Our Personnel Policies Committee polled our staff and recommended to our Board that we now attend school the entire school break. Our Board, acting upon their recommendation, amended our calendar last night to reflect this change and directed me to request a waiver in accordance with Commissioner's Memo COM-10-131. By granting us one waiver day, we would be able to end school on Friday, May 28 instead of Tuesday, June 1. We also ask that we be allowed for consideration for additional waiver days if we have to miss additional days this year due to inclement weather.

Thank you and the State Board of Education for your consideration of our request and for understanding our situation.

Sincerely,

Steven Green
Superintendent
Cave City School District

Arkansas COMMISSIONER'S COMMUNICATION
DEPARTMENT OF EDUCATION
4 State Capitol Mall Little Rock Arkansas 72201-1071 (501) 682-4475
Dr. Tom W. Kimbrell, Commissioner

Memo Number : COM-10-131 **Date Created :** 02/11/2010

Attention:

Superintendents

Type of Memo: Informational

Response Required: Yes

Section: Communications - Julie Thompson, Director

Subject:
Inclement Weather Waivers

Regulatory Authority:

Contact Person:
Julie Johnson Thompson

Phone Number:
501-683-4786

E-mail:
julie.thompson@arkansas.gov

Many school districts in Arkansas have had to miss instructional days due to inclement weather. The state's Standards of Accreditation require all public school districts to offer 178 instructional days of six hours instructional time each year. School districts are also required to include five make-up dates in their school calendars.

School districts that have missed more than 10 days will be able to submit a request for a waiver for the additional days. Arkansas Department of Education staff will review the requests on a case by case basis and make a recommendation to Arkansas State Board of Education, which has the authority to approve the waivers.

Before submitting a waiver request, schools districts that have missed more than 10 days should make up as many days in excess of the first 10, which must be made up, as is possible. School districts should try to use any of the following options for making up missed instructional days:

* Using the five inclement-weather days already built into the calendar.
* Using previously scheduled teacher-work days as instructional days.
* Holding instructional days on upcoming scheduled holidays such as President's/Bates Day, Good Friday, Memorial Day.
* Using part or all of spring break.
* Adding days to the end of the school year.
* Other proposed options must be approved by the Department of Education.

To request a waiver, send a letter by March 1, 2010, to:
Dr. Tom W. Kimbrell, Commissioner
Arkansas Department of Education
Four Capitol Mall
Little Rock, AR 72201

Please be sure to include in the letter the number of days for which a waiver is requested as well as a detailed outline of how missed days have been or will be made up. The first set of hearings for waivers will be heard at the March 2010 meeting of the Arkansas State Board of Education.

Attachments:

None

ADE

February 26, 2010

Dr. Tom Kimbrell, Commissioner
Arkansas Department of Education
4 State Capitol Mall, Room 304-A
Little Rock, AR 72201-1701

RE: Waiver Request

Dear Dr. Kimbrell,

Please accept this correspondence as a formal request for a waiver of the minimum classroom day requirement. This request is for the Deer/Mt. Judea School District to be granted one (1) waiver day for the Mt. Judea campus only. This waiver request is a result of snowy and icy conditions at the district during the dates of January 4th (PD day), 5th, 7th, 8th, and 29th and February 1st, 2nd, 4th, 8th, 9th, and 10th. Mt. Judea campus also missed January 3rd due to weather related issues.

To adjust our calendar for these days that were missed we have cancelled our Spring Break of five (5) days and moved our professional days to the end of the school year so that those days may be used as student contact days instead. The Deer/Mt. Judea District's calendar reflects only two (2) holidays that will still be taken, Good Friday in respect for Easter Holiday and Memorial Day in respect for those who have died during their military service to our country. It does not reflect the standard five (5) day spring break or Saturday school sessions. Saturday school is a hardship on the families in our district due to the fact that this is the day that they make their trips into town, which are all an hour drive, to buy supplies. Since there would be few students in attendance on Saturday the district has chosen not to hold Saturday classes. We do wish to reserve the right to request other waiver days if needed since some of the more severe winter weather in our area has been known to go into the months of March and April.

We appreciate your consideration and will graciously respect your decision regarding this waiver request.

With kind regards,

Richard Denniston
Superintendent, Deer/Mt. Judea School District

Enclosure

Arkansas COMMISSIONER'S COMMUNICATION
DEPARTMENT OF EDUCATION
4 State Capitol Mall Little Rock Arkansas 72201-1071 (501) 682-4475
Dr. Tom W. Kimbrell, Commissioner

Memo Number : COM-10-131 **Date Created :** 02/11/2010

Attention:

Superintendents

Type of Memo: Informational

Response Required: Yes

Section: Communications - Julie Thompson, Director

Subject:
Inclement Weather Waivers

Regulatory Authority:

Contact Person:
Julie Johnson Thompson

Phone Number:
501-683-4786

E-mail:
julie.thompson@arkansas.gov

Many school districts in Arkansas have had to miss instructional days due to inclement weather. The state's Standards of Accreditation require all public school districts to offer 178 instructional days of six hours instructional time each year. School districts are also required to include five make-up dates in their school calendars.

School districts that have missed more than 10 days will be able to submit a request for a waiver for the additional days. Arkansas Department of Education staff will review the requests on a case by case basis and make a recommendation to Arkansas State Board of Education, which has the authority to approve the waivers.

Before submitting a waiver request, schools districts that have missed more than 10 days should make up as many days in excess of the first 10, which must be made up, as is possible. School districts should try to use any of the following options for making up missed instructional days:

* Using the five inclement-weather days already built into the calendar.
* Using previously scheduled teacher-work days as instructional days.
* Holding instructional days on upcoming scheduled holidays such as President's/Bates Day, Good Friday, Memorial Day.
* Using part or all of spring break.
* Adding days to the end of the school year.
* Other proposed options must be approved by the Department of Education.

To request a waiver, send a letter by March 1, 2010, to:
Dr. Tom W. Kimbrell, Commissioner
Arkansas Department of Education
Four Capitol Mall
Little Rock, AR 72201

Please be sure to include in the letter the number of days for which a waiver is requested as well as a detailed outline of how missed days have been or will be made up. The first set of hearings for waivers will be heard at the March 2010 meeting of the Arkansas State Board of Education.

Attachments:

None

ADE

HIGHLAND SCHOOL DISTRICT
Office of the Superintendent
P.O. Box 419
Hardy, Arkansas 72542

RECEIVED
COMMISSIONER'S OFFICE

MAR 9 - 2010

DEPARTMENT OF EDUCATION

February 25, 2010

Dr. Tom Kimbrell, Commissioner
Arkansas Department of Education
#4 Capitol Mall
Little Rock, Arkansas 72201-1071

Dear Dr. Kimbrell:

The purpose of this letter is to request two waiver days from the 178 required student/teacher interaction days for the 2009-10 school year. The Highland School District has missed a total of twelve days due to inclement weather. One day was missed in October due to flooding. Six days were missed in January and five days were missed in February due to snow and ice. We have eight days built into our school calendar for bad weather purposes. Two of these are in the third quarter, five are at spring break, and one is at Good Friday. To make up the twelve days we have missed, Highland will have school on each of the eight days listed and will extend the school year by four days. Our request is that we extend the school year by only two days instead of four.

Our staff has agreed for years to forego spring break and Good Friday if too many days of school are missed. If we take spring vacation days after having missed twelve days of instruction due to weather, it will be very difficult for our students to be prepared for EOC and Benchmark Exams. Thus again this year no spring break or Good Friday holiday will be taken at Highland. It is a long haul from February to the end of the school year with no breaks, but that approach has proven to be somewhat successful for us. Our test scores are decent and we continue to have none of our schools listed in school improvement. Any consideration that you and the State Board can give us for two waiver days will be greatly appreciation.

Sincerely,

Ronnie Brogdon

Ronnie Brogdon
Superintendent

Arkansas COMMISSIONER'S COMMUNICATION
DEPARTMENT OF EDUCATION
4 State Capitol Mall Little Rock Arkansas 72201-1071 (501) 682-4475
Dr. Tom W. Kimbrell, Commissioner

Memo Number : COM-10-131 **Date Created :** 02/11/2010

Attention:

Superintendents

Type of Memo: Informational

Response Required: Yes

Section: Communications - Julie Thompson, Director

Subject:
Inclement Weather Waivers

Regulatory Authority:

Contact Person:
Julie Johnson Thompson

Phone Number:
501-683-4786

E-mail:
julie.thompson@arkansas.gov

Many school districts in Arkansas have had to miss instructional days due to inclement weather. The state's Standards of Accreditation require all public school districts to offer 178 instructional days of six hours instructional time each year. School districts are also required to include five make-up dates in their school calendars.

School districts that have missed more than 10 days will be able to submit a request for a waiver for the additional days. Arkansas Department of Education staff will review the requests on a case by case basis and make a recommendation to Arkansas State Board of Education, which has the authority to approve the waivers.

Before submitting a waiver request, schools districts that have missed more than 10 days should make up as many days in excess of the first 10, which must be made up, as is possible. School districts should try to use any of the following options for making up missed instructional days:

* Using the five inclement-weather days already built into the calendar.
* Using previously scheduled teacher-work days as instructional days.
* Holding instructional days on upcoming scheduled holidays such as President's/Bates Day, Good Friday, Memorial Day.
* Using part or all of spring break.
* Adding days to the end of the school year.
* Other proposed options must be approved by the Department of Education.

To request a waiver, send a letter by March 1, 2010, to:
Dr. Tom W. Kimbrell, Commissioner
Arkansas Department of Education
Four Capitol Mall
Little Rock, AR 72201

Please be sure to include in the letter the number of days for which a waiver is requested as well as a detailed outline of how missed days have been or will be made up. The first set of hearings for waivers will be heard at the March 2010 meeting of the Arkansas State Board of Education.

Attachments:

None

ADE

MOUNTAIN VIEW SCHOOL DISTRICT

210 High School Drive
Mountain View, Arkansas 72560

Phone (870) 269-3443
Fax (870) 269-3446

February 18, 2010

Dr. Tom W. Kimbrell
Commissioner of Education
Arkansas Department of Education
#4 State Capitol Mall
Little Rock, AR 72201

Dear Dr. Kimbrell:

The Mountain View School District is formally requesting a two-day waiver of the 178 days standards requirement. The District was closed 12 days because of inclement weather.

At its February 11, 2010 meeting, the school board voted to cancel spring break and use those five days as make-up days (minutes attached). In addition, the district will use the five inclement weather days built into the calendar as make-up days. No other days in the spring semester can be used as make-up days.

Your consideration of this request is greatly appreciated.

Sincerely,

Rowdy Ross

Rowdy Ross
Interim Superintendent

BOARD OF EDUCATION
President–Shawn Strutton • Vice-President–John Griswold • Secretary–Lori Dobbins
Doug Daniel • Shannon Scroggins • Bill Ditto • Lorraine Jordan

Arkansas COMMISSIONER'S COMMUNICATION
DEPARTMENT OF EDUCATION
4 State Capitol Mall Little Rock Arkansas 72201-1071 (501) 682-4475
Dr. Tom W. Kimbrell, Commissioner

Memo Number : COM-10-131 **Date Created :** 02/11/2010

Attention:

Superintendents

Type of Memo: Informational

Response Required: Yes

Section: Communications - Julie Thompson, Director

Subject:
Inclement Weather Waivers

Regulatory Authority:

Contact Person:
Julie Johnson Thompson

Phone Number:
501-683-4786

E-mail:
julie.thompson@arkansas.gov

Many school districts in Arkansas have had to miss instructional days due to inclement weather. The state's Standards of Accreditation require all public school districts to offer 178 instructional days of six hours instructional time each year. School districts are also required to include five make-up dates in their school calendars.

School districts that have missed more than 10 days will be able to submit a request for a waiver for the additional days. Arkansas Department of Education staff will review the requests on a case by case basis and make a recommendation to Arkansas State Board of Education, which has the authority to approve the waivers.

Before submitting a waiver request, schools districts that have missed more than 10 days should make up as many days in excess of the first 10, which must be made up, as is possible. School districts should try to use any of the following options for making up missed instructional days:

* Using the five inclement-weather days already built into the calendar.
* Using previously scheduled teacher-work days as instructional days.
* Holding instructional days on upcoming scheduled holidays such as President's/Bates Day, Good Friday, Memorial Day.
* Using part or all of spring break.
* Adding days to the end of the school year.
* Other proposed options must be approved by the Department of Education.

To request a waiver, send a letter by March 1, 2010, to:
Dr. Tom W. Kimbrell, Commissioner
Arkansas Department of Education
Four Capitol Mall
Little Rock, AR 72201

Please be sure to include in the letter the number of days for which a waiver is requested as well as a detailed outline of how missed days have been or will be made up. The first set of hearings for waivers will be heard at the March 2010 meeting of the Arkansas State Board of Education.

Attachments:

None

ADE

Salem Public Schools

BOARD OF EDUCATION
WANDA KOELLING, PRESIDENT
KAREN COFFMAN, VICE PRESIDENT
BARRY ABNEY, SECRETARY
MIKE FALCO
BURTON YARNELL

KEN RICH, SUPERINTENDENT
313 HWY 62 E – SUITE 1
SALEM, ARKANSAS 72576
OFFICE: (870) 895-2516
FAX: (870) 895-4062
www.salemschools.net
NORTH CENTRAL ACCREDITED

HIGH SCHOOL PRINCIPAL
WAYNE GUILTNER
ELEMENTARY PRINCIPAL
DAVID TURNBOUGH

RECEIVED
2-24-10
TL

2-22-10

Dr. Tom W. Kimbrell, Commissioner
Arkansas Department of Education
Four Capitol Mall
Little Rock, AR 72201

Dr. Kimbrell,

On behalf of the Salem School District, I am requesting a waiver of the 178-day attendance requirement for the 2009-10 school year.

The Salem School District was forced to miss twelve (12) days of school due to three snow storms. Six (6) days were missed for the first snow event - January 4, 5, 6, 7, 8, 11. The second snow caused us to miss three (3) days - January 29, February 1, 2. The third snow resulted in three (3) days missed - February 8, 9, 10.

The district will up five (5) missed days during the scheduled spring break week of March 22 –26. The additional five (5) days will be made up during the five inclement weather days added to the calendar, May 19 - 25. This resulted in the last day of the school year being moved from May 18 to May 27.

I respectfully request that the Salem School District be excused from making up two (2) days of school that we were forced to miss during the three snow events. The Salem School District establishes a calendar that ensures that we have as many instructional days prior to testing as possible. The district only has eleven (11) scheduled weekdays off prior to spring break; three (3) at Thanksgiving and eight (8) at Christmas.

Sincerely,

Ken Rich
Superintendent
Salem School District

Arkansas COMMISSIONER'S COMMUNICATION
DEPARTMENT OF EDUCATION
4 State Capitol Mall Little Rock Arkansas 72201-1071 (501) 682-4475
Dr. Tom W. Kimbrell, Commissioner

Memo Number : COM-10-131 **Date Created :** 02/11/2010

Attention:

Superintendents

Type of Memo: Informational

Response Required: Yes

Section: Communications - Julie Thompson, Director

Subject:
Inclement Weather Waivers

Regulatory Authority:

Contact Person:
Julie Johnson Thompson

Phone Number:
501-683-4786

E-mail:
julie.thompson@arkansas.gov

Many school districts in Arkansas have had to miss instructional days due to inclement weather. The state's Standards of Accreditation require all public school districts to offer 178 instructional days of six hours instructional time each year. School districts are also required to include five make-up dates in their school calendars.

School districts that have missed more than 10 days will be able to submit a request for a waiver for the additional days. Arkansas Department of Education staff will review the requests on a case by case basis and make a recommendation to Arkansas State Board of Education, which has the authority to approve the waivers.

Before submitting a waiver request, schools districts that have missed more than 10 days should make up as many days in excess of the first 10, which must be made up, as is possible. School districts should try to use any of the following options for making up missed instructional days:

* Using the five inclement-weather days already built into the calendar.
* Using previously scheduled teacher-work days as instructional days.
* Holding instructional days on upcoming scheduled holidays such as President's/Bates Day, Good Friday, Memorial Day.
* Using part or all of spring break.
* Adding days to the end of the school year.
* Other proposed options must be approved by the Department of Education.

To request a waiver, send a letter by March 1, 2010, to:
Dr. Tom W. Kimbrell, Commissioner
Arkansas Department of Education
Four Capitol Mall
Little Rock, AR 72201

Please be sure to include in the letter the number of days for which a waiver is requested as well as a detailed outline of how missed days have been or will be made up. The first set of hearings for waivers will be heard at the March 2010 meeting of the Arkansas State Board of Education.

Attachments:

None

ADE

Twin Rivers School District
Tommy Arant, Superintendent

Oak Ridge Central Campus
5749 Oak Ridge Road
Ravenden Springs, AR 72460
870.869.2479
Don Hamilton, K-12 Principal

Williford Campus
423 N. College Avenue
Williford, AR 72482
870.966.4330
Paulette Crouthers, K-12 Principal

http://twinrivers.k12.ar.us

To: Dorthy Gillam for Dr. Kimbrell
Fax number: 1-501-682-1079

From: Tamara
Fax number: 870.869.3067

Date: 3/23/2010 **Number of Pages: 2**
(Including Cover page)

Regarding: Waiver Request

Phone number for follow-up: 870.869.2479

Comments:

Home of the Panthers

Oak Ridge Central
5749 Oak Ridge Road
Ravenden Springs

Telephone: 870-869-2479
Fax: 870-869-3067
Principal. Don Hamilton

5749 Oak Ridge Road
Ravenden Springs, AR 72460
Tommy Arant, Superintendent

Willford
423 N. College Avenue
Willford, AR 72482

Telephone: 870-966-4330
Fax: 870-966-4490
Principal: Paulette Crouthers

March 23, 2010

Dr. Tom Kimbrell
Commissioner of Education
Arkansas Department of Education
#4 State Capitol Mall
Little Rock, AR 72201

Dear Dr. Kimbrell:

The Twin Rivers School District is formally requesting a 2 day wavier of the 178 days standards requirement. The District was closed 14 days because of inclement weather.

Spring Break has been cancelled and school is in session. In addition, the District will use the five additional days built into the calendar, President's Day, and Good Friday as make up days.

Your consideration of this request is greatly appreciated.

Sincerely,

Tommy Arant

Tommy Arant
Interim Superintendent

Arkansas COMMISSIONER'S COMMUNICATION
DEPARTMENT OF EDUCATION
4 State Capitol Mall Little Rock Arkansas 72201-1071 (501) 682-4475
Dr. Tom W. Kimbrell, Commissioner

Memo Number : COM-10-131 **Date Created :** 02/11/2010

Attention:

Superintendents

Type of Memo: Informational

Response Required: Yes

Section: Communications - Julie Thompson, Director

Subject:
Inclement Weather Waivers

Regulatory Authority:

Contact Person:
Julie Johnson Thompson

Phone Number:
501-683-4786

E-mail:
julie.thompson@arkansas.gov

Many school districts in Arkansas have had to miss instructional days due to inclement weather. The state's Standards of Accreditation require all public school districts to offer 178 instructional days of six hours instructional time each year. School districts are also required to include five make-up dates in their school calendars.

School districts that have missed more than 10 days will be able to submit a request for a waiver for the additional days. Arkansas Department of Education staff will review the requests on a case by case basis and make a recommendation to Arkansas State Board of Education, which has the authority to approve the waivers.

Before submitting a waiver request, schools districts that have missed more than 10 days should make up as many days in excess of the first 10, which must be made up, as is possible. School districts should try to use any of the following options for making up missed instructional days:

* Using the five inclement-weather days already built into the calendar.
* Using previously scheduled teacher-work days as instructional days.
* Holding instructional days on upcoming scheduled holidays such as President's/Bates Day, Good Friday, Memorial Day.
* Using part or all of spring break.
* Adding days to the end of the school year.
* Other proposed options must be approved by the Department of Education.

To request a waiver, send a letter by March 1, 2010, to:
Dr. Tom W. Kimbrell, Commissioner
Arkansas Department of Education
Four Capitol Mall
Little Rock, AR 72201

Please be sure to include in the letter the number of days for which a waiver is requested as well as a detailed outline of how missed days have been or will be made up. The first set of hearings for waivers will be heard at the March 2010 meeting of the Arkansas State Board of Education.

Attachments:

None

ADE

Waiver Requests for Teachers Teaching Out of Area
April 2010

LEA	District	# of Waivers Requested	Teacher	License Areas	ALP Code	Out of Area	Yrs ALP	Granted/ Denied
5204	Camden Fairview School Dist.	1	Trisollini, Geoff	PE/Wellness/Leisure	170	Life/Earth Science 7-12	09-10	Granted
72-01	Elkins School District	1	Stolz, Randallene Jenr	Adult Ed, General Science 7-12, MS Science, Life/Earth Science	230	Sp Education Instructional Specialist 4-12	09-10	Granted
	First Step, Inc.	7	Morgan, Carrie	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	08-09, 09-10	Granted
			Gardner, Casey	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	08-09, 09-10	Granted
			Welk, Tiffany	ECE P-4, Grade 5/6 endorsement	231	Sp Ed Ech Inst Specialist P-4	08-09, 09-10	Granted
			Ware, Kantiskia	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	09-10	Granted
			Long, Rebecca	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	09-10	Granted
			Thomas, Mylisha	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	09-10	Granted
			Lowery, Sarah	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	09-0	Granted
39-04	Lee County School District	2	Williams, Kinsey	ECE P-4	305	Gifted & Talented P-8	09-10	Denied
			Williams, Kinsey	ECE P-4	306	Gifted & Talented 7-12	09-10	Denied
	Ozark Guidance - Huntsville	1	Penhallegon, Anita	ECE P-4, Middle Level Education	231	Sp Ed Ech Inst Specialist P-4	09-10	Granted
6006	Pulaski Co. Spec. School Dist.	2	Hill, Amanda	Health, PE, Coaching	230	Special Educaton Instructional Specialisst 4-12	09-10	Granted
			Penney, Jennifer	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	09-10	Granted
7207	Springdale School District	1	Gladden, Curtis	Life/Earth Science, PE, Coaching, General Science	169	Physical /Earth Science 7-12	09-10	Granted
4605	Texarkana School District	1	Kinney, Kelly	No license at this time	168	Science/Mathematics 4-8	09-10	Granted
5607	Weiner School District	1	Mangroo, Sarah	Social Studies	230	Sp Education Instructional Specialist 4-12	09-10	Granted
73-20	Wibur Mills Education Co_op	1	Terhune, Mandy	Early Child Ed	231	Early Childhood Special Ed	09-10	Granted

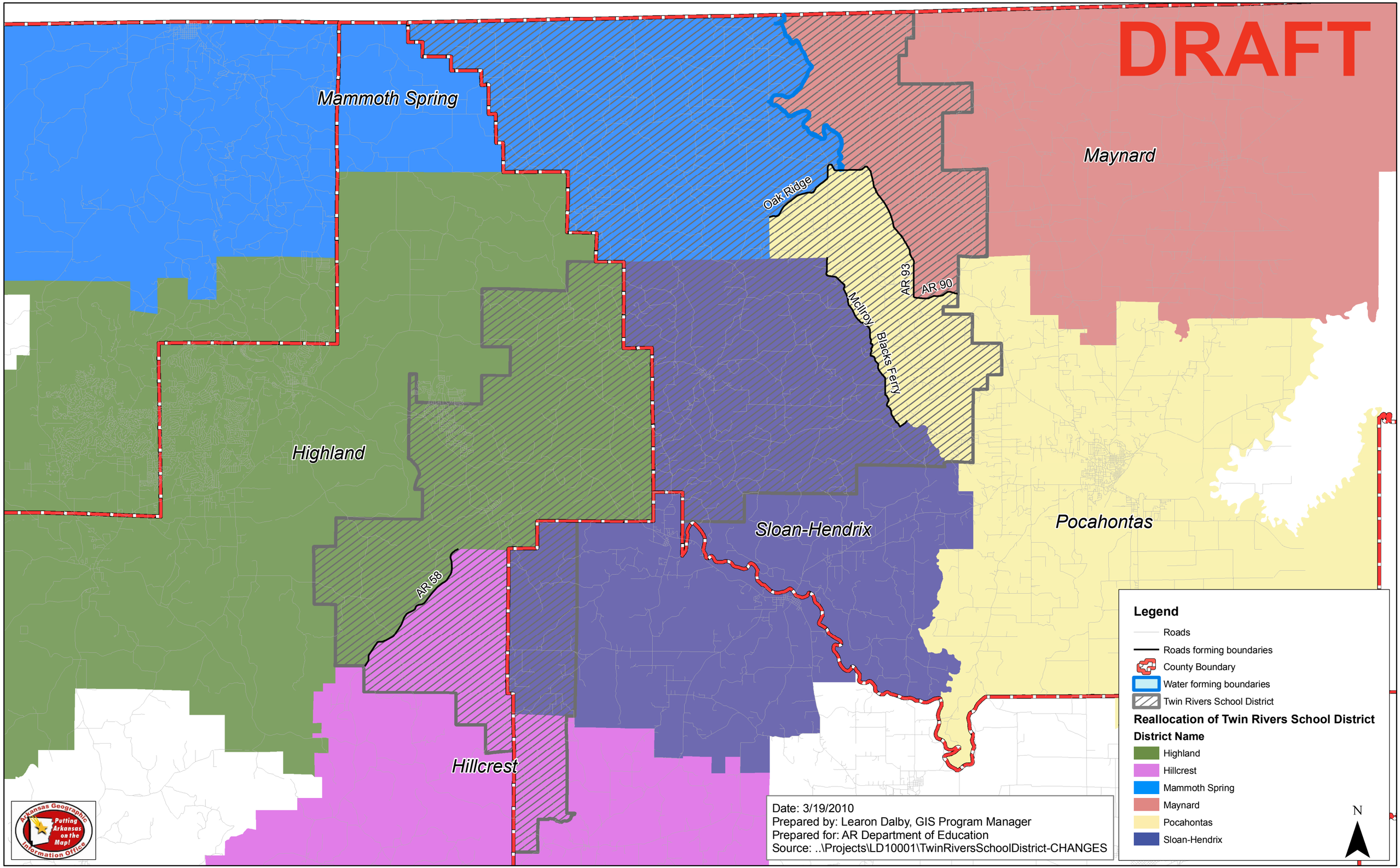
10	**# School Districts Requesting Waivers this Month**	**18**
	# Waivers Requested this Month	

Total Waivers Granted this Month	**16**
Total Waivers Denied this Momth	**2**
Total Waivers Requested this Month	**18**

Long Term Substitutes Requested
April 2010

LEA	District	Substitute Name	Subject	Teacher of Record	Granted/ Denied
04-01	Bentonville School District	Jones, Timothy	Art - elementary	Foster, Tessa	Granted
28-08	Paragould School District	Forkum, Cody	Special Education	Linam, Paulette	Granted
63-03	Bryant School District	Weeks,Lesa	Second Grade	Smith, Karen Sue	Granted
58-01	Atkins School District	Hines, Michael	Algebra 1 & Investigative Geometry	Majors, Kristy	Granted
05-03	Harrison School District	Caughron, Heather	First Grade	Brightwell, Evalea	Granted
68-04	Highland School District	Reynolds, Jamie	Special Education	Bookout, Sarah	Granted
	Vista Health - Harrison	Borland, Russell	Special Education	Wilson Monique	Granted
35-10	White Hall School District	Menard, Jennifer Coats	English/Social Studies	Stover, Theresa Ann	Granted
8	**# Districts Requesting Substitute Waivers this Month**	8	**# Substitute Waivers Requested this Month**	**Total Waivers for Substitutes Granted this Month**	8

Reallocation of Twin Rivers School District



NOTICE LETTERS

ARKANSAS DEPARTMENT OF EDUCATION

March 16, 2010

Dr. Tom W. Kimbrell
Commissioner

State Board of Education

Dr. Naccaman Williams
Springdale
Chair

Jim Cooper
Melbourne
Vice Chair

Sherry Burrow
Jonesboro

Brenda Gullett
Fayetteville

Sam Ledbetter
Little Rock

Alice Mahony
El Dorado

Dr. Ben Mays
Clinton

Toyce Newton
Crossett

Alfred Hogan
Superintendent
Turrell School District
P. O. Box 369
Turrell, AR 72384

Re: Act 60 of the Second Extraordinary Session of 2003 (Ark. Code Ann. § 6-13-1601 et seq.)

Dear Superintendent Hogan:

In accordance with the provisions of Act 60, please be advised that the Turrell School District will be administratively consolidated with another district.

A hearing on this matter will be held before the State Board of Education on Monday, April 12, 2010, beginning at 9:00 a.m., in the Auditorium, Four Capitol Mall, Little Rock, Arkansas.

Please be advised that if you desire to submit any written comments or documents, they must be received in the Attorney's Office no later than 4:30 p.m. on Wednesday, March 31, 2010. For your information, a copy of the hearing procedure to be used by the State Board of Education is enclosed.

Sincerely,

Dr. Tom Kimbrell
Commissioner
Arkansas Department of Education

Enclosure

Four Capitol Mall
Little Rock, AR
72201-1019
(501) 682-4475
ArkansasEd.org

An Equal Opportunity Employer

HEARING PROCEDURE FOR INVOLUNTARY ADMINISTRATIVE CONSOLIDATION OF THE TURRELL SCHOOL DISTRICT – APRIL 12, 2010

1.) Ten minutes for presentation by staff of Department of Education on Turrell School District – its demographics; location; academic and standards for accreditation information, review of Attorney General's Opinion, etc.

2.) Ten minutes to hear from the Turrell School District.

3.) Five minutes (each) to hear from any district contiguous to the Turrell School District:
   - Earle
   - East Poinsett County
   - Marion
   - Marked Tree
   - South Mississippi County

4.) Limited Rebuttal by Turrell School District (time to be determined by Board Chair)

5.) Questions by Board members

6.) Discussion by Board members

7.) Motion and Vote by Board members

ARKANSAS DEPARTMENT OF EDUCATION

March 16, 2010

Dr. Tom W. Kimbrell
Commissioner

State Board of Education

Dr. Naccaman Williams
Springdale
Chair

Jim Cooper
Melbourne
Vice Chair

Sherry Burrow
Jonesboro

Brenda Gullett
Fayetteville

Sam Ledbetter
Little Rock

Alice Mahony
El Dorado

Dr. Ben Mays
Clinton

Toyce Newton
Crossett

Rickey Nicks, Interim Superintendent
Earle School District
P. O. Box 637
Earle, AR 72331

Michael Pierce, Superintendent
East Poinsett County School District
502 McClellan St.
Lepanto, AR 72354

Gary Masters, Superintendent
South Mississippi County School District
22 Jefferson
Wilson, AR 72395

Don Johnston, Superintendent
Marion School District
200 Manor Street
Marion, AR 72364

Annesa Thompson, Superintendent
Marked Tree School District
406 St. Francis St.
Marked Tree, AR 72365

Re: Administrative Consolidation of the Turrell School District, Pursuant to Act 60 of the Second Extraordinary Session of 2003 (Ark. Code Ann. § 6-13-1601 et seq.)

Dear Superintendents:

This letter is written to you in connection with the hearing to be held by the State Board of Education under Act 60 of the Second Extraordinary Session of 2003 (Act 60). The Turrell School District has been unable to complete a voluntary administrative consolidation or annexation with another school district.

Under Act 60, it is the duty of the State Board of Education to administratively consolidate the Turrell School District. You are being notified because your district is contiguous to the Turrell School District.

The hearing concerning the involuntary administrative consolidation of the Turrell School District will be heard during the State Board of Education's meeting of April 12, 2010, which will begin at 9:00 a.m. and will be held in the Auditorium of the Department of Education, Four Capitol Mall, Little Rock, Arkansas. Any written comments must be received by 4:30 p.m. on Wednesday, March 31, 2010. For your use and information, a copy of the hearing procedure is enclosed.

Sincerely,

Dr. Tom Kimbrell
Commissioner
Arkansas Department of Education

Enclosure

Four Capitol Mall
Little Rock, AR
72201-1019
(501) 682-4475
ArkansasEd.org

An Equal Opportunity Employer

HEARING PROCEDURE FOR INVOLUNTARY ADMINISTRATIVE CONSOLIDATION OF THE TURRELL SCHOOL DISTRICT – APRIL 12, 2010

1.) Ten minutes for presentation by staff of Department of Education on Turrell School District – its demographics; location; academic and standards for accreditation information, review of Attorney General's Opinion, etc.

2.) Ten minutes to hear from the Turrell School District.

3.) Five minutes (each) to hear from any district contiguous to the Turrell School District:
   - Earle
   - East Poinsett County
   - Marion
   - Marked Tree
   - South Mississippi County

4.) Limited Rebuttal by Turrell School District (time to be determined by Board Chair)

5.) Questions by Board members

6.) Discussion by Board members

7.) Motion and Vote by Board members

HEARING PROCEDURES

HEARING PROCEDURE FOR INVOLUNTARY ADMINISTRATIVE CONSOLIDATION OF THE TURRELL SCHOOL DISTRICT – APRIL 12, 2010

1.) Ten minutes for presentation by staff of Department of Education on Turrell School District – its demographics; location; academic and standards for accreditation information, review of Attorney General's Opinion, etc.

2.) Ten minutes to hear from the Turrell School District.

3.) Five minutes (each) to hear from any district contiguous to the Turrell School District:
- Earle
- East Poinsett County
- Marion
- Marked Tree
- South Mississippi County

4.) Limited Rebuttal by Turrell School District (time to be determined by Board Chair)

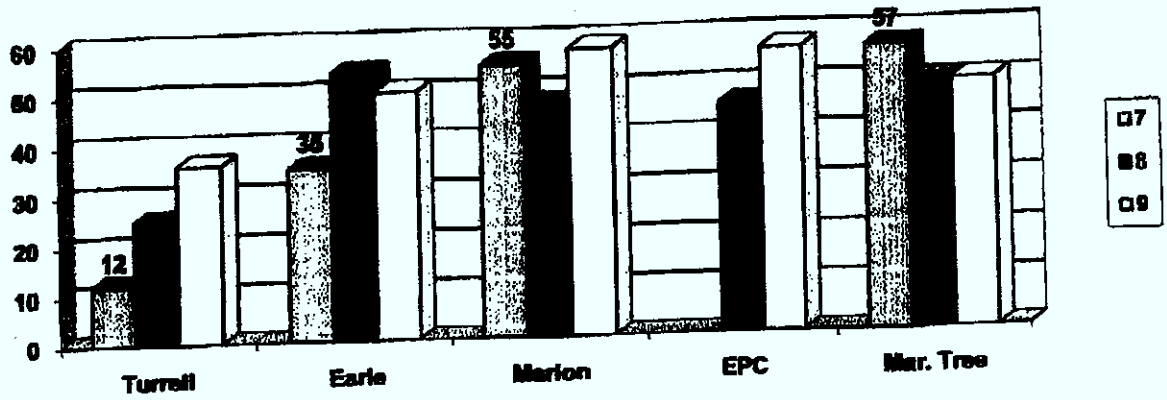
5.) Questions by Board members

6.) Discussion by Board members

7.) Motion and Vote by Board members

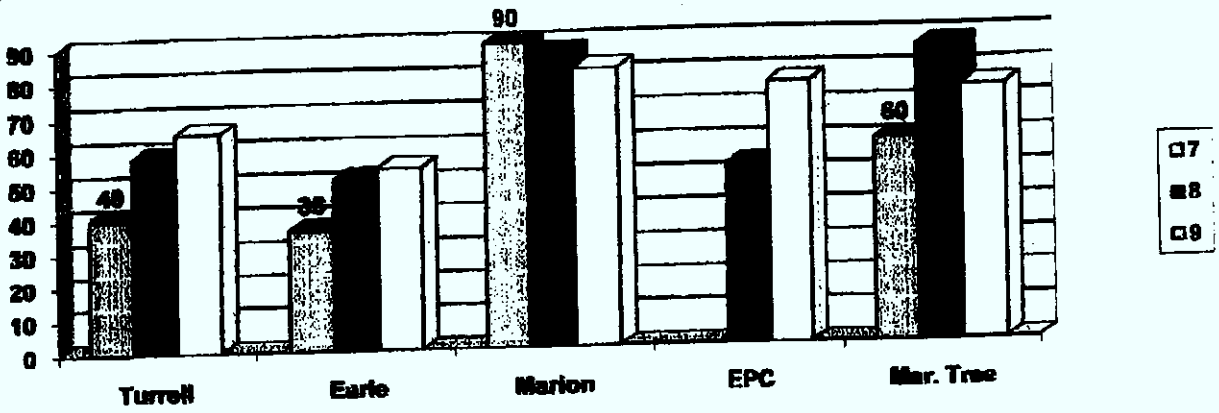
INFORMATION FROM TURRELL

Comparison of African American Students Scoring Proficient or Advanced from 2007-2009

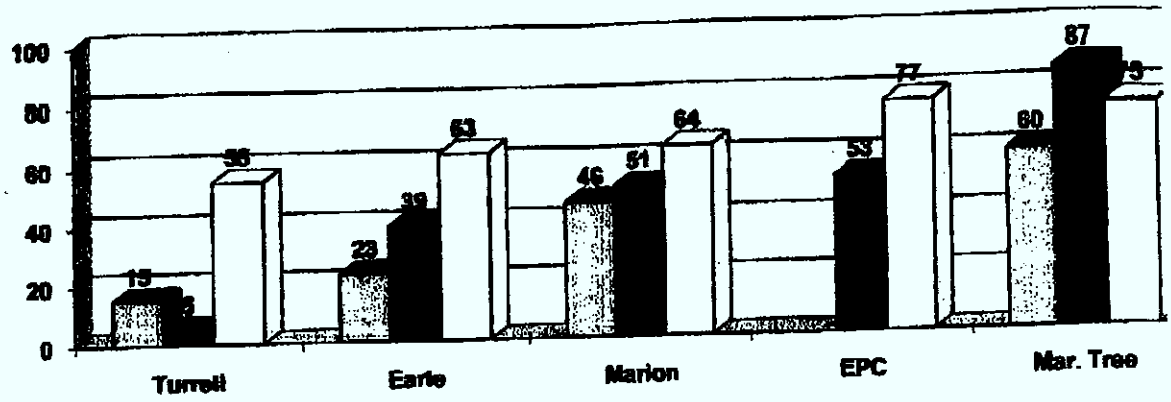


3rd Grade Lit

3rd Math

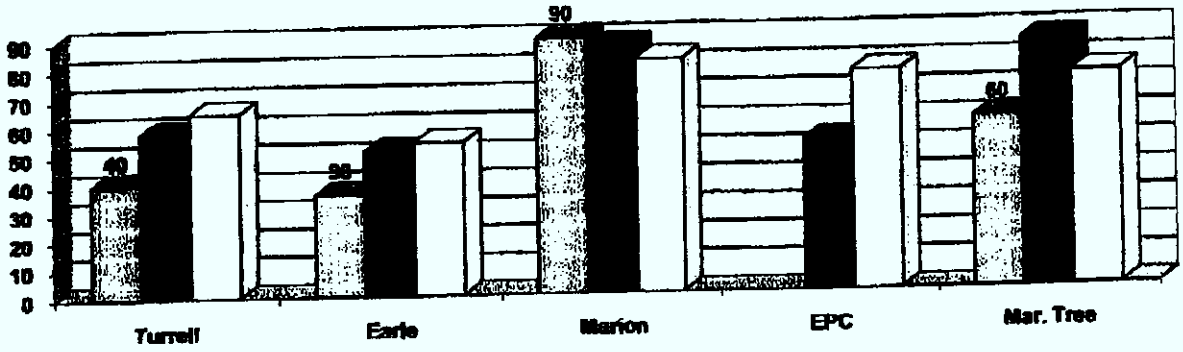


Comparison of African American Students Scoring Proficient or Advanced from 2007-2009

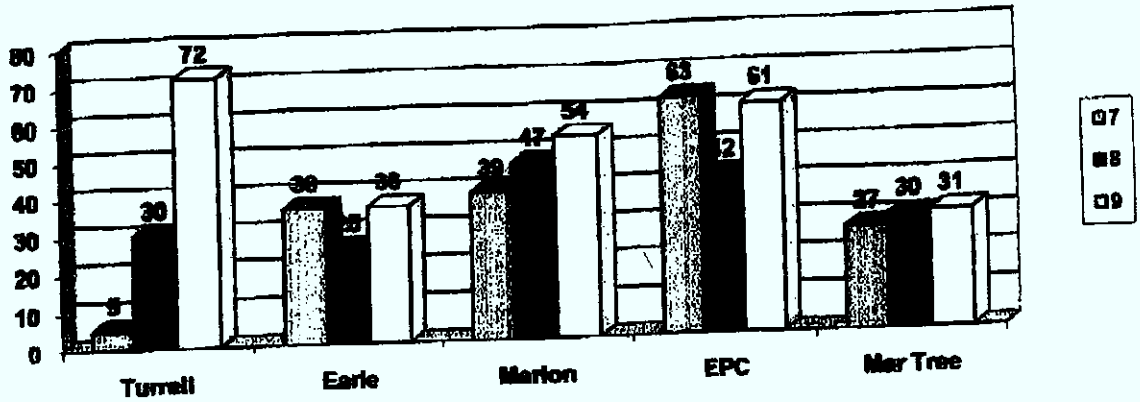


4 Grade Lit

4Math

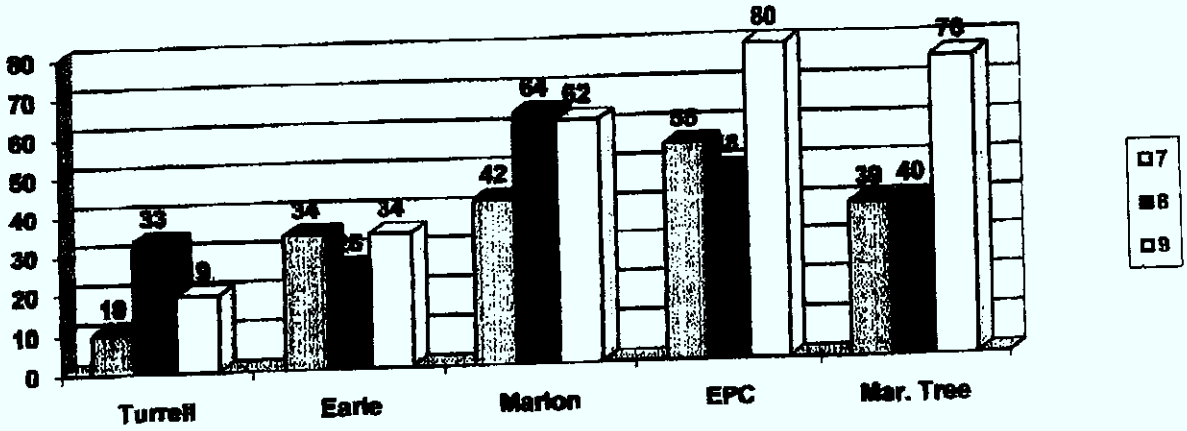


Comparison of African American Students Scoring Proficient or Advanced from 2007-2009

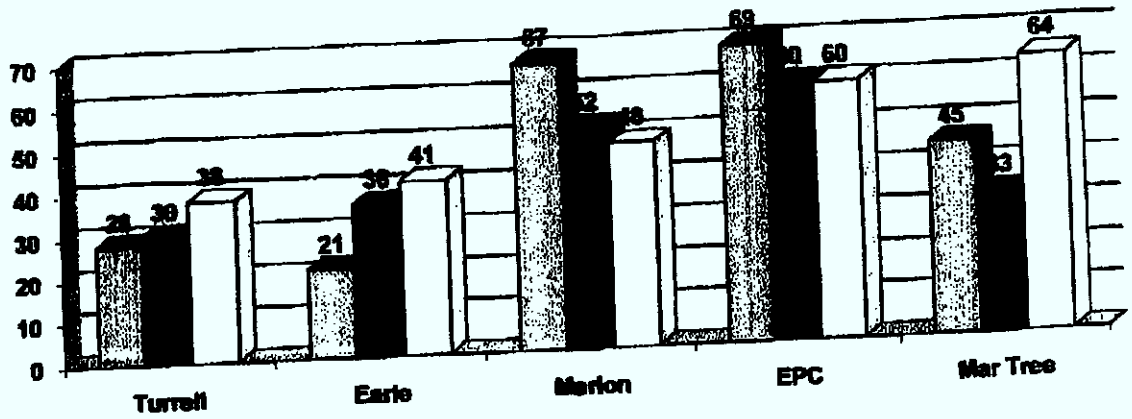


5 Grade Lit

5 Math

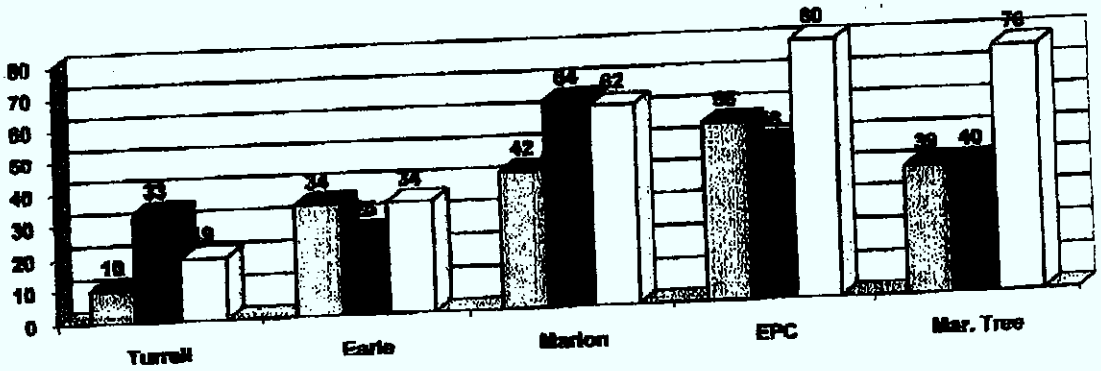


Comparison of African American Students Scoring Proficient or Advanced from 2007-2009



6 Grade Lit

6Math



LETTERS FROM CONTIGUOUS DISTRICTS

Office of the Superintendent
East Poinsett County School
502 McClellan
Lepanto, Arkansas 72354
(870) 475-2472 Fax (870) 475-3531

March 22, 2010

Dr. Naccaman Williams, Chair
State Board of Education
Arkansas Department of Education
Four Capitol Mall, Room 305-A
Little Rock, Arkansas 72201

Dear Dr. Williams:

First of all let me say thank you to you and the board for all you do for the children of Arkansas. Like you, I received a letter from Don Johnston, superintendent of the Marion School District, in which he shared some critical data points, pertinent to Turrell and its contiguous school districts. I do not wish to take your time and restate all the facts, but I feel the issues dealing with district size and debt, deserve a view from our perspective.

Adding Turrell's 256 students with Marion changes their enrollment by 6 percent, adding 256 students to East Poinsett County, changes our enrollment by 26 percent. I believe you can appreciate the contrast of the impact on classroom space, availability of faculty, and supervision of students.

With regard to debt, the reason we have the smallest debt is simple; of all the districts listed, we have the lowest assessment and the lowest millage rate, making us the least able to repay the debt. Adding Turrell's debt to Marion changes their debt by 10 percent. Adding the debt to East Poinsett County changes our debt by 357 percent.

We have been through one consolidation. Even though both schools and communities were in agreement, it was a hard battle that continues today, 24 years later. I was in the

RECEIVED
ATTORNEY'S OFFICE
MAR 24 2010
DEPARTMENT OF EDUCATION
GENERAL DIVISION

State Board meeting when Turrell asked to go to Earle and I heard the patrons of Turrell who want to go to Marion; neither group mentioned East Poinsett County. The East Poinsett County School District will honor the wishes of the State Board of Education to the best of our ability.

Feel free to contact me if you have any questions or if I can be of assistance. My cell number is 870-919-1577. Thank you for your time.

Sincerely,

Michael Pierce
Superintendent

cc: All State Board Members
Dr. Tom Kimbrell, Commissioner, Arkansas Department of Education
Mr. Tripp Walter, Attorney, Arkansas Department of Education
Dr. Charles Watson, State Board Liaison
Mr. Don Johnston, Superintendent, Marion School District

Don Johnston
Superintendent

Marian T. Smith
Sr. Assistant Superintendent

Jeffery D. Altemus
Sr. Assistant Superintendent

Marion School District

200 Manor Street
Marion, AR 72364
(870) 739-5100
(870) 739-5156 FAX

Board of Directors:
A. Jan Thomas, Jr., President
Steve A. Sutton, Vice-President
Rev. Jeffrey Richardson, Secretary
Phillip M. Brick
Darrylee Arms
Brian Proffitt
Phil Phillips

February 26, 2010

Dr. Naccaman Williams, Chair
State Board of Education
Arkansas Department of Education
Four Capitol Mall
Little Rock, Arkansas 72201

Dear Dr. Williams:

Having been an educator for 40 years, 24 as a superintendent, I appreciate the decisions that the State Board of Education must make regarding the consolidation of Arkansas schools. As Superintendent of the Marion School District, I am writing this letter to provide pertinent information concerning the pending consolidation of the Turrell School District. While I realize the Commissioner's Office will provide the Board with required data, I wish to share some critical points with you.

The following five school districts are contiguous to the Turrell School District:

- Earle
- East Poinsett County
- Marion
- Marked Tree
- South Mississippi County

Enclosed are charts with the following information:

A. Proximity of each district's schools to Turrell
B. Demographics for each district
C. Enrollment for each district
D. Area in square miles for each district
E. Total debt for each district

RECEIVED
ATTORNEY'S OFFICE
MAR 02 2010
DEPARTMENT OF EDUCATION
GENERAL DIVISION

You will note the following facts from the charts:

- On the School Proximity Chart, the closest school to Turrell is the PK-6 school of the East Poinsett County School District, located in Tyronza, 10.6 miles from Turrell. As noted on the chart, East Poinsett County has campuses in Tyronza and Lepanto. All 5th and 6th grade students of the district attend school in Tyronza. For Turrell students in K-1st grades to attend school in Marion, they would ride a bus 19.1 miles one way to our campus in West Memphis.

- On the Demographic Chart, please note that consolidating Turrell with East Poinsett County would have the most positive effect on desegregation.

- On the Enrollment Chart, please find that Marion has 3,997 students. Marion's current enrollment is 4,028. The other four districts are closer in size to the Turrell School District. The addition of the Turrell students to one of the smaller contiguous districts would also help to optimize the efficiency of the receiving district.

- On the Area in Square Miles Chart, please find that Marion is already next to the largest.

- Finally, on the Debt Chart, please note that Turrell has a debt of $3,049,619. Marion has the largest debt; East Poinsett County, the smallest.

We request that the State seriously consider the transportation miles, desegregation effect, student body size, optimal district size, and indebtedness of the contiguous districts. The Marion School District has recently done its part in assisting the State with the consolidation of a neighboring school district. The State Board assigned the Crawfordsville School District to Marion in 2004. No other district that borders Turrell has had to take in another district.

We realize the difficult decision that the State Board has to make concerning Turrell. We respectfully request that the Turrell School District be consolidated with a district other than Marion.

Please feel free to contact me. My office phone number is 870-739-5100. Thank you for your consideration of these points.

Sincerely,

Don Johnston

Don Johnston
Superintendent

RECEIVED
ATTORNEY'S OFFICE
MAR 02 2010
DEPARTMENT OF EDUCATION
GENERAL DIVISION

cc: All State Board of Education Members
Mr. Jack Crumbly, Superintendent, Earle School District
Mr. Alfred Hogan, Superintendent, Turrell School District
Dr. Tom Kimbrell, Commissioner, Arkansas Department of Education
Mr. Gary Masters, Superintendent, South Mississippi County School District
Mr. Michael Pierce, Superintendent, East Poinsett County School District
Mrs. Annesa Thompson, Superintendent, Marked Tree School District
Mr. Tripp Walter, Attorney, Arkansas Department of Education
Dr. Charles Watson, State Board Liaison

RECEIVED
ATTORNEY'S OFFICE
MAR 02 2010
DEPARTMENT OF EDUCATION
GENERAL DIVISION

Attachments

A. School Proximity

The following chart lists the location of the campuses for each of the above five districts and the number of miles from Turrell to each school site. The miles shown are published by **Yahoo Maps** and measure mileage from Turrell to the city indicated. Actual miles to the school campus may vary.

District	Grade	Campus Location	Miles from Turrell
East Poinsett County	PK-6	Tyronza	10.6
East Poinsett County	PK-4	Lepanto	18.6
East Poinsett County	7-12	Lepanto	18.6
Marked Tree	K-6	Marked Tree	15.9
Marked Tree	7-12	Marked Tree	15.9
Earle	K-4	Earle	18
Earle	5-8	Earle	18
Earle	9-12	Earle	18
Marion	PK-1	West Memphis	19.1
Marion	2-3	Marion	14.6
Marion	4-5	Marion	14.6
Marion	6-7	Marion	14.6
Marion	8-9	Marion	14.6
Marion	10-12	Marion	14.6
Marion	Alternative School	Crawfordsville	21.5
South Mississippi County	PK-4	Kaiser	24.4
South Mississippi County	PK-4	Luxora	35.7
South Mississippi County	PK-6	Wilson	21.4
South Mississippi County	7-8	Wilson	21.4
South Mississippi County	9-12	Wilson	21.4

Please note from this chart that the closest school to Turrell is East Poinsett County at 10.6 miles. All 5th and 6th grade students in the East Poinsett County District attend elementary school in Tyronza. East Poinsett County 5th and 6th grade students living in Lepanto, ride the bus 10.7 miles from Lepanto to Tyronza.

RECEIVED
ATTORNEY'S OFFICE
MAR 02 2010
DEPARTMENT OF EDUCATION
GENERAL DIVISION

B. Demographics

The following chart lists the demographics for each district. The report is from the **2009-10 School Choice Eligibility** published by the Arkansas Department of Education.

District	Asian	African-American	Hispanic	Native	White
East Poinsett County	0	10.1	3.9	0	85.9
Marked Tree	0	29.6	1.9	0	68.4
Earle	0	95.1	0	.51	4.35
Marion	1.3	37.4	3.0	.33	57.8
South Mississippi County	.23	30.5	4.0	.23	64.9
Turrell	0	89.4	0	0	10.5

C. Enrollment

The following chart indicates the enrollment for each school district. The enrollment figures are taken from the Arkansas Department of Education's **2009-10 District Level Enrollment Report.**

District	Enrollment	ADA pct Change over 5 years
East Poinsett County	742	(1%)
Marked Tree	600	(12%)
Earle	763	1%
Marion	3,997	11%
South Mississippi County	1,272	(9%)
Turrell	256	(20%)

RECEIVED
ATTORNEY'S OFFICE
MAR 02 2010
DEPARTMENT OF EDUCATION
GENERAL DIVISION

D. Area in Square Miles

The following chart indicates the Area in Square Miles for each district. The report is taken from the **2007-08 Annual Statistical Report** published by the Arkansas Department of Education. This is the latest report available.

District	Area in Square Miles
East Poinsett County	151
Marked Tree	100
Earle	132
Marion	217
South Mississippi County	369
Turrell	83

E. Total Debt

The following chart indicates the Total Debt of each district. The report is taken from the **2007-08 Annual Statistical Report** published by the Arkansas Department of Education. This is the latest report available.

District	Total Debt Bond
East Poinsett County	$874,401
Marked Tree	$1,915,420
Earle	$7,533,295
Marion	$30,704,415
South Mississippi County	$7,030,978
Turrell	$3,049,619

RECEIVED
ATTORNEY'S OFFICE
MAR 02 2010
DEPARTMENT OF EDUCATION
GENERAL DIVISION

CONSOLIDATION LAWS AND RULES

ADMINISTRATIVE ANNEXATION/CONSOLIDATION PROCESS

- By January 1, 2010: Department of Education (ADE) must publish a "consolidation list" (which is done by a Commissioner's Memo) that includes all school districts with fewer than 350 students according to the district's average daily membership (ADM) in each of the two (2) school years immediately preceding the current school year (Ark. Code Ann. § 6-13-1602).

  Illustration: For school districts to appear on the 2010 consolidation list, the district's third-quarter ADM would have had to have been below 350 students for both the 2007-2008 and 2008-2009 school years.

- By March 1, 2010: Any school district on the consolidation list that wishes to voluntarily be administratively annexed into or administratively consolidated with another school district must file its petition with the State Board of Education (SBE) by March 1, 2010 (Ark. Code Ann. § 6-13-1603). The SBE's hearing on the petition would be held no later May 1, 2010.

  a.) If the petition is approved by the SBE, the annexation will be effective July 1, 2010.

  b.) For any school district which fails to file a petition for voluntary annexation or consolidation by May 1, 2010, or whose petition is denied by the SBE, the SBE shall administratively consolidate the district into one (1) or more school districts by May 1, 2010, to be effective July 1, 2010.

- The SBE shall not approve administrative annexation or consolidation of a school district if the annexation or consolidation would cause the creation of a school district that hampers, delays or in any manner negatively impacts the desegregation of another school district in this state. The ADE is required to obtain a written opinion from the Attorney General's Office as to the potential segregative impact of the proposed merger.

- The SBE shall not deny the petition for voluntary administrative consolidation or annexation of any two (2) or more school districts unless:

  (A) The provisions contained in the articles of administrative consolidation or annexation (i.e., the petition) would violate state or federal law; or

  (B) The voluntary consolidation or annexation would not contribute to the betterment of the education of students in the school district.

- Noncontiguous school districts may voluntarily consolidate if the facilities and physical plant of each school district:

  (1) Are within the same county, and the SBE approves the administrative consolidation; or

  (2) Are not within the same county, and the SBE approves the administrative consolidation or administrative annexation and finds that:

    (A) The administrative consolidation or administrative annexation will result in the overall improvement in the educational benefit to students in all of the school districts involved; or

    (B) The administrative consolidation or administrative annexation will provide a significant advantage in transportation costs or service to all of the school districts involved.

- Contiguous school districts may administratively consolidate even if they are not in the same county.

6-13-1601. Definitions.

As used in this subchapter:

(1) "Administrative annexation" means the joining of an affected school district or a part of the school district with a receiving district;

(2) "Administrative consolidation" means the joining of two (2) or more school districts to create a new single school district with one (1) administrative unit and one (1) board of directors that is not required to close school facilities;

(3) "Affected district" means a school district that loses territory or students as a result of administrative annexation or administrative consolidation;

(4) (A) "Average daily membership" means the total number of days attended plus the total number of days absent by students in grades kindergarten through twelve (K-12) during the first three (3) quarters of each school year divided by the number of school days actually taught in the school district during that period of time rounded up to the nearest hundredth.

(B) Students who may be counted for average daily membership are:

(i) Students who reside within the boundaries of the school district and who are enrolled in a public school operated by the school district or a private school for special education students, with their attendance resulting from a written tuition agreement approved by the Department of Education;

(ii) Legally transferred students living outside the school district but attending a public school in the school district; and

(iii) Students who reside within the boundaries of the school district and who are enrolled in the Arkansas National Guard Youth Challenge Program, so long as the students are participants in the program;

(5) "Receiving district" means a school district or districts that receive territory or students, or both, from an affected district as a result of administrative annexation; and

(6) "Resulting district" means the new school district created from an affected district or districts as a result of administrative consolidation.

History. Acts 2003 (2nd Ex. Sess.), No. 60, § 3; 2005, No. 2151, § 21.

6-13-1602. Administrative consolidation list.

By February 1, 2004, and each January 1 thereafter, the Department of Education shall publish a consolidation list that includes all school districts with fewer than three hundred fifty (350) students according to the school district average daily membership in each of the two (2) school years immediately preceding the current school year.

History. Acts 2003 (2nd Ex. Sess.), No. 60, § 3; 2005, No. 2151, § 22.

6-13-1603. Administrative reorganization.

(a) (1) Any school district included in the Department of Education's consolidation list under § 6-13-1602 may voluntarily agree to administratively consolidate with or be annexed to another school district or districts in accordance with the requirements and limitations of this section.

(2) (A) Any school district on the consolidation list choosing to voluntarily administratively consolidate or annex shall submit a petition for approval to the State Board of Education by March 1 immediately following publication of the list and shall set forth the terms of the administrative consolidation or annexation agreement in the petition.

(B) If the petition is approved by the state board, the administrative consolidation or annexation shall be completed by May 1, to be effective July 1 immediately following the publication of the list required under § 6-13-1602.

(3) Any school district on the consolidation list that does not submit a petition under subdivision (a)(2)(A) of this section or that does not receive approval by the state board for a voluntary consolidation or annexation petition shall be administratively consolidated by the state board with or into one (1) or more school districts by May 1, to be effective July 1 immediately following the publication of the list required under § 6-13-1602.

(4) The state board shall promptly consider petitions or move on its own motion to administratively consolidate a school district on the consolidation list in order to enable the affected school districts to reasonably accomplish any resulting administrative consolidation or annexation by July 1 immediately following the publication of the list required under § 6-13-1602.

(5) The state board shall not deny the petition for voluntary administrative consolidation or annexation of any two (2) or more school districts unless:

(A) The provisions contained in the articles of administrative consolidation or annexation would violate state or federal law; or

(B) The voluntary consolidation or annexation would not contribute to the betterment of the education of students in the school district.

(b) Any school district required to be administratively consolidated under this subchapter shall be administratively consolidated in such a manner as to create a resulting district with an average daily membership meeting or exceeding three hundred fifty (350).

(c) All administrative consolidations or annexations under this section shall be accomplished so as not to create a school district that hampers, delays, or in any manner negatively affects the desegregation of another school district in this state.

(d) In the administratively consolidated or annexed school districts created under this subchapter, the ad valorem tax rate shall be determined as set forth under § 6-13-1409.

(e) Nothing in this section shall be construed to require the closing of any school or school facility.

(f) No administratively consolidated or annexed school district shall have more than one (1) superintendent.

(g) Any school district not designated as being in academic or fiscal distress for the current school year and previous two (2) school years that administratively receives by consolidation or annexation a school district designated by the state board as being in academic or fiscal distress at the time of consolidation or annexation shall not be subject to academic or fiscal distress sanctions for a period of three (3) years from the effective date of consolidation unless:

(1) The school district fails to meet minimum teacher salary requirements; or

(2) The school district fails to comply with the Standards for Accreditation of Arkansas Public Schools and School Districts issued by the department.

(h) Noncontiguous school districts may voluntarily consolidate if the facilities and physical plant of each school district:

(1) Are within the same county, and the state board approves the administrative consolidation; or

(2) Are not within the same county, and the state board approves the administrative consolidation or administrative annexation and finds that:

(A) The administrative consolidation or administrative annexation will result in the overall improvement in the educational benefit to students in all of the school districts involved; or

(B) The administrative consolidation or administrative annexation will provide a significant advantage in transportation costs or service to all of the school districts involved.

(i) Contiguous school districts may administratively consolidate even if they are not in the same county.

(j) The state board shall promulgate rules to facilitate the administration of this subchapter.

(k) The provisions of § 6-13-1406 shall govern the board of directors of each resulting or receiving school district created under this subchapter.

History. Acts 2003 (2nd Ex. Sess.), No. 60, § 3; 2005, No. 1397, § 1; 2005, No. 1962, § 9; 2005, No. 2151, § 23.

ARKANSAS DEPARTMENT OF EDUCATION
RULES GOVERNING ADMINISTRATIVE CONSOLIDATION OR ANNEXATION OF PUBLIC SCHOOL DISTRICTS AND BOARDS OF DIRECTORS OF LOCAL SCHOOL DISTRICTS

Draft December 2005

1.00 PURPOSE

1.01 These rules shall be known as the Arkansas Department of Education Rules Governing the Administrative Consolidation and Annexation of Public School Districts.

2.00 AUTHORITY

The State Board of Education's authority for promulgation of these rules is pursuant to Ark. Code Ann. § 6-11-105, Ark. Code Ann. §§ 6-13-1601 et seq., 25-15-204 and Act 2151 of 2005.

3.00 DEFINITIONS

3.01 "Administrative annexation" means the joining of an affected school district or a part of the school district with a receiving district.

3.02 "Administrative consolidation" means the joining of two (2) or more school districts to create a new single school district with one (1) administrative unit and one (1) board of directors that is not required to close school facilities.

3.03 "Affected district" means a school district that loses territory or students as a result of administrative annexation or consolidation.

3.04 "Average daily membership" (ADM) means the total number of days attended plus the total number of days absent by students in grades kindergarten through twelve (K-12) during the first three (3) quarters of each school year divided by the number of school days actually taught in the district during that period of time rounded up to the nearest one hundredth. Students who may be counted for average daily membership are: (i) students who reside within the boundaries of the school district and who are enrolled in a public school operated by the district or a private school for special education students, with their attendance resulting from a written tuition agreement approved by the Department of Education; (ii) legally transferred students living outside the district but attending a public school in the district; and (iii) students who reside within the boundaries of the school district and who are enrolled in the Arkansas National Guard Youth Challenge Program, so long as the students are participants in the program.

3.05 "Isolated school" means a school within a school district that prior to administrative consolidation or annexation qualified as an isolated school district under A.C.A. § 6-20-601 and is subject to administrative consolidation or annexation.

3.06 "Petition for voluntary administrative annexation" means the official forms and documents published by the Department and hereby attached and incorporated into these rules as Attachment A, which are the official forms and documents necessary for school districts to properly petition the State Board for administrative annexation of a school district or districts into a receiving school district.

3.07 "Petition for voluntary administrative consolidation" means the official forms and documents published by the Department and hereby attached and incorporated into these rules as Attachment B, which are the official forms and documents necessary for school districts to properly petition the State Board for administrative consolidation of a school district or districts into a resulting school district.

3.08 "Receiving district" means a school district or districts that receive territory or students, or both, from an affected district as a result of administrative annexation.

3.09 "Resulting district" means the new school district created from an affected district or districts as a result of administrative consolidation.

4.00 PROCEDURES OF THE STATE BOARD OF EDUCATION CONCERNING VOLUNTARY ADMINISTRATIVE CONSOLIDATION OR ANNEXATION UNDER ACT 60 (SECOND EXTRAORDINARY SESSION OF 2003)

4.01 By January 1 of each year, the ADE shall publish a consolidation list that includes all school districts with fewer than three hundred fifty (350) students according to the district's average daily membership in each of the two (2) school years immediately preceding the current school year.

4.02 Any school district submitting a Petition for Voluntary Administrative Consolidation or Annexation pursuant to Act 60 may submit a single petition for State Board consideration. A school district's Petition for Voluntary Administrative Consolidation or Annexation (Petition), including all required attachments, **MUST** be received in the Office of the Commissioner, Department of Education, #4 Capitol Mall, Little Rock, AR 72201, **NO LATER THAN** 4:30 p.m. on March 1, of the year of petition. Petitions **MUST** be submitted on the proper official Department of Education petition form and attached documents hereby incorporated into these rules as Attachments A and B respectively. A school district may attach additional information to the petition form, if necessary, to

fully present its information. If mailed, the petition and all required attachments must be sent by certified mail, return receipt requested. PETITIONS RECEIVED AFTER 4:30 P.M. ON MARCH 1, OF THE YEAR OF PETITION, SHALL NOT BE CONSIDERED BY THE STATE BOARD REGARDLESS OF DATE MAILED.

4.03 While there is no provision in Act 60 that notice be published, the petitioning school districts are strongly encouraged to publish their intent to petition the State Board to consolidate or annex into a resulting or receiving school district by running said publication in a local newspaper of general circulation once a week for two (2) consecutive weeks. The petitioning parties may publish their intention to petition the State Board in a statewide newspaper of daily circulation, if the local newspaper does not publish on a daily or weekly basis.

4.04 The State Board may consider the petition at either a regular or special board meeting. All petitions for administrative consolidation or annexation timely filed with the State Board shall be heard by the State Board at either a regularly scheduled or specially called meeting after March 1, of the year of petition, with appropriate notice to all parties.

4.05 The State Board shall give at least five (5) calendar days advance written notice from the date of receipt to a petitioning school district of the date, time and place of the State Board meeting at which its petition will be considered. Notice may be provided via U.S. mail, facsimile or ADE electronic Commissioner's Memo.

4.06 At the hearing before the State Board, the order of presentation shall be as follows:

A) Remarks by petitioning school districts' spokesperson(s);
B) Remarks by opposing school districts and citizens' groups' spokesperson(s);
C) Closing remarks by opposing school districts and citizen's groups' spokesperson(s); and
D) Closing remarks by petitioning school districts' spokesperson(s).

4.07 Each petitioning school district shall have twenty (20) minutes to present the district's remarks. The district may allocate its time to one (1) or more spokespersons, but the total time allocated should not exceed twenty (20) minutes. In its sole discretion, the State Board may allow a district's spokesperson(s) more than twenty (20) minutes to speak.

4.08 Any school district or group of citizens, which opposes a petition, shall have the opportunity to present its opposition to the State Board. The State Board may, on its own motion, choose to hear from more than one

(1) spokesperson per opposing school district or group of citizens. However, the spokesperson(s) representing the opposing school district(s) or group of citizens shall have a total time allocated not to exceed twenty (20) minutes. In its sole discretion, the State Board may allow the spokesperson(s) more than twenty (20) minutes to speak.

4.09 Both the district and the opposition shall be given ten (10) minutes to present closing remarks to the State Board, allocated among one (1) or more spokesperson(s) as each side sees fit.

4.010 Time taken by a spokesperson to respond to a question by a State Board member shall not count against the respective side's time allotment.

4.11 Any documents to be considered by the State Board shall be submitted via first class mail to the Commissioner's Office at least three (3) business days prior to the State Board hearing of the petition for administrative consolidation or annexation.

4.12 The State Board shall issue a written decision approving the administrative consolidations or annexations requested in the petitions, if the petitions are granted. If the State Board denies a petition, it shall issue a written decision stating the reasons for such denial.

4.13 The State Board's written decision shall be made on or before May 1, of the year of petition.

4.14 Under no circumstances shall the State Board be obligated to grant a petition where to do so would hamper, delay, or in any manner negatively affect the desegregation efforts of any school district or districts in the state including school districts which are not petitioners for the administrative consolidation or annexation before the State Board.

4.15 If the State Board denies a school district's petition or does not receive a petition from a school district on the consolidation list, then the State Board shall, on its own motion, administratively consolidate all of the school district with or into one (1) or more other school districts by May 1, of the year of petition.

4.16 For administrative consolidations considered under the provisions of Section 4.15, the notice requirements placed upon the State Board by Section 4.05 shall not apply. Instead, the State Board shall provide such advance notice to the districts of the State Board's meeting at which the administrative consolidation will be considered as is practicable and required by law.

5.00 STATE BOARD OF EDUCATION ACTION ON PETITIONS FOR ADMINISTRATIVE CONSOLIDATION OR ANNEXATION

5.01 Except as otherwise provided for in these rules or law and in addition to any other requirements herein, the State Board shall not deny a petition for voluntary administrative consolidation or annexation of any two (2) or more school districts unless:

(A) The provisions contained in the articles of administrative consolidation or annexation would violate state or federal law; or

(B) The voluntary administrative consolidation or annexation would not contribute to the betterment of the education of students in the districts; or

(C) The proposed consolidation or annexation does not result in a resulting or receiving school district with an average daily membership meeting or exceeding three hundred fifty (350) based upon the prior year third (3rd) quarter average daily membership.

In making a determination under (B) of Section 5.01, certain considerations will be taken into account by the State Board. The State Board will consider the extent to which the respective districts are or have been in compliance with certain provisions of Arkansas law or State Board rules, including academic and fiscal distress, Standards for Accreditation, and Arkansas teacher salary schedules.

For those resulting or receiving districts in compliance with Section 5.01 (C), the projected ADM of the proposed resulting or receiving district shall not be a factor in making the determination to approve or deny the petition for administrative consolidation or annexation.

If the State Board, after consideration of the petition and the evidence produced at the hearing, shall determine that significant reason(s) exist why the proposed administrative consolidation or annexation would not contribute to the betterment of the education of the students in the districts, it may deny the petition and shall state its specific findings in the order entered in the proceedings.

5.02 Prior to the entry of any order approving a petition for administrative consolidation or annexation, the State Board shall seek an advisory opinion from the Attorney General concerning the impact of the proposed annexation or consolidation on the effort of the state to assist a district or districts in desegregation of the public schools of this state.

5.03 In addition to all other requirements in these rules, the State Board shall not approve any petition nor order any annexation or consolidation of school districts when the effect of such annexation or consolidation

hampers, delays, or in any manner negatively affects the desegregation efforts of a school district or districts in this state.

5.04 In addition to the standards set forth in Section 5.01 of these rules, noncontiguous school districts may voluntarily consolidate if:

(A)(1) The facilities and physical plant of each school district are within the same county, and
(2) The State Board approves the administrative consolidation, or
(B) (1) The facilities and physical plant of each school district are not within the same county, and
(2) The State Board approves the administrative consolidation or annexation and finds that:
(i) (i) The consolidation or annexation will result in the overall improvement in the educational benefit to students in all of the school districts involved, or
(ii) (ii) The consolidation or annexation will provide a significant advantage in transportation costs or service to all of the school districts involved.

5.05 If the resulting district in an administrative consolidation fails to establish an interim school board by May 31 of the year of petition, the State Board shall appoint an interim board to serve until the next elected school board assumes office, in the following manner:

(A) The interim board shall be made up of seven (7) board members;
(B) The interim board shall be made up of board members from the boards of directors of the affected school districts;
(C) The proportion of board members from each of the affected school districts shall be equal to the proportion of the student population in the resulting school district that came from each affected school district, with no less than one (1) board member being selected from the board of each affected school district;
(D) Unless provided otherwise by the State Board, the board membership of each interim resulting school district under Section 5.05 shall be selected first of the board presidents; second, board secretaries; and third, any other remaining current local board members selected by the State Board;
(E) The interim board shall have no authority to govern the resulting consolidated school district until the July 1 effective date of the consolidation; and
(F) The interim board shall serve until the new school board directors have been sworn in and commissioned after the September school board election immediately following the effective date of the consolidation unless the resulting district opts to follow the procedures set forth in Section 2 of Act 274 of 2005.

5.06 If the resulting district in an administrative consolidation voluntarily agrees to establish an interim school board by May 31, of the year of petition, the board shall be selected as follows:

(A) The board of directors of the affected districts may by agreement establish an interim board of directors of the resulting district composed of not fewer than five (5) nor more than seven (7) directors;

(B) The proportion of board members from each of the affected school districts shall be equal to the proportion of the student population in the resulting school district that came from each affected school district, with no less than one (1) board member being selected from the board of each affected school district;

(C) The board of each affected school district shall select the board members that it wishes to have placed on the interim board of the resulting district. If the affected district is unable to select membership by a majority vote of the local board, the affected district(s) may select members to the interim resulting board by drawing lots.

(D) The interim board shall have no authority to govern the resulting consolidated school district until the July 1 effective date of the consolidation; and

(E) The interim board shall serve until the new school board directors have been sworn in and commissioned after the September school board election immediately following the effective date of the consolidation unless the resulting district opts to follow the procedures set forth in Section 2 of Act 274 of 2005.

5.07 If a school district fails to petition the State Board for administrative consolidation or annexation as required by A.C.A. § 6-13-1603(a)(2)(A) or the State Board denies a petition for administrative consolidation or annexation, the State Board shall, on its own motion, administratively consolidate a school district with or into any one (1) or more school districts in Arkansas by May 1, and the administrative consolidation shall be effective the July 1 immediately following the publication of the list required under A.C.A. § 6-13-1602.

5.08 The State Board shall promptly consider petitions or move on its own motion to administratively consolidate a school district on the consolidation list in order to enable the affected school districts to reasonably accomplish any resulting administrative consolidation or annexation by July 1 immediately following the publication of the list required under A.C.A. § 6-13-1602.

5.09 Upon approving a petition for administrative consolidation or annexation or acting on its own motion to administratively consolidate school districts, the State Board shall prepare a written order of administrative consolidation or annexation and file such order with the county clerk's office of each county clerk in the counties where the resulting or receiving school district is located.

5.10 The State Board shall not order the closing of any isolated school facility as a result of an administrative consolidation or annexation of an isolated school except as allowed by law.

5.11 The board of directors of any receiving school district created after an administrative annexation (whether interim or permanent) shall be in compliance with A.C.A. § 6-13-1406 and Act 274 of the Arkansas 85th General Assembly.

6.00 GENERAL PROVISIONS GOVERNING ADMINISTRATIVE CONSOLIDATIONS OR ANNEXATIONS

6.01 All administrative consolidations or annexations shall be accomplished so as not to create a school district that hampers, delays, or in any manner negatively affects the desegregation of another school district in this state.

6.02 The millage rate of the electors of the affected districts of an administrative consolidation or annexation shall remain the same until an election may be held to change the rate of taxation for the resulting or receiving district.

6.03 No administrative consolidation or annexation shall be construed to require the closing of any school or school facility except as allowed by law.

6.04 All resulting or receiving school districts created from an administrative consolidation or annexation shall have no more than one (1) superintendent and no more than one (1) local school board.

6.05 Any school district not designated as being in academic or fiscal distress for the current school year and previous two (2) school years that administratively receives by consolidation or annexation a school district classified by the State Board as being in academic or fiscal distress at the time of the consolidation or annexation shall not be subject to academic or fiscal distress sanctions for a period of three (3) years from the July 1 effective date of consolidation unless:

(A) The school district fails to meet minimum teacher salary requirements set forth in law and rules; or

(B) The school district fails to comply with the Standards for Accreditation of Arkansas Public Schools issued by the Department of Education.

6.06 The provisions of A.C.A. § 6-13-1406, Act 25 of the Second Extraordinary Session 2003 and Act 2151 of 2005 shall govern the board of directors of each resulting or receiving school district created from an administrative consolidation or annexation.

7.00 ISOLATED SCHOOLS

7.01 Prior to July 1, 2004, and each July 1 thereafter, the Department shall determine which schools meet the definition of "isolated schools" based upon the verified information submitted in the district's petition for administrative consolidation or annexation or based upon relevant data submitted to the Department pursuant to A.C.A. § 6-20-601 and 602.

7.02 Any isolated school within a resulting or receiving school district shall remain open except as allowed by law.

7.03 Funding for isolated schools shall be expended by the resulting or receiving district only on the operation, maintenance, and other expenses of the isolated schools within the resulting or receiving school district.

8.0 BOARDS OF DIRECTORS OF LOCAL SCHOOL DISTRICTS

8.01 All boards of directors of local school districts shall be made up of five (5), seven (7) or nine (9) members as allowed by law, unless the school district is under a valid court order otherwise directing the number and composition of the local board.

8.02 No board of directors shall have an even number of directors whether or not the number of directors of a school district's board of directors was established by an agreement between or among the former school districts, which comprise the school district incident to a consolidation or annexation of the former school districts.

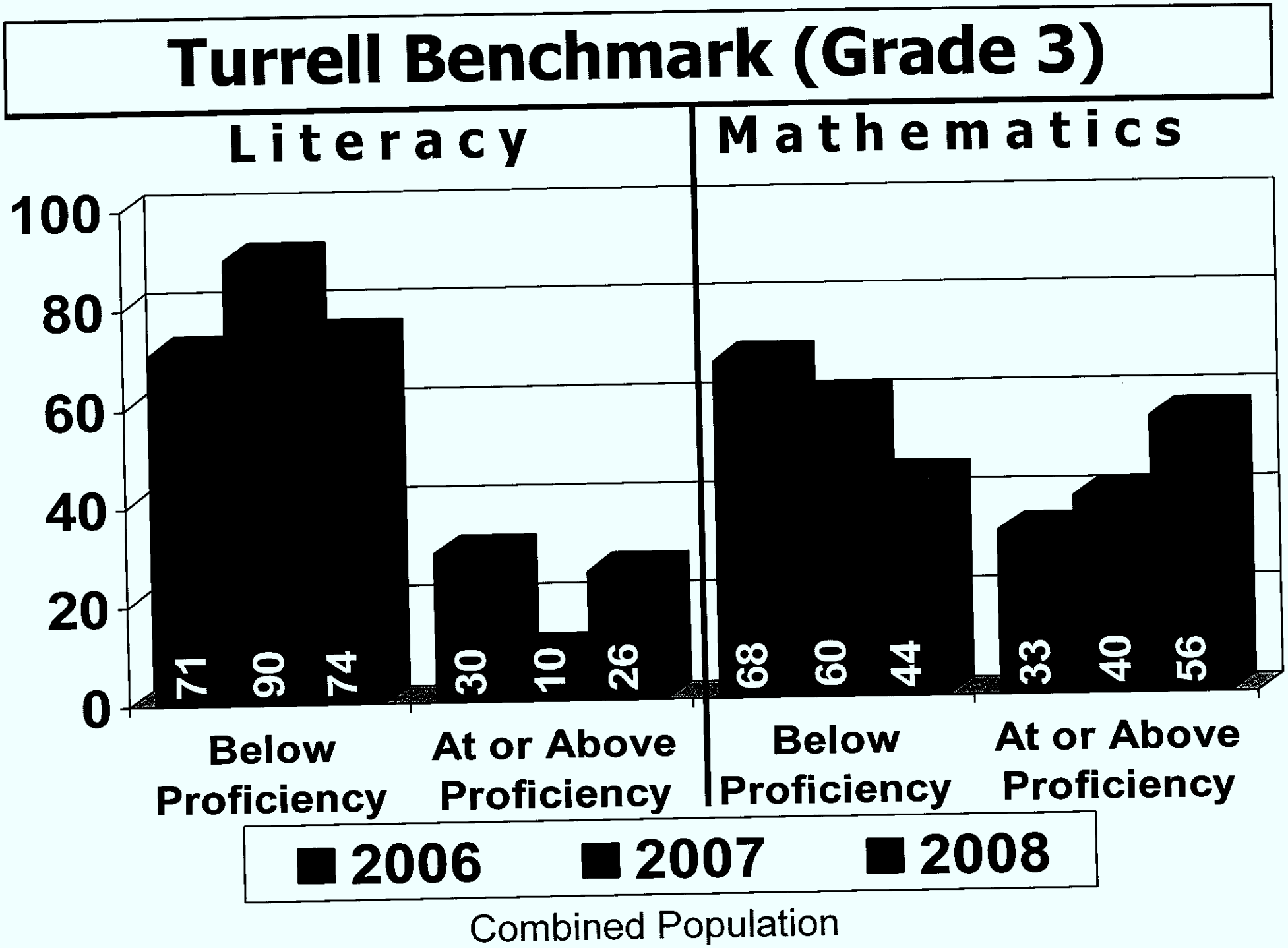
8.03 No less than ninety (90) days prior to the 2005 annual school election, any school district with an even number of directors shall file a petition with the State Board of Education to establish the requisite odd number of directors.

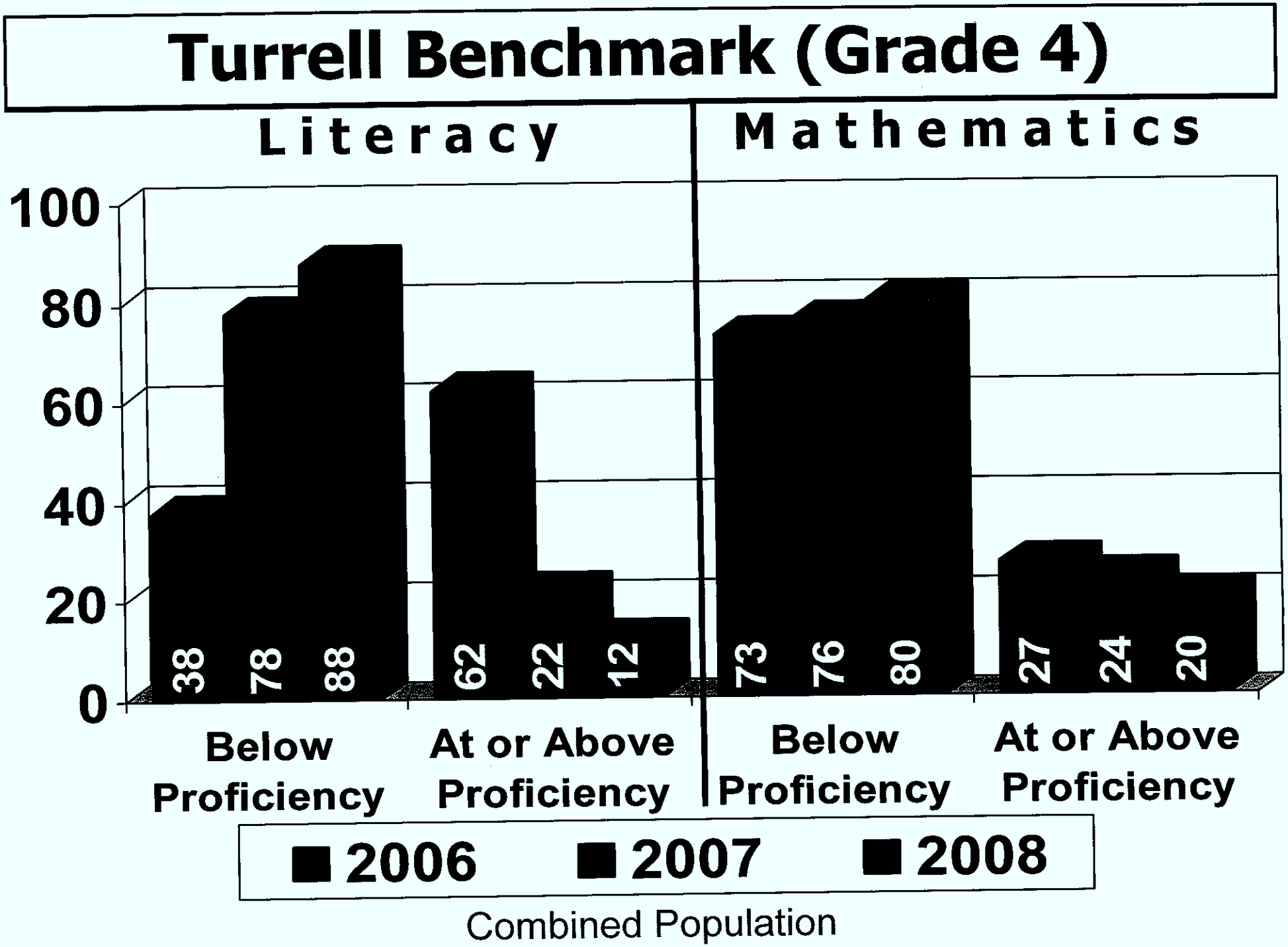
8.04 If the number of board members needs to be reduced to create a required odd number of directors and the members cannot agree on the method of reduction, the board of directors in office as of August 12, 2005, shall draw lots to determine which board positions will be eliminated.

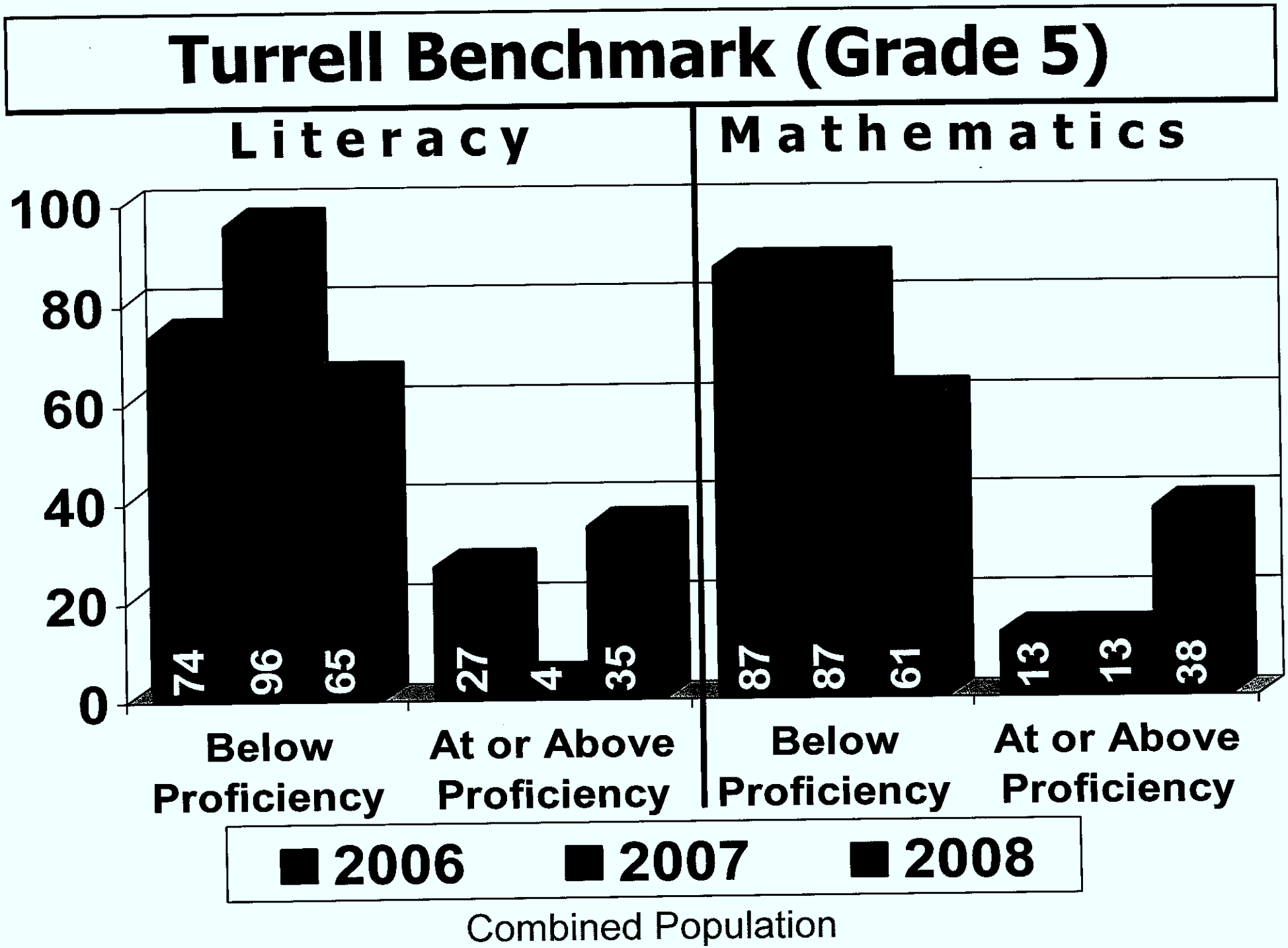
8.05 Any change in the number of directors serving on the local school district board of directors required by Arkansas law and these Rules shall be effective upon the directors' taking office following the 2005 annual school election.

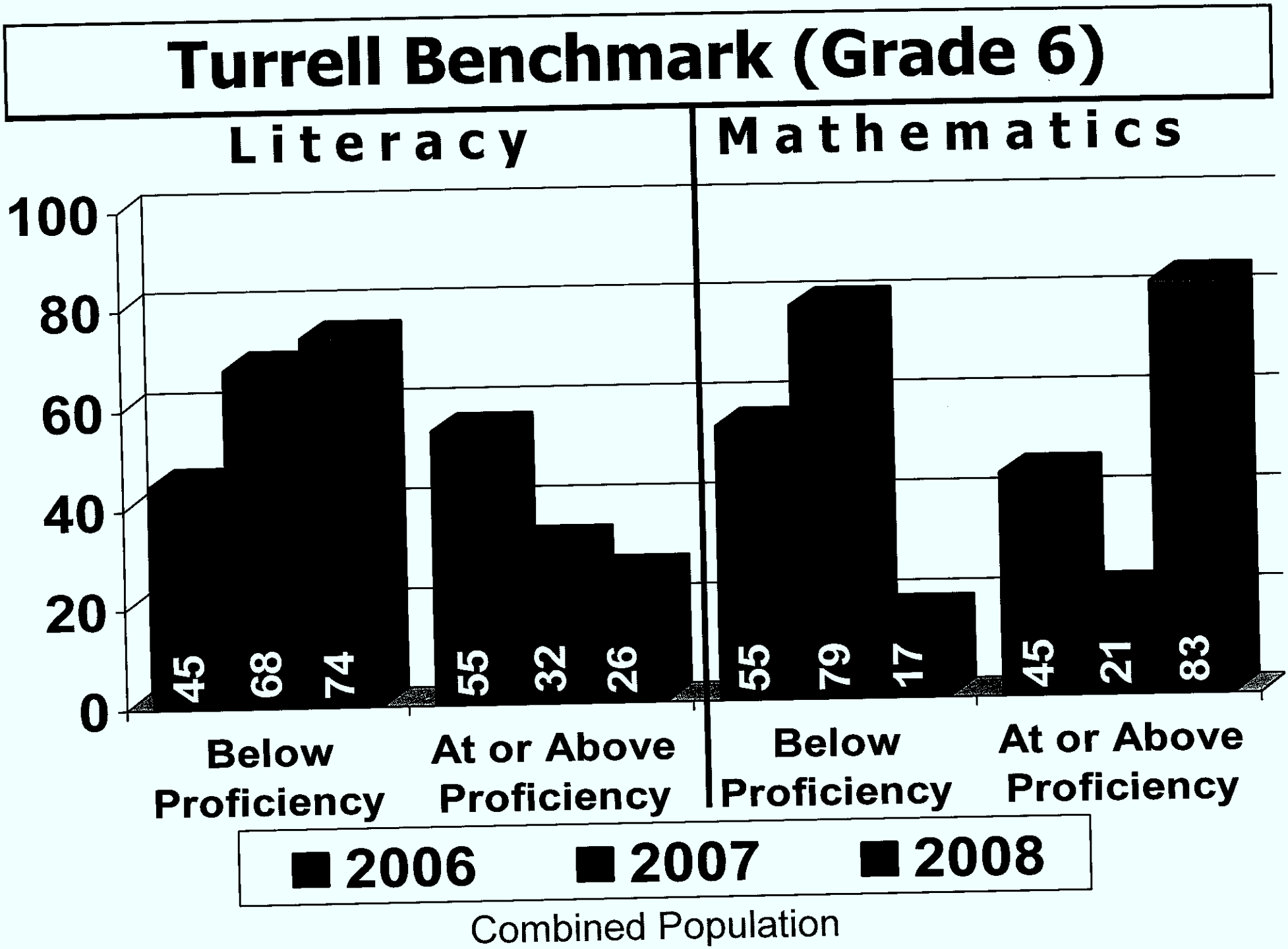
8.06 Except as otherwise provided by law, any school district which elects its school board members from single-member zones shall be subject to the requirements of these Rules.

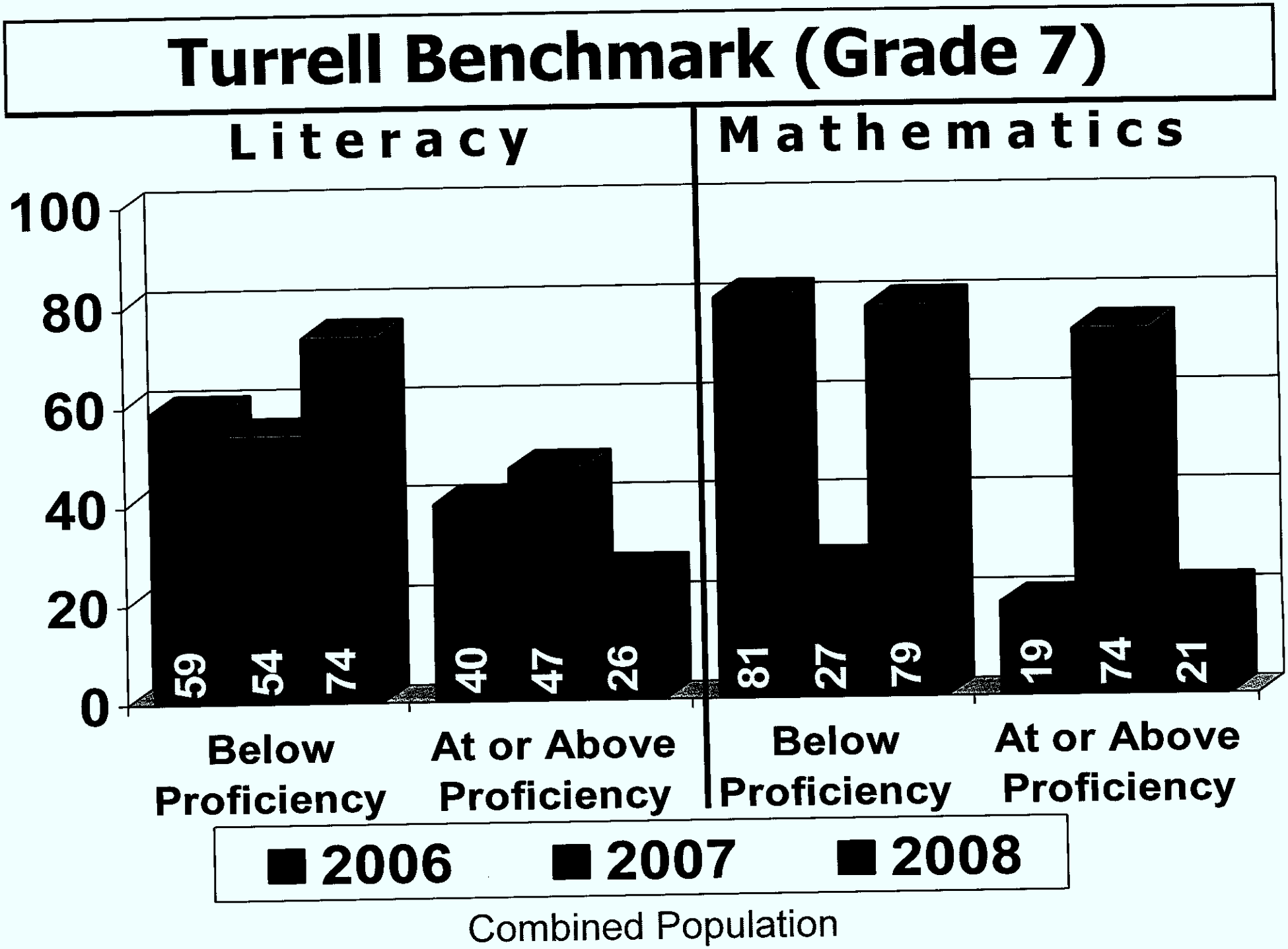
ACADEMIC INFORMATION

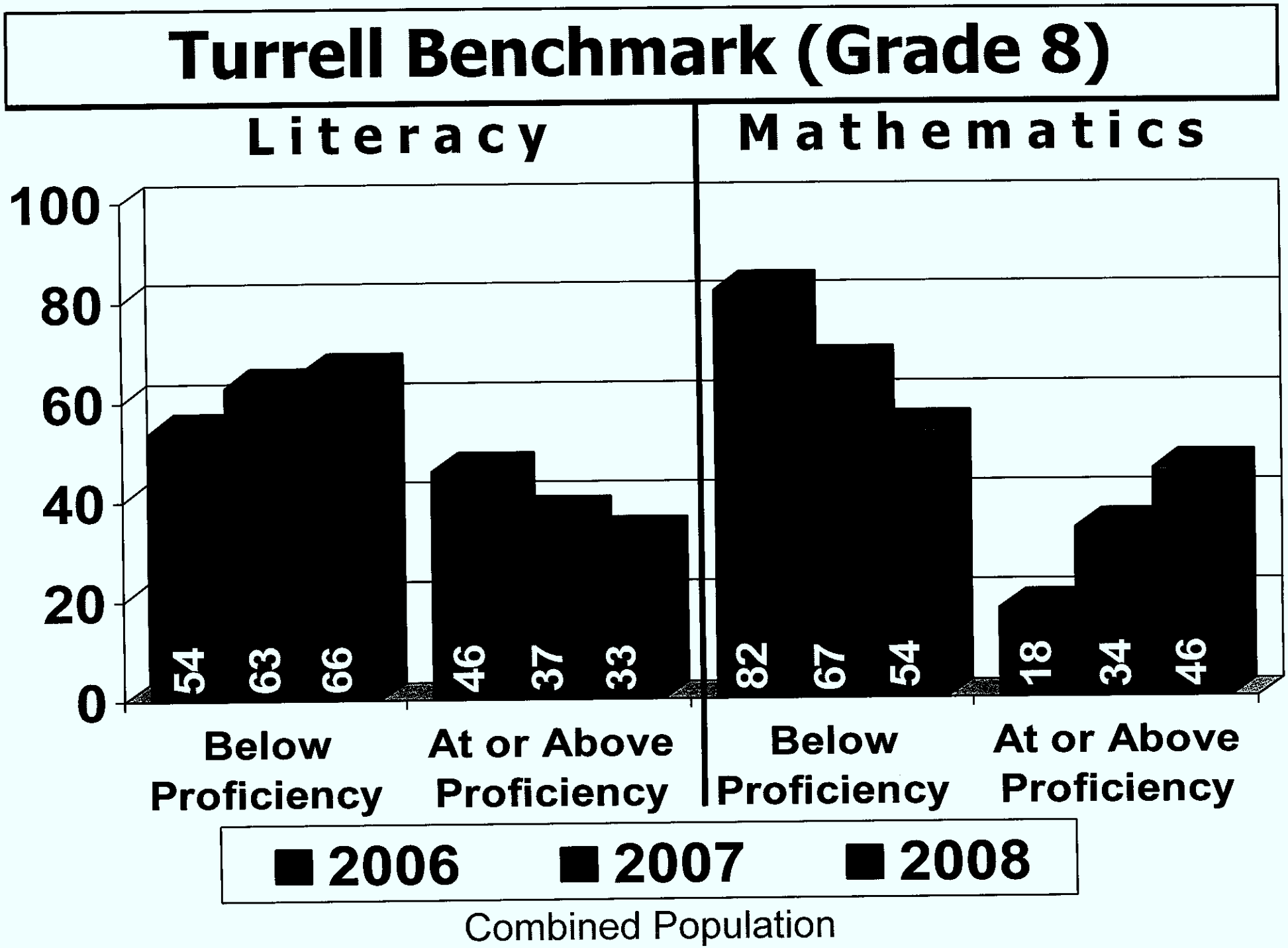

Turrell Benchmark (Grade 3)
Literacy
Mathematics
100
80
60
40
20
0
71
90
74
30
10
26
68
60
44
33
40
56
Below Proficiency
At or Above Proficiency
Below Proficiency
At or Above Proficiency
2006
2007
2008
Combined Population

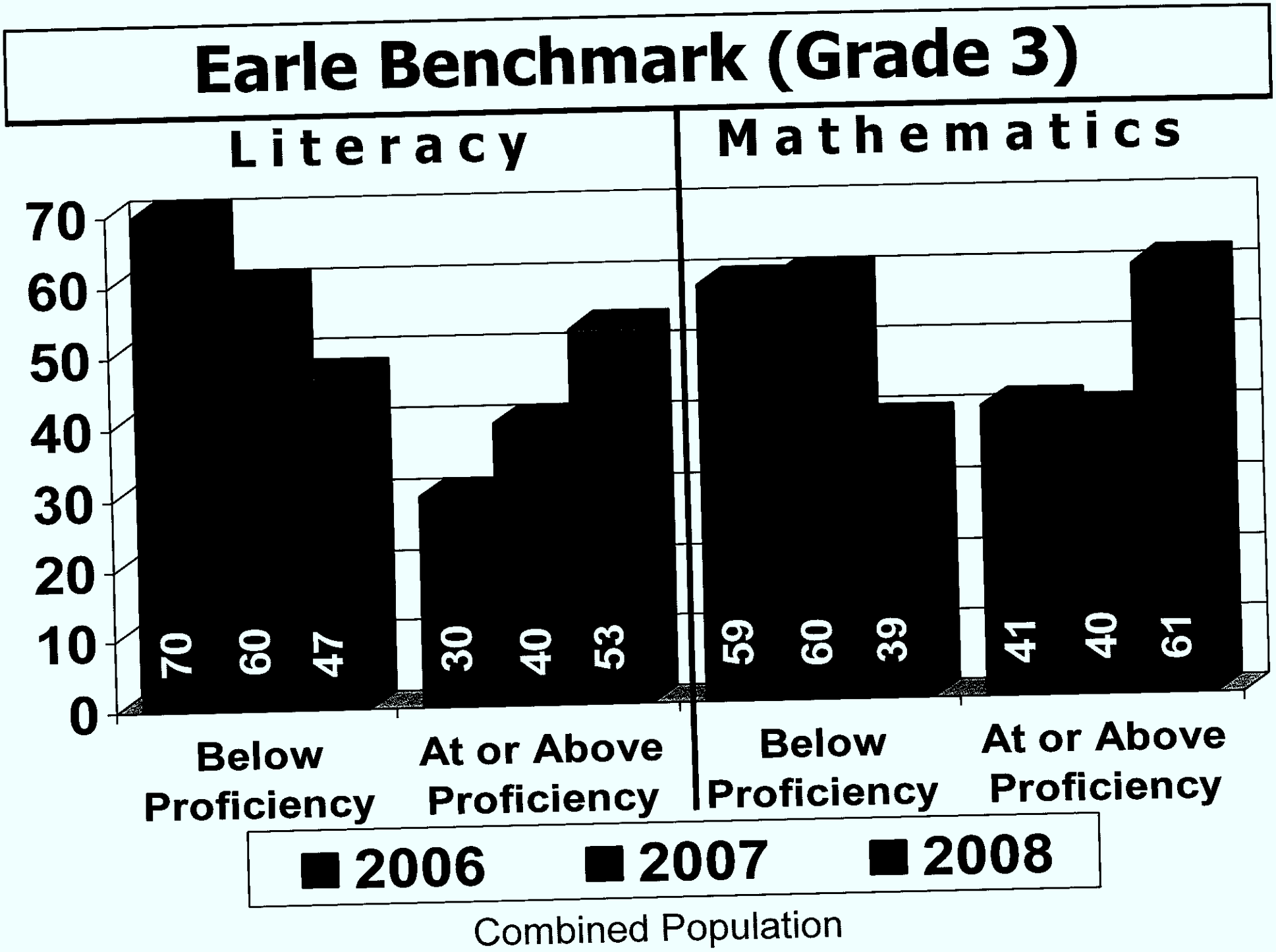

Turrell Benchmark (Grade 4)
Literacy
Mathematics
100
80
60
40
20
0
38
78
88
62
22
12
73
76
80
27
24
20
Below Proficiency
At or Above Proficiency
Below Proficiency
At or Above Proficiency
2006
2007
2008
Combined Population

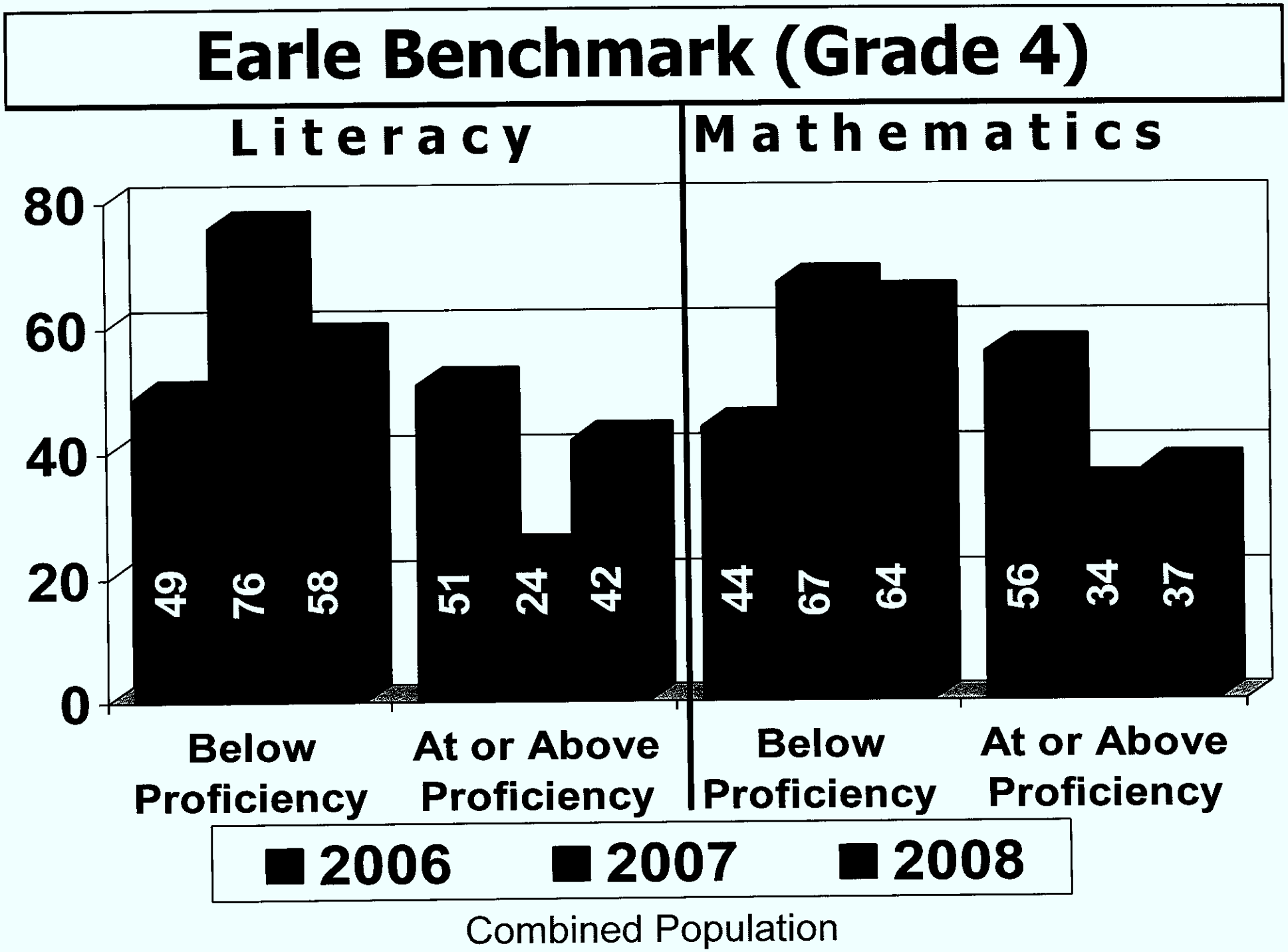

Turrell Benchmark (Grade 5)
Literacy
Mathematics
100
80
60
40
20
0
74
96
65
27
4
35
87
87
61
13
13
38
Below Proficiency
At or Above Proficiency
Below Proficiency
At or Above Proficiency
2006
2007
2008
Combined Population

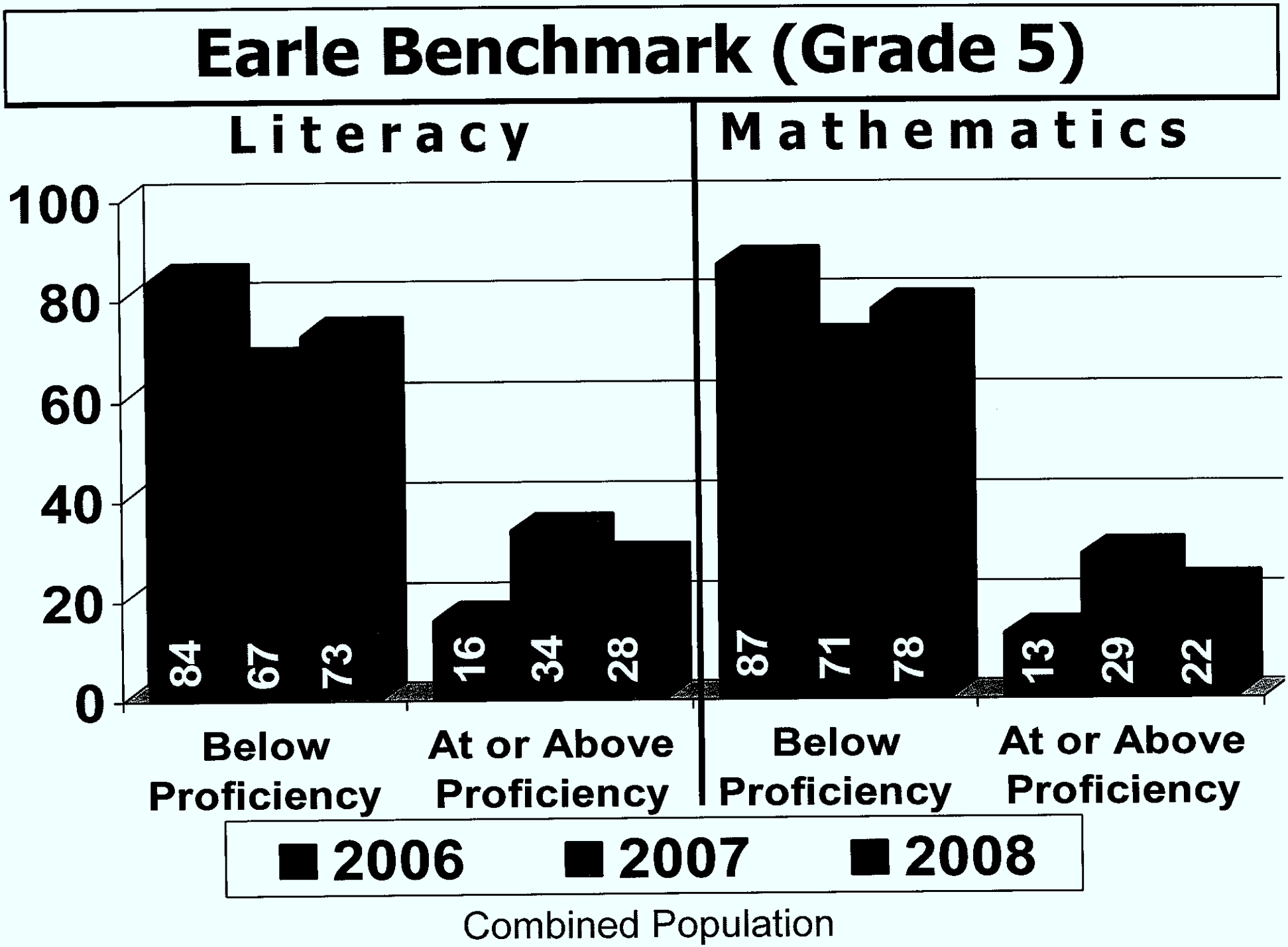

Turrell Benchmark (Grade 6)
Literacy
Mathematics
100
80
60
40
20
0
45
68
74
55
32
26
55
79
17
45
21
83
Below Proficiency
At or Above Proficiency
Below Proficiency
At or Above Proficiency
2006
2007
2008
Combined Population

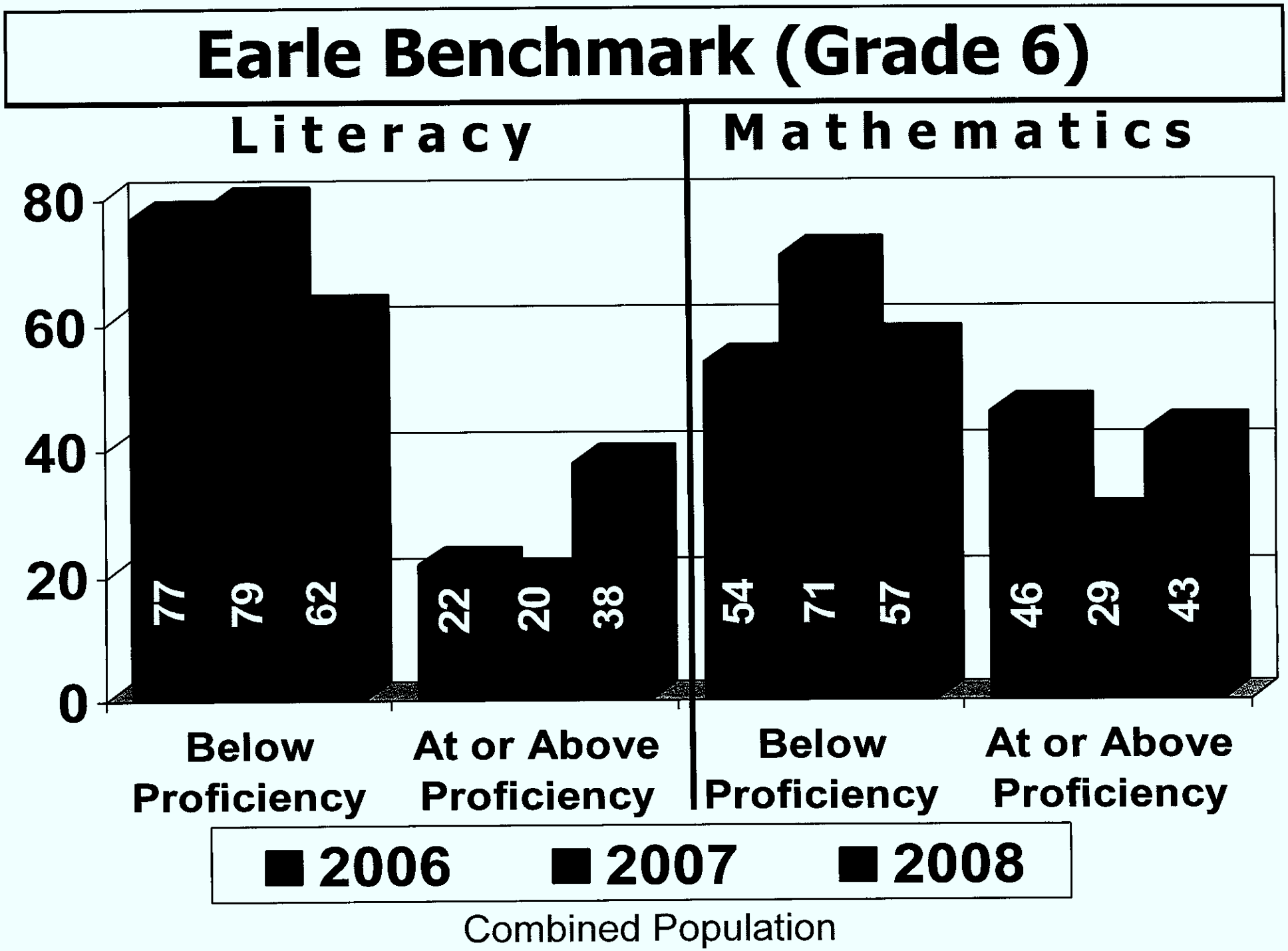

Turrell Benchmark (Grade 7)
Literacy
Mathematics
100
80
60
40
20
0
59
54
74
40
47
26
81
27
79
19
74
21
Below Proficiency
At or Above Proficiency
Below Proficiency
At or Above Proficiency
2006
2007
2008
Combined Population


Turrell Benchmark (Grade 8)
Literacy
Mathematics
100
80
60
40
20
0
54
63
66
46
37
33
82
67
54
18
34
46
Below Proficiency
At or Above Proficiency
Below Proficiency
At or Above Proficiency
2006
2007
2008
Combined Population

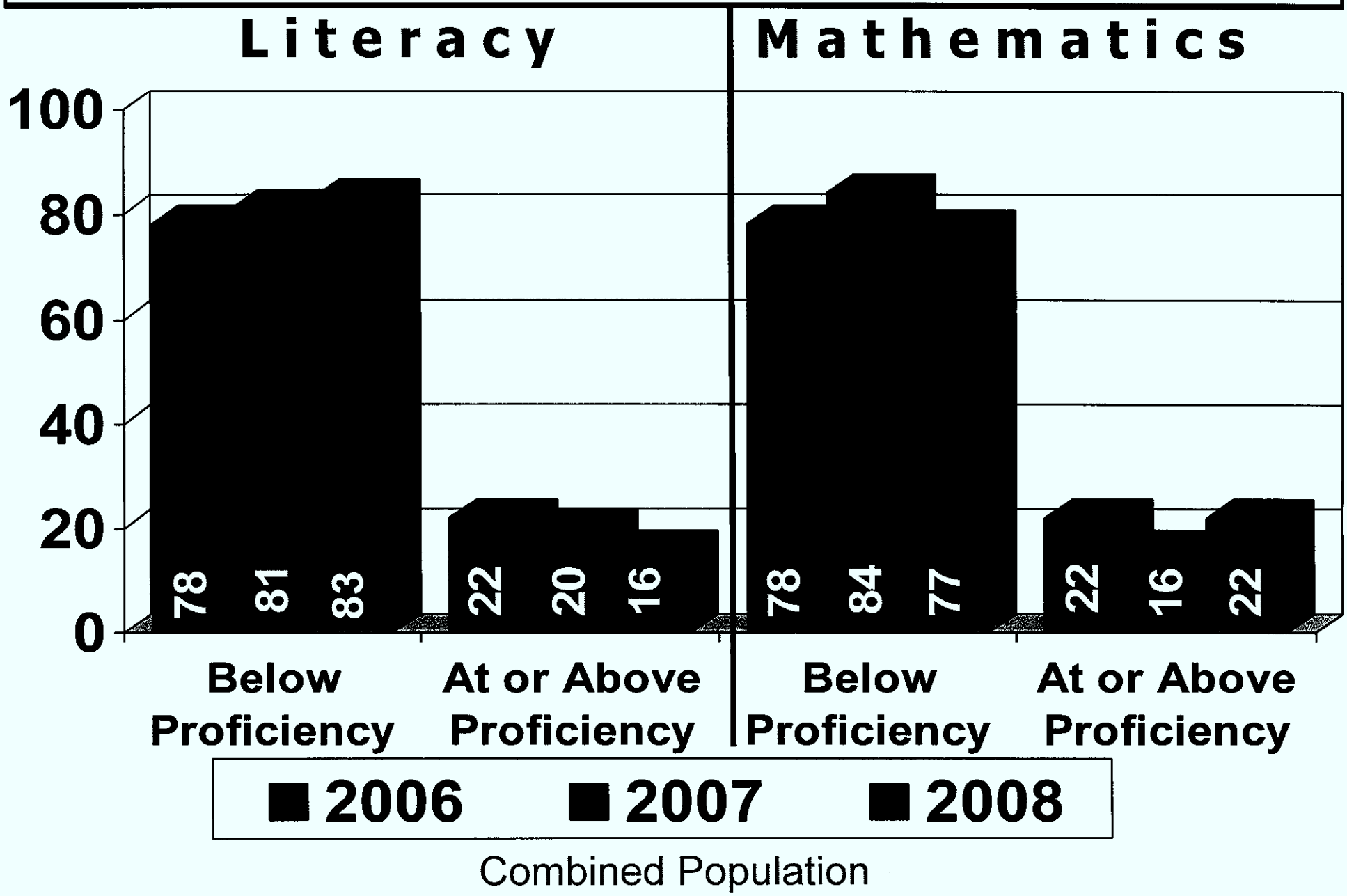

Earle Benchmark (Grade 3)
Literacy
Mathematics
70
60
50
40
30
20
10
0
70
60
47
30
40
53
59
60
39
41
40
61
Below Proficiency
At or Above Proficiency
Below Proficiency
At or Above Proficiency
2006
2007
2008
Combined Population


Earle Benchmark (Grade 4)
Literacy
Mathematics
80
60
40
20
0
49
76
58
51
24
42
44
67
64
56
34
37
Below Proficiency
At or Above Proficiency
Below Proficiency
At or Above Proficiency
2006
2007
2008
Combined Population

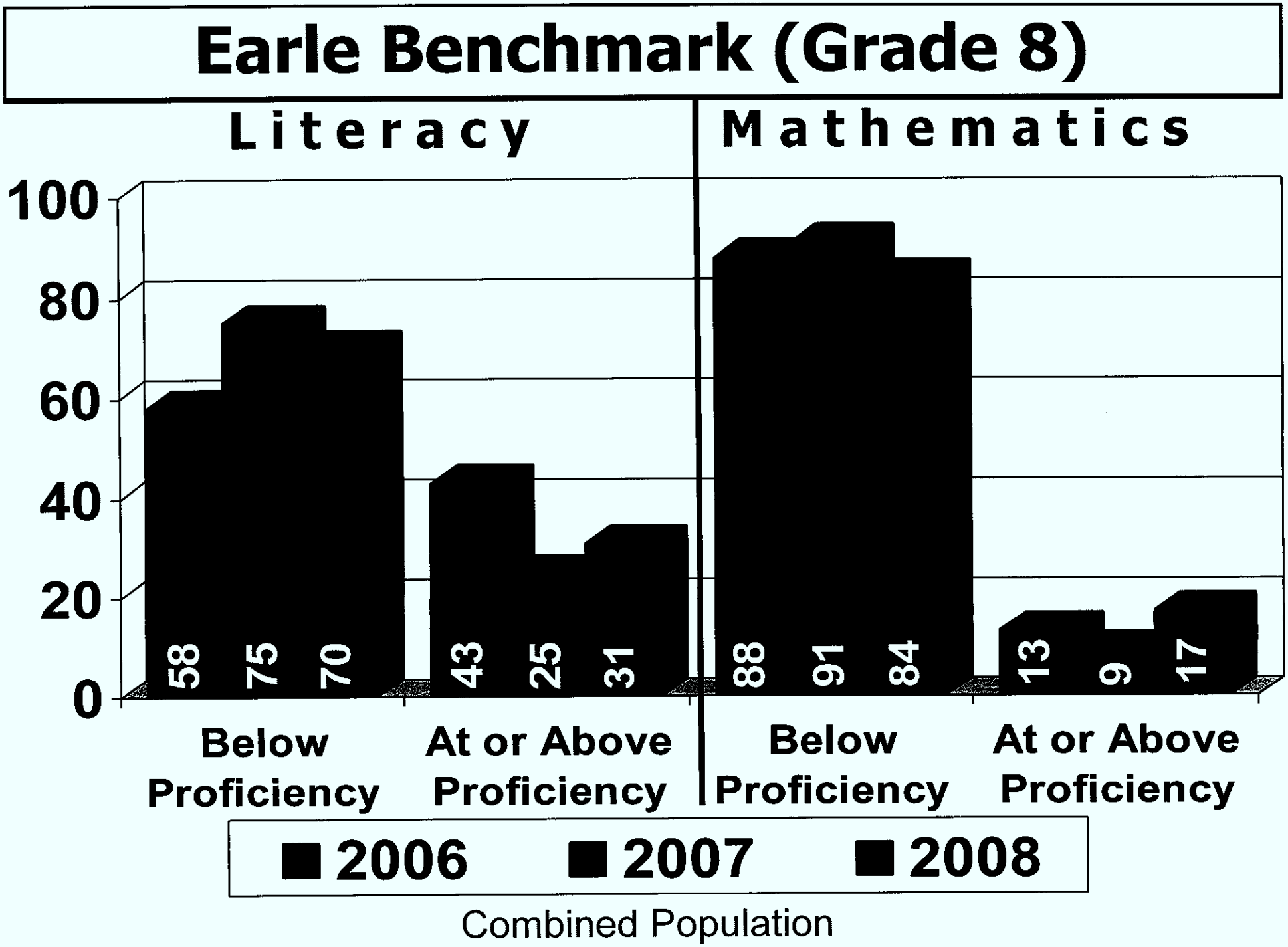

Earle Benchmark (Grade 5)
Literacy
Mathematics
100
80
60
40
20
0
84
67
73
16
34
28
87
71
78
13
29
22
Below Proficiency
At or Above Proficiency
Below Proficiency
At or Above Proficiency
2006
2007
2008
Combined Population


Earle Benchmark (Grade 6)
Literacy
Mathematics
80
60
40
20
0
77
79
62
22
20
38
54
71
57
46
29
43
Below Proficiency
At or Above Proficiency
Below Proficiency
At or Above Proficiency
2006
2007
2008
Combined Population

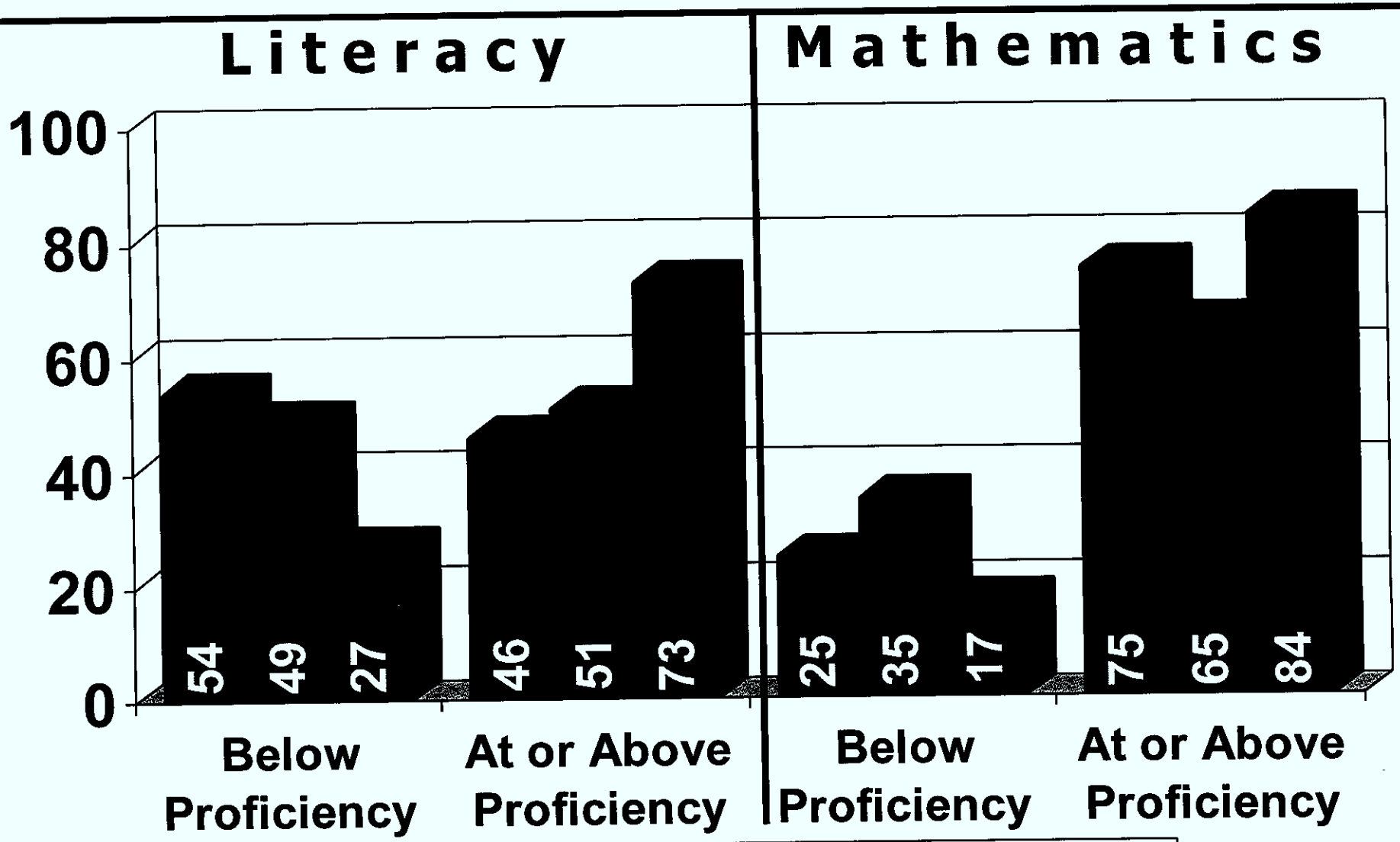
Earle Benchmark (Grade 7)



Combined Population

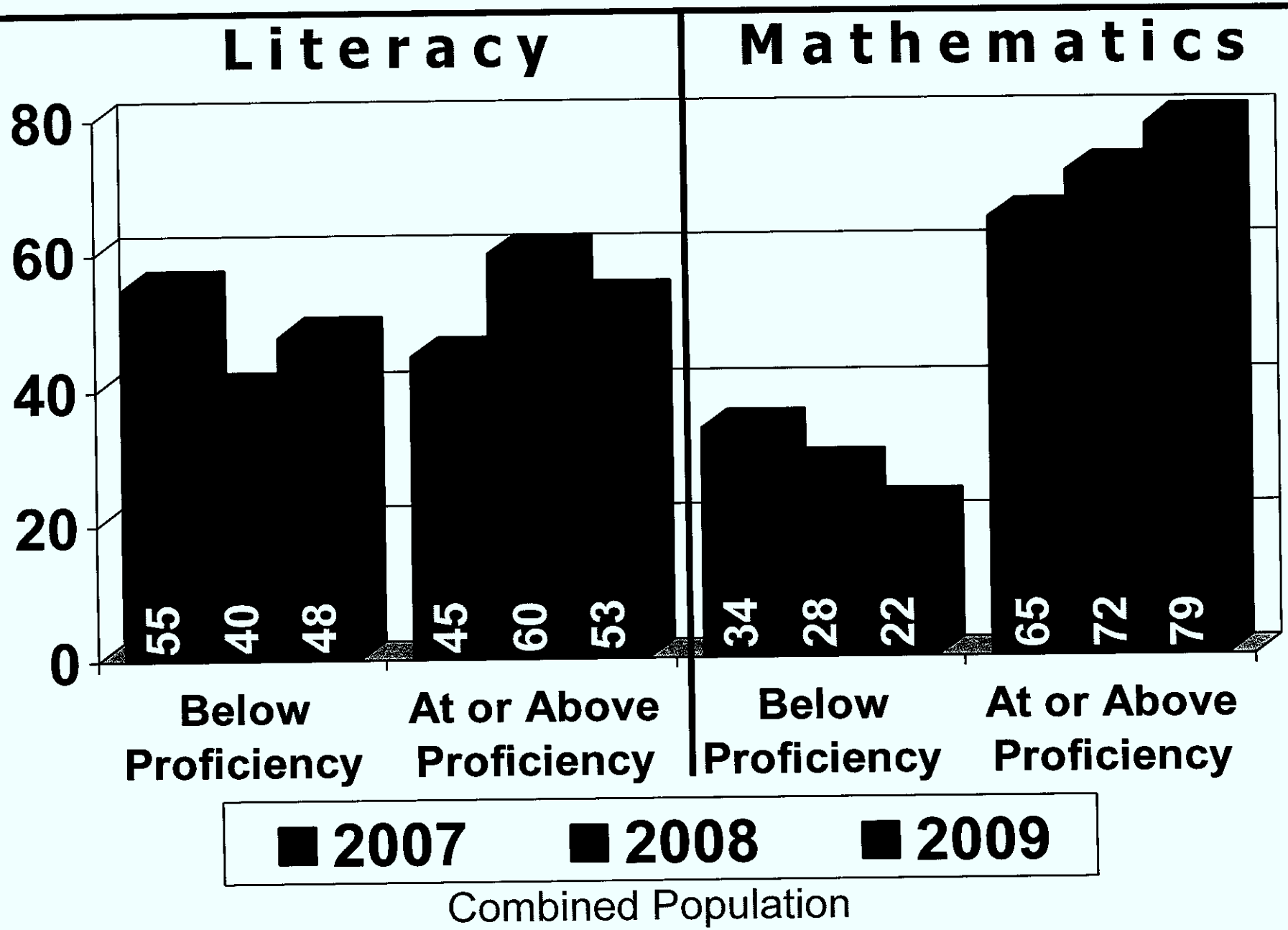

Earle Benchmark (Grade 8)
Literacy
Mathematics
100
80
60
40
20
0
58
75
70
43
25
31
88
91
84
13
9
17
Below Proficiency
At or Above Proficiency
Below Proficiency
At or Above Proficiency
2006
2007
2008
Combined Population

East Poinsett Co. Benchmark (Grade 3)

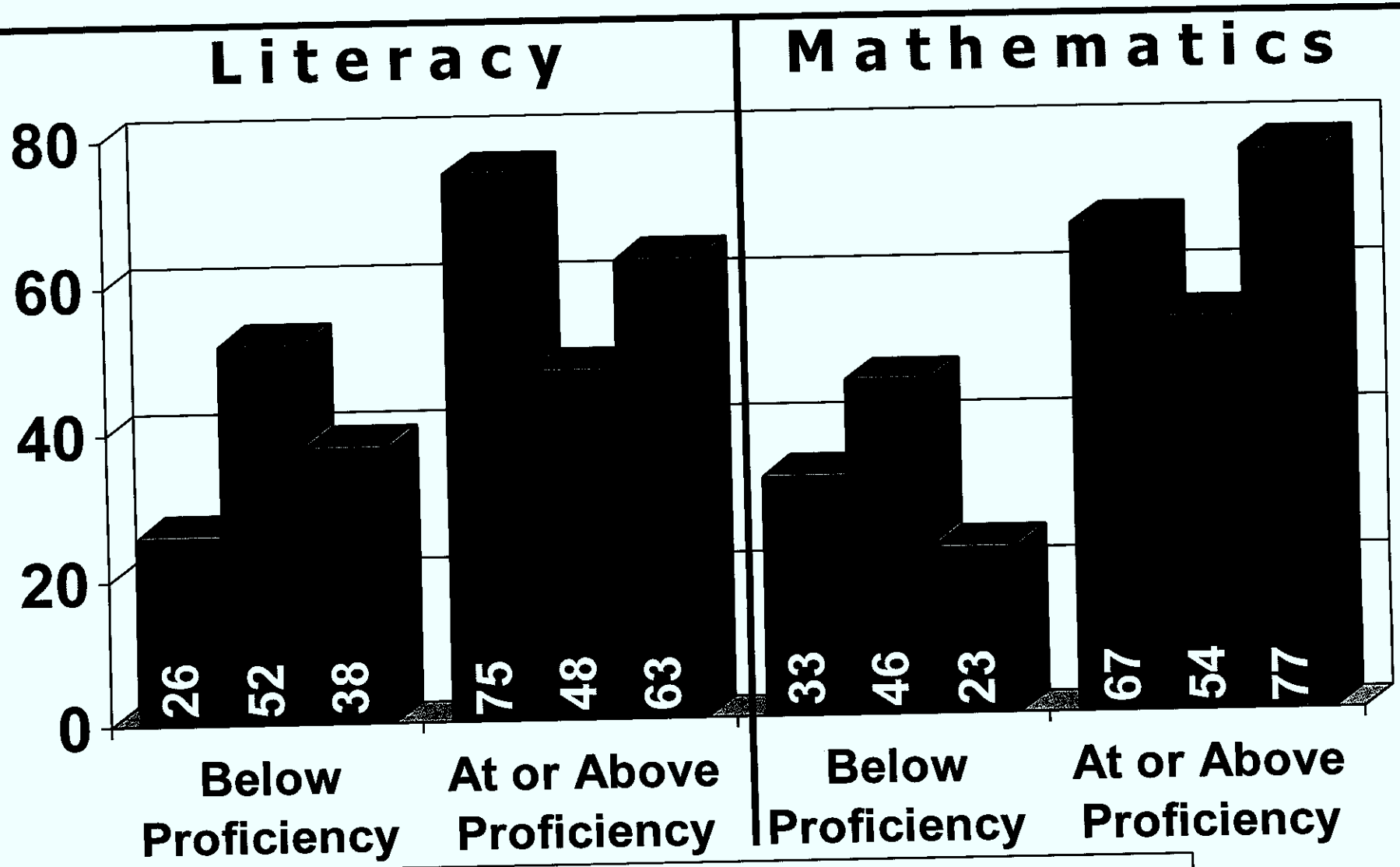


Combined Population

East Poinsett Co. Benchmark (Grade 4)

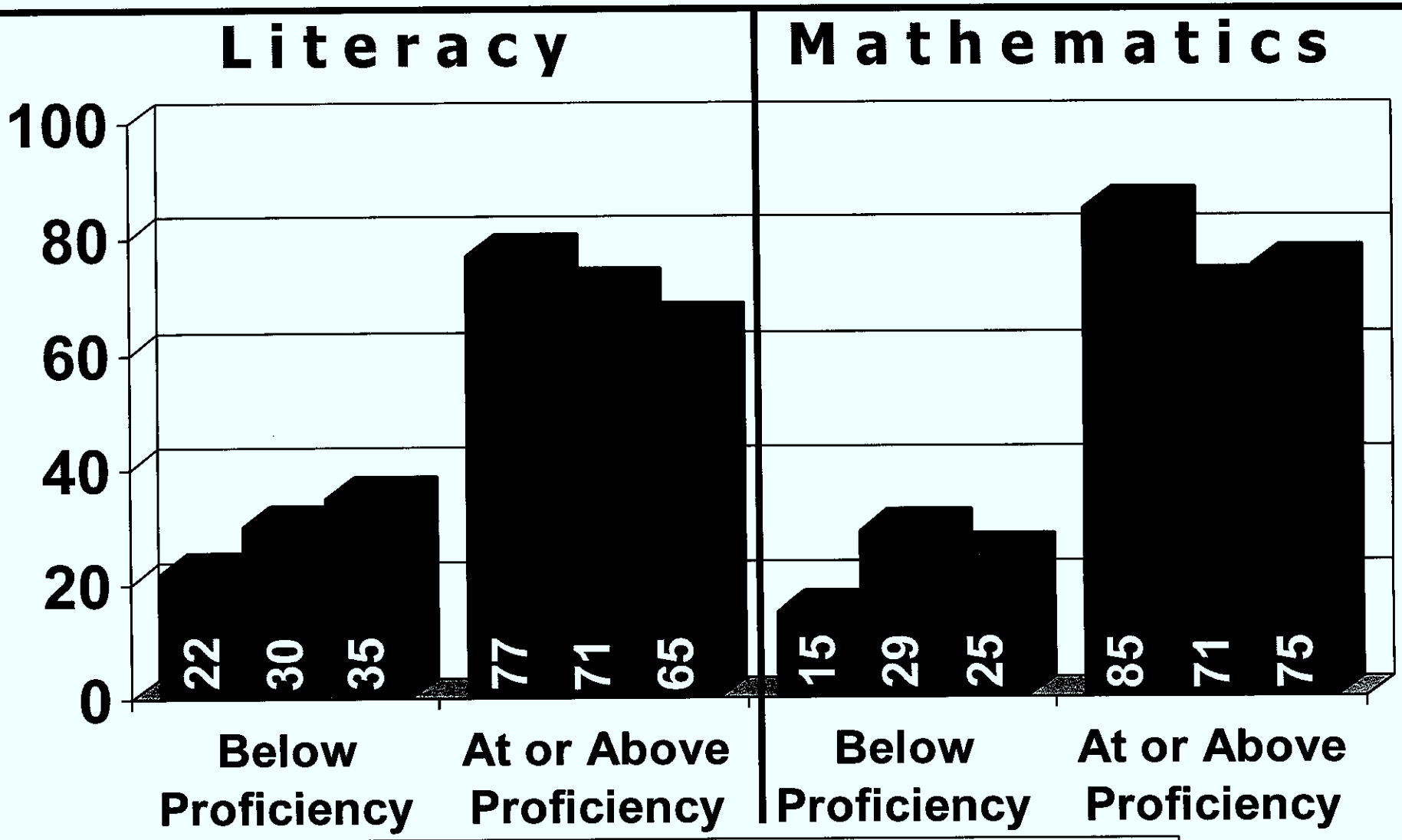


East Poinsett Co. Benchmark (Grade 5)



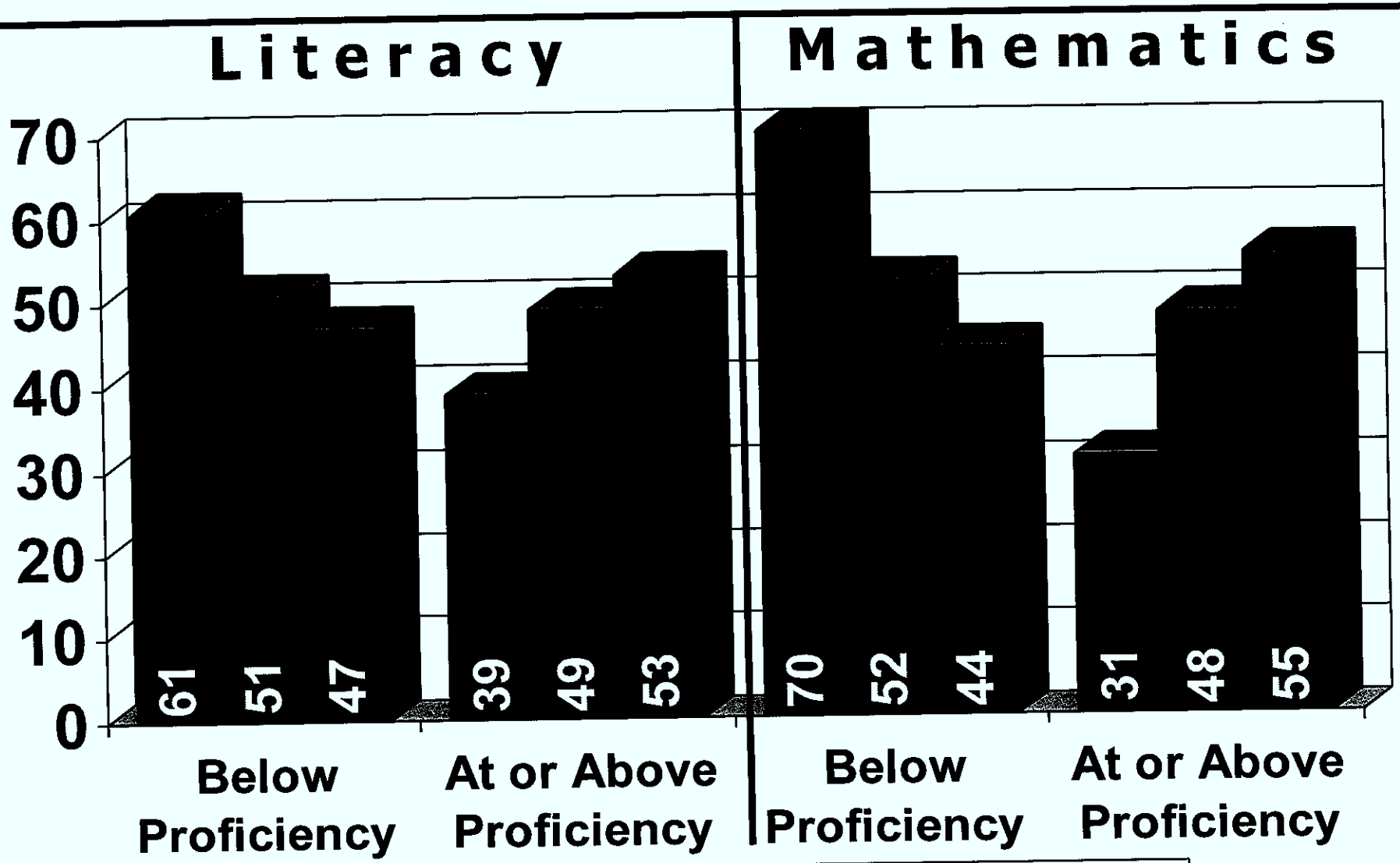
Combined Population

East Poinsett Co. Benchmark (Grade 6)



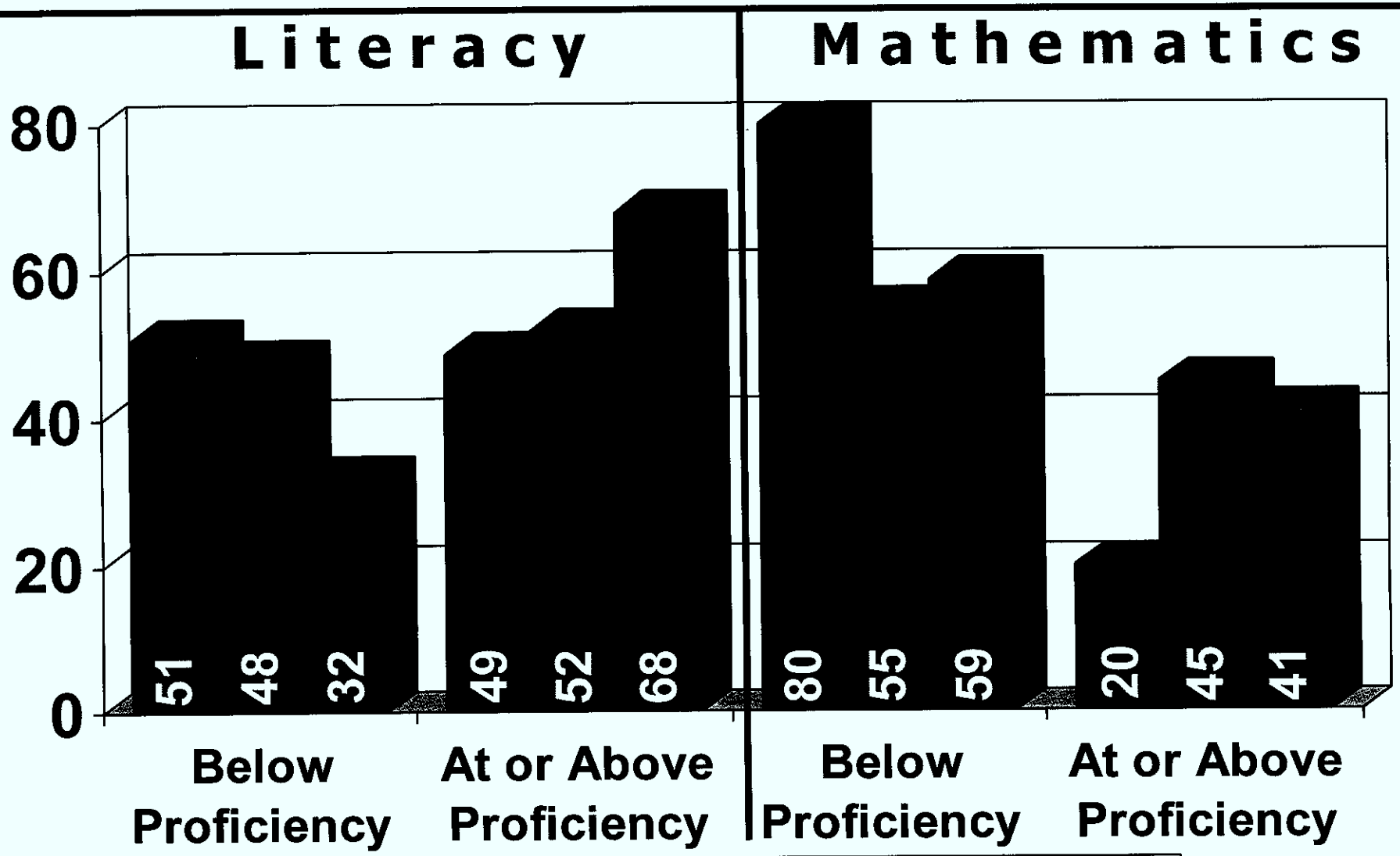
Combined Population

East Poinsett Co. Benchmark (Grade 7)



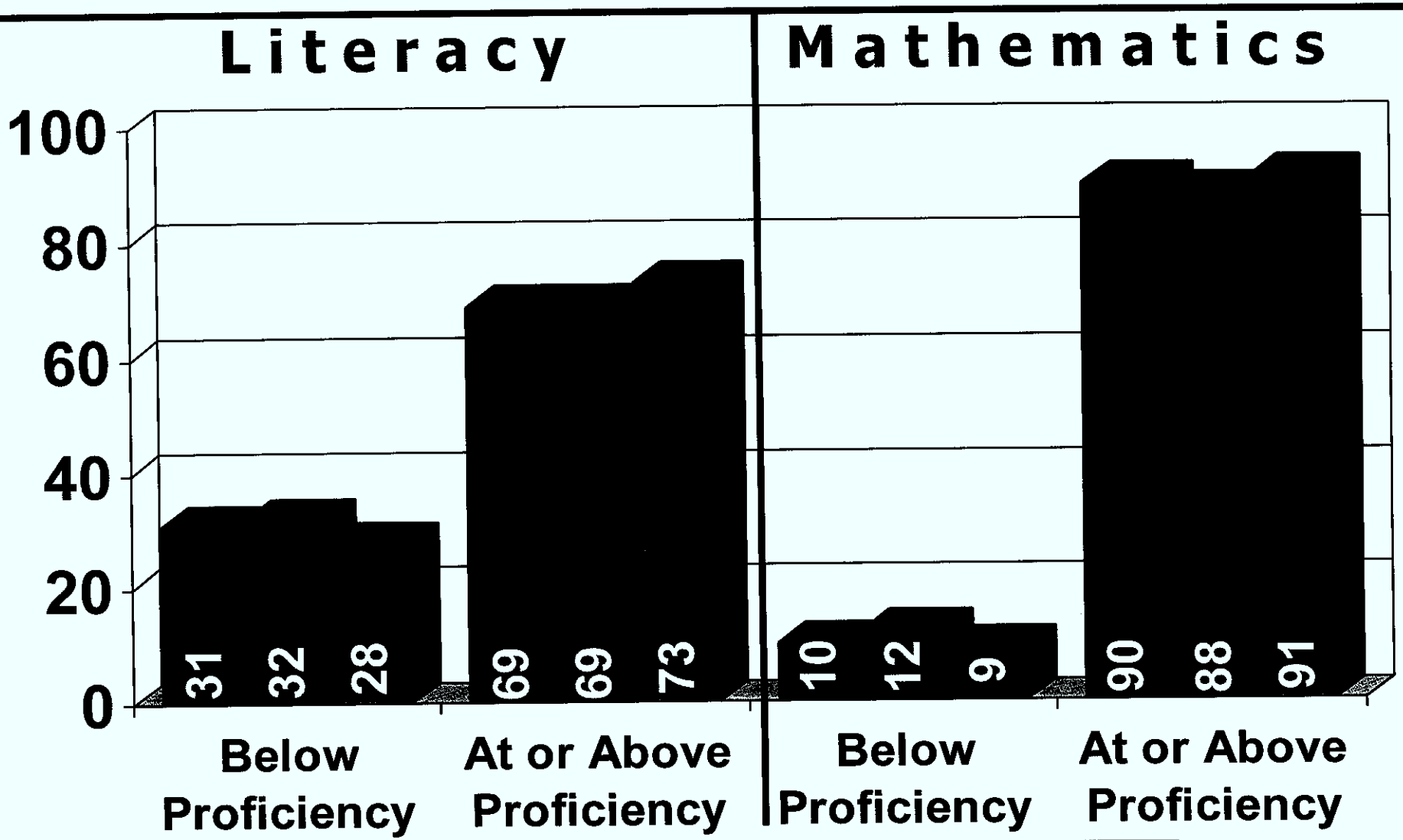
Combined Population

East Poinsett Co. Benchmark (Grade 8)



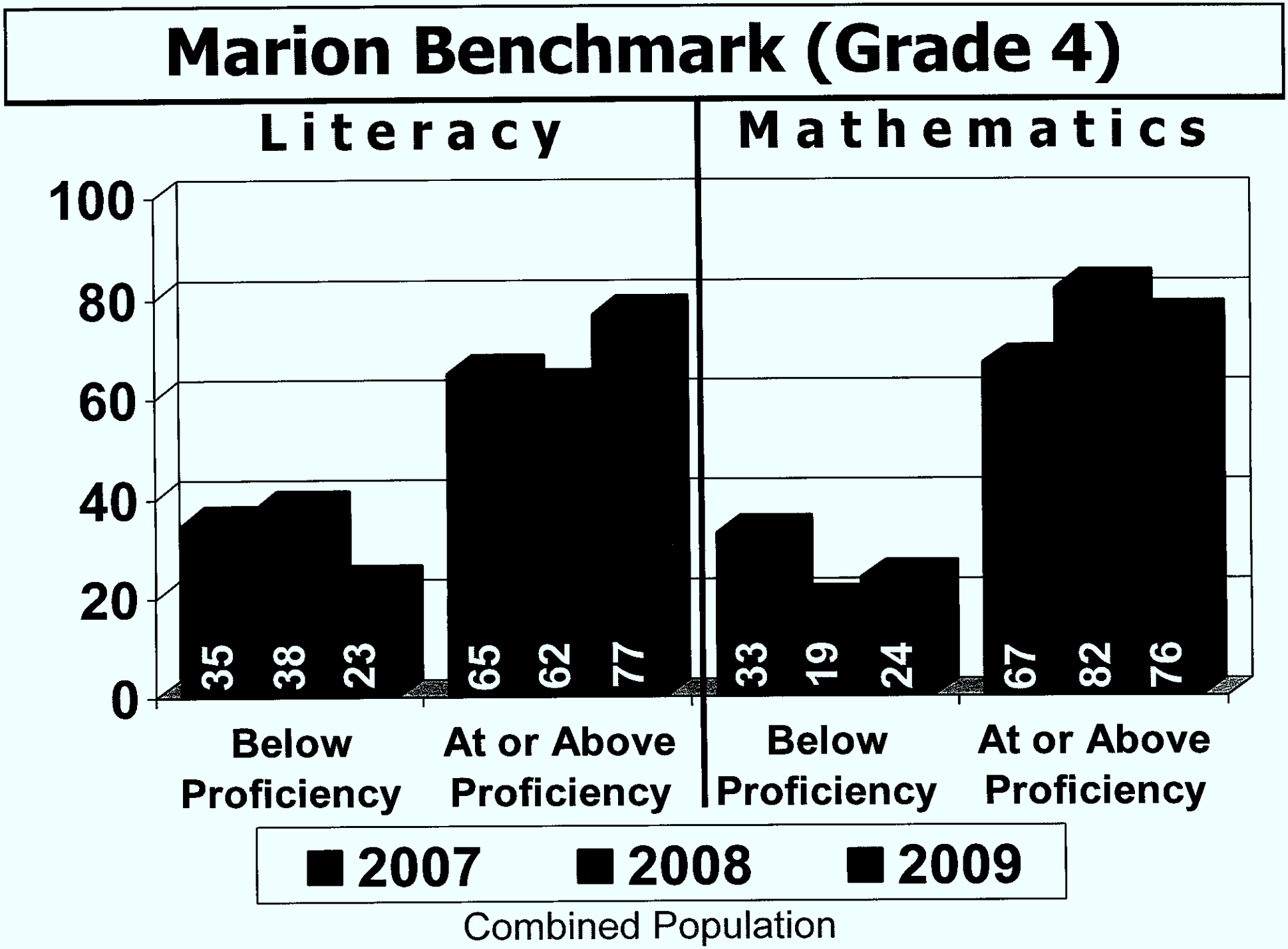
Combined Population

Marion Benchmark (Grade 3)

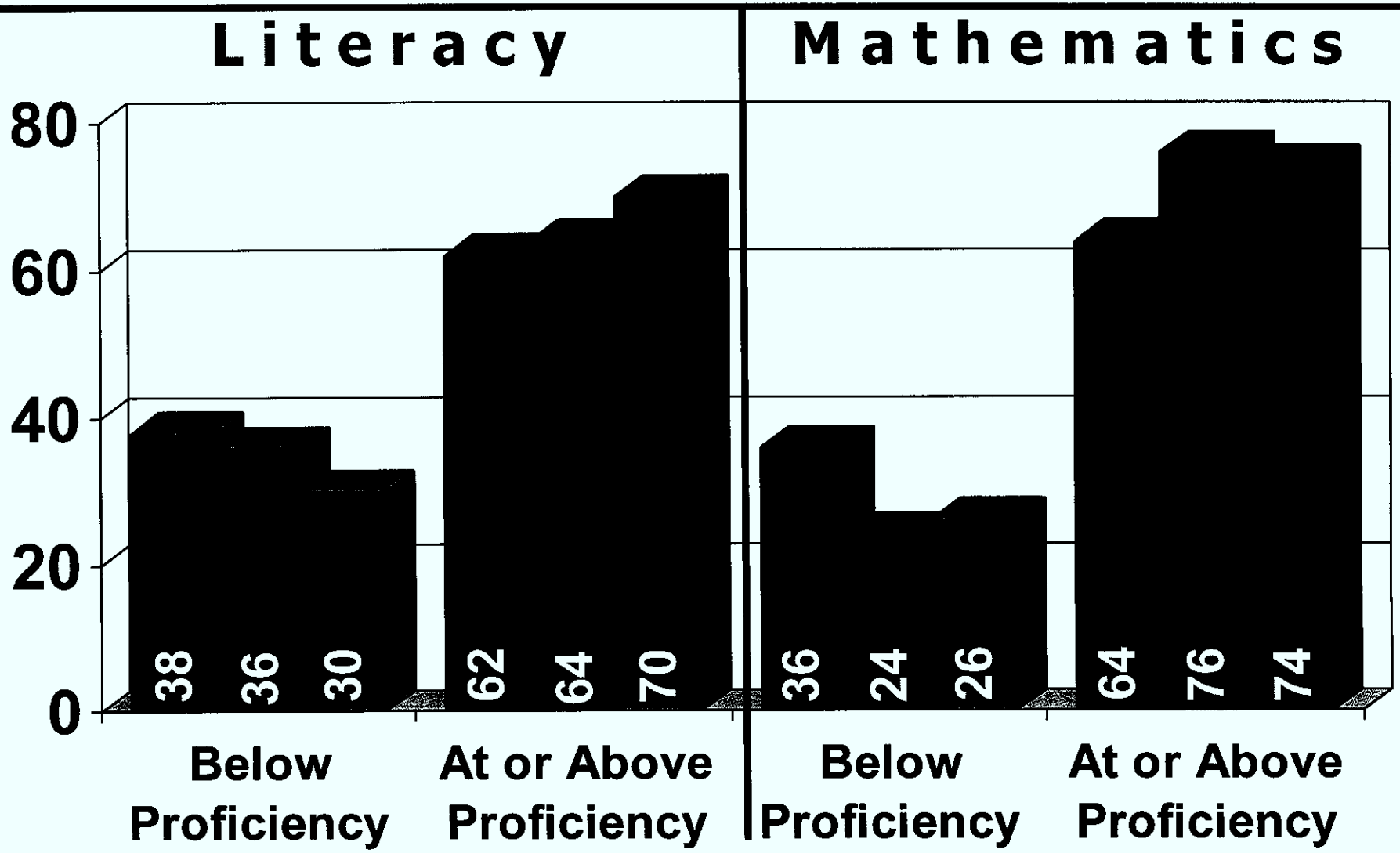


■ 2007 ■ 2008 ■ 2009

Combined Population

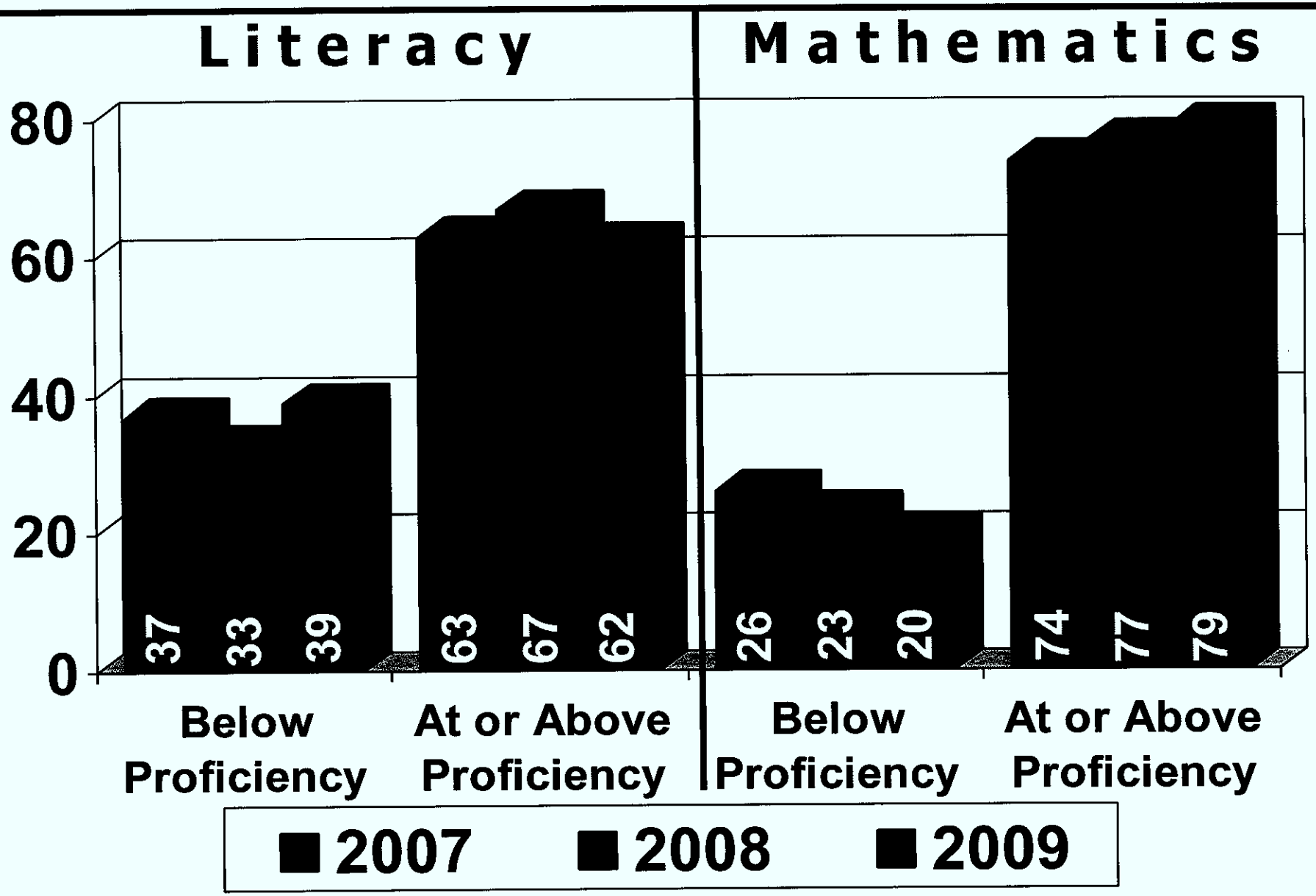

Marion Benchmark (Grade 4)
Literacy
Mathematics
100
80
60
40
20
0
35
38
23
65
62
77
33
19
24
67
82
76
Below Proficiency
At or Above Proficiency
Below Proficiency
At or Above Proficiency
2007
2008
2009
Combined Population

Marion Benchmark (Grade 5)



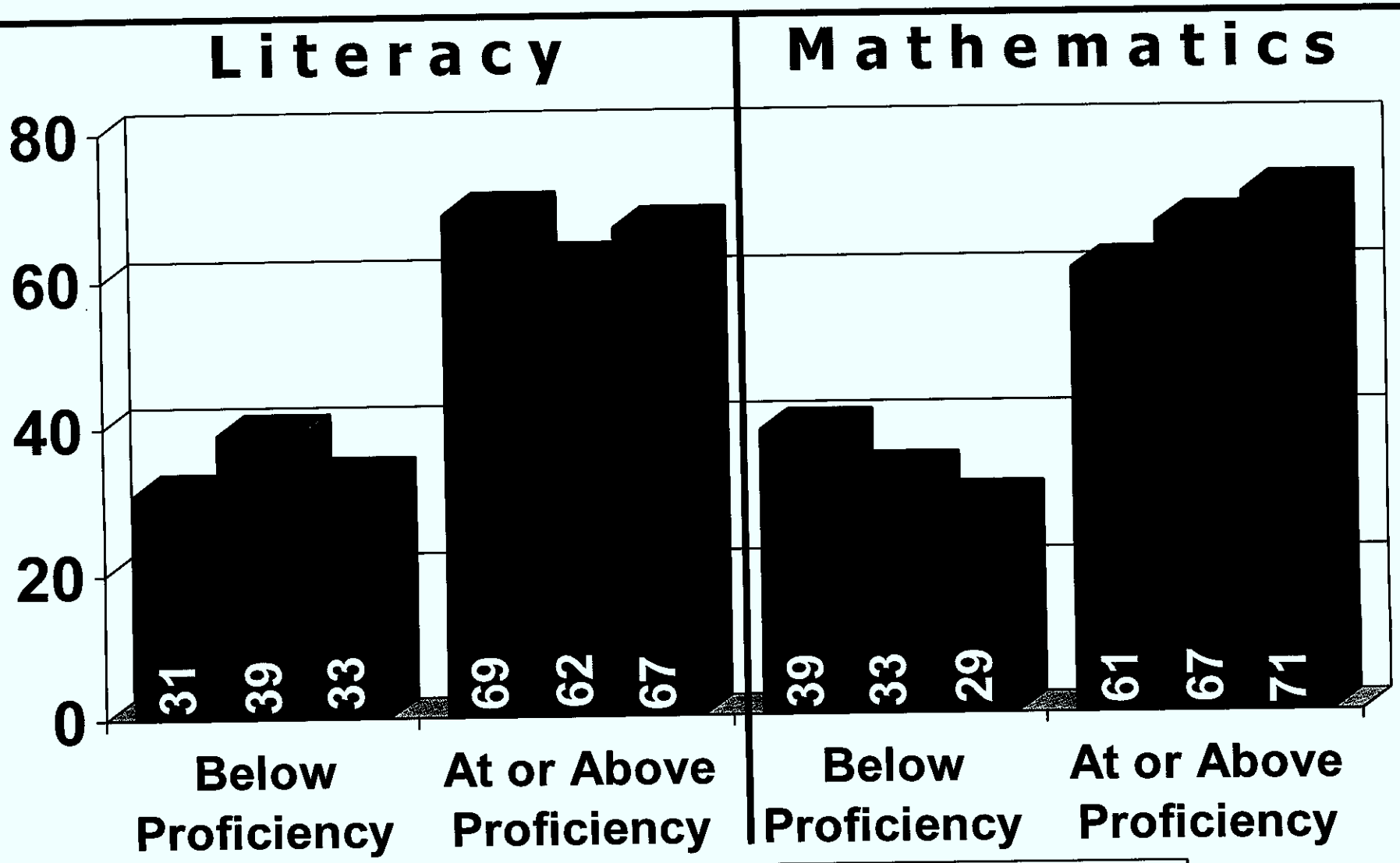
Combined Population

Marion Benchmark (Grade 6)



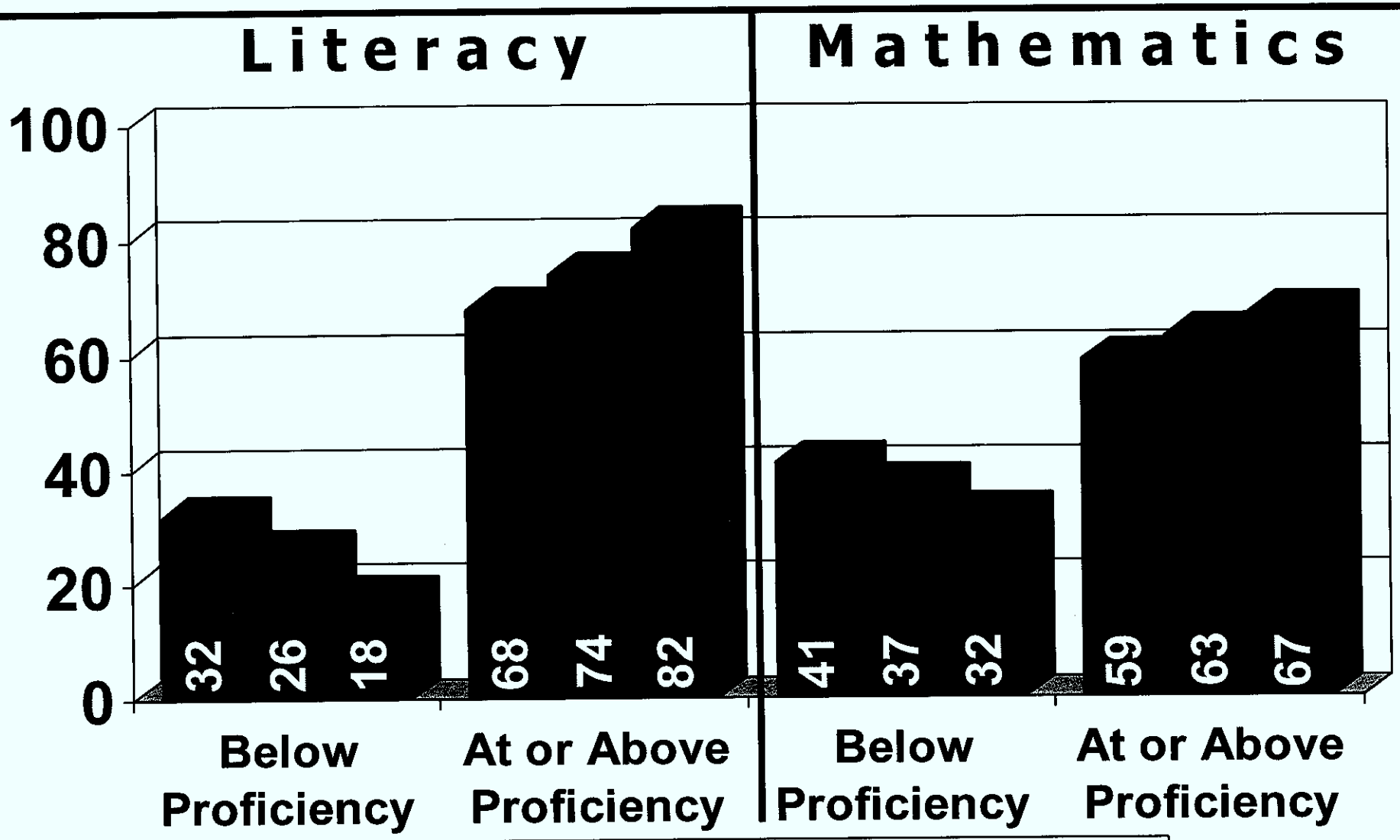
Combined Population

Marion Benchmark (Grade 7)



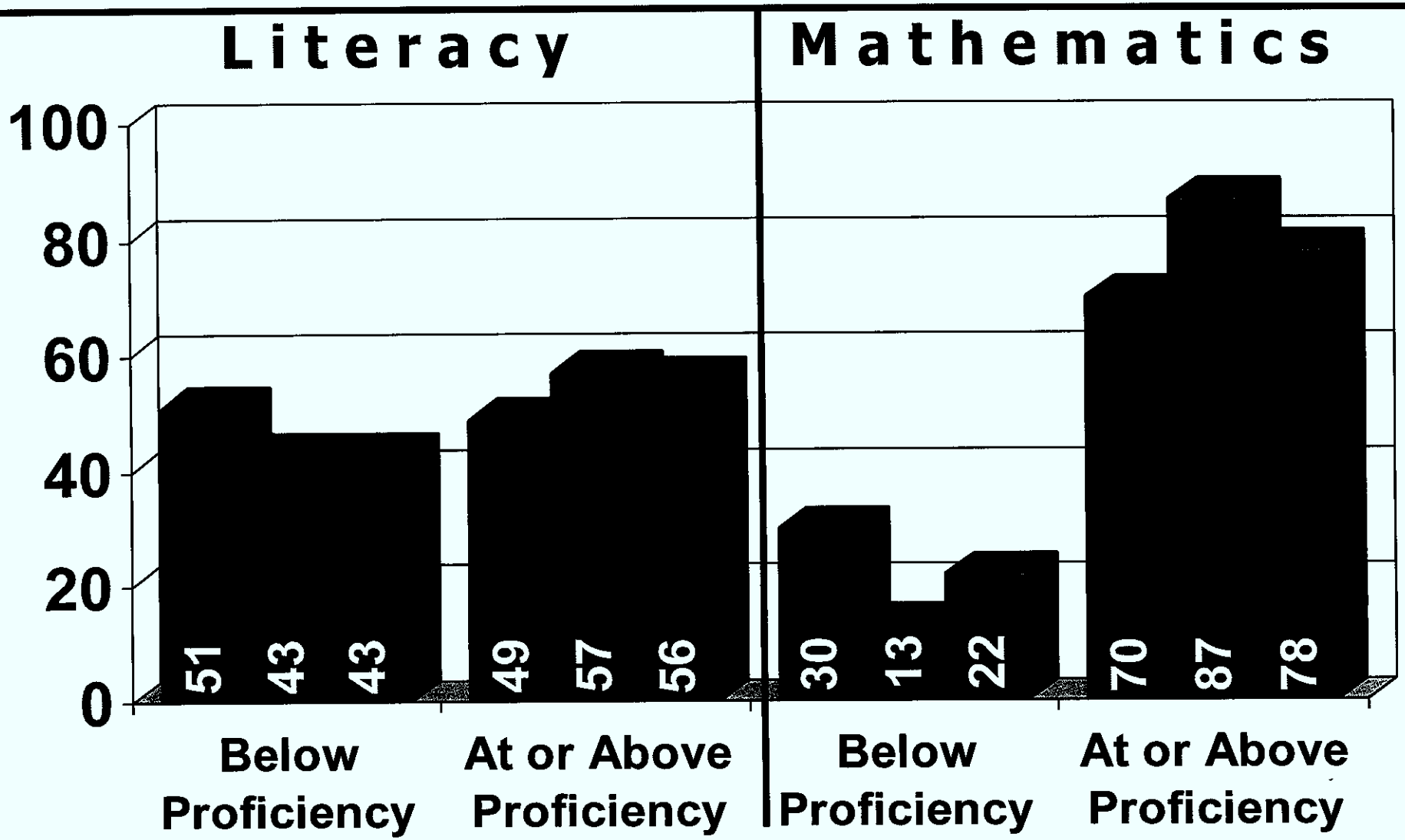
Combined Population

Marion Benchmark (Grade 8)



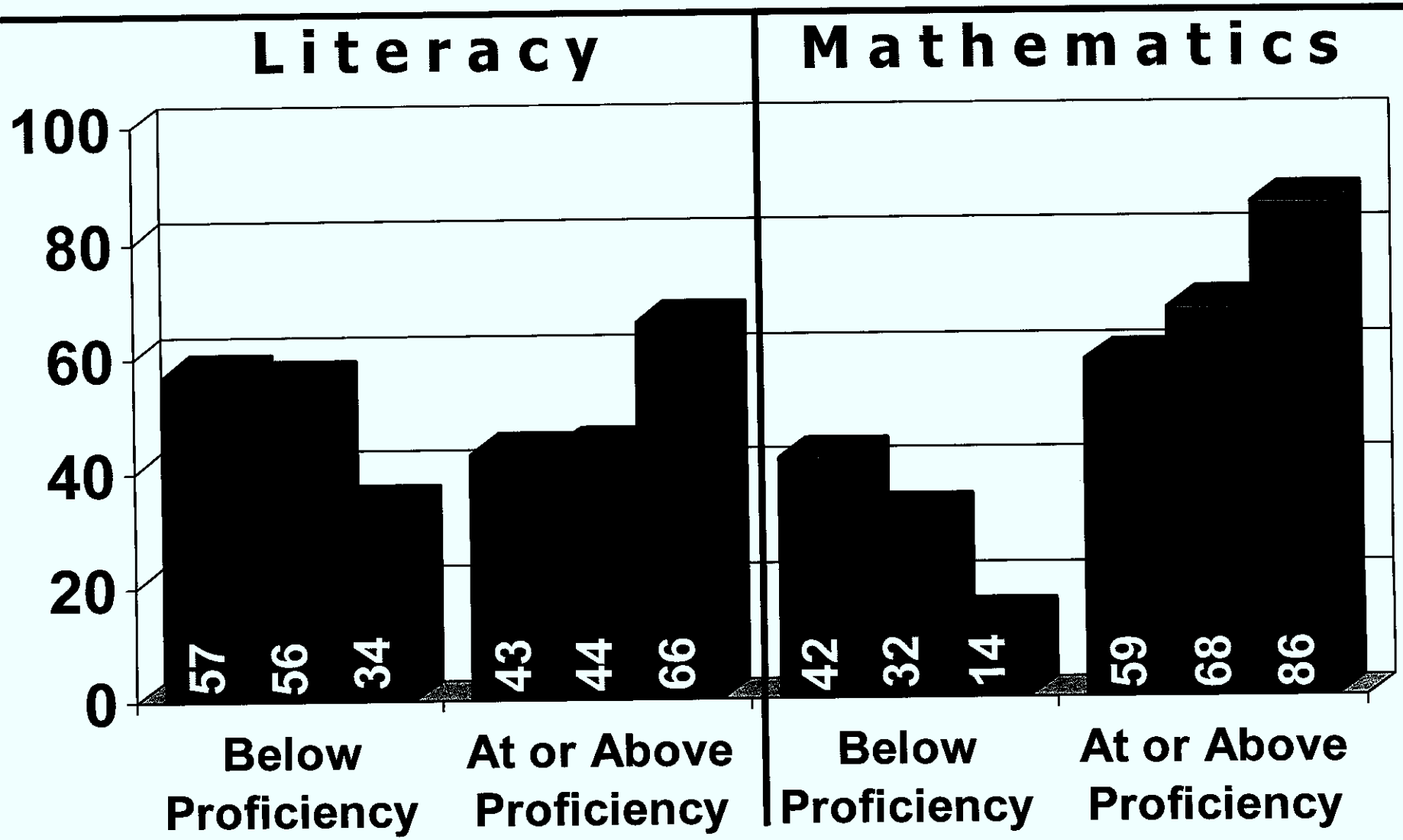
Combined Population

Marked Tree Benchmark (Grade 3)



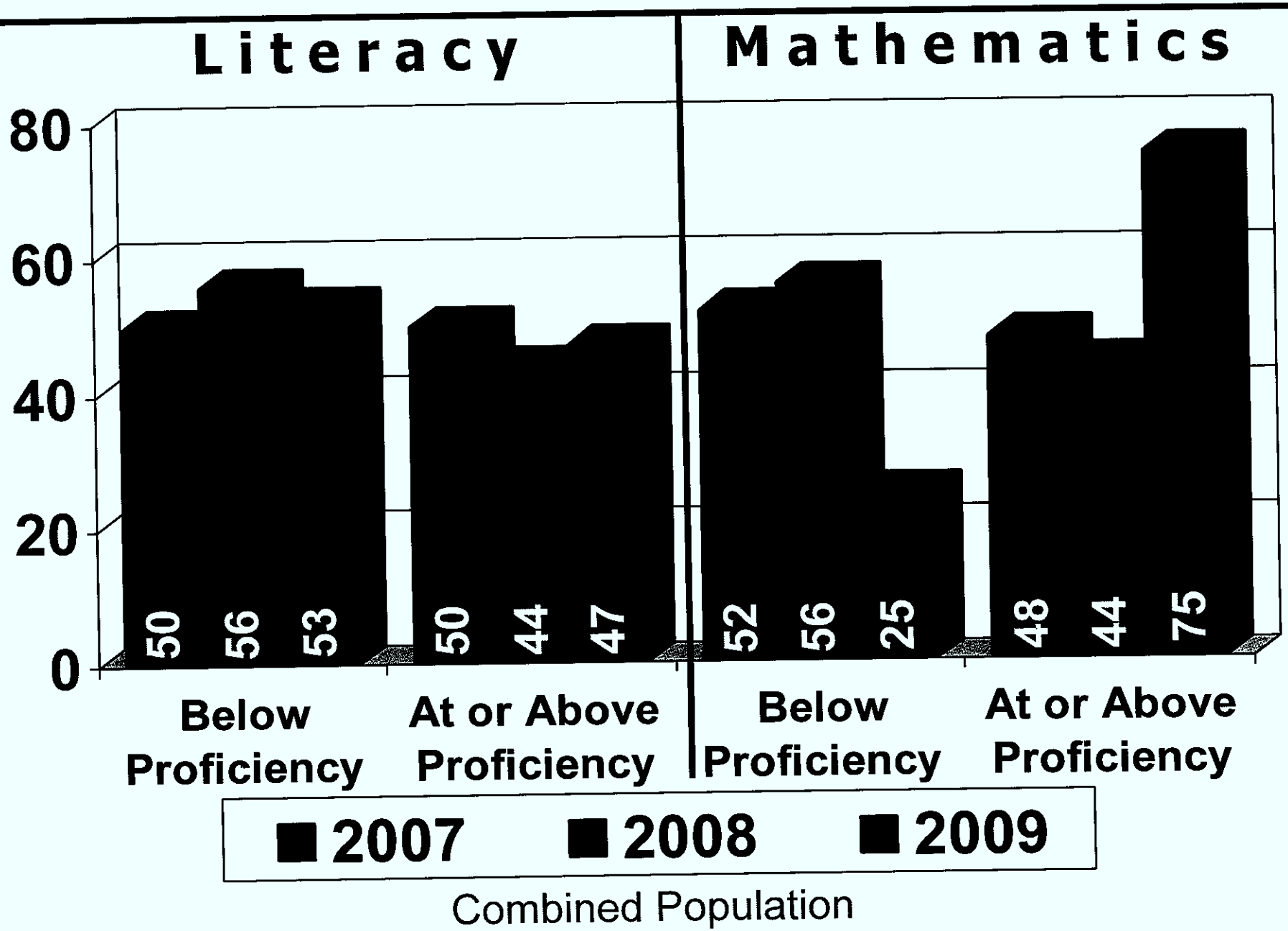
Combined Population

Marked Tree Benchmark (Grade 4)



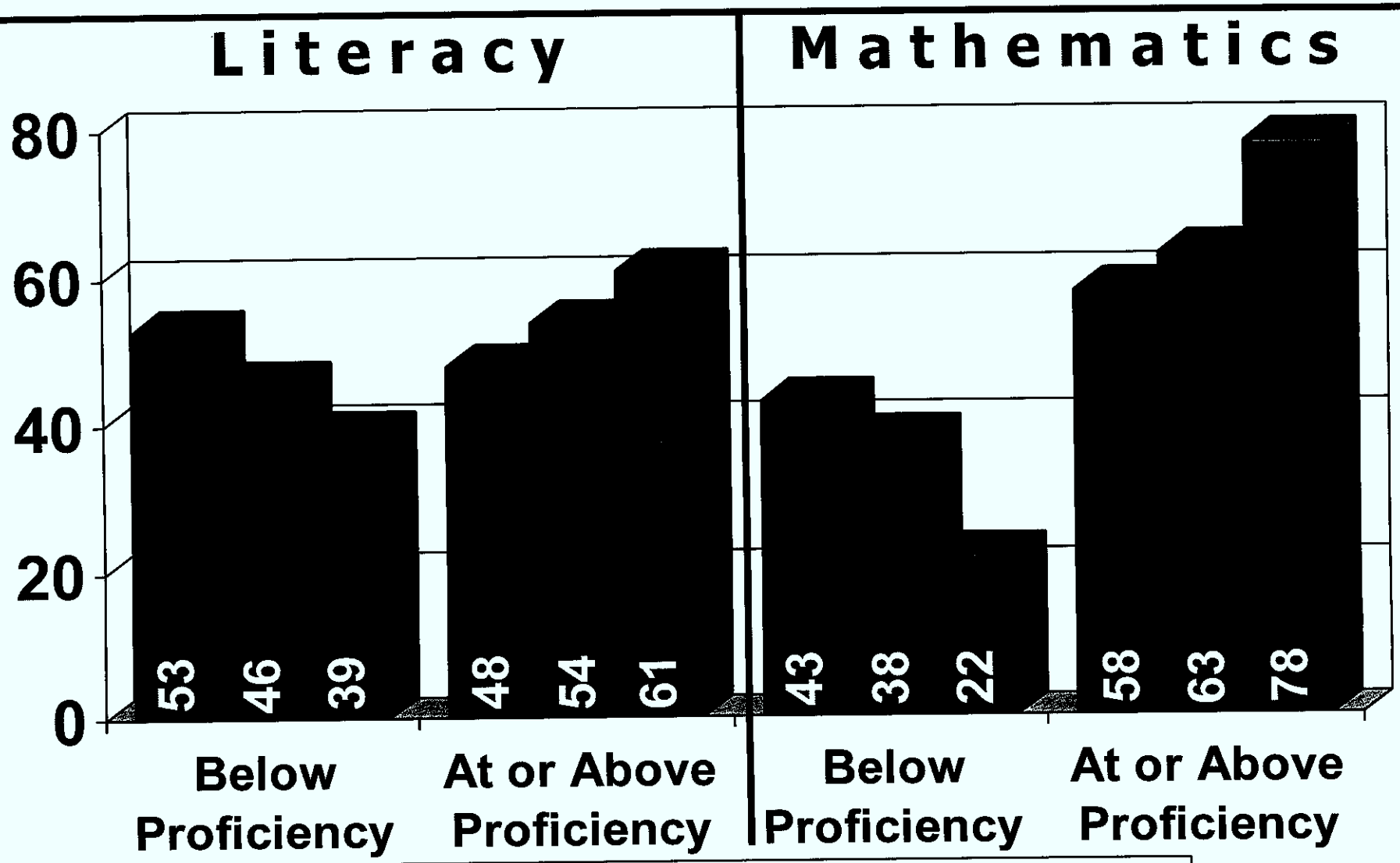
Combined Population

Marked Tree Benchmark (Grade 5)



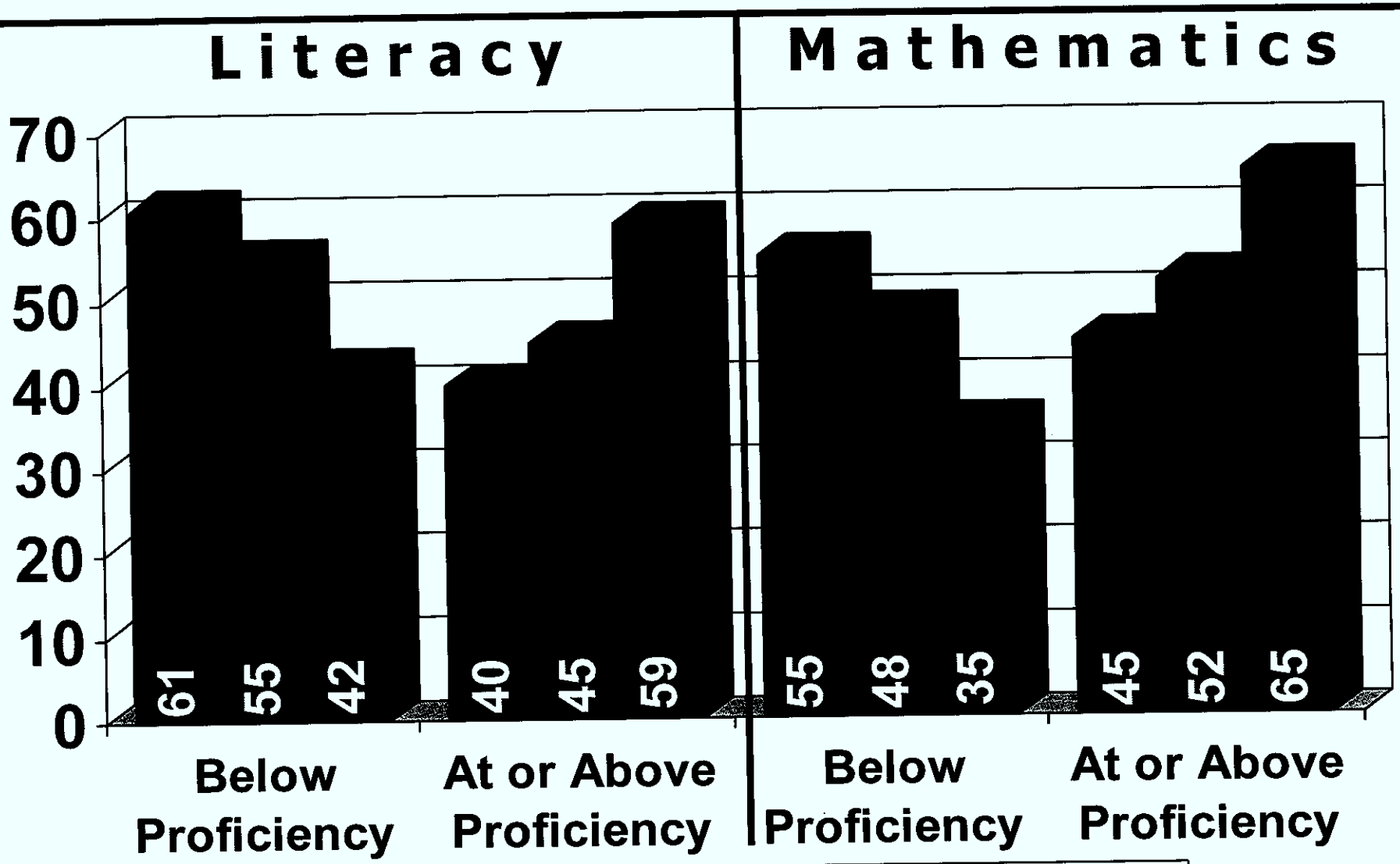
Combined Population

Marked Tree Benchmark (Grade 6)



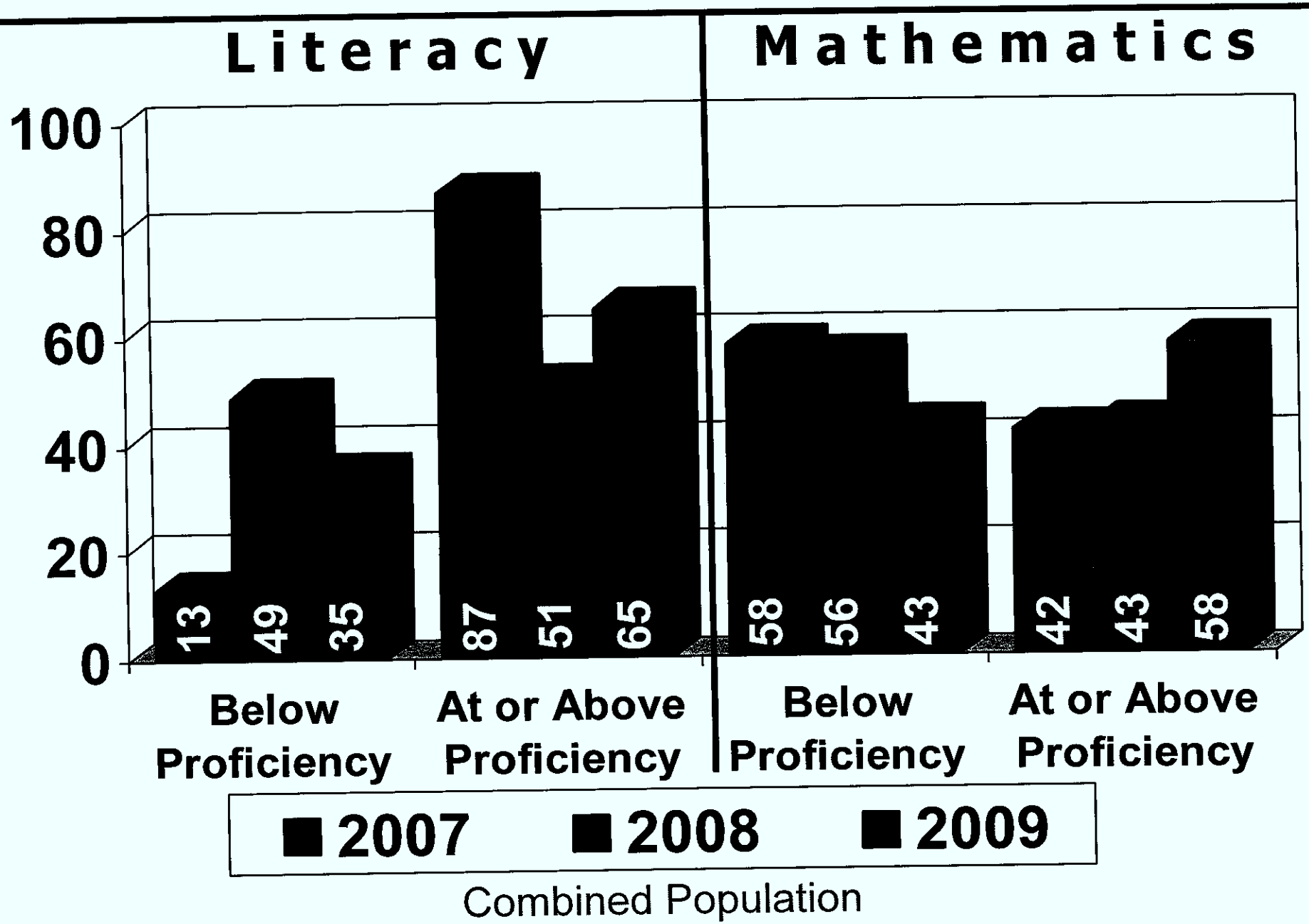
Combined Population

Marked Tree Benchmark (Grade 7)



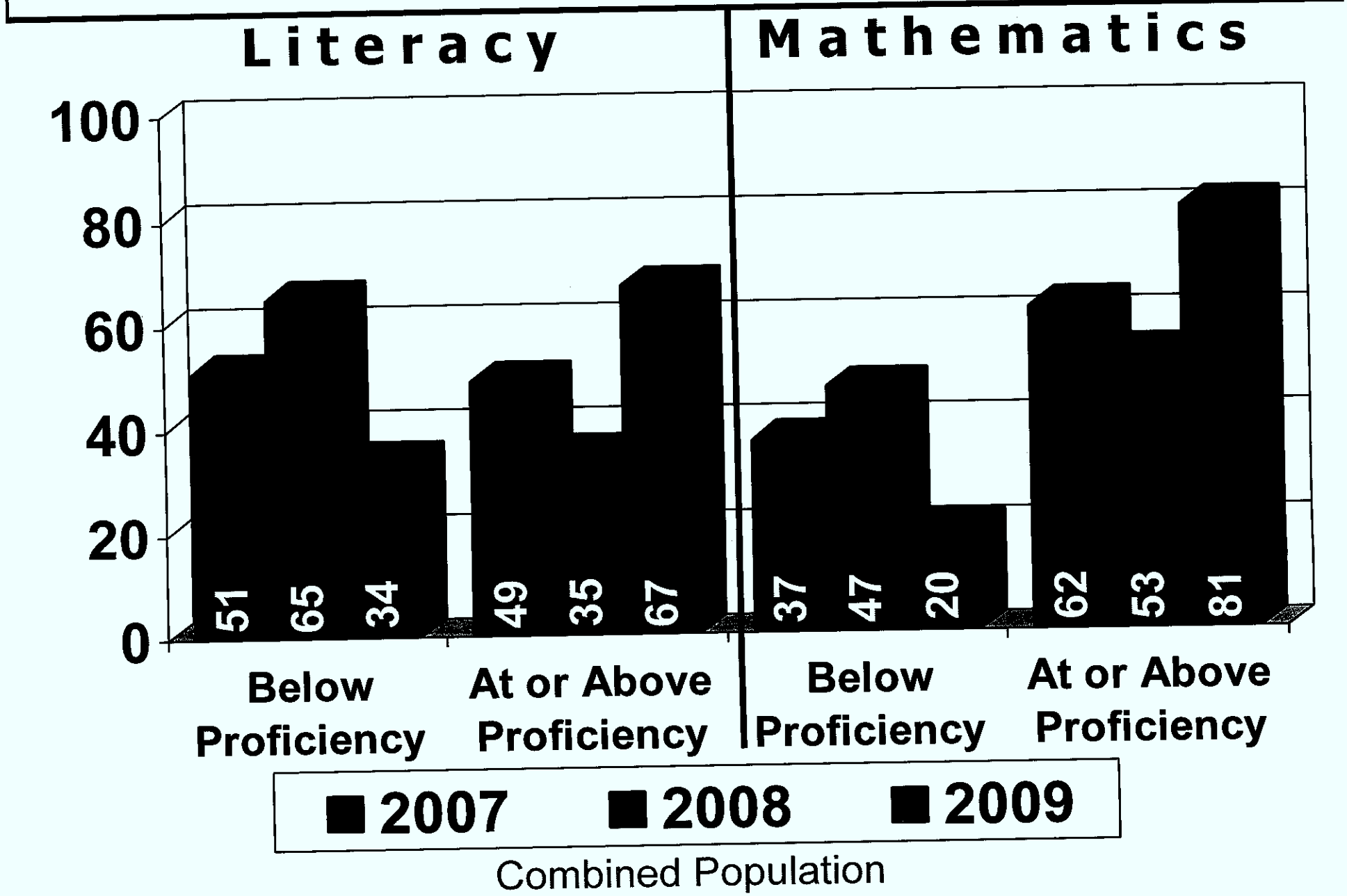
Combined Population

Marked Tree Benchmark (Grade 8)



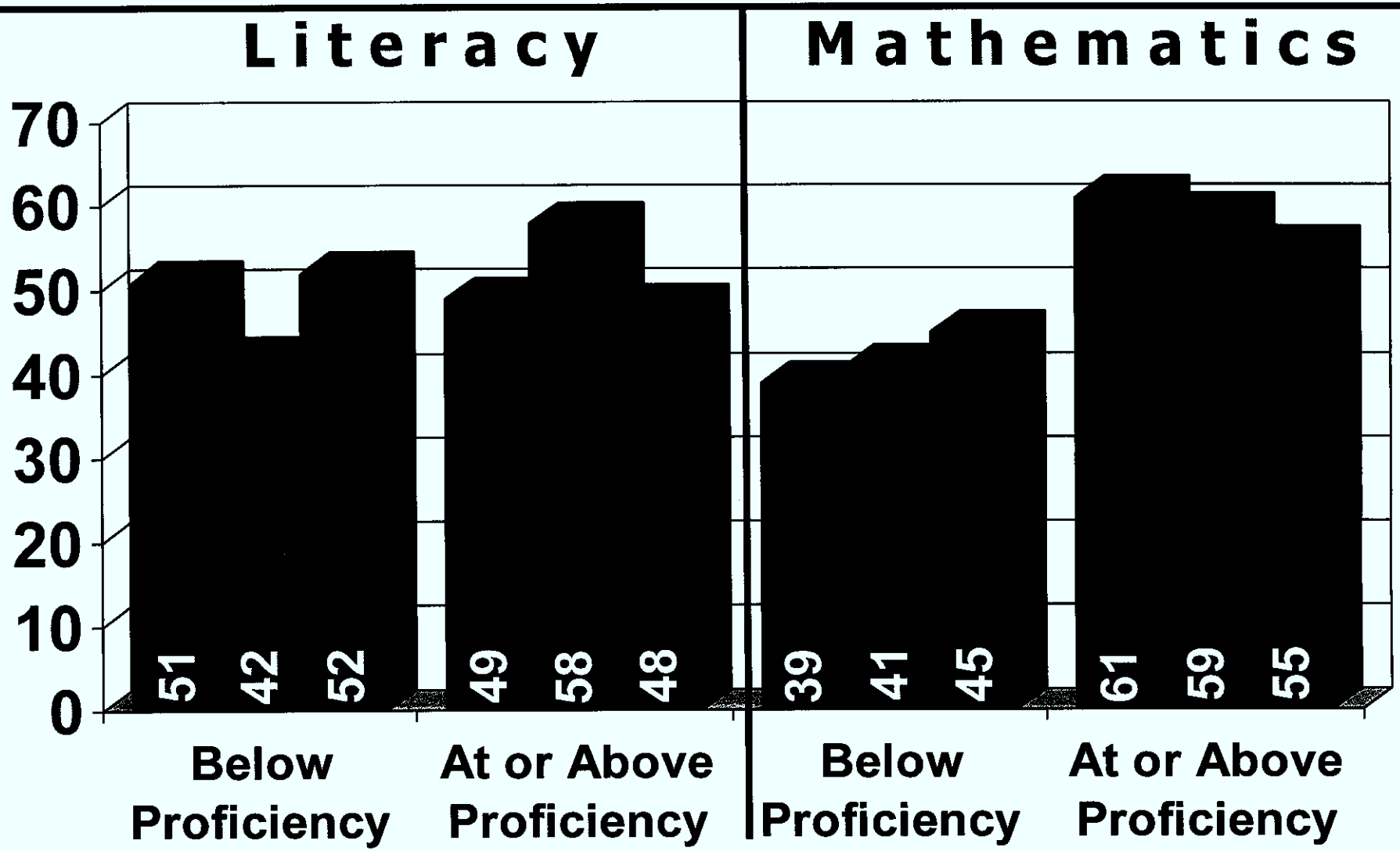
Combined Population

South Mississippi Co. Benchmark (Grade 3)



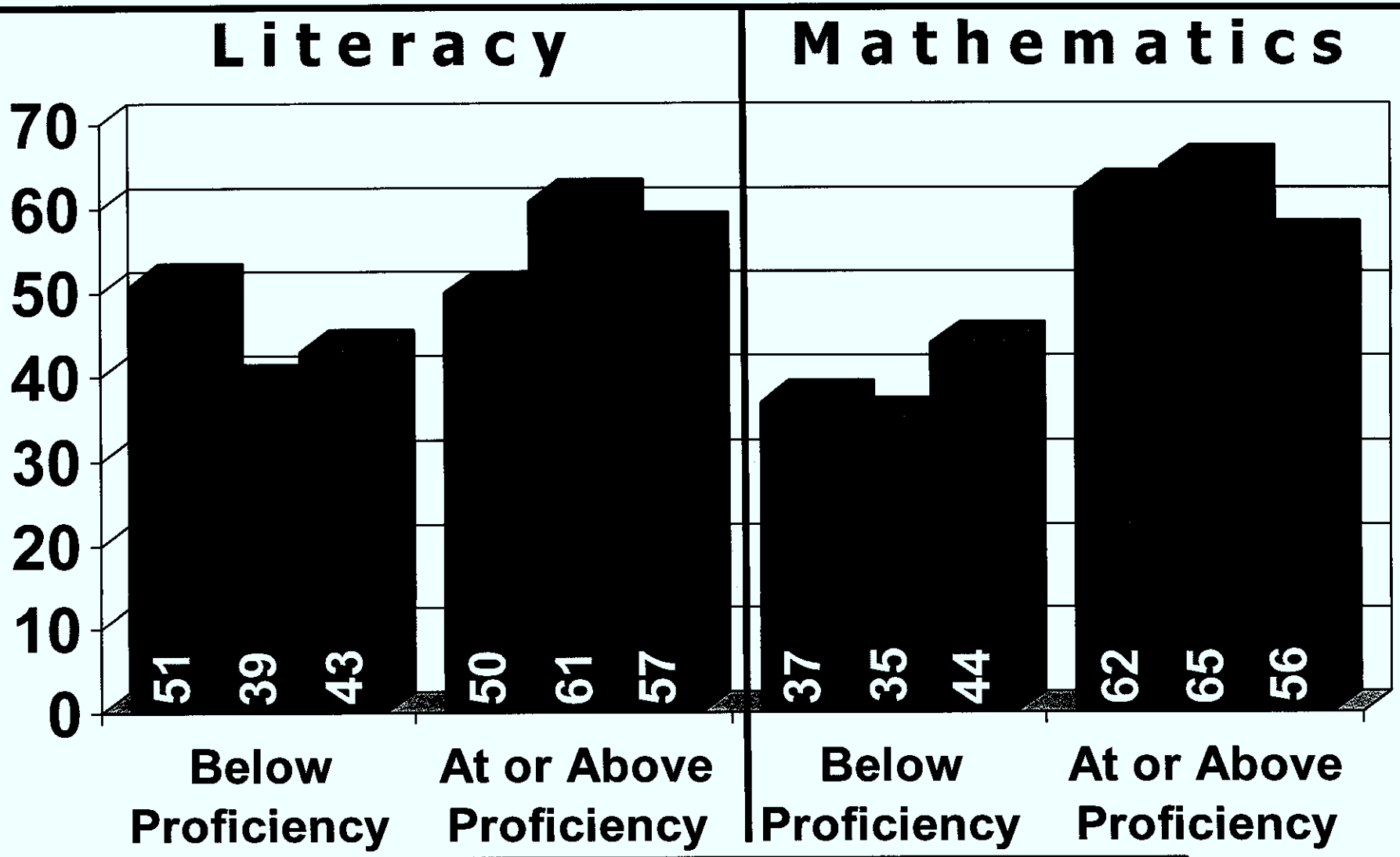
Combined Population

South Mississippi Co. Benchmark (Grade 4)

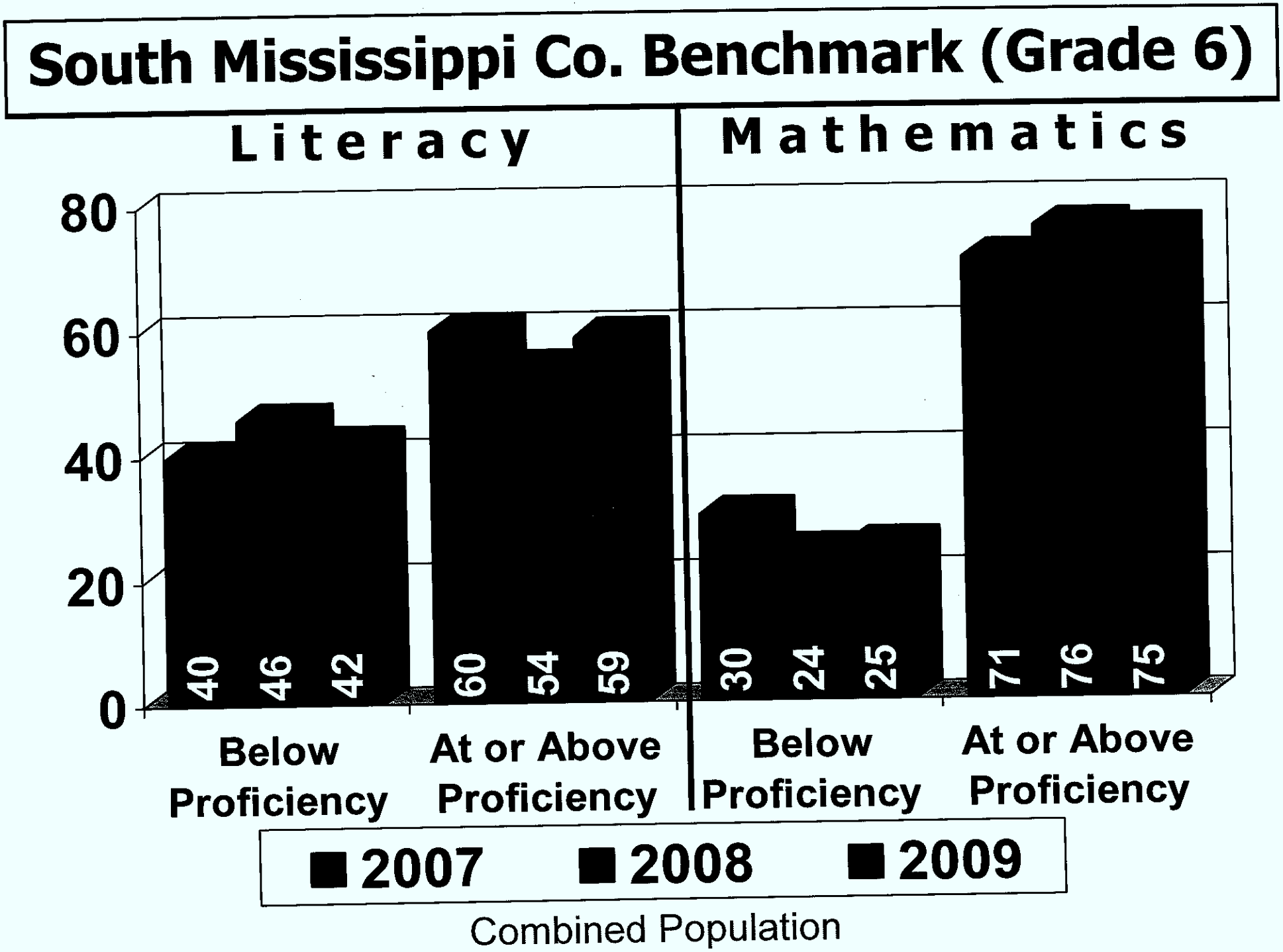


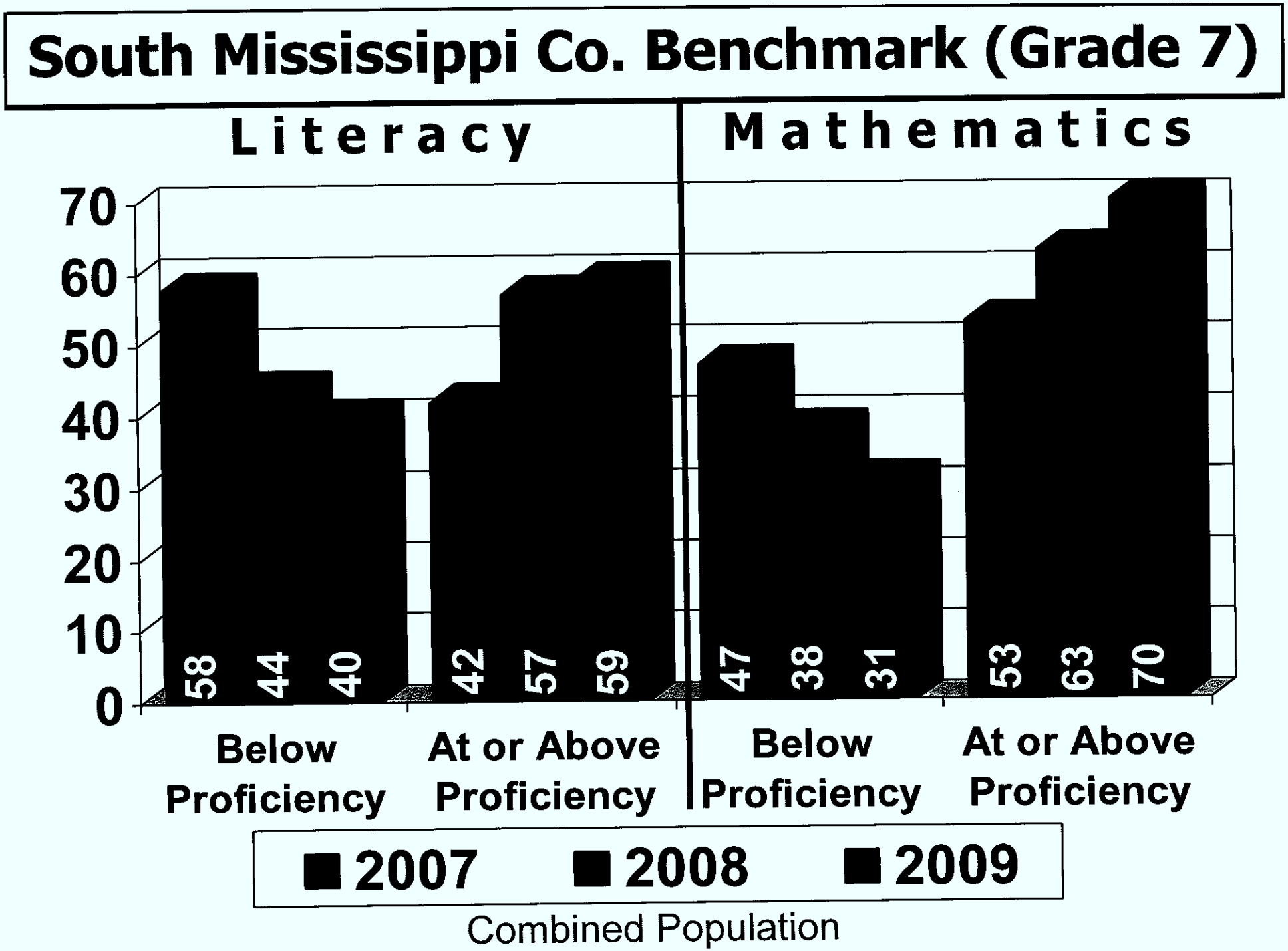
Combined Population

South Mississippi Co. Benchmark (Grade 5)

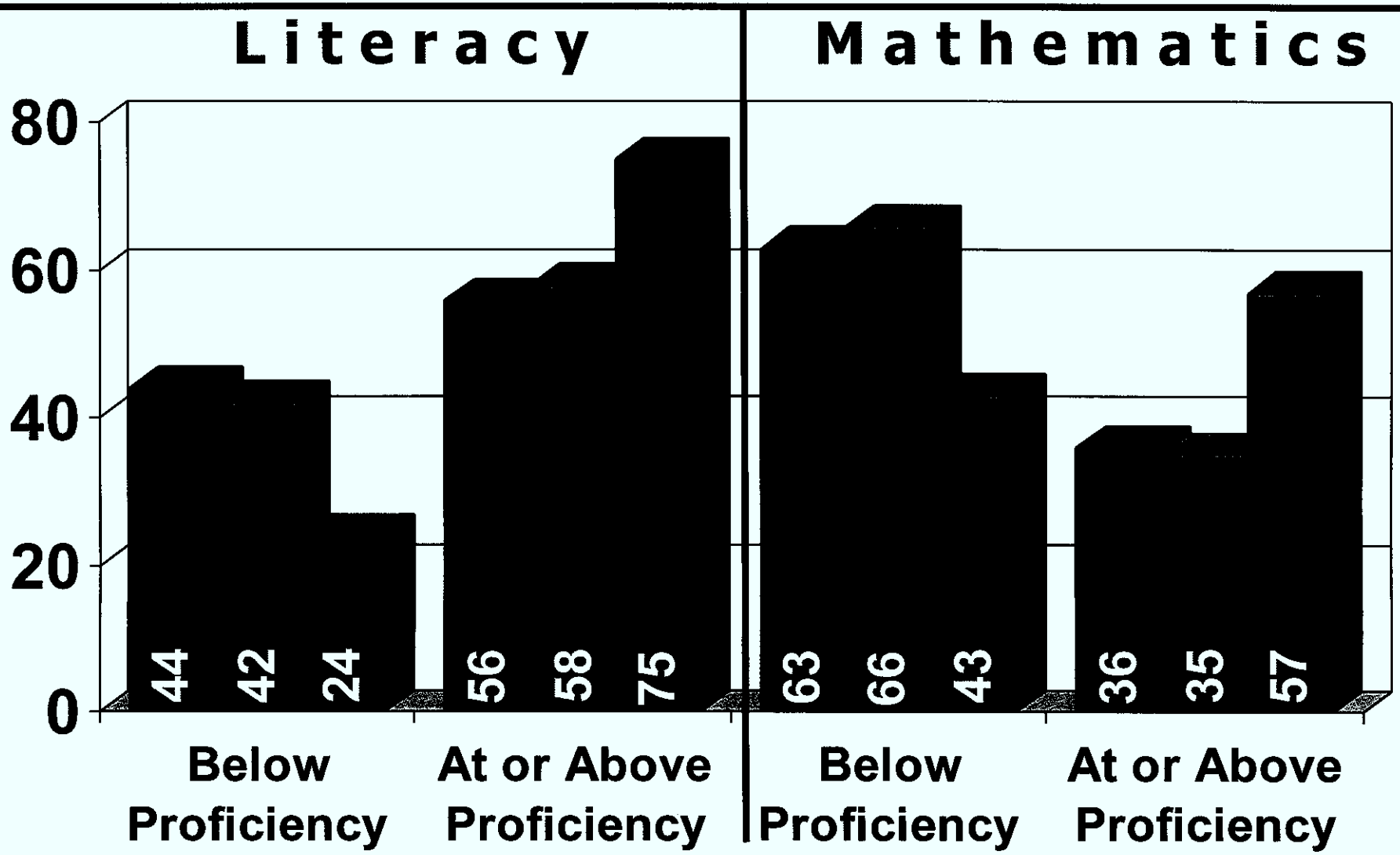


Combined Population


South Mississippi Co. Benchmark (Grade 6)
Literacy
Mathematics
80
60
40
20
0
40
46
42
60
54
59
30
24
25
71
76
75
Below Proficiency
At or Above Proficiency
Below Proficiency
At or Above Proficiency
2007
2008
2009
Combined Population


South Mississippi Co. Benchmark (Grade 7)
Literacy
Mathematics
70
60
50
40
30
20
10
0
58
44
40
42
57
59
47
38
31
53
63
70
Below Proficiency
At or Above Proficiency
Below Proficiency
At or Above Proficiency
2007
2008
2009
Combined Population

South Mississippi Co. Benchmark (Grade 8)



Combined Population

FINANCIAL INFORMATION

Arkansas Department of Education

Turrell School District and Contiguous Districts

Fiscal Data

	TURRELL SCHOOL DISTRICT			EARLE SCHOOL DISTRICT		
	06-07	07-08	08-09	06-07	07-08	08-09
ADM (3 Qtr)	359.39	314.09	338.93	809.64	821.05	778.41
Total Assessment	13,030,070	14,342,198	14,580,465	25,109,534	24,741,061	24,882,333
Total Expenditures	4,180,796	3,781,968	3,782,236	10,543,329	10,782,004	11,565,856
Per Pupil Expenditures	10,896	10,335	10,124	10,156	10,074	12,080
Total Mills	39.00	39.00	39.00	44.80	44.80	44.80
Total Debt	3,107,529	3,049,619	3,194,065	7,365,733	7,533,295	7,699,996
Non-Federal Certified FTEs	37.08	32.60	34.61	55.39	76.88	77.05
Avg Teacher Salary (Non-Federal Certified FTEs)	40,539	44,050	43,741	52,727	37,915	41,834
Mileage From This District To: TURRELL SCHOOL DISTRICT	0			18.64		

	EAST POINSETT COUNTY SCHOOL DISTRICT			MARION SCHOOL DISTRICT		
	06-07	07-08	08-09	06-07	07-08	08-09
ADM (3 Qtr)	811.62	776.29	761.14	3,848.51	3,905.20	3,902.79
Total Assessment	29,004,369	29,114,561	30,546,611	223,436,364	259,383,643	286,068,105
Total Expenditures	6,838,792	6,548,906	6,727,416	34,164,691	39,640,717	55,201,166
Per Pupil Expenditures	7,493	7,390	7,691	7,734	7,624	7,569
Total Mills	31.20	31.20	31.20	41.65	40.70	40.70
Total Debt	1,029,615	874,401	904,545	32,521,880	30,704,415	34,616,806
Non-Federal Certified FTEs	61.93	63.35	61.06	294.26	288.26	283.84
Avg Teacher Salary (Non-Federal Certified FTEs)	42,473	41,364	42,094	49,791	50,489	50,582
Mileage To: TURRELL SCHOOL DISTRICT	19.35			15.04		

	MARKED TREE SCHOOL DISTRICT			SO MISSISSIPPI COUNTY SCHOOL DISTRICT		
	06-07	07-08	08-09	06-07	07-08	08-09
ADM (3 Qtr)	656.82	633.70	611.51	1,312.44	1,287.55	1,273.22
Total Assessment	35,025,977	34,808,495	34,279,829	58,617,727	62,148,594	63,276,051
Total Expenditures	5,946,048	6,045,476	5,593,776	13,580,839	13,217,121	12,295,021
Per Pupil Expenditures	8,067	8,721	8,406	8,559	8,748	8,638
Total Mills	33.50	33.50	33.50	36.00	36.00	36.00
Total Debt	1,997,172	1,915,420	1,826,228	7,291,375	7,030,978	6,792,823
Non-Federal Certified FTEs	45.35	61.22	56.05	113.24	108.53	101.31
Avg Teacher Salary (Non-Federal Certified FTEs)	51,696	42,203	42,990	41,068	41,078	42,010
Mileage To: TURRELL SCHOOL DISTRICT	15.93			25.57		

Notes:

ADM figures represent actual fiscal year three-quarter average daily membership.
Total Debt includes bonded and non-bonded debt filed with ADE.

Data Sources:
Annual Statistical Reports - Total Assessment, Total Expenditures, Per Pupil Expenditures, Total Mills, Total Debt, Non-Federal Certified FTEs, Avg Teacher Salary
State Aid Notices - ADM
Mileage - MapQuest

Financial Accountability and Reporting
April 12, 2010

Arkansas Department of Education
Turrell and Contiguous Districts
Unrestricted Legal Balance History

District LEA	1805000	1802000	5608000	1804000	5604000	4706000
District Description	TURRELL SCHOOL DISTRICT	EARLE SCHOOL DISTRICT	EAST POINSETT CO. SCHOOL DIST.	MARION SCHOOL DISTRICT	MARKED TREE SCHOOL DISTRICT	SO. MISS. COUNTY SCHOOL DIST.
FY-07 Legal Balance	533,899.19	383,340.41	1,416,667.17	2,402,163.05	507,562.59	1,832,242.16
FY-07 Restricted SOF	206,874.09	30,409.68	7,103.65	639,289.71	141,184.99	524,614.97
FY-07 Deposits with Paying Agents	0.00	0.00	0.00	0.00	47,634.96	62,270.20
FY-07 Current Loans	0.00	0.00	0.00	0.00	0.00	0.00
FY-07 Unrestricted Legal Balance	**327,025.10**	**352,930.73**	**1,409,563.52**	**1,762,873.34**	**318,742.64**	**1,245,356.99**
FY-08 Legal Balance	579,680.86	566,192.31	2,472,038.12	2,460,319.99	395,640.23	1,389,399.63
FY-08 Restricted SOF	159,781.58	35,618.62	70,642.19	140,047.62	33,728.83	190,231.27
FY-08 Deposits with Paying Agents	0.00	0.00	0.00	0.00	71,452.44	0.00
FY-08 Current Loans	0.00	0.00	0.00	0.00	0.00	0.00
FY-08 Unrestricted Legal Balance	**419,899.28**	**530,573.69**	**2,401,395.93**	**2,320,272.37**	**290,458.96**	**1,199,168.36**
FY-09 Legal Balance	449,062.96	358,502.54	2,875,622.43	3,757,222.56	746,127.20	1,741,047.37
FY-09 Restricted SOF	50,221.05	12,594.15	10,472.35	190,320.81	65,288.43	192,380.31
FY-09 Deposits with Paying Agents	16,711.30	0.00	0.00	0.00	95,269.92	0.00
FY-09 Current Loans	0.00		0.00	0.00	0.00	0.00
FY-09 Unrestricted Legal Balance	**382,130.61**	**345,908.39**	**2,865,150.08**	**3,566,901.75**	**585,568.85**	**1,548,667.06**
FY10 BUDGET	FY10 BUDGET	FY10 BUDGET	FY10 BUDGET	FY10 BUDGET	FY10 BUDGET	FY10 BUDGET
FY-10 Legal Balance	368,817.72	720,754.54	2,863,597.55	4,132,772.61	689,130.72	907,895.41
FY-10 Restricted SOF	(48,301.54)	60,724.00	9,357.80	(105,997.00)	23,858.00	(157,316.75)
FY-10 Deposits with Paying Agents	0.00	0.00	0.00	0.00	0.00	0.00
FY-10 Current Loans	0.00	0.00	0.00	0.00	0.00	0.00
FY-10 Unrestricted Legal Balance	**320,516.18**	**781,478.54**	**2,872,955.35**	**4,026,775.61**	**712,988.72**	**750,578.66**

LEA	DISTRICT	COUNTY	DATED	TYPE	PURPOSE	RATE	CURRENT BALANCE OF ISSUE	MATURITY	TOTAL 09 10 PAYMENT	TOTAL 10 11 PAYMENT	TOTAL 11 12 PAYMENT	TOTAL 12 13 PAYMENT	TOTAL 13 14 PAYMENT
18-02	Earle	Crittenden	11/01/2003	Commercial Bond	Voted Construction Refunding	3.1% - 4.9%	3,730,000.00	May 2028	291,412.50	287,227.50	287,907.50	293,287.50	293,187.50
18-02	Earle	Crittenden	11/01/2004	Commercial Bond	Voted Construction	3.50% - 4.80%	2,075,000.00	May 2034	111,405.00	115,880.00	115,180.00	114,480.00	113,720.00
18-02	Earle	Crittenden	10/01/2008	Commercial Bond	Voted Construction Refunding	3.80% - 5.35%	1,350,000.00	Feb 2034	92,116.67	94,087.50	93,137.50	87,187.50	86,427.50
18-03	Earle	Crittenden	06/17/2003	Postdated Warrant	Repair & Renovation - QZAB	0.00%	146,329.10	Jun 2013	13,449.16	13,449.16	13,449.16	13,449.16	0.00
18-04	Earle	Crittenden	10/10/2007	Lease Purchase	Construction, repair and renova	5.850%	358,294.05	Jan 2017	63,113.04	63,113.04	63,113.04	63,113.04	63,113.04
18-04	Earle	Crittenden	12/29/2009	Lease Purchase	School Buses, equipment, const	5.50%	300,000.00	Dec 2019	19,701.52	39,403.04	39,403.04	39,403.04	39,403.04
					Totals		7,959,623.15		591,197.89	613,160.24	612,190.24	610,920.24	595,851.08

District 1 LEA 1805-TURRELL

District 2 LEA 1802-EARLE

*Estimated Consolidation/Annexation Incentive Funding	
Year 1 Funding (100%) using FY09 ADM & FY11 Foundation Amount of $6,023	$ 1,806,900.00
Year 2 Funding (50% of Year 1)	$ 903,450.00
*Consolidation/Annexation Incentive Funding for FY11 merger will be based on FY10 3-Qtr ADM (not available for funding estimate above).	

FY10 Funding Estimates

	LEA 1805-TURRELL	LEA 1802-EARLE	Proposed Merged District
FY10 Foundation Funding - $5,905	$ 1,641,095.88	$ 3,984,270.04	$ 5,625,365.92
FY10 Alternative Learning Environment - $4,063	$ -	$ -	$ -
FY10 English Language Learners - $293	$ -	$ -	$ -
FY10 National School Lunch Act Funding (plus transition)	$ 276,768.00	$ 1,107,072.00	$ 1,522,224.00
FY10 National School Lunch Act Growth Funding	$ -	$ -	$ -
FY10 Professional Development - $41.32	$ 14,004.59	$ 32,163.90	$ 46,168.49
FY10 Bonded Debt Assistance - $18.03	$ 59,328.80	$ 173,063.87	$ 229,732.48
FY10 General Facilities Funding - Year 4 of 10 year phase out	$ 6,132.60	$ 12,166.20	$ 18,298.80
FY10 Supplemental Millage Incentive Funding - Yr 4 of 10-yr phase out	$ 5,071.47	$ 35,952.74	$ 41,024.21
FY10 Declining Enrollment Funding	$ -	$ 125,894.60	$ 52,554.50
Estimated FY10 Student Growth Funding	$ -	$ -	$ -
FY10 Isolated Funding - § 6-20-601	$ -	$ -	
FY10 Isolated Funding - § 6-20-603	$ -	$ -	
FY10 Isolated Special Needs Funding - § 6-20-604 (c), (d), or (e)	$ -	$ -	
FY10 Isolated Special Needs Funding (small school) - § 6-20-604 (f)	$ -	$ -	
FY10 Isolated Special Needs Funding (transportation) - § 6-20-604 (h)	$ -	$ -	

NOTE: A district shall not receive both Declining Enrollment Funding and Student Growth Funding or both Declining Enrollment Funding and Isolated Special Needs Funding.

Data used to Calculate FY10 Funding Estimates

	LEA 1805-TURRELL	LEA 1802-EARLE	Proposed Merged District
2008 Total Assessment	14,580,465	24,882,333	39,462,798
2008 Assessment X Uniform Rate of Tax @ 98% collection rate	$ 357,221.39	$ 609,617.16	$ 966,838.55
5-yr (FY04-08) Average Misc Funds at Uniform Rate of Tax/Total Mills	$ 3,064.38	$ 2,623.85	$ 5,688.23
School District Total Millage Rate	39	44.8	
M & O	25	25	
Dedicated M & O	0	0	
Debt Service	14	19.8	
Local Revenue per Student	$ 1,063.01	$ 786.53	$ 870.39
State Foundation Funding Aid per Student	$ 4,841.99	$ 5,118.47	$ 5,034.61
State Wealth Index	0.78046	0.84634	0.82712
FY10 Debt Payment from 1-1-05 Schedule	$ 190,561.30	$ 402,817.50	$ 593,378.80
Debt Payment % Adjustment	95.18%	90.00%	91.69%
FY10 Adjusted Debt Payment (from 1-1-05 schedule)	$ 181,376.25	$ 362,535.75	$ 544,078.97
Required Debt Service Mills (FY10 adjusted pmt from 1-1-05 schedule)	12.43967	14.57001	13.78714
FY08 3-Qtr ADM	314.09	821.05	1,135.14
FY09 3-Qtr ADM	338.93	778.41	1,117.34
FY10 Qtr 1 ADM	253.5	762.1	1,015.60
Estimated FY10 Qtr 2 ADM	263.98	761.93	1,028.01
Estimated FY10 Qtr 3 ADM	261.34	771.58	1,033.85
Estimated FY10 Qtr 4 ADM	259.46	759.93	1,020.71
Oct 1, 2008 Total Free & Reduced Lunch Students	Provision 2 279	744	1,023.00
Oct 1, 2008 Total Free & Reduced Percentage	Provision 2 83%	95%	91%
FY10 NSLA per student funding	Provision 2 992	1488	1,488
Oct 1, 2005 Enrollment	392	874	1,266
Oct 1, 2006 Enrollment	366	794	1,160
Oct 1, 2007 Enrollment	317	841	1,158
Oct 1, 2008 Enrollment	338	781	1,119
Enrollment % Change from Oct 2005 to Oct 2006	-6.63265%	-9.15332%	-8.37283%
Enrollment % Change from Oct 2006 to Oct 2007	-13.38798%	5.91940%	-0.17241%
Enrollment % Change from Oct 2007 to Oct 2008	6.62461%	-7.13436%	-3.36788%
FY09 Facilities Wealth Index	0.31386	0.22607	

District 1 LEA 1805-TURRELL

District 2 LEA 1804-MARION

*Estimated Consolidation/Annexation Incentive Funding	
Year 1 Funding (100%) using FY09 ADM & FY11 Foundation Amount of $6,023	$ 1,806,900.00
Year 2 Funding (50% of Year 1)	$ 903,450.00
*Consolidation/Annexation Incentive Funding for FY11 merger will be based on FY10 3-Qtr ADM (not available for funding estimate above).	

FY10 Funding Estimates

	LEA 1805-TURRELL	LEA 1804-MARION	Proposed Merged District
FY10 Foundation Funding - $5,905	$ 1,641,095.88	$ 16,015,370.36	$ 17,656,466.24
FY10 Alternative Learning Environment - $4,063	$ -	$ 85,891.82	$ 85,891.82
FY10 English Language Learners - $293	$ -	$ 7,325.00	$ 7,325.00
FY10 National School Lunch Act Funding (plus transition)	$ 276,768.00	$ 982,080.00	$ 1,120,464.00
FY10 National School Lunch Act Growth Funding	$ -	$ -	$ -
FY10 Professional Development - $41.32	$ 14,004.59	$ 161,263.28	$ 175,267.87
FY10 Bonded Debt Assistance - $18.03	$ 59,328.80	$ 199,769.45	$ 241,792.94
FY10 General Facilities Funding - Year 4 of 10 year phase out	$ 6,132.60	$ 47,726.40	$ 53,859.00
FY10 Supplemental Millage Incentive Funding - Yr 4 of 10-yr phase out	$ 5,071.47	$ 77,629.64	$ 82,701.11
FY10 Declining Enrollment Funding	$ -	$ 7,115.52	$ -
Estimated FY10 Student Growth Funding	$ -	$ 297,198.65	$ -
FY10 Isolated Funding - § 6-20-601	$ -	$ -	
FY10 Isolated Funding - § 6-20-603	$ -	$ 8,602.80	
FY10 Isolated Special Needs Funding - § 6-20-604 (c), (d), or (e)	$ -	$ -	
FY10 Isolated Special Needs Funding (small school) - § 6-20-604 (f)	$ -	$ -	
FY10 Isolated Special Needs Funding (transportation) - § 6-20-604 (h)	$ -	$ -	

NOTE: A district shall not receive both Declining Enrollment Funding and Student Growth Funding or both Declining Enrollment Funding and Isolated Special Needs Funding.

Data used to Calculate FY10 Funding Estimates

	LEA 1805-TURRELL	LEA 1804-MARION	Proposed Merged District
2008 Total Assessment	14,580,465	286,068,105	300,648,570
2008 Assessment X Uniform Rate of Tax @ 98% collection rate	$ 357,221.39	$ 7,008,668.57	$ 7,365,889.97
5-yr (FY04-08) Average Misc Funds at Uniform Rate of Tax/Total Mills	$ 3,064.38	$ 21,936.02	$ 25,000.39
School District Total Millage Rate	39	40.7	
M & O	25	25	
Dedicated M & O	0	0	
Debt Service	14	15.7	
Local Revenue per Student	$ 1,063.01	$ 1,801.43	$ 1,742.43
State Foundation Funding Aid per Student	$ 4,841.99	$ 4,103.57	$ 4,162.57
State Wealth Index	0.78046	0.56101	0.58141
FY10 Debt Payment from 1-1-05 Schedule	$ 190,561.30	$ 1,608,478.76	$ 1,799,040.06
Debt Payment % Adjustment	95.18%	90.00%	90.88%
FY10 Adjusted Debt Payment (from 1-1-05 schedule)	$ 181,376.25	$ 1,447,630.88	$ 1,634,878.59
Required Debt Service Mills (FY10 adjusted pmt from 1-1-05 schedule)	12.43967	5.06044	5.43784
FY08 3-Qtr ADM	314.09	3905.20	4,219.29
FY09 3-Qtr ADM	338.93	3902.79	4,241.72
FY10 Qtr 1 ADM	253.5	3986.34	4,239.84
Estimated FY10 Qtr 2 ADM	263.98	3960.22	4,227.85
Estimated FY10 Qtr 3 ADM	261.34	3939.36	4,203.95
Estimated FY10 Qtr 4 ADM	259.46	3926.56	4,188.95
Oct 1, 2008 Total Free & Reduced Lunch Students	Provision 2 279	1980	2,259.00
Oct 1, 2008 Total Free & Reduced Percentage	Provision 2 83%	50%	53%
FY10 NSLA per student funding	Provision 2 992	496	496
Oct 1, 2005 Enrollment	392	3842	4,234
Oct 1, 2006 Enrollment	366	3868	4,234
Oct 1, 2007 Enrollment	317	3919	4,236
Oct 1, 2008 Enrollment	338	3936	4,274
Enrollment % Change from Oct 2005 to Oct 2006	-6.63265%	0.67673%	0.00000%
Enrollment % Change from Oct 2006 to Oct 2007	-13.38798%	1.31851%	0.04724%
Enrollment % Change from Oct 2007 to Oct 2008	6.62461%	0.43378%	0.89707%
FY09 Facilities Wealth Index	0.31386	0.53478	

District 1 LEA 1805-TURRELL

District 2 LEA 4706-SO MISSISSIPPI COUNTY

*Estimated Consolidation/Annexation Incentive Funding	
Year 1 Funding (100%) using FY09 ADM & FY11 Foundation Amount of $6,023	$ 1,806,900.00
Year 2 Funding (50% of Year 1)	$ 903,450.00
*Consolidation/Annexation Incentive Funding for FY11 merger will be based on FY10 3-Qtr ADM (not available for funding estimate above).	

FY10 Funding Estimates

	LEA 1805-TURRELL	LEA 4706-SO MISSISSIPPI COUNTY	Proposed Merged District
FY10 Foundation Funding - $5,905	$ 1,641,095.88	$ 5,963,320.91	$ 7,604,416.79
FY10 Alternative Learning Environment - $4,063	$ -	$ 9,019.86	$ 9,019.86
FY10 English Language Learners - $293	$ -	$ -	$ -
FY10 National School Lunch Act Funding (plus transition)	$ 276,768.00	$ 916,608.00	$ 1,193,376.00
FY10 National School Lunch Act Growth Funding	$ -	$ -	$ -
FY10 Professional Development - $41.32	$ 14,004.59	$ 52,609.45	$ 66,614.04
FY10 Bonded Debt Assistance - $18.03	$ 59,328.80	$ 89,904.55	$ 144,334.68
FY10 General Facilities Funding - Year 4 of 10 year phase out	$ 6,132.60	$ 21,279.00	$ 27,411.60
FY10 Supplemental Millage Incentive Funding - Yr 4 of 10-yr phase out	$ 5,071.47	$ -	$ 5,071.47
FY10 Declining Enrollment Funding	$ -	$ 42,309.32	$ -
Estimated FY10 Student Growth Funding	$ -	$ 12,252.87	$ -
FY10 Isolated Funding - § 6-20-601	$ -	$ -	
FY10 Isolated Funding - § 6-20-603	$ -	$ -	
FY10 Isolated Special Needs Funding - § 6-20-604 (c), (d), or (e)	$ -	$ -	
FY10 Isolated Special Needs Funding (small school) - § 6-20-604 (f)	$ -	$ -	
FY10 Isolated Special Needs Funding (transportation) - § 6-20-604 (h)	$ -	$ -	

NOTE: A district shall not receive both Declining Enrollment Funding and Student Growth Funding or both Declining Enrollment Funding and Isolated Special Needs Funding.

Data used to Calculate FY10 Funding Estimates

	LEA 1805-TURRELL	LEA 4706-SO MISSISSIPPI COUNTY	Proposed Merged District
2008 Total Assessment	14,580,465	63,276,051	77,856,516
2008 Assessment X Uniform Rate of Tax @ 98% collection rate	$ 357,221.39	$ 1,550,263.25	$ 1,907,484.64
5-yr (FY04-08) Average Misc Funds at Uniform Rate of Tax/Total Mills	$ 3,064.38	$ 4,779.94	$ 7,844.31
School District Total Millage Rate	39	36	
M & O	25	26.6	
Dedicated M & O	0	0	
Debt Service	14	9.4	
Local Revenue per Student	$ 1,063.01	$ 1,221.35	$ 1,188.06
State Foundation Funding Aid per Student	$ 4,841.99	$ 4,683.65	$ 4,716.94
State Wealth Index	0.78046	0.73923	0.74813
FY10 Debt Payment from 1-1-05 Schedule	$ 190,561.30	$ 372,476.26	$ 563,037.56
Debt Payment % Adjustment	95.18%	90.00%	91.78%
FY10 Adjusted Debt Payment (from 1-1-05 schedule)	$ 181,376.25	$ 335,228.63	$ 516,758.64
Required Debt Service Mills (FY10 adjusted pmt from 1-1-05 schedule)	12.43967	5.29788	6.63732
FY08 3-Qtr ADM	314.09	1287.55	1,601.64
FY09 3-Qtr ADM	338.93	1273.22	1,612.15
FY10 Qtr 1 ADM	253.5	1279.97	1,533.47
Estimated FY10 Qtr 2 ADM	263.98	1274.77	1,541.51
Estimated FY10 Qtr 3 ADM	261.34	1251.07	1,515.66
Estimated FY10 Qtr 4 ADM	259.46	1241.38	1,504.10
Oct 1, 2008 Total Free & Reduced Lunch Students	Provision 2 279	924	1,203.00
Oct 1, 2008 Total Free & Reduced Percentage	Provision 2 83%	72%	74%
FY10 NSLA per student funding	Provision 2 992	992	992
Oct 1, 2005 Enrollment	392	1304	1,696
Oct 1, 2006 Enrollment	366	1317	1,683
Oct 1, 2007 Enrollment	317	1280	1,597
Oct 1, 2008 Enrollment	338	1286	1,624
Enrollment % Change from Oct 2005 to Oct 2006	-6.63265%	0.99693%	-0.76651%
Enrollment % Change from Oct 2006 to Oct 2007	-13.38798%	-2.80942%	-5.10992%
Enrollment % Change from Oct 2007 to Oct 2008	6.62461%	0.46875%	1.69067%
FY09 Facilities Wealth Index	0.31386	0.35758	

District 1 LEA 1805-TURRELL

District 2 LEA 5604-MARKED TREE

*Estimated Consolidation/Annexation Incentive Funding	
Year 1 Funding (100%) using FY09 ADM & FY11 Foundation Amount of $6,023	$ 1,806,900.00
Year 2 Funding (50% of Year 1)	$ 903,450.00
*Consolidation/Annexation Incentive Funding for FY11 merger will be based on FY10 3-Qtr ADM (not available for funding estimate above).	

FY10 Funding Estimates

	LEA 1805-TURRELL	LEA 5604-MARKED TREE	Proposed Merged District
FY10 Foundation Funding - $5,905	$ 1,641,095.88	$ 2,762,230.09	$ 4,403,325.98
FY10 Alternative Learning Environment - $4,063	$ -	$ 3,981.74	$ 3,981.74
FY10 English Language Learners - $293	$ -	$ -	$ -
FY10 National School Lunch Act Funding (plus transition)	$ 276,768.00	$ 444,416.00	$ 721,184.00
FY10 National School Lunch Act Growth Funding	$ -	$ -	$ -
FY10 Professional Development - $41.32	$ 14,004.59	$ 25,267.59	$ 39,272.18
FY10 Bonded Debt Assistance - $18.03	$ 59,328.80	$ 32,323.58	$ 82,999.52
FY10 General Facilities Funding - Year 4 of 10 year phase out	$ 6,132.60	$ 9,220.20	$ 15,352.80
FY10 Supplemental Millage Incentive Funding - Yr 4 of 10 yr phase out	$ 5,071.47	$ 15,869.44	$ 20,940.91
FY10 Declining Enrollment Funding	$ -	$ 65,515.98	$ -
Estimated FY10 Student Growth Funding	$ -	$ -	$ -
FY10 Isolated Funding - § 6-20-601	$ -	$ -	
FY10 Isolated Funding - § 6-20-603	$ -	$ -	
FY10 Isolated Special Needs Funding - § 6-20-604 (c), (d), or (e)	$ -	$ -	
FY10 Isolated Special Needs Funding (small school) - § 6-20-604 (f)	$ -	$ -	
FY10 Isolated Special Needs Funding (transportation) - § 6-20-604 (h)	$ -	$ -	

NOTE: A district shall not receive both Declining Enrollment Funding and Student Growth Funding or both Declining Enrollment Funding and Isolated Special Needs Funding.

Data used to Calculate FY10 Funding Estimates

	LEA 1805-TURRELL	LEA 5604-MARKED TREE	Proposed Merged District
2008 Total Assessment	14,580,465	34,279,829	48,860,294
2008 Assessment X Uniform Rate of Tax @ 98% collection rate	$ 357,221.39	$ 839,855.81	$ 1,197,077.20
5-yr (FY04-08) Average Misc Funds at Uniform Rate of Tax/Total Mills	$ 3,064.38	$ 8,880.64	$ 11,945.02
School District Total Millage Rate	39	33.5	
M & O	25	25	
Dedicated M & O	0	0	
Debt Service	14	8.5	
Local Revenue per Student	$ 1,063.01	$ 1,387.94	$ 1,272.07
State Foundation Funding Aid per Student	$ 4,841.99	$ 4,517.06	$ 4,632.93
State Wealth Index	0.78046	0.69274	0.72543
FY10 Debt Payment from 1-1-05 Schedule	$ 190,561.30	$ 150,680.00	$ 341,241.30
Debt Payment % Adjustment	95.18%	96.28%	95.60%
FY10 Adjusted Debt Payment (from 1-1-05 schedule)	$ 181,376.25	$ 145,074.70	$ 326,223.96
Required Debt Service Mills (FY10 adjusted pmt from 1-1-05 schedule)	12.43967	4.23207	6.67667
FY08 3-Qtr ADM	314.09	633.70	947.79
FY09 3-Qtr ADM	338.93	611.51	950.44
FY10 Qtr 1 ADM	253.5	606.7	860.20
Estimated FY10 Qtr 2 ADM	263.98	600.13	866.59
Estimated FY10 Qtr 3 ADM	261.34	602.03	865.20
Estimated FY10 Qtr 4 ADM	259.46	589.03	850.98
Oct 1, 2008 Total Free & Reduced Lunch Students	Provision 2 279	448	727.00
Oct 1, 2008 Total Free & Reduced Percentage	Provision 2 83%	73%	76%
FY10 NSLA per student funding	Provision 2 992	992	992
Oct 1, 2005 Enrollment	392	642	1,034
Oct 1, 2006 Enrollment	366	653	1,019
Oct 1, 2007 Enrollment	317	631	948
Oct 1, 2008 Enrollment	338	617	955
Enrollment % Change from Oct 2005 to Oct 2006	-6.63265%	1.71340%	-1.45068%
Enrollment % Change from Oct 2006 to Oct 2007	-13.38798%	-3.36907%	-6.96762%
Enrollment % Change from Oct 2007 to Oct 2008	6.62461%	-2.21870%	0.73840%
FY09 Facilities Wealth Index	0.31386	0.39448	

District 1 LEA 1805-TURRELL

District 2 LEA 5608-EAST POINSETT COUNTY

*Estimated Consolidation/Annexation Incentive Funding	
Year 1 Funding (100%) using FY09 ADM & FY11 Foundation Amount of $6,023	$ 1,806,900.00
Year 2 Funding (50% of Year 1)	$ 903,450.00
*Consolidation/Annexation Incentive Funding for FY11 merger will be based on FY10 3-Qtr ADM (not available for funding estimate above).	

FY10 Funding Estimates			
	LEA 1805-TURRELL	LEA 5608-EAST POINSETT COUNTY	Proposed Merged District
FY10 Foundation Funding - $5,905	$ 1,641,095.88	$ 3,741,969.49	$ 5,383,065.38
FY10 Alternative Learning Environment - $4,063	$ -	$ 16,008.22	$ 16,008.22
FY10 English Language Learners - $293	$ -	$ 7,911.00	$ 7,911.00
FY10 National School Lunch Act Funding (plus transition)	$ 276,768.00	$ 456,316.32	$ 824,352.00
FY10 National School Lunch Act Growth Funding	$ -	$ -	$ -
FY10 Professional Development - $41.32	$ 14,004.59	$ 31,450.30	$ 45,454.89
FY10 Bonded Debt Assistance - $18.03	$ 59,328.80	$ 47,336.16	$ 108,577.33
FY10 General Facilities Funding - Year 4 of 10 year phase out	$ 6,132.60	$ 12,293.40	$ 18,426.00
FY10 Supplemental Millage Incentive Funding - Yr 4 of 10-yr phase out	$ 5,071.47	$ 47,266.20	$ 52,337.67
FY10 Declining Enrollment Funding	$ -	$ 44,730.37	$ -
Estimated FY10 Student Growth Funding	$ -	$ -	$ -
FY10 Isolated Funding - § 6-20-601	$ -	$ -	
FY10 Isolated Funding - § 6-20-603	$ -	$ -	
FY10 Isolated Special Needs Funding - § 6-20-604 (c), (d), or (e)	$ -	$ -	
FY10 Isolated Special Needs Funding (small school) - § 6-20-604 (f)	$ -	$ -	
FY10 Isolated Special Needs Funding (transportation) - § 6-20-604 (h)	$ -	$ -	

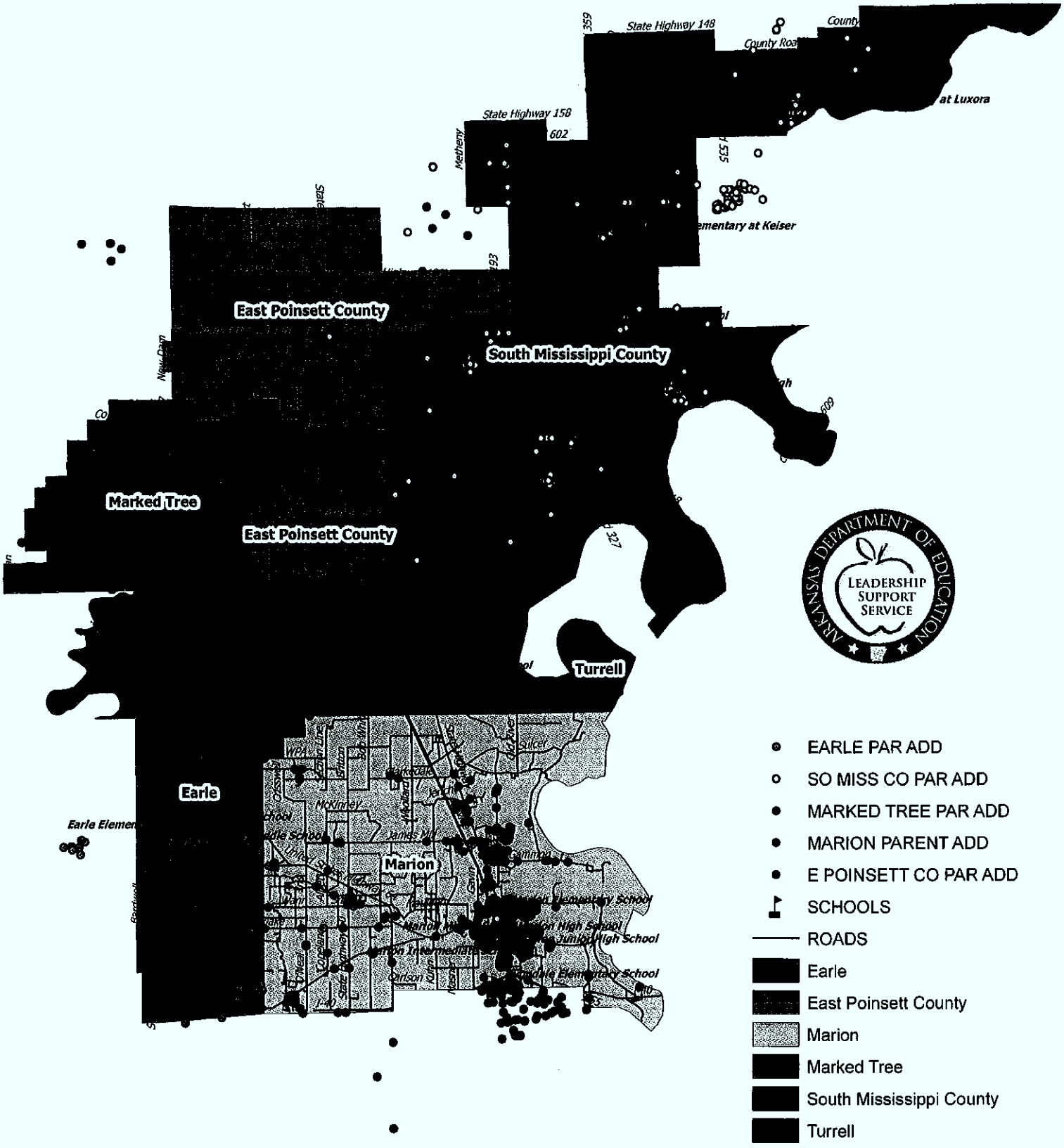
NOTE: A district shall not receive both Declining Enrollment Funding and Student Growth Funding or both Declining Enrollment Funding and Isolated Special Needs Funding.

Data used to Calculate FY10 Funding Estimates

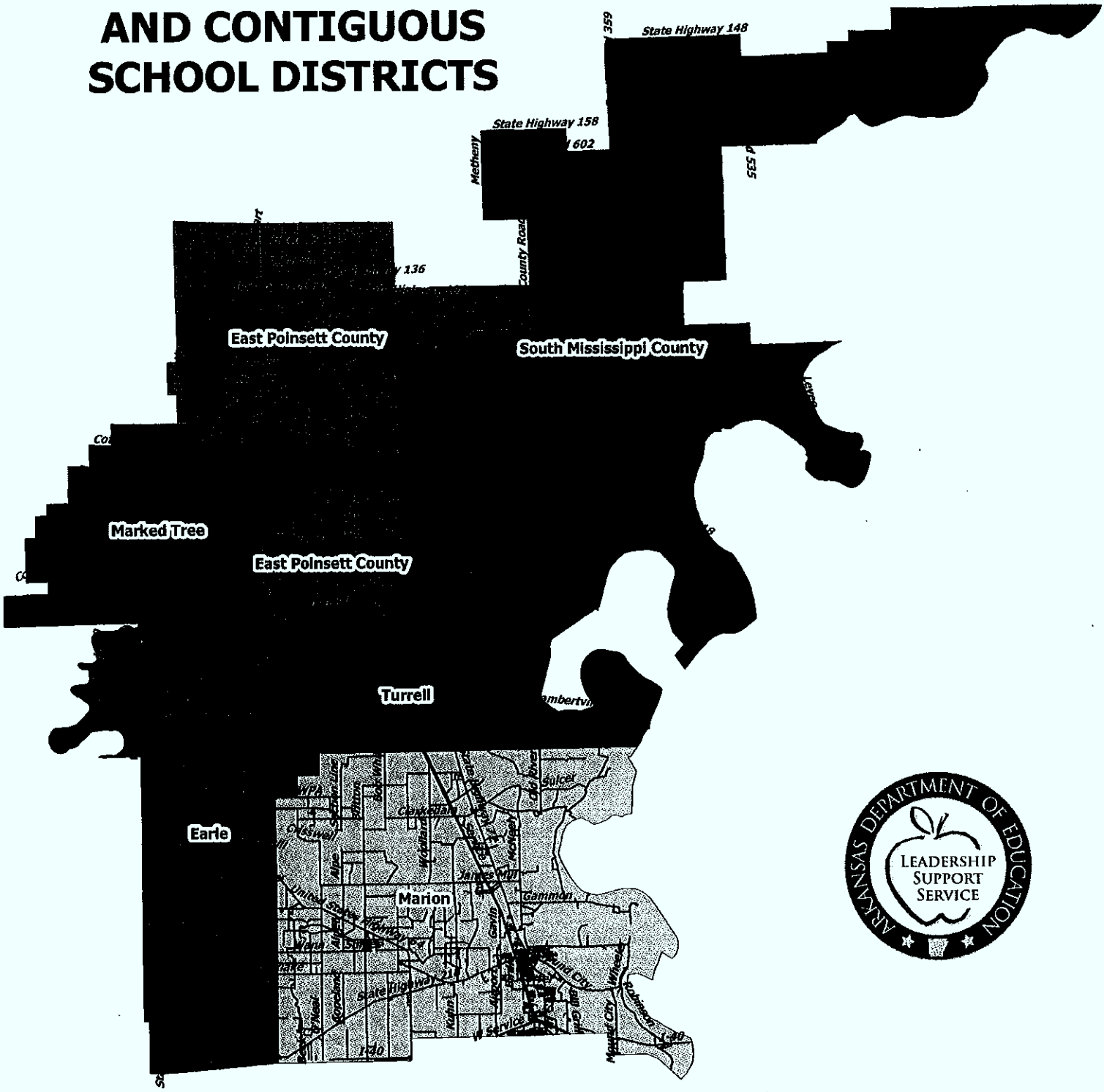
	LEA 1805-TURRELL	LEA 5608-EAST POINSETT COUNTY	Proposed Merged District
2008 Total Assessment	14,580,465	30,546,611	45,127,076
2008 Assessment X Uniform Rate of Tax @ 98% collection rate	$ 357,221.39	$ 748,391.97	$ 1,105,613.36
5-yr (FY04-08) Average Misc Funds at Uniform Rate of Tax/Total Mills	$ 3,064.38	$ 4,170.24	$ 7,234.61
School District Total Millage Rate	39	31.2	
M & O	25	25	
Dedicated M & O	0	0	
Debt Service	14	6.2	
Local Revenue per Student	$ 1,063.01	$ 988.73	$ 1,011.62
State Foundation Funding Aid per Student	$ 4,841.99	$ 4,916.27	$ 4,893.38
State Wealth Index	0.78046	0.79889	0.79327
FY10 Debt Payment from 1-1-05 Schedule	$ 190,561.30	$ 133,087.50	$ 323,648.80
Debt Payment % Adjustment	95.18%	99.10%	96.22%
FY10 Adjusted Debt Payment (from 1-1-05 schedule)	$ 181,376.25	$ 131,889.71	$ 311,415.33
Required Debt Service Mills (for FY10 adjusted payment from 1-1-05 schedule)	12.43967	4.31765	6.90085
FY08 3-Qtr ADM	314.09	776.29	1,090.38
FY09 3-Qtr ADM	338.93	761.14	1,100.07
FY10 Qtr 1 ADM	253.5	746.38	999.88
Estimated FY10 Qtr 2 ADM	263.98	737.28	1,003.79
Estimated FY10 Qtr 3 ADM	261.34	730.81	994.59
Estimated FY10 Qtr 4 ADM	259.46	736.78	997.95
Oct 1, 2008 Total Free & Reduced Lunch Students	Provision 2 279	552	831.00
Oct 1, 2008 Total Free & Reduced Percentage	Provision 2 83%	72%	75%
FY10 NSLA per student funding	Provision 2 992	826.66	992
Oct 1, 2005 Enrollment	392	798	1,190
Oct 1, 2006 Enrollment	366	821	1,187
Oct 1, 2007 Enrollment	317	776	1,093
Oct 1, 2008 Enrollment	338	767	1,105
Enrollment % Change from Oct 2005 to Oct 2006	-6.63265%	2.88221%	-0.25210%
Enrollment % Change from Oct 2006 to Oct 2007	-13.38798%	-5.48112%	-7.91912%
Enrollment % Change from Oct 2007 to Oct 2008	6.62461%	-1.15979%	1.09790%
FY09 Facilities Wealth Index	0.31386	0.28462	

MAPS

TURRELL AND CONTIGUOUS SCHOOL DISTRICTS



TURRELL AND CONTIGUOUS SCHOOL DISTRICTS



STANDARDS FOR ACCREDITATION INFORMATION

ACCREDITATION HISTORY
Turrell School District and Contiguous Districts

Turrell School District LEA 18-05-000			
Schools	06-07	07-08	08-09
District			C
Turrell Elementary School	A	A	C
Turrell High School	C	C	P
Earle School District LEA 18-02-000			
Schools	06-07	07-08	08-09
Earle Elementary School	A	A	A
Dunbar Middle School	C	A	P
Earle High School	C	A	P
East Poinsett County School District LEA 56-08-000			
Schools	06-07	07-08	08-09
Lepanto Elementary School	A	A	A
Tyronza Elementary School	A	A	A
East Poinsett County High School	C	P	C
Marion School District LEA 18-04-000			
Schools	06-07	07-08	08-09
Avondale Elementary School	A	A	A
Marion Elementary School	A	A	A
Marion Intermediate School	A	A	A
Marion Middle School	A	A	C
Marion Junior High School	A	A	A
Marion High School	A	C	A
Marked Tree School District LEA 56-04-000			
Schools	06-07	07-08	08-09
Marked Tree Elementary School	A	A	A
Marked Tree High School	C	C	A
South Mississippi County School District LEA 47-06-000			
Schools	06-07	07-08	08-09
District	C		
Luxora Elementary School	A	A	P
Keiser Elementary School	C	A	P
Wilson Elementary School	C	A	A
Rivercrest Junior High School	A	C	C
Rivercrest High School	A	C	C

03/24/10

ANNUAL ACCREDITATION STATUS REPORT (2008-2009)

Run Date: 05/07/2009
Lea: 18-05-000
County: CRITTENDEN

District: TURRELL SCHOOL DISTRICT
Supervisor: E. HARVEY

2008-2009 Status: ACCREDITED-CITED
Review Date: Comments:

20000 DATE RECEIVED

2007-2008 Status:
Review Date: Comments:

2006-2007 Status:
Review Date: Comments:

Enrollment-

K	25
1	19
2	24
3	23
4	27
5	21
6	34
7	23
8	34
9	21
10	29
11	22
12	30
EE	0
SM	0
SS	0
13	0

Total enrollment for 18-05-000: 332

FTE Totals-

Counselor	0.88
Principal	2.00
Asst. Principal	0.00
Library/Media	1.00

Staff Development Hours:
Total Book Volume:

ANNUAL ACCREDITATION STATUS REPORT (2008-2009)

Run Date: 05/07/2009 Page #: 2

Lea: 18-05-020 School: TURRELL ELEMENTARY SCHOOL

==========

2008-2009 Status: ACCREDITED - PROBATIONARY
Review Date: 10/15/2009Comments: Q. WYATT NO WAIVER

8313 JOB NOT CERT 09/01/2010 Licensure Completion Deadline
QUANTA G WYATT Cite
5010 Elementary Library/Media Specialist

8313 JOB NOT CERT 09/01/2011 Licensure Completion Deadline
DIANE WOODS
971530 Special Education Resource Services

8313 JOB NOT CERT 09/01/2011 Licensure Completion Deadline
DIANE WOODS
971550 Special Education Self-Contained (T/P Ratio 1-6)

2007-2008 Status: ACCREDITED
Review Date: Comments:

8313 JOB NOT CERT 09/01/2009 Licensure Completion Deadline
MARY A HARRIS
233110 Grade 3 Language Arts

8313 JOB NOT CERT 09/01/2009 Licensure Completion Deadline
MARY A HARRIS
233120 Grade 3 Reading

8313 JOB NOT CERT 09/01/2009 Licensure Completion Deadline
MARY A HARRIS
233210 Grade 3 Science

8313 JOB NOT CERT 09/01/2009 Licensure Completion Deadline
MARY A HARRIS
233310 Grade 3 Mathematics

8313 JOB NOT CERT 09/01/2009 Licensure Completion Deadline
MARY A HARRIS
233710 Grade 3 Social Studies

8313 JOB NOT CERT 09/01/2009 Licensure Completion Deadline
MARY A HARRIS
233930 Grade 3 Physical Education

8313 JOB NOT CERT 09/01/2009 Licensure Completion Deadline
MARY A HARRIS
970300 Title I Reading

ANNUAL ACCREDITATION STATUS REPORT (2008-2009)

Lea: 18-05-020 School: TURRELL ELEMENTARY SCHOOL

8313 JOB NOT CERT 09/01/2009 Licensure Completion Deadline
MARY A HARRIS
970400 Title I Language Arts

8313 JOB NOT CERT 09/01/2009 Licensure Completion Deadline
MARY A HARRIS
970600 Title I Math

2006-2007 Status: ACCREDITED
Review Date: Comments:

Enrollment-		
	K	25
	1	19
	2	24
	3	23
	4	27
	5	21
	6	34
	7	0
	8	0
	9	0
	10	0
	11	0
	12	0
	EE	0
	SM	0
	SS	0
	13	0
Total enrollment for 18-05-020:		173

FTE Totals-

Counselor	0.44
Principal	1.00
Asst. Principal	0.00
Library/Media	0.50

Staff Development Hours:	60
Total Book Volume:	6803

ANNUAL ACCREDITATION STATUS REPORT (2008-2009)

Lea: 18-05-021 School: TURRELL HIGH SCHOOL

2008-2009 Status: ACCREDITED - PROBATIONARY
Review Date: 10/15/2009Comments: Q. WYATT NO WAIVER; C. MCCLUNG NO WAIVER; R. KING NO WAIVER

8313 JOB NOT CERT 09/01/2011 Licensure Completion Deadline
STEPHEN C THOMAS, JR.
388110 Language Arts Grade 8

8313 JOB NOT CERT 09/01/2010 Licensure Completion Deadline Cite
STEPHEN C THOMAS, JR.
970400 Title I Language Arts

8313 JOB NOT CERT 09/01/2010 Licensure Completion Deadline Cite
STEPHEN C THOMAS, JR.
970600 Title I Math

8313 JOB NOT CERT 09/01/2010 Licensure Completion Deadline Cite
STEPHEN C THOMAS, JR.
971540 Special Education Self-Contained (T/P Ratio 1-10 o

8313 JOB NOT CERT 09/01/2010 Licensure Completion Deadline Cite
STEPHEN C THOMAS, JR.
972300 Special Education Mathematics

8313 JOB NOT CERT 09/01/2010 Licensure Completion Deadline Cite
QUANTA G WYATT
5030 High School Library/Media Spec.

8313 JOB NOT CERT 09/01/2011 Licensure Completion Deadline
CARIN L MCCLUNG
415000 Journalism

8313 JOB NOT CERT 09/01/2011 Licensure Completion Deadline
REBECCA D KING
480000 Health and Safety (.5 Credit)

2007-2008 Status: ACCREDITED-CITED
Review Date: Comments:

8313 JOB NOT CERT 09/01/2008 Licensure Completion Deadline
CHARLES E HOBBS
377310 Mathematics Grade 7

8313 JOB NOT CERT 09/01/2009 Licensure Completion Deadline
CHARLES E HOBBS
377390 Ramp-Up to Math - 7

8313 JOB NOT CERT 09/01/2009 Licensure Completion Deadline
CHARLES E HOBBS
970600 Title I Math

8313 JOB NOT CERT 09/01/2009 Licensure Completion Deadline
SUSAN WILLIAMS
430000 Algebra I

8313 JOB NOT CERT 09/01/2009 Licensure Completion Deadline
SUSAN WILLIAMS
431000 Geometry

8313 JOB NOT CERT 09/01/2009 Licensure Completion Deadline
SUSAN WILLIAMS
432000 Algebra II

8313 JOB NOT CERT 09/01/2009 Licensure Completion Deadline
SUSAN WILLIAMS
433000 Pre Calculus including Trigonometry

2006-2007 Status: ACCREDITED-CITED
Review Date: Comments:

8313 JOB NOT CERT 09/01/2007 Licensure Completion Deadline
STEVE AL HOGUE
453000 Survey of Fine Arts (.5 credit)

Enrollment-	
K	0
1	0
2	0
3	0
4	0
5	0
6	0
7	23
8	34
9	21
10	29
11	22
12	30
EE	0
SM	0
SS	0
13	0
Total enrollment for 18-05-021:	159

FTE Totals-

Counselor	0.44
Principal	1.00
Asst. Principal	0.00
Library/Media	0.50

Staff Development Hours:	60
Total Book Volume:	3025

STATE BOARD MINUTES FROM APRIL 13, 2009 MEETING (CONSIDERATION OF EARLE-TURRELL ANNEXATION PETITION)

Minutes
State Board of Education
Monday, April 13, 2009

The State Board of Education met on Monday, April 13, 2009, in the Auditorium of the State Education Building. Chairman, Randy Lawson, called the meeting to order at 9:00 a.m.

The following Board members were present: Randy Lawson, Chairman; Dr. Naccaman Williams, Vice-Chairman; Sherry Burrow; Jim Cooper; Brenda Gullett; Sam Ledbetter; Dr. Ben Mays and Diane Tatum.

The following Board member was absent: Alice Mahony.

Chair's Report

Mr. Lawson commented on the personal and property loss in the Mena area due to tornado damage. He noted that severe damage to the middle school could result in the building being condemned.

Ms. Tatum reported that following the Board's action to deny the expansion request for the charter school in Humphrey, she visited that campus and stated that following her visit she is convinced that the correct decision was made to deny the request.

Commissioner's Report

Dr. James reported that he has been in touch with Dr. Diane Gathright, superintendent of the Mena District, regarding the operation of the district following the recent storm. He noted that Doug Eaton from the facilities unit reports additional damage due to heavy rains following the storm. Dr. James stated that classes would not resume until Wednesday at the earliest.

Dr. James noted that the General Assembly adjourned leaving 81 acts, 24 appropriation measures, 17 retirement actions and additional legislation totaling 135 issues for action by the Department. Additionally the Department will engage in more than 25 interim studies.

Dr. James commented on the session for school officials, detailing components of the stimulus package, held in North Little Rock on April 10. He noted that each Board member received the packet of information provided to the local school officials attending. Dr. James pointed out that the major focus of the stimulus package funds is to improve student achievement.

Reports

Chairman Lawson noted the progress reports from Decatur and Greenland and commended the Department staff and the administrators from those two districts for the progress made as reported.

(a K-12 campus), which is declared as isolated, was left intact following the formation of the new district. However, Mr. Walter noted that further reduction in student enrollment and increased costs caused the district to vote 6-1 to close the campus as of June 30, 2009. Mr. Walter stated that since the vote to close was not unanimous, the issue must be considered by the State Board. Sherry Holloman, superintendent, spoke for the Two Rivers District and Dr. Margaret Vogles a patron and resident of the Fourche Valley community spoke on behalf of maintaining the campus in the Fourche Valley community. Ms. Holloman stated that the district was constructing a new high school that would be in closer proximity to the community, but that new facility would not be ready for use until the beginning of the 2010 school year. Elementary students would be bused to one of the other campuses in the district. Dr. Vogles expressed concern for the long bus ride especially for the elementary children and pled that maintaining at least an elementary campus was important for the children and for the community.

Ms. Burrow expressed concern that the district failed to provide adequate notification to patrons that such a decision was to be made. Ms. Holloman stated that the agenda for the board meeting included an item for consideration of budget and she contended that closing the campus was strictly done as a cost saving and budgetary matter. She opined that not closing the campus will assure that we will be back here next year as a district in fiscal distress.

Mr. Ledbetter asked about the number of students that would remain in K-6 if an elementary school were to remain at the Fourche Valley campus. Ms. Holloman responded that there would be at most 60 students, requiring a full faculty with administration and requiring keeping the current building open. Mr. Ledbetter asked if additional staff or facilities would be needed if those students were brought into the Plainview campus. Ms. Holloman indicated that no additional staff would be necessary nor would additional facilities be required to accommodate the elementary students.

Ms. Gullett asked for confirmation of bus travel for the elementary students. Ms. Holloman affirmed that the longest bus route would be approximately 1 hour and 20 minutes each way.

Mr. Ledbetter moved to approve the request from Two Rivers District to close the Fourche Valley Campus. Dr. Williams seconded the motion. The motion passed on a roll-call vote 5 yes – 2 no (Mays and Burrow voted no.)

Consideration of the Petition for Voluntary Annexation of the Turrell School District into the Earle School District

(Mr. Ledbetter left the meeting)

Tripp Walter was recognized to present this item. Mr. Walter summarized the actions that occurred prior to this hearing and detailed the procedures to be followed during the hearing process. Mr. Walter stated that the two districts appear before the board with a voluntary annexation of administration with the intent to maintain two separate campuses. Alfred

Hogan, superintendent of the Turrell District and Jack Crumbly, superintendent of the Earle District, presented information to the Board relative to the voluntary annexation and detailed some of the proposed agreements between the two local boards in support of the annexation.

Mr. Darrell Jackson a patron and parent of students attending Turrell School District presented opposing arguments with a detailed summary of why the Turrell School District should be annexing with a district other than Earle and he cited reasons for annexing with Marion. The Marion School District administrators did not respond or present to the Board.

Mr. Ray Nassar, superintendent of the Hughes School District, encouraged favorable consideration of the proposed annexation.

Ms. Gullett inquired about proposed academic improvement based on the proposed annexation. She cited work of Mr. Hogan in the Turrell District for 31 years and 11 of those years as superintendent and noted the current low performance of students in the district. Ms. Gullett asked for evidence that the proposed annexation would improve the academic situation of either or both districts.

Dr. Mays asked if Mr. Hogan or members of the Turrell District had contacted other surrounding districts to determine the possibilities of annexation or consolidation. Mr. Hogan responded that contacts were made, but none would promise to maintain a school campus in the Turrell community given the short bus commute to Marion or other adjacent sites. Mr. Hogan stated that keeping a campus at Turrell was a primary objective of any annexation.

Dr. Williams stated that he was familiar with both districts and this proposal does not seem to be in the best interest of students from either district.

Ms. Tatum expressed concern for the low test scores and noted her fear for the academic future of students should such merger take place. She asked if the annexation were denied and another site were selected at some point in the future, where would students want or choose to attend. Mr. Hogan stated that many would voluntarily transfer to Earle.

Mr. Cooper moved that the proposed annexation be approved. Ms. Tatum seconded the motion. The motion failed on a roll-call vote 1 yes – 5 no (Williams, Burrow, Mays, Gullett and Tatum voted no).

Appeal to State Board Regarding Fiscal Distress Identification and Classification by Mammoth Spring School District

Bill Goff was recognized to present this item. Mr. Goff stated that Mammoth Spring School District was one of three districts identified by the Department that met the conditions for which the Board considers for classification in fiscal distress. He noted that Mammoth Spring appealed the Department's identification and seeks to provide documentation appealing the Departments identification. Mr. Ron Taylor, superintendent of the Mammoth Spring School

ATTORNEY GENERAL'S OPINION

THE ATTORNEY GENERAL
STATE OF ARKANSAS
DUSTIN McDANIEL

Warren T. Readnour
Senior Assistant Attorney General

Direct dial: (501) 682-2016
Facsimile: (501) 682-2591
E-mail: warren.readnour@arkansasag.gov

March 31, 2010

Dr. Tom Kimbrell
Commissioner of Education
Arkansas Department of Education
4 State Capitol Mall
Little Rock, Arkansas 72201-1019

Re: Proposed Consolidation of the Turrell School District

Dear Dr. Kimbrell:

This is in response to your letter to Attorney General McDaniel dated March 22, 2010, in which you ask for our advice, pursuant to Ark. Code Ann. § 6-13-1408(b) and 6-13-1603, concerning the desegregation effects of a proposed consolidation of the Turrell School District to one or more of the following contiguous school districts: (1) Earle, (2) East Poinsett County, (3) Marion, (4) Marked Tree, and (5) South Mississippi County. Section 6-13-1408(b) provides that, prior to the entry of any order annexing or consolidating school districts, "the state board shall seek an advisory opinion from the Attorney General concerning the impact of the proposed annexation or consolidation on the effort of the state to assist a school district or districts in desegregation of the public schools of this state." Section 6-13-1603(c) provides that "[a]ll administrative consolidations or annexations under this section shall be accomplished so as not to create a school district that hampers, delays, or in any manner negatively affects the desegregation of another school district in this state."

Under United States Supreme Court precedent, the term "desegregation" is a legal term of art that describes the process by which a school district eliminates, to the extent practicable, the lingering effects or "vestiges" of prior *de jure* racial discrimination. Thus, in the absence of a finding that a school district has engaged in the past in activities prohibited by the Fourteenth Amendment to the United States Constitution, and that there are presently lingering effects or vestiges of that discrimination that remain unaddressed, a school district is not "desegregating" as that term is used in case law.

In this case, the State Board is considering the possible consolidation of the Turrell School District to one of five contiguous school districts. If approved, the annexation would result in the creation of a new larger district. The Department of Education has indicated that, in addition to the five schools being considered as consolidation partners, the school districts that could potentially share a border with the newly formed district would be the Armorel, Blytheville, Gosnell, Harrisburg, Hughes, Manila, Osceola, Riverside, Trumann, West Memphis, and Wynne School Districts. Based on information provided by the Department of Education, we are unaware of any pending desegregation court decrees in Turrell, the contiguous districts, or the potential surrounding districts.[1] Therefore, we cannot say that the proposed annexation will have any negative effect on any desegregation efforts in those districts.

As will be the case in any proposed annexation or consolidation, the Board must be cognizant that it may not order or approve any proposed annexation or consolidation with the purpose or intent to create racially segregated schools. As the Supreme Court noted in *Missouri v. Jenkins,* 515 U.S. 70, 115 (1995):

> [I]n order to find unconstitutional segregation, we require that plaintiffs "prove all of the essential elements of *de jure* segregation — that is, stated simply, a current condition of segregation resulting from *intentional state action directed specifically* to the [allegedly segregated] schools." *Keyes v. School Dist. No. 1, Denver*, 413 U.S. 189, 205-206 (1973) (emphasis added). "[T]he differentiating factor between *de jure* segregation and so-called *de facto* segregation . . . is purpose or *intent* to segregate." *Id.*, at 208 (emphasis in original).

There are numerous cases that discuss legal challenges to school district annexations and consolidations in the context of desegregation litigation, but in each case the question of whether a particular annexation or consolidation (or series of annexations or consolidations) were done with the requisite unconstitutional intent is a highly fact-specific inquiry.

To assist the State Board, we note that the 2009-2010 enrollment figures provided to us by the Department of Education reflect that the Turrell School District has a student population that is approximately 91% Black and 9% White. The school districts surrounding Turrell have varying student racial compositions as follows: (1) Earle (approximately 96% Black and 3% White), (2) East Poinsett County (approximately 9% Black, 85% White), (3) Marion (approximately 40% Black, 56% White), (4) Marked Tree (approximately 31% Black, 67% White), and (5) South Mississippi County (approximately 30% Black, 64% White). As noted in a previous opinion, this data indicates that, other than Earle, the school districts that border Turrell have substantial white populations. The other school districts that could potentially share

---

[1] Crawfordsville School District, which was consolidated with the Marion School District in 2004, was the subject of a desegregation order that was dismissed in 2005. *United States of America v. Crawfordsville School District*, United States District Court for the Eastern District of Arkansas, No. 3:66-CV-0038 GTE. In addition, the Blytheville School District was the subject of a desegregation order that was dismissed in 1978. *Franklin, et al. v. Board of Education Blytheville School District, et al.*, United States District Court for the Eastern District of Arkansas, No. J-71-C-35.

a border with the newly formed school district have varying student racial compositions ranging from Hughes (approximately 83% Black, 16% White), to Wynne (approximately 32% Black, 65% White), to Riverside (approximately 1% Black, 96% White). Neither state nor federal law requires the Board to create school districts in a manner that would achieve any particular "racial balance" in the student population of a school district.[2] We have, however, previously noted that the proposed annexation of the Turrell district to the Earle district would create or maintain a nearly all-black district bordered by one or more districts with substantial white populations. For this reason, we strongly advise the Board to scrutinize this proposed consolidation with great care and to satisfy itself that there are legitimate, non-racially-motivated reasons for the consolidation of Turrell to whichever of the five potential "partners" identified in your letter is selected.

Sincerely,

WARREN T. READNOUR
Senior Assistant Attorney General

[2] It should be noted that a decision made solely on a racial basis, even for laudable purposes such as diversity in education or the prevention of (re)segregation, would be subject to "strict scrutiny" analysis. *Parents Involved in Community Schools v. Seattle School Dist. No. 1*, 127 S.Ct. 2738 (2007).

Agency	Purpose of Grant	Amount
Child Development, Inc.	Direct Services	$ 38,224.00
Crowley's Ridge Educational Service Cooperative	Direct Services	$ 45,360.00
ABC Children's Academy and Developmental Center, Inc.	Quality Grant	$ 800.00
ASU Programs for Children and Families in the Delta	Quality Grant	$ 1,400.00
BRAD Head Start/Early Head Start	Quality Grant	$ 800.00
Cabot School District	Quality Grant	$ 800.00
Centerpoint School District	Quality Grant	$ 1,200.00
Child Development, Inc.	Quality Grant	$ 1,400.00
Conway School District	Quality Grant	$ 1,600.00
Crossett School District	Quality Grant	$ 1,000.00
Danville School District	Quality Grant	$ 800.00
Dawson Education Cooperative	Quality Grant	$ 7,200.00
DeQueen Mena Education Cooperative	Quality Grant	$ 5,000.00
Families and Children Together	Quality Grant	$ 1,200.00
Hamburg School District	Quality Grant	$ 600.00
Lakeside SD Hot Springs	Quality Grant	$ 1,800.00
Magnolia School District	Quality Grant	$ 1,200.00
Manila School District	Quality Grant	$ 800.00
Marion School District	Quality Grant	$ 800.00
Miss Mary's Preschool	Quality Grant	$ 600.00
Mother's Touch FCCH	Quality Grant	$ 600.00
North Central Arkansas Development Council	Quality Grant	$ 600.00
Omaha School District	Quality Grant	$ 800.00
Ouachita Industries, Inc.	Quality Grant	$ 600.00
OUR Education Cooperative	Quality Grant	$ 600.00
Palestine-Wheatley School District	Quality Grant	$ 800.00
Pocahontas School District	Quality Grant	$ 800.00
Pulaski Co. Special School District	Quality Grant	$ 2,800.00
Rogers School District	Quality Grant	$ 600.00
SEACBEC	Quality Grant	$ 1,200.00
Sheridan School District	Quality Grant	$ 800.00
South Central Education Cooperative	Quality Grant	$ 1,200.00
South Conway Co. School District	Quality Grant	$ 1,200.00
Texarkana Arkansas School District #7	Quality Grant	$ 1,800.00
TOTAL		**$ 126,984.00**

ARKANSAS DEPARTMENT OF EDUCATION

Dr. Tom W. Kimbrell
Commissioner

State Board of Education

Dr. Naccaman Williams
Springdale
Chair

Jim Cooper
Melbourne
Vice Chair

Sherry Burrow
Jonesboro

Brenda Gullett
Fayetteville

Sam Ledbetter
Little Rock

Alice Mahony
El Dorado

Dr. Ben Mays
Clinton

Toyce Newton
Crossett

March 9, 2010

Ms. Vicky Wilson, Interim Director
School of Excellence
703 N. Division Street
Humphrey, Arkansas 72073

Dear Ms. Wilson:

This letter is to notify you that the Arkansas State Board of Education (State Board) will consider an agenda item concerning the School of Excellence at its next regularly scheduled meeting on Monday, April 12, 2010. In considering this agenda item, the State Board may hear or consider the possibility of modification or revocation of the School of Excellence charter, or placement of the School of Excellence on probation pursuant to Ark. Code Ann. § 6-23-105.

The reason for this potential action by the State Board is that the School of Excellence allegedly failed to satisfy generally accepted accounting standards of fiscal management, and/or failed to comply with Title 6, Chapter 23 of the Arkansas Code or other applicable laws or regulations. *See* Ark. Code Ann. § 6-23-105. The State Board may take action up to and including revocation of the School of Excellence charter. Copies of Ark. Code Ann. § 6-23-105 and Section 15.00 of the Arkansas Department of Education Rules and Regulations Governing Public Charter Schools are enclosed for your review.

A hearing will be conducted on this matter at the State Board's April 12, 2010 meeting. The meeting will begin at **9:00 a.m. on April 12, 2010, in the Auditorium of the Arch Ford Education Building, #4 Capitol Mall, Little Rock, Arkansas.** You and any other representatives of the School of Excellence who can address questions from the State Board concerning the charter school's pending fiscal issues should plan to be in attendance at the meeting. Information or documents that you wish to submit for the State Board's consideration must be received by my office no later than 12:00 noon on March 31, 2010.

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact me at 501-682-4227.

Very respectfully,

Jeremy C. Lasiter
General Counsel

Enclosures

cc: State Board of Education
Tom Kimbrell, Ed.D., Commissioner of Education
State Board Office
Mr. Bill Goff, Assistant Commissioner-Fiscal and Administrative Services
Dr. Mary Ann Duncan, Program Director, Charter Schools

Four Capitol Mall
Little Rock, AR
72201-1019
(501) 682-4475
ArkansasEd.org

An Equal Opportunity Employer

Education and the chief operating officer of the public charter school;

(2) Satisfy the requirements of this chapter; and

(3) Ensure that the information required under § 6-23-404 is consistent with the information provided in the application and any modification that the State Board of Education may require.

(b) Any revision or amendment of the charter for a public charter school may be made only with the approval of the state board.

History. Acts 1999, No. 890, § 10; 2007, No. 736, § 2; 2009, No. 1469, § 19.

6-23-105. Basis and procedure for public charter school probation or charter modification, revocation, or denial of renewal.

(a) The State Board of Education may place a public charter school on probation or may modify, revoke, or deny renewal of its charter if the state board determines that the persons operating the public charter school:

(1) Committed a material violation of the charter, including failure to satisfy accountability provisions prescribed by the charter;

(2) Failed to satisfy generally accepted accounting standards of fiscal management;

(3) Failed to comply with this chapter or other applicable law or regulation; or

(4) Failed to meet academic or fiscal performance criteria deemed appropriate and relevant for the public charter school by the state board.

(b) Any action the state board may take under this section shall be based on the best interests of the public charter school's students, the severity of the violation, and any previous violation the public charter school may have committed.

(c) The state board shall adopt a procedure to be used for placing a public charter school on probation or modifying, revoking, or denying renewal of the school's charter.

(d) (1) The procedure adopted under this section shall provide an opportunity for a hearing to the persons operating the public charter school.

(2) (A) The hearing shall be held at the location of the regular or special meeting of the state board.

(B) The state board shall provide sufficient written notice of the time and location of the hearing.

(3) There is no further right of appeal beyond the determination of the state board.

(4) The Arkansas Administrative Procedure Act, § 25-15-201 et seq., shall not apply to any hearing concerning a public charter school.

14.05 Each public charter school shall provide to the Department of Education the same data required of other public schools, unless such data requirement is waived by the terms of the charter.

15.00 Basis and Procedure for Public Charter Modification, or Charter School Probation, Revocation, or Denial of Renewal.

15.01 The State Board may modify the charter of a public charter school or it may place a public charter school on probation or revoke its charter or deny renewal of its charter at any time the State Board deems it necessary to do so.

15.02 The State Board shall notify the chief operating officer of the public charter school of the alleged violation of the school's charter or of the offense in question. The notice shall include the State Board's proposed action. The notice shall be delivered by certified mail to the chief operating officer of the public charter school.

15.03 The chief operating officer of the public charter school, on behalf of the charter school, may request, in writing, a hearing before the State Board.

15.04 The State Board shall hold a hearing, if requested, within forty-five (45) calendar days of receipt of the hearing request.

15.05 The hearing shall be held at the location of the regular or special meeting of the State Board of Education.

15.05.01 Notice of the hearing shall be provided to the superintendent and the president of the local school board of the school district where the conversion public charter school is located or to the chief operating officer of the open-enrollment public charter school.

15.05.02 The hearing shall be open to the public.

15.06 The decision of the State Board shall be final.

16.00 Impact on Desegregation Efforts

16.01 The applicant petitioners for each application for a proposed public charter school must include a written evaluation describing the potential impact on the efforts of a public school district or districts to comply with court orders and statutory obligations to create and maintain a unitary system of desegregated public schools.

16.02 The local board shall also prepare a written evaluation of the potential impact the proposed public charter school will have on the efforts of the public school district or districts to comply with court orders and statutory obligations to create

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®

OFFICIAL USE

Postage	$ .44
Certified Fee	2.80
Return Receipt Fee (Endorsement Required)	2.30
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 5.54

Postmark Here

7008 1140 0000 8579 7821

Ms. Vicky Wilson, Interim Director
School of Excellence
703 N. Division Street
Humphrey, AR 70273

Instructions

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ms. Vicky Wilson, Interim Director
School of Excellence
703 N. Division Street
Humphrey, AR 70273

A. Signature
X Teresa Boggs ☒ Agent ☐ Addressee

B. Received by (*Printed Name*) Teresa Boggs
C. Date of Delivery 3-11-10

D. Is delivery address different from item 1? ☒ Yes
If YES, enter delivery address below: ☐ No

P.O. Box 158

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (*Extra Fee*) ☐ Yes

2. Article Number
(*Transfer from service label*) 7008 1140 0000 8579 7821

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

School of Excellence
703 N. Division Street
PO Box 148
Humphrey, AR 72073
Phone (870) 873-2008 fax (870) 873-2009
www.school-excellence.com

March 30, 2010

State Board of Education

#4 Capitol Mall

Little Rock, Arkansas

Re: School of Excellence

Dear Board:

I wish I could give you an update on our investigation, however, it is moving quite slowly.

In November of 2007, School of Excellence received a 5 year charter from the ADE. In fall of 2008, the school opened with 28 students in grades 6-9. In fall of 2009, the school's enrollment was 51 students in grades 6-10. By December of 2009, the enrollment had dropped to 44 students. To accommodate the decrease in students, a reduction in force occurred – the bookkeeper, one teacher, the janitor, and the nurse was let go and the Spanish teacher was decreased to a half day. In January, the Director and one teacher resigned. Currently the school has an Interim Director/nurse, secretary/bookkeeper, four full time teachers and one part time teacher. Currently the school is serving 40 students: 14 sixth graders, 8 seventh graders, 7 eighth graders, 4 ninth graders, and 7 tenth graders. The ethnic population is 2 hispanics, 15 blacks, and 23 white students. The students live in Humphrey, Humnoke, Altheimer, Wabbaseka, and Stuttgart. The school operates a 95% free/reduced lunch program.

The mission of the School of Excellence is to provide an alternative learning environment for all students emphasizing international business, economics, multi-lingual communication, and leadership in an integrated curriculum to prepare students for participation in a global economy.

I am enclosing documents for your review prior to the April 12, 2010 Board Meeting. Please note the following regarding the documents:

Detailed Statement of Changes in Fund Balances, Periods 1 through 9: This is a summary of our revenue and expenditures for the 2009-2010 school year.

Note the -$34,351.53 beginning balance for Operating Fund 2200. This school started the school year in the negative, but we can not get an audit done (see response letter for an audit request). If the school had not brought this to your attention, how long would it have gone

unnoticed? We are being proactive about our financial problems, but it is impossible to correct a problem in one months time.

Also, note that NSLA funds (# 2281) only has $7,694.52 expenditures (this was "fixed" this past week). This is not normal for a school that has a 95% free/reduced meal program. Note the ACSIP balance sheet which indicates that our school had budgeted $53,568.00, but we can't use them. Why not? We are still working on correcting this problem.

In addition, note Title I (listed as Chapter I #6501) has no revenue and no expenditures for the entire school year. Again, this is not normal for a school that has a 95% free/reduced meal program. Again, note the ACSIP balance sheet showing an annual allotment for $21,165.00. We are serving many "risky" students, but are not getting reimbursements. We need this problem corrected, but we have to have help from the state department since Title I is a very complicated program. We need more time to correct these APSCN coding errors.

ARRA fund end balance is negative due to the rules that the Simulus money had to be spent, receipts sent to State, then reimbursed. However, only 67% of the money has been sent. We are still lacking the 33% (see email regarding status of remaining stimulus money). The remaining amount will resolve this negative balance.

Finally, note the 8200 Food Service Fund line. Our revenue is very minimal compared to our expenditures. We have corrected our nutrition program problems, but unfortunately cannot recuperate our past losses – a devastating blow to a small poverty school. However, we are now getting reimbursements and this deficit will not continue to get worse.

How can School of Excellence recover from the school's financial problems?

1. Continue to work on the Title I and NSLA funding problems and APSCN coding.
2. Keep the nutrition program on track.
3. Continue our Save our School campaign by soliciting donations, doing fund raisers, writing for grants, and asking foundations for assistance.
4. Keep expenses, salaries, etc. to a minimum. Use more volunteers to supplement needed services such as janitorial, maintenance, tutoring, etc.
5. We have set up payment plan for the bill (Workforce Services) that we could not pay and have a verbal agreement on the AT&T bill.

What is the school's plan for financial sustainability for the future?

1. See 2010-2011 School of Excellence Budget and note a $49,000 positive operating balance.
1. Strengthen the administrative department of the school. The governing board of the school has recently finished interviewing director candidates and has offered the director position to an experienced charter school principal, Buster Lackey, who is from Academics Plus (he has experience in leading a financially distressed school to a strong financially and academically viable entity).

2. Continue to strengthen the governing board of the school. Unfortunately, the trials of this past year has caused some resignations, but they have been replaced with even stronger committed businessmen/women.

3. Supplement extra needs, such as a bus, through grants. There are approximately 20 students in Altheimer that would attend the school if they had transportation.

4. Promote the school through publicity and community outreach programs. Example, offer Spanish and/or Mandarin Chinese night classes, parenting classes.

5. Strengthen the finances through involvement in state programs. Such as employ a teacher from China that will teach math and Mandarin Chinese (salary is paid through a Chinese corporation). See email stating approval for 2010-2011 school year. Also, utilize distance learning classes which are free to all schools. (See enclosed 2010-2011 course offerings). Utilize community college for concurrent courses for advanced students.

6. Strengthen our teachers by involvement in Coop professional development seminars and Charter school conferences (many of these are free courses).

7. Strenthen our school academically. Offer a two week summer student-led enrichment camp. Students in grades 9 and higher will visit colleges/universities. Eighth graders will team lead events. This year the students have chosen sports, arts/crafts, and paranormal investigations. Each of these teams will utilize reading, math, economics, problem-solving skills, strategical skills, research on the internet, computer applications, and team building skills utilizing the whole person.

Why is this school needed? Parents need a choice on where to send their children to school. Small schools are needed to keep students safe and nurture students academically. The surrounding schools are not performing well academically. Parents do not have higher education (79.5% have a high school education or less), therefore, students need extra help at school. The school plans to extend their day till 4 pm in 2010-2011 to help provide academic assistance. Since most of our students will be first generation college students, they will need more guidance than most schools' counselors can give. When I recently asked the students what they would do if the school was not here, their replies were shocking – "live on the streets," "quit," "home school," "get myself kicked out of school," "be forced to go to DeWitt," "beg my parents to move," and "go to Stuttgart." Unfortunately, these are probably realistic responses. The drop out rate in our county is high. The state department does not keep records on what happens to students after a school is closed or consolidated.

Our school is not perfect. We have struggled. We have begged for help, sometimes on deaf ears, sometimes assisted with a gracious hand. Our community is full of poverty and education is a challenge for our students, but when someone cares, it makes a difference in a child's life. One educated child that attends higher education is one child that creates change in his personal family and surrounding friends, and does not go to prison and become a burden to the state. I was a poverty child and first generation college student myself, but a small school helped me become educated and manipulate the path to higher education. If you really believe in No Child

Left Behind, then believe in our school and help guide us to succeed. We are persistent and willing to overcome our obstacles. Help us to do our part to leave No Child Behind.

Sincerely,

Victoria Wilson

Victoria Wilson

Interim Director, School of Excellence

SCHOOL OF EXCELLENCE CHARTER
DETAILED STATEMENT OF CHANGES IN FUND BALANCES
FOR PERIODS 1 THROUGH 9 OF 10

SELECTION CRITERIA: ALL

FUND/SF	FUND TITLE	BEG BALANCE	REVENUE	NON-REVENUE	NON-EXPEND	EXPENDITURES	END BALANCE
0001	DISBURSEMENT FUND	.00	.00	.00	.00	.00	.00
TOTAL NO FUND GROUP TITLE		.00	.00	.00	.00	.00	.00
1200	TEACHER SALARY FUND	.00	.00	.00	.00	151,649.00	-151,649.00
1223	PROFESSIONAL DEVELOPMENT	.00	.00	.00	.00	.00	.00
1275	ALT LEARNING	.00	.00	.00	.00	.00	.00
1276	ENGLISH LANGUAGE LEARNERS	.00	.00	.00	.00	.00	.00
1281	NSLA	.00	.00	.00	.00	.00	.00
TOTAL TEACHER SALARY FUND		.00	.00	.00	.00	151,649.00	-151,649.00
2200	OPERATING FUND	-34,351.53	222,710.79	19,526.99	.00	115,209.73	92,676.52
2223	PROFESSIONAL DEVELOPMENT	1,075.00	1,016.00	.00	.00	1,265.94	825.06
2234	DISTANCE LEARNING GRANT	26,000.00	.00	.00	.00	500.00	25,500.00
2240	LEA SUPERVISOR	250.00	.00	.00	.00	.00	250.00
2275	ALT LEARNING	.00	.00	.00	.00	.00	.00
2276	ENGLISH LANGUAGE LEARNERS	.00	.00	.00	.00	.00	.00
2281	NSLA	26,784.00	20,088.00	.00	.00	7,694.52	39,177.48
2400	CHARTER SCHOOLS FACILITIE	.00	.00	.00	.00	.00	.00
TOTAL OPERATING FUND		19,757.47	243,814.79	19,526.99	.00	124,670.19	158,429.06
3000	BUILDING FUND	.00	.00	.00	.00	.00	.00
TOTAL BUILDING FUND		.00	.00	.00	.00	.00	.00
4000	DEBT SERVICE FUND	.00	.00	.00	.00	.00	.00
TOTAL DEBT SERVICE FUND		.00	.00	.00	.00	.00	.00
6501	CHAPTER I	651.38	.00	.00	.00	.00	651.38
6511	ARRA	.00	1,096.00	.00	.00	.00	1,096.00
6520	CHAPTER II	.00	.00	.00	.00	.00	.00
6535	TITLE V PUB CHART	89,664.99	.00	.00	.00	56,213.34	33,451.65
6702	SPEC ED VIB PASS THROUGH	4,903.00	.00	.00	.00	.00	4,903.00
6756	TITLE II-A	.00	1,168.00	.00	.00	.00	1,168.00
6781	TITLE IV-A	.00	234.00	.00	.00	.00	234.00
6801	ARRA STABILIZATION	.00	20,825.00	.00	.00	31,015.00	-10,190.00
TOTAL FEDERAL FUNDS		95,219.37	23,323.00	.00	.00	87,228.34	31,314.03
8200	FOOD SERVICE FUND	.00	2,373.73	.00	.00	21,932.94	-19,559.21
8640	CHILD NUTRITION NSLP	.00	3,507.78	.00	.00	.00	3,507.78
8645	CHILD NUTRITION SBP	.00	1,477.36	.00	.00	.00	1,477.36
TOTAL FOOD SERVICE FUND		.00	7,358.87	.00	.00	21,932.94	-14,574.07
TOTAL		114,976.84	274,496.66	19,526.99	.00	385,480.47	23,520.02

Sen. Bobby L. Glover
Senate Co-Chair
Rep. Johnny Hoyt
House Co-Chair
Sen. Bill Pritchard
Senate Co-Vice Chair
Rep. Beverly Pyle
House Co-Vice Chair

Arkansas

Roger A. Norman, JD, CPA, CFE
Legislative Auditor

LEGISLATIVE JOINT AUDITING COMMITTEE

DIVISION OF LEGISLATIVE AUDIT

November 16, 2009

Dr. James Young, Executive Director
School of Excellence
P.O. Box 148
Humphrey, Arkansas 72073

Dear Dr. Young:

We appreciate the inquiry into the possibility of our staff performing a financial audit of the School of Excellence Charter School. Your request was presented to the Executive Committee at its November 12, 2009 meeting.

Due to new federal audit mandates and limited number of professional staff, the Legislative Joint Auditing Committee has, at this time, opted not to increase its audit responsibility beyond its current level.

We appreciate the request, and your understanding of the reasons for the Committee's decision. Please contact us if we may be of further assistance.

DIVISION OF LEGISLATIVE AUDIT

Roger A. Norman, JD, CPA, CFE
Legislative Auditor

RAN:jlm

cc: Mary Ann Brown, Ed.D., Director, Arkansas Charter Schools, Department of Education

Balance Sheet

School District: School of Excellence District

Title I	
Net Cash on Hand	$651.38
Allotment Balance	$0.00
Total Funds Carried Over	$651.38
Annual Allotment	$21,165.00
ARRA Annual Allotment	$0.00
Funds Transferred **Into** Title I	$0.00
Total Funds Available	$21,816.38
Total Budgeted	$15,241.38
Funds Held in Reserve	$6,575.00
Total Funds Accounted For	$21,816.38
Title II-A	
Net Cash on Hand	$0.00
Allotment Balance	$781.00
Total Funds Carried Over	$781.00
Annual Allotment	$775.00
Funds Transferred **Into** Title II-A	$0.00
Funds Transferred **From** Title II-A	$0.00
Total Funds Available	$1,556.00
Total Budgeted	$1,556.00
Funds Held in Reserve	$0.00
Total Funds Accounted For	$1,556.00
Title II-D	
Net Cash on Hand	$0.00
Allotment Balance	$0.00
Total Funds Carried Over	$0.00
Annual Allotment	$0.00
Funds Transferred **Into** Title II-D	$0.00
Funds Transferred **From** Title II-D	$0.00
Total Funds Available	$0.00
Total Budgeted	$0.00
Funds Held in Reserve	$0.00
Total Funds Accounted For	$0.00
Title III	
Net Cash on Hand	$0.00
Allotment Balance	$0.00
Total Funds Carried Over	$0.00
Annual Allotment	$0.00
Total Funds Available	$0.00

Total Budgeted	$0.00
Funds Held in Reserve	$0.00
Total Funds Accounted For	$0.00
Title IV-A	
Net Cash on Hand	$0.00
Allotment Balance	$60.00
Total Funds Carried Over	$60.00
Annual Allotment	$174.00
Funds Transferred **Into** Title IV-A	$0.00
Funds Transferred **From** Title IV-A	$0.00
Total Funds Available	$234.00
Total Budgeted	$234.00
Funds Held in Reserve	$0.00
Total Funds Accounted For	$234.00
Title V	
Net Cash on Hand	$0.00
Allotment Balance	$0.00
Total Funds Carried Over	$0.00
Annual Allotment	$0.00
Funds Transferred **Into** Title V	$0.00
Funds Transferred **From** Title V	$0.00
Total Funds Available	$0.00
Total Budgeted	$0.00
Funds Held in Reserve	$0.00
Total Funds Accounted For	$0.00
Title VI Federal	
Net Cash on Hand	$0.00
Allotment Balance	$0.00
Total Funds Carried Over	$0.00
Annual Allotment	$0.00
Total Funds Available	$0.00
Total Budgeted	$0.00
Funds Held in Reserve	$0.00
Total Funds Accounted For	$0.00
Title VI State	
Net Cash on Hand	$0.00
Allotment Balance	$0.00
Total Funds Carried Over	$0.00
Annual Allotment	$0.00
Total Funds Available	$0.00
Total Budgeted	$0.00
Funds Held in Reserve	$0.00
Total Funds Accounted For	$0.00
ALE	
Net Cash on Hand	$0.00
Annual Allotment	$0.00
Funds Transferred **Into** ALE	$0.00
Funds Transferred **From** ALE	$0.00
Total Funds Available	$0.00
Total Budgeted	
Funds Held in Reserve	$0.00
Total Funds Accounted For	$0.00

ELL	
Net Cash on Hand	$0.00
Annual Allotment	$0.00
Funds Transferred **Into** ELL	$0.00
Funds Transferred **From** ELL	$0.00
Total Funds Available	$0.00
Total Budgeted	
Funds Held in Reserve	$0.00
Total Funds Accounted For	$0.00
NSLA	
Net Cash on Hand	$26,784.00
Annual Allotment	$26,784.00
Funds Transferred **Into** NSLA	$0.00
Funds Transferred **From** NSLA	$0.00
Total Funds Available	$53,568.00
Total Budgeted	$53,568.00
Funds Held in Reserve	$0.00
Total Funds Accounted For	$53,568.00
PD	
Net Cash on Hand	$1,075.00
Annual Allotment	$1,356.00
Funds Transferred **Into** PD	$0.00
Funds Transferred **From** PD	$0.00
Total Funds Available	$2,431.00
Total Budgeted	$1,850.00
Funds Held in Reserve	$581.00
Total Funds Accounted For	$2,431.00

From: Kim Bajorek (ADE) (Kim.Bajorek@arkansas.gov)
To: victoriarichardwilson@yahoo.com;
Date: Tue, March 23, 2010 7:53:10 AM
Cc:
Subject: RE: stimulus money - School of Excellence

Ms. Wilson,

There is only 67% of SFSF in the state now. The State had to apply for the remaining 33%. That application has been completed and was submitted to the feds on January 11th. They released some feedback last week and the State is working on a response. We hope it won't be much longer before we hear an answer from them.

Kim Bajorek
LEA Federal Funding Analyst
Arkansas Department of Education
Federal Grants Management
501-683-6530

From: Victoria & Richard Wilson [mailto:victoriarichardwilson@yahoo.com]
Sent: Monday, March 22, 2010 5:39 PM
To: Kim Bajorek (ADE)
Subject: Re: stimulus money - School of Excellence

Kim,
Any word on when the final 33% of the stimulus money will be paid to the school districts?
Victoria Wilson
School of Excellence

From: Kim Bajorek (ADE) <Kim.Bajorek@arkansas.gov>
To: Heather Gage (ADE) <Heather.Gage@arkansas.gov>
Cc: "victoriarichardwilson@yahoo.com" <victoriarichardwilson@yahoo.com>
Sent: Fri, January 29, 2010 2:31:46 PM
Subject: RE: stimulus money - School of Excellence

Heather and Victoria

Here is the detail for School of Excellence payments for State Fiscal Stabilization Funds.

The 67% of Funds Available was reached on 12/21/09.

That is all that can be paid at this point in time.

See below charts with the details on the allocation and payments.

Hope this helps! Let me know if I can be further assistance.

Kim

2009 - stabilization Allotment	67% of stabilization	33% Balance to be Allocated
32,717	21,921	10,797

LEA #, if applicable	Name of School District, Coop, Charter School or other grantee	Payment Amount	Cost Center	WBS Element (Use with 349XXX Cost Centers)	Assignment Field (Include any # or text to print on payment stub up to 16 digits)	Text Field (Include Source of Funds & Rev Code, Program Description, school name or other text to print on payment stub up to 50 digits)	
140000	School of Excellence	1,096.00	349014	R.0500.ARRARVS394A09S1	SFSF	ARRA Stabilization - 5% of 67% available	07/30/2009 - SUBMISSIONS
140000	School of Excellence	20,315.00	349014	R.0500.ARRARVS394A09S1	SFSF	ARRA Stabilization-Exp Reimburse thru 12 19 09	12/19/2009 - expenditure
140000	School of Excellence	510.00	349015	R.0500.ARRARVS397A09S1	SFSF	ARRA Stabilization-Exp Reimburse thru 12 19 09	12/19/2009 - expenditure
	TOTAL PAYMENTS:	21,921.00					

Kim Bajorek
Kim.Bajorek@arkansas.gov
LEA Federal Funding Analyst
Arkansas Department of Education
Federal Grants Management
501-683-6530

From: Heather Gage (ADE)
Sent: Friday, January 29, 2010 10:08 AM
To: Kim Bajorek (ADE)
Subject: FW: stimulus money

What did you find out about this?

From: Victoria & Richard Wilson [mailto:victoriarichardwilson@yahoo.com]
Sent: Monday, January 25, 2010 4:53 PM
To: Heather Gage (ADE)
Subject: Re: stimulus money

2010-2011 School of Excellence Budget

Revenue		Explanation	Title I	NSLA	Prof Dev	CNN	Title V
State Foundation	361,380	60 students @$6023/student					
Professional Development		$41.32/student x 60			2479		
Title II		127/mo past allocation	1524				
NSLA		2232/mo past allocation		26,784			
Title I		ACSIP plan	20,000				
Nutrition							
breakfast		aver. Free/red(1.31) x 35 x 178 d				8,161	
lunch		aver. free/red(2.48) x 55 x 178 days				24,279	
Title V carryover							30,000
Total	361,380		21524	26784	2479	26784	30000

Expenditures			Title I	NSLA	Prof Dev	Ch Nut	Title V
Salaries							
Adminstration	75,000	Director + bookkeeper/secretary					
Teachers	105,000	3 FTE Teachers x $35,000 average					
Teacher	0	Chin./math tchr pd by China corp.					
Paraprofessional + benefits		Math/Literacy coach	19,000				
Paraprofessional + benefits		part time tutor		7,500			
Nurse	2,500	part time + retired nurse vol.					
Janitor	2,500	p/t 5 hrs/week x 42 wks + 400 ex					
Salary Benefits	61,500	30% of all salaries					
Professional Development		60 hours + 8 hours		1500	2,400		
Facilities							
Building Lease	37,272	$3106/mo x 12 months					
Electricity	9,600						
Water	800						
Telephone	2,000						
Insurance	500						
Maintenance/cleaning	3,000						
Security	350	monitoring $27/mo x 12 mo					
Textbooks				1000			10,000
Supplies				9000			15,000
Advertising							3,000
Tech. educat.help program				5000			
NWEA Assessments				2500			
Payment agreements							
workforce services	1,700	$850/month x 2 months					
AT&T bill	6,000	$500/month x 12 months					
Board Liability Insurance	2,500						
Meals		60 x 178 x $2.70/ea + $500/mo.				33,500	
Total	310222		19000	26500	2400	33500	28000

Arkansas Department of Education Distance Learning Center

601 Carnahan Drive • Maumelle, AR 72113 • 501-803-5400 • http://dlc.k12.ar.us

2010 – 2011 Course Offerings

Course Number	Subject	Units
	Elementary Art	
	Call for Information	
	Elementary Spanish	
	Call for Information	
	Business Education	
492190	Fashion Merchandising Fall & Spring	.5
492640	Sports Marketing Fall & Spring	.5
496020	Personal Finance Fall & Spring	.5
492260	Travel & Tourism Fall & Spring	.5
	Fine Arts	
450000	Art	1
450030	Art II	1
453000	Survey of Fine Arts	.5
450090	Studio Art 2-D	.5
	Foreign Languages	
440000	Spanish I	1
440020	Spanish II	1
540030	Spanish III	1
441000	French I	1
441010	French II	1
541030	French III	1
	Language Arts	
411000	Pre-AP English 10	1
517030	AP English Language	1

Course Number	Subject	Units
	Language Arts	
517040	AP English Literature	1
519060	Creative Writing	1
416000	Drama - Spring Only	.5
415000	Journalism I	1
515030	Journalism II	1
515040	Journalism III	1
414000	Oral Communication	.5
	Mathematics	
430000	Algebra I	1
432000	Algebra II	1
431000	Geometry	1
433000	Precalculus incl Trig	1
439070	Algebra III	1
	Sciences	
421000	Chemistry	1
422000	Physics	1
423000	Physical Science	1
	Social Studies	
470000	American History	1
472000	Civics	.5
474300	Economics	.5
472000	Government	.5
570020	AP U.S. History	1
471000	World History	1
571020	AP World History	1
	Units Offered	**32.5**

Contact Information:

Michael Lar

Contact Information:

Shirley Pickle

From: Barbara Culpepper (ADE) (Barbara.Culpepper@arkansas.gov)
To: victoriarichardwilson@yahoo.com;
Date: Mon, March 22, 2010 11:29:02 AM
Cc:
Subject: RE: Chinese teacher

Yes, you can count on the Chinese teacher. We have you down for one. BC

Barbara Culpepper
Unit Coordinator/Teacher Quality
Arkansas Department of Education
501 Woodlane St. Suite 220-C
Little Rock, AR 72201
501-682-4311
Fax: 501-682-5118

From: Victoria & Richard Wilson [mailto:victoriarichardwilson@yahoo.com]
Sent: Monday, March 22, 2010 9:52 AM
To: Barbara Culpepper (ADE)
Subject: Re: Chinese teacher

We are beginning our teacher search for the 2010-11 school year and wanted to verify that I could count on a Chinese teacher.
Vicky
School of Excellence

From: Barbara Culpepper (ADE) <Barbara.Culpepper@arkansas.gov>
To: Victoria & Richard Wilson <victoriarichardwilson@yahoo.com>
Sent: Wed, February 17, 2010 12:24:47 PM
Subject: RE: Chinese teacher

We will probably have a meeting of all the SDs getting a new Chinese teacher. I will let you know as soon as the date is set. BC

Barbara Culpepper
Unit Coordinator/Teacher Quality
Arkansas Department of Education
501 Woodlane St. Suite 220-C
Little Rock, AR 72201
501-682-4311
Fax: 501-682-5118

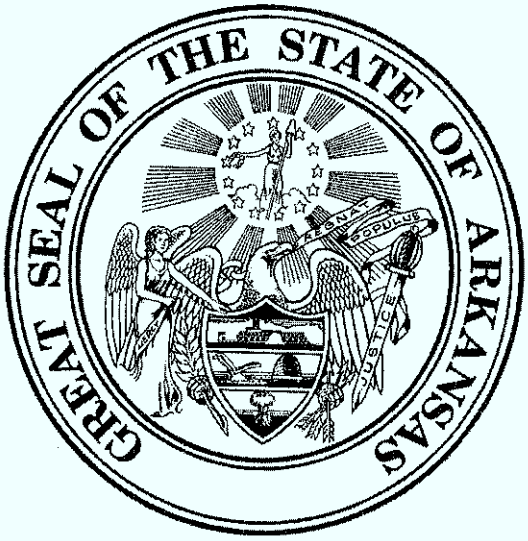
From: Victoria & Richard Wilson [mailto:victoriarichardwilson@yahoo.com]
Sent: Wednesday, February 17, 2010 11:40 AM
To: Barbara Culpepper (ADE)
Subject: Re: Chinese teacher

Wonderful! Let me know if you need anything else from our school.

ARKANSAS DEPARTMENT OF EDUCATION

Open-Enrollment Public Charter School New Application

Deadline for Submission: August 31, ~~2009~~



Charter School: _____

Date Submitted: _____

Date Approved: _____

Arkansas Department of Education
Charter School Office
~~# 4~~ Four ~~State~~ Capitol Mall, Room ~~305-B~~ 105-C
Little Rock, AR 72201
501.683.5313

Arkansas Department of Education
Open-Enrollment Public Charter Schools
~~Planning to Open in 2009-201~~

June 30, ~~2008*~~	Deadline for open-enrollment letters of intent to be filed with the ADE.
August 31, ~~2008*~~	Deadline for open-enrollment applications to be filed with the ADE, and superintendent of each public school district ~~local school board, and other school boards~~ likely to be affected by proposed charter school.
September 30~~, 2008*~~	Deadline for local school board where the proposed open-enrollment public charter school will be located to submit to the State Board and the applicant, written conclusions and results of its vote to approve or disapprove the charter application.
September 30, ~~2008*~~	Deadline for local boards of school districts likely to be affected by the proposed open-enrollment public charter school to submit any written findings or statements to the SBE.
November/December ~~2008*~~	Tentative date for application submitted to the State Board of Education. (Pending hearing timelines.)

*Note - All information must be received in the Charter School Office of the Arkansas State Department of Education no later than 4:00 p.m. on the date of the deadline. Information received in the Charter School Office after 4:00 p.m. on the established date will not be processed. It is the responsibility of the applicant to strongly adhere to the charter application timeline. Please take under consideration the length of the time that may be required for your application to reach the Charter School Office, particularly when mailing your application. Should the deadline date fall on a weekend, all materials must be received no later than 4:00 p.m. the following Monday.

STATE BOARD OF EDUCATION

ARKANSAS DEPARTMENT OF EDUCATION

REQUIREMENTS FOR LETTER OF INTENT

To Apply For An **Open-Enrollment** Public School Charter

Applicants for open-enrollment public charter schools are required to send a one (1) page "**Letter of Intent to Apply for an Open-Enrollment Public School Charter**" to the Arkansas Department of Education.

Submit the letter of intent via certified mail to the Department of Education at the following address no later than the close of the business day (4:00 p.m.) **on June 30, ~~2008~~** in order for the application to be considered by the State Board of Education at a later date:

Arkansas Department of Education
Charter School Office
~~4 State~~ Four Capitol Mall, Room ~~305-B~~ 105-C
Little Rock, AR 72201

Required format to be followed for the letter of intent:

1. The letter of intent is to consist of only one (1) page;
2. Include the name of the eligible entity which intends to apply for a charter. If a not for profit, specify name on the 501 (c) (3) and 501 (c) (3) status.
3. Include the contact person's name, full address, daytime telephone number, FAX number, and e-mail address;
4. Give a description of the eligible entity which will be proposing the charter;
5. Give the name of the proposed open-enrollment public charter school;
6. Describe the location of the proposed open-enrollment public charter school;
7. Identify the grade levels of students to be served by the open-enrollment public charter school;
8. Provide proposed student enrollment cap for the open-enrollment public charter school; and
9. Provide a one-paragraph description of the purpose or special emphasis of the proposed school.

The contact person for the proposed open-enrollment public charter school shall sign the letter.

A copy of the letter of intent ~~must~~ shall also be sent via certified mail to the superintendent ~~Board of Directors~~ of the public school district where the proposed public charter school will be located.

STATE BOARD OF EDUCATION
ARKANSAS DEPARTMENT OF EDUCATION
APPLICATION FOR AN OPEN-ENROLLMENT PUBLIC CHARTER SCHOOL

A. GENERAL INFORMATION (Please type)

Name of Proposed Charter School: _____

Grade Level(s) for the School: _____ ~~Proposed Enrollment~~ Student Enrollment cap: _____

Name of Sponsoring Entity: _____

The applicant is an "eligible entity" under the following category (check one):

- ☐ a public institution of higher education;
- ☐ a private nonsectarian institution of higher education;
- ☐ a governmental entity; or
- ☐ an organization that is nonsectarian in its programs and operations, and is, or will be, exempt from taxation under Section 501(c) (3) of the Internal Revenue Code (provide evidence). (A copy of the entity's letter from the IRS reflecting tax exempt status or a copy of the entity's application for 501 (c) (3) status must be attached to the application. Articles of incorporation or letter acknowledging nonprofit status from the Secretary of State will not suffice). An eligible entity must have received formal tax exempt status under §501 (c) (3) of the Internal Revenue Code of 1986 prior to the first day of its operation with students.

Name of Contact Person: _____

Address (no P.O. Box please): _____ City: _____ ZIP: _____

Daytime Phone Number: (_____) _____ FAX: _____

E-mail: _____

Charter Site Address: _____ City: _____

ZIP: _____ Date of Proposed Opening: _____

Chief Operating Officer
of Proposed Charter: _____ Title: _____

Address: _____ City: _____

ZIP Code: _____ Daytime Telephone Number: _____

The proposed charter will be located in the _____ School District.

List the current K-12 student enrollment of the district where the proposed public charter school will be located.

_____ (Total District Enrollment)

List the school districts from which students are expected to come (use additional sheets as necessary).

_____ _____ _____

_____ _____ _____

_____ _____ _____

B. GENERAL DESCRIPTION

In succinct terms describe the proposed school including grade levels offered, student populations served, educational focus, and any other essential characteristics.

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

(Use additional sheets as necessary.)

C. GENERAL INSTRUCTIONS

APPLICATION REQUIREMENTS AND CONTENTS: The total number of pages prepared by the applicant in response to Section D of this application form including any attachments used to support those responses **cannot exceed 60 pages**. Any attachments required by the application form are not to be included in the count for the total number of pages and are indicated by the word "required" in the list of contents below. Do not use dividers or separators noting the various parts of the application. **All pages including attachments should be numbered and clearly referred to in the narrative text.**

The narrative responses should be given in the order requested. **Brevity and clarity are strongly encouraged**. The responses and all supporting attachments should be prepared/ typed on white, 8 ½" x 11" paper (copied on one side only) suitable for reproduction. The type should be in 12 point font or larger and page margins of at least one (1) inch on all sides with page numbers clearly marked.

List of Contents:
The following is a list for the contents of the final application to be submitted to the State Board of Education. **The contents must be arranged in the order listed below**:

1. Sections A and B of the application form with all information provided (required)
2. Responses to all inquiries in Section D in the prescribed order and numbered accordingly
3. Applicant's attachments (if any) supporting narrative responses
4. A copy of the school's calendar and daily schedule (required)
5. Facility use agreement (required)
6. Proposed budget using template provided (required)
7. Proposed salary schedule for both administrative and teaching positions (required)
8. Evidence of status as eligible entity (required)
9. Evidence of parental and community support (required)
10. Signed Statement of Assurances Form (required)

Submit the original copy of the application with original pages for all attachments including original signatures on any attachment requiring a signature. DO NOT STAPLE THE ORIGINAL APPLICATION PAGES NOR ANY OF THE ORIGINAL ATTACHMENTS.

In addition to the original unbound copy of the application and all attachments, **please submit: ~~Six(6)~~ Twelve (12) one sided bound/stapled copies (no notebooks); One (1) CD copy of the application** in Microsoft Word, ~~WordPerfect,~~ or Adobe Acrobat pdf file. Please ensure that the information saved on the CD can be accessed. CD should be labeled with the name of the proposed school.

All application materials must be received by the Charter School Office at the Arkansas Department of Education by 4:00 p.m. on August 31 ~~29, 2008~~. Please make sure that applications being submitted by United States Postal Service . ~~Mail~~ are done so in a timely manner as to be received in the Charter School Office by the deadline. Facsimile transmissions (FAX) will not be accepted, and any application received after this time will not be forwarded to the State Board of Education for consideration. Applications should be mailed or hand-delivered to:

Arkansas Department of Education
Charter School Office
Four ~~4 State~~ Capitol Mall, Room ~~305-B~~ 105-C
Little Rock, AR 72201

D. REQUIRED INFORMATION

The applicant for the proposed open-enrollment charter, if approved by the State Board of Education, agrees to operate the educational program described below in accordance with the provisions described within this document, Arkansas Code Annotated §6-23-101 et seq, the State Board of Education Rules Governing Charter Schools, and the attached assurances. This is a narrative description of various components of the proposed charter school, and the responses to the following inquiries including any supporting attachment pages **must be limited to no more than 60 pages**.

Application Standards:

1. Describe the results of the public hearing, which was held for the purpose of assessing support for the establishment of this open-enrollment public charter school. Provide copies of any supporting evidence received.

2. Provide documentation that each of the following requirements of Arkansas Code Annotated §6-23-302 were met:

   A. The notice of the public hearing was published on a weekly basis for at least three (3) weeks prior to the date of the hearing in a newspaper having general circulation in the school district(s) from which students will be drawn.

   B. The notice of the public hearing shall not be published in the classified or legal notice section of the newspaper. The notice shall be published in no less than ten-point type and shall be no less than two by four inches or four by two inches in size.

   C. The last publication date of the notice shall be no less than seven days prior to the public meeting.

   D. Within seven (7) calendar days following the first publication of the notice of the public hearing, letters announcing the public hearing shall be sent to the superintendent ~~and school board members~~ of each of the school districts from which the open-enrollment public charter school is likely to draw students for the purpose of enrollment and the superintendent ~~and school board members~~ of any district that is contiguous to the district in which the open-enrollment public charter school will be located. ~~*(The required letters to the school board members shall only be required for each school board member whose name and mailing address is provided by the superintendent of an affected school district or the Department of Education upon the request of the applicant.)*~~

3. Describe the governing structure of the open-enrollment charter, including board composition, selection process, and responsibilities. Also describe the role of the administrators, faculty, parents, students, and community members in the leadership and decision-making of the school.

4. Give the mission statement for the proposed open-enrollment public charter school.

5. Describe the educational need for the school.

6. Describe the educational program to be offered by the open-enrollment public charter school.

7. List the specific measurable goals in reading, reading comprehension, mathematics, and mathematics reasoning based on the state mandated assessments, and any other assessment tools if used, for improving student academic achievement for each year of the public charter schools' initial five (5) year period.

8. Describe the process that will be used to develop and align the curriculum with the Arkansas Curriculum Frameworks.

9. Describe the geographical area to be served by the charter, and list all school districts within the geographical area that may be affected by the open-enrollment public charter school.

10. Describe the plan for the school officials to provide an annual report to parents, the community, and the State Board of Education that demonstrates the progress made by the charter school during any previous academic year in meeting its academic performance objectives. (*See ADE Rules Governing Standards for Accreditation of Arkansas Public Schools and School Districts (standards rules), Section 7.04.2.)*

11. Describe the enrollment criteria and student admission, recruitment and selection processes for the proposed public charter school. Include a statement that a random, anonymous student selection method will be utilized in the event that more students apply for admission to the open-enrollment public charter school than can be accommodated under the terms of the charter, except as allowed for in Arkansas Code Annotated §6-23-306(14)(C). Should an applicant believe that the use of a weighted lottery is necessary, the applicant shall state how they will comply with the requirements of Arkansas Code Annotated 6-23-306 (14) (c).

12. Summarize the job descriptions of the school director and other key personnel. Specify the qualifications to be met by professional employees (administrators, teachers, counselors, etc.) of the program. List the types of administrative positions, teaching positions, and support positions and how many of each.

13. Explain how the school will conduct its business office, with what personnel, and describe the process by which the governance structure of the school will adopt an annual budget.

14. Describe the manner in which an annual audit of the financial and programmatic operations of the school will be conducted.

15. Provide a statement that the public charter school will participate in the Arkansas Public School Computer Network for reporting education data, as required by state statute or by State Board of Education rule.

16. Describe the facilities to be used. Give the present use of the facility and the use for the past three (3) years. If the facility to be used for the school is a facility of a school district, describe the terms established by the local school board of the district stipulating the relationship between the proposed public charter school and the district pertaining to the use of the facility. Attach a copy of the agreement, signed by the president of the local school board, the chair or president of the governing body of the proposed open-enrollment public charter school, and the chief operating officer of the proposed charter. If the facility is not operated by a school district, attach a copy of the agreement, signed by the entity owning or operating the facility and the chief operating officer of the proposed charter.

    Please identify the owner(s) of the proposed facility and describe their relationship, if any, with:

    (1) Members of the local board of the public school district where the proposed open-enrollment public charter school will be located,

    (2) Employees of the public school district where the proposed open-enrollment public charter school will be located,

    (3) The eligible entity sponsoring the open-enrollment public charter school, or

    (4) Employees/directors/administrators of the proposed open-enrollment public charter school.

    Include a statement that the facility will comply with all requirements for accessibility in accordance with the Americans with Disabilities Act (ADA) and Individuals with Disabilities Education Act (IDEA) and all other state and federal laws. The facility will be inspected by staff of the ADE or its designee prior to any State Board of Education action on the application. If the facility does not currently meet these requirements, provide a list of items that will need to be addressed to bring the facility into compliance. Also include a statement of permissible uses for the facility from the local zoning authority, and whether there are any alcohol sales within 1000 feet of the facility.

17. Describe the manner in which the school will make provisions for the following student services:
    A) Guidance Program
    B) Health Services
    C) Media Center
    D) Transportation
    E) Special Education
    F) Alternative Education
    G) Gifted and Talented Program

Please note that under federal guidelines students with disabilities shall be provided specific services and all aspects of IDEA apply. The public charter school cannot waive the responsibility of providing services for students with disabilities.

18. Describe the manner in which the school will make provisions for food services. Please note that under federal guidelines students with disabilities shall be provided specific services and all aspects of IDEA apply. The public charter school cannot waive the responsibility of providing services for students with disabilities.

19. Describe how the parents or guardians of the enrolled students will be involved with the school and its educational programs.

20. List the provisions of Title 6 of the Arkansas Code Annotated (Education Code) and the State Board of Education rules, including sections of the *Standards for* Rules as allowed, established by the State Board that the open-enrollment public charter school seeks to be exempted from in order to meet the goals of the school. Identify the specific State Board rules requested to be waived by title and section number if applicable. **Provide a brief description of the need for each waiver requested.**

21. Describe the potential impact of the proposed open-enrollment public charter school on the efforts of affected public school district(s) to comply with court orders and statutory obligations to create and maintain a unitary system of desegregated public schools.

Attachments must be included in the following order:

- Applicant's attachments (if any) supporting narrative responses
- A copy of the school's calendar and daily schedule (required)
- Facility use agreement (required)
- Proposed budget using template as provided (required)
- Proposed salary schedule for both administrative and teaching positions (required)
- Evidence of status as eligible entity (required)
- Evidence of parental and community support (applicant's attachments)
- Signed Statement of Assurances Form (required)
- Lease Agreement as provided (required)

OPEN-ENROLLMENT PUBLIC CHARTER SCHOOL
FACILITIES UTILIZATION AGREEMENT AND LEASE AGREEMENT

Lessor (Owner): _____

Lessee (Tenant): _____

Any information regarding affiliation, family ties, or other relationships between the Lessor (Owner) and Lessee (Tenant) must be disclosed with the facilities lease agreement.

Describe the present use of the facility and use for prior three (3) years:

_____

_____

Premises: _____
address

_____
square footage

Terms of Lease: _____

Rental Amount: _____

Contingency: The terms of this agreement are contingent upon

_____(sponsoring entity) receiving a charter to operate an open-enrollment public charter school from the State Board of Education by August of ~~2008~~ _____.

Statutory Language Concerning No Indebtedness: No indebtedness of any kind incurred or created by the open-enrollment public charter school shall constitute an indebtedness of the state or its political subdivisions, and no indebtedness of the open-enrollment public charter school shall involve or be secured by the faith, credit, or taxing power of the state or its political subdivisions.

Lessee:	Lessor:
_____	_____
By _____	By_____
Date_____	Date _____

Charter School Budget Information

The Budget Template has been developed for application purposes. It is intended to challenge the applicant to consider the many expenses incurred in the operation of a school. It is formatted to expedite the application process. Budget revenues must equal or exceed expenses for each school year.

Upon approval of the Open-Enrollment Public Charter School, the ADE Public School Finance and Administrative Support Section will provide technical assistance. At that time, a detailed budget will be developed specific to the terms of the Charter. That budget will also meet the data reporting requirements of the Arkansas Public School Computer Network.

The Budget Template is to be used as an estimate of the Revenues and Expenditures associated with the operation of the Open-Enrollment Public Charter School. The Expenditures section is a comprehensive overview of the normal expenses incurred in the operation of a school.

The following definitions are provided to assist the applicant in the completion of the Budget Template:

> The "Number of Students" is the number of students expected to be enrolled in the open-enrollment public charter school. The description of student numbers including addition of students by year and or grade must clearly be defined within the application.
>
> All public schools in Arkansas receive "foundation funding," a set amount of money per student based upon average daily membership. ~~On top of the foundation funding amount, which was~~ the amount determined necessary to provide all students with an adequate education. ~~public schools also receive "enhancement funding," which allows the state to fund education at an amount above what is required for adequacy. This amount will change each fiscal year. It is calculated in July. For further clarification of student funding please refer to Arkansas Code Annotated § 6-20-2305.~~
>
> Number of Positions, both certified and non-certified should be stated as the full time equivalent (FTE) of each position. For example, if the Charter will have 5 FTE's position at 1.00 and 3 part-time FTE's positions at .50 employees: the 5.00 FTE's position equal a total of 5.00 FTE's positions, the 3 part-time .50 FTE's positions equal a total of 1.50 FTE's positions, for a grand total of 6.50 FTE's positions.
>
> Fringe Benefits at a minimum should include F.I.C.A., teacher retirement, health insurance, and unemployment obligations.

Public Charter School Application
Estimated Budget Worksheet ~~/ Template~~

Line#	Revenues	Amount	Total
1	State Public Charter School Aid:		
	No. of Students (____) x $~~5,905.00~~6,023.00 State Foundation		
2	Funding		
3	~~No. of Students (____) x $35.00 Enhancement Funding~~		
4	No. of Students (____) x $41.33 Professional Development		
5	No. of Students (____) x eligible rate* NSLA Funding		
6	Total State Charter School Aid		$0.00
7			
8	Other Sources of Revenues:		
9	Private Donations or Gifts		
10	Federal Grants (List the amount)		
11	Special Grants (List the amount)		
12	Other *(Specifically Describe)*		
13			
14	Total Other Sources of Revenues		$0.00
15			
16	**TOTAL REVENUES**		$0.00
17			
18	**Expenditures**	**Amount**	**Total**
19	Administration:		
20	Salaries: *(No. of Positions___)*		
21	Fringe Benefits		
22	Purchased Services		
23	Supplies and Materials		
24	Equipment		
25	Other *(Describe)*		$0.00
26			
27	Regular Classroom Instruction:		
28	Salaries: *(No. of Positions___)*		
29	Fringe Benefits		
30	Purchased Services		
31	Supplies and Materials		
32	Equipment		
33	Other *(Describe)*		$0.00

**NSLA Funding eligibility rate: the amount of funding is based on the percentage of students eligible for free or reduced price meals. Below seventy percent (70%): $496.00 per student; between seventy and ninety percent (70-90%): $992.00 per student; and ninety percent and above (90%): $1,488.00 per student.*

34 *(Budget Continued)*

35 Special Education:

36 Salaries: *(No. of Positions___)*	_____	
37 Fringe Benefits	_____	
38 Purchased Services	_____	
39 Supplies and Materials	_____	
40 Equipment	_____	
41 Other *(Describe)*	_____	$0.00

42

43 Gifted and Talented Program:

44 Salaries: *(No. of Positions___)*	_____	
45 Fringe Benefits	_____	
46 Purchased Services	_____	
47 Supplies and Materials	_____	
48 Equipment	_____	
49 Other *(Describe)*	_____	$0.00

50

51 Alternative Education Program:

52 Salaries: *(No. of Positions___)*	_____	
53 Fringe Benefits	_____	
54 Purchased Services	_____	
55 Supplies and Materials	_____	
56 Equipment	_____	
57 Other *(Describe)*	_____	$0.00

58

59 Guidance Services:

60 Salaries: *(No. of Positions___)*	_____	
61 Fringe Benefits	_____	
62 Purchased Services	_____	
63 Supplies and Materials	_____	
64 Equipment	_____	
65 Other *(Describe)*	_____	$0.00

66

67 Health Services:

68 Salaries: *(No. of Positions___)*	_____	
69 Fringe Benefits	_____	
70 Purchased Services	_____	
71 Supplies and Materials	_____	
72 Equipment	_____	
73 Other *(Describe)*	_____	$0.00

74 *(Budget Continued)*

75 Media Services:

76 Salaries: *(No. of Positions___)* _____

77 Fringe Benefits _____

78 Purchased Services _____

79 Supplies and Materials _____

80 Equipment _____

81 Other *(Describe)* _____ _____ $0.00

82

83 Fiscal Services:

84 Salaries: *(No. of Positions___)* _____

85 Fringe Benefits _____

86 Purchased Services _____

87 Supplies and Materials _____

88 Equipment _____

89 Other *(Describe)* _____ _____ $0.00

90

91 Maintenance and Operation:

92 Salaries: *(No. of Positions___)* _____

93 Fringe Benefits _____

94 Purchased Services

95 (include utilities) _____

96 Supplies and Materials _____

97 Equipment _____

98 Other *(Describe)* _____ _____ $0.00

99

100 Pupil Transportation:

101 Salaries: *(No. of Positions___)* _____

102 Fringe Benefits _____

103 Purchased Services _____

104 Supplies and Materials _____

105 Equipment _____

106 Other *(Describe)* _____ _____ $0.00

107

108 Food Services:

109 Salaries: *(No. of Positions___)* _____

110 Fringe Benefits _____

111 Purchased Services _____

112 Supplies and Materials _____

113 Equipment _____

114 Other *(Describe)* _____ _____ $0.00

(Budget Continued)

Data Processing:		
Salaries: *(No. of Positions___)*		
Fringe Benefits		
Purchased Services		
Supplies and Materials		
Equipment		
Other *(Describe)*		$0.00
Substitute Personnel:		
Salaries: *(No. of Positions___)*		
Fringe Benefits		$0.00
Facilities:		
Lease/Purchase (contract for one total year including facility upgrades)		
Please list upgrades:		
Utilities (contract for one total year including facility upgrades)		
Insurance (contract for one total year including facility upgrades):		
Property Insurance		
Content Insurance		$0.00
Debt Expenditures:		$0.00
Other Expenditures:		
(Describe)		$0.00
TOTAL EXPENDITURES		$0.00

OPEN-ENROLLMENT PUBLIC CHARTER SCHOOL APPLICATION STATEMENT OF ASSURANCES

The signature of the Chief Operating Officer of the public charter school certifies that the following statements are addressed through policies adopted by the public charter school and, if approved, the governing body, administration, and staff of the open-enrollment charter shall abide by them:

1. The information submitted in this application is true to the best of my knowledge and belief and this application has been sent to the superintendent of all the districts from which we intend to draw students.

2. The proposed open-enrollment public charter school shall be open to all students, on a space available basis, and shall not discriminate in its admission policy on the basis of race, color, national origin, creed, sex, ethnicity, sexual orientation, mental or physical disability, age, ancestry, athletic performance, special need or proficiency in the English language, and academic achievement, except as follows: the open-enrollment public charter school may adopt admissions policies that are consistent with federal law, regulations, or guidelines applicable to charter schools. However, the charter may provide for the exclusion of a student who has been expelled from another public school district.

3. In accordance with federal and state laws the proposed open-enrollment public charter school hiring and retention policies of administrators, teachers, and other employees shall not discriminate on the basis of race, color, national origin, creed, sex, ethnicity, sexual orientation, mental or physical disability, age, ancestry, or special need.

4. The proposed open-enrollment public charter school shall operate in accordance with federal laws and rules governing public schools; applicable provisions of the Arkansas Constitution; and state statutes or regulations governing public school not waived by the approved charter.

5. An open-enrollment public charter school shall not use the moneys that it receives from the state for any sectarian program or activity or as collateral for debt. However, open-enrollment public charter schools may enter into lease-purchase agreements for school buildings built by private entities with facilities bonds exempt from federal taxes under 26 USCS 142(a) as allowed by Arkansas Code Annotated § 6-20-402. No indebtedness of an open-enrollment public charter school shall ever become a debt of the state of Arkansas.

6. The proposed open-enrollment public charter school shall not impose taxes or charge students tuition or fees that would not be allowable charges in the public school districts.

7. The proposed open-enrollment public charter school shall not be religious in its operations or programmatic offerings.

8. The proposed open-enrollment public charter school shall ensure that any of its employees who qualify for membership in the Arkansas Teacher Retirement System or the State and Public School Employee Insurance Program shall be covered under those systems to the same extent a qualified employee of a school district is covered.

9. The employees and volunteers of the open-enrollment public charter school are held immune from liability to the same extent as other public school district employees and volunteers under applicable state laws.

10. The open-enrollment public charter school shall be reviewed for its potential impact on the efforts of the public school districts within the proximity of the open-enrollment public charter school to comply with court orders and statutory obligations to create and maintain a unitary system of desegregated public schools.

11. The proposed open-enrollment public charter school shall comply with all health and safety laws, rules and regulations of the federal, state, county, region, or community that may apply to the facilities and school property.

12. The proposed open-enrollment public charter school shall not use any funds it receives from the state for any sectarian program or activity or as collateral for debt.

13. The charter applicant should know that certain provisions of state law shall not be waived. The proposed open-enrollment public charter school is subject to any prohibition, restriction, or requirement imposed by Title 6 of the Arkansas Code Annotated and any rule and regulation approved by the State Board of Education under this title relating to:

    (a) Monitoring compliance with Arkansas Code Annotated § 6-23-101 et seq. as determined by the Commissioner of the Department of Education;

    (b) Conducting criminal background checks for employees;

    (c) High school graduation requirements as established by the State Board of Education;

    (d) Special education programs as provided by this title;

    (e) Public school accountability under this title; and

    (f) Health and safety codes as established by the State Board of Education and local governmental entities.

14. The facilities of the proposed public charter school shall comply with all requirements for accessibility for individuals with disabilities in accordance with the ADA and IDEA and all other state and federal laws.

15. Should the open-enrollment public charter school voluntarily or involuntary close, the applicant should know that any fees associated with the closing of the school including but not limited to removal of furniture, equipment, general expenses, etc, are the sole responsibility of the sponsoring entity. No indebtedness of any kind incurred or created by the open-enrollment public charter school shall constitute an indebtedness of the state or its political subdivisions, and no indebtedness of the open-enrollment public charter school shall involve or be secured by the faith, credit, or taxing power of the state or its political subdivisions. In the case of school closure, property bought with state funds may be sold if required by the State Board of Education. The state has a perfected priority security interest in the net proceeds from the sale or liquidation of the property to the extent of the public funds used in the purchase.

_____ Date: _____

Signature of Chief Operating Officer of the School

_____

Print or type name

Open-Enrollment Public Charter School
~~2008-2009~~ Application Checklist

- ❑ Submit one (1) page letter of intent by certified mail, following the letter of intent guidelines to ADE Charter School Office. Letter of intent must be received by the Charter School Office no later than 4:00 p.m., June 30~~, 2008~~.

- ❑ Submit copy of letter of intent to superintendent of local district by certified mail. Letter of intent must be received by the local district no later than 4:00 p.m., June 30~~, 2008~~. Provide verification in the form of certified mail receipts and a copy of the letter to ADE Charter School Office. Documentation shall be included in the charter school application.

- ❑ Publish the notice of public hearing following these requirements

  A. The notice of the public hearing was published on a weekly basis for at least three (3) weeks prior to the date of the hearing in a newspaper having general circulation in the school district(s) from which students will be drawn.

  B. The notice of public hearing shall not be published in the classified or legal notice section of the newspaper. The notice shall be published in no less than ten-point type and shall be no less than two by four inches or four by two inches in size.

  C. The last publication of notice shall be no less than seven days prior to the public meeting.

  D. Within seven (7) calendar days following the first publication of the notice of the public hearing, letters announcing the public hearing shall be sent to the superintendents ~~and school board members~~ of each of the school districts from which the open-enrollment public charter school is likely to draw students for the purpose of enrollment and the superintendents ~~and school board members~~ of any district that is contiguous to the district in which the open-enrollment public charter school will be located.
     ~~(The required letters to the school board members shall only be required for each school board member whose name and mailing address is provided by the superintendent of an affected school district upon the request of the applicant.)~~

     Documentation that these requirements have been met must be included in the charter school application.

- ❑ Conduct the public hearing; include results of the public hearing in the charter school application.

- ❑ Additional check points for the charter application

- Responses to section D of the application, including attachments, cannot exceed 60 pages
- Sections A and B of the application form are completed
- Facilities utilization agreement must be included along with lease agreement (Form Exhibit B)
- Copy of proposed budget must be included
- Copy of the proposed school calendar must be included
- Copy of the proposed daily schedule must be included
- Copy of proposed salary schedule must be included
- Documentation of status as eligible entity must be included
- Evidence of parental and community support
- Signed statement of assurance page must be included

❑ Submit final copies of the charter school application to ADE Charter School Office as follows:
  - 1 original copy with original signatures (unbound)
  - 12 ~~6~~ copies of the original (bound/stapled, no notebooks)
  - 1 cd copy in either Microsoft Word ~~WordPerfect,~~ or Adobe Acrobat pdf (labeled)

❑ Submit final copy of the charter school application to the ~~local school board by date certified mail~~ attention of the superintendent of the public school district where the open-enrollment public charter school will be located by August 31. – ~~provide~~ Include verification in the form of certified mail receipt and a copy of the letter ~~to ADE Charter School Office~~ as attachment in the charter school application ~~(can be included in application's attachments).~~

❑ Submit copies of charter school application to the superintendent ~~school board~~ of all school districts to be affected by the proposed charter school by certified mail ~~to the attention of the superintendent~~ by August 31. Include ~~– provide~~ verification in the form of certified mail receipts and a copy of the letter ~~to ADE Charter School Office~~ as attachment in the charter school ~~(can be included in application's attachments)~~application.

❑ If the local school board denies the application for an open-enrollment public charter school and the applicant intends to appeal the decision, a letter of appeal by certified mail must be submitted to the ADE Charter School Office within ten (10) days of receiving official notification of the local board's decision.

It is the applicant's responsibility to comply with all aspects of Arkansas Code Annotated § 6-23-101 et seq., the ADE Rules Governing Charter Schools, and the requirements outlined in the application for an open-enrollment public charter school. Contact the ADE Charter School Office for questions and for assistance with developing the application.

LEASE AGREEMENT

This Agreement, made this _____ day of _____, between _____, whose address is _____ (the Lessor) and _____, whose address is _____, (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 _____ County, Arkansas:

(DESCRIPTION)

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 _____, and shall extend for a term of _____ [years] [months], ending at midnight on _____. [Note: If the lease is a periodic tenancy, rather than an estate for years, these provisions will have to be altered accordingly.]

3. Rent. Lessee agrees to pay to Lessor as rental for the full term of this lease the sum of $_____, payable in _____ equal [monthly] installments of $ _____ each, to be paid in advance on the first day of _____, and on the first day of each and every [month] thereafter during the term of this lease.

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, doors and roof of the structure[s] 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] [more than _____ percent] 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.

7. Taxes. [Lessor] [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 _____ 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 _____. 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 _____. 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 [he, 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 vent 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, [or the building which forms the principal component of 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, [or the building which forms the principal component part of the leased premises,] 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, [or the building which forms the principal component part of the leased premises,] 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 untenantable 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 [his, 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 not be less than _____ per person, _____ per accident, and _____ for property damage. 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 [approved by the Public Words Department].

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 7 of this Agreement. Furthermore, to the extent that any portion of rent payment in paragraph 3 or Lessee repairs in paragraph 7 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):

[List Addresses]

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 _____ day of _____.

_____
Lessor

_____
[~~Wife~~ Spouse of Lessor]

_____
Lessee

[ACKNOWLEDGMENT]

_____

THIS AGREEMENT made between _____ (the Lessor) and _____ (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 _____, County of _____, State of Arkansas:

Arkansas Department of Education

Charter School Application Evaluation Instrument

The following instrument will be used to evaluate applications submitted to the Arkansas Department of Education ("ADE") for the establishment of new public charter schools. This instrument is only intended to provide clarity, transparency and consistency in the charter school application review process.

The ADE will use the following instrument only to evaluate the quality of a charter school application against the criteria stated herein. For each of the application requirements, the criteria define the characteristics and elements of a response that meet the standard for charter approval. The following definitions will guide the rating of each information requirement:

Meets the Standard:	The response reflects a thorough understanding of key issues and demonstrates capacity to open and operate a quality charter school. It addresses the topic with specific and accurate information that shows thorough preparation and presents a clear, realistic picture of how the school expects to operate.
Partially Meets the Standard:	The response addresses most of the criteria, but response lacks meaningful detail and requires important additional information.
Does Not Meet the Standard:	The response lacks meaningful detail, demonstrates lack of preparation, or otherwise raises substantial concerns about the applicant's understanding of the issue in concept and/or ability to meet the requirement in practice.

Arkansas Department of Education

Open-Enrollment Public Charter School Application Evaluation

EVALUATION RUBRIC

Name of Proposed School:

Eligible entity status:
☐ Public institution of higher education
☐ Private nonsectarian institution of higher education
☐ Governmental entity
☐ Nonsectarian organization exempt from taxes under Section 501(c) (3)

Status of 501(c) (3) Application Pending/ Approved

Part 1: PRE-APPLICATION MATERIALS

The Arkansas Department of Education requires that all applicants submit a Letter of Intent, outlining a general description of the proposed charter school.

Evaluation Criteria:
A response that meets the standard will guarantee that:
- A Letter of Intent was filed with ADE on time and included all necessary information.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
☐	☐	☐

Strengths	Reference
Concerns and Additional Questions	**Reference**

Part 2: REQUIRED INFORMATION

STANDARDS 1 and 2 OF APPLICATION: PUBLIC HEARING RESULTS

All proposed school design teams must conduct a public hearing before applying for an open-enrollment charter school, to assess support for the school's establishment. Applicants are asked both to document the logistics of the hearing and to include a narrative of the hearing results.

Evaluation Criteria:

A response that meets the standard will present:

- A thorough description of the results of the public hearing;
- A thorough description and evidence of public support exhibited at the hearing;
- Documentation of required notices published to garner public attention to the hearing; and
- Documentation of required notices of the public hearing to superintendents and school board members in contiguous school districts.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
☐	☐	☐

Strengths	Reference
Concerns and Additional Questions	**Reference**

STANDARD 3 OF APPLICATION: GOVERNING STRUCTURE

The Governing Structure section should explain how the school will be governed. It should present a clear picture of the school's governance processes and composition, what responsibilities various groups and people will have and how those groups will relate to one another.

Evaluation Criteria:

A response that meets the standard will present:

- Documentation of proper legal structure of the governing board;
- A clear description of the governing board's roles and responsibilities;
- Adequate policies and procedures for board operation, including board composition and member selection;
- A clear, sensible delineation of roles and responsibilities in relation to governance and school management; and
- A reasonable plan for involving parents, staff, students and community in the decision-making of the school.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
☐	☐	☐

Strengths	Reference
Concerns and Additional Questions	**Reference**

STANDARD 4 OF APPLICATION: MISSION STATEMENT

The Mission Statement ~~section~~ should be meaningful and indicate what the school intends to do, for whom and to what degree.

Evaluation Criteria:

A response that meets the standard will present:

- A mission statement that is ~~meaningful,~~ manageable and measurable.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
☐	☐	☐

Strengths	Reference
Concerns and Additional Questions	**Reference**

STANDARD 5 OF APPLICATION: EDUCATIONAL NEED

The Educational Need section should indicate how the school intends to offer a viable educational option for students in Arkansas. Along with the mission statement, this section outlines the basic rationale for the new school.

Evaluation Criteria:

A response that meets the standard will present:

- A description of educational need that presents a clear option for students, and
- ~~-~~Valid and reliable data that substantiates the educational need for the school.~~;~~
- ~~A specific rationale for how the charter school will enhance or expand the educational options currently available to the school's target student population.~~

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
☐	☐	☐

Strengths	Reference
Concerns and Additional Questions	**Reference**

STANDARD 6 OF APPLICATION: EDUCATIONAL PROGRAM

The Educational Program section should describe the educational foundation of the school and the teaching and learning strategies that will be employed.

Evaluation Criteria:

A response that meets the standard will present:

- A clear description of the proposed educational program, including but not limited to the foundational educational philosophy and curricular and instructional strategies to be employed
- A specific rationale for how the charter school will enhance or expand the educational options currently available to the school's target student population; and
- A clear organization of the school in terms of both length of school day and year that meets minimum state requirements.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
☐	☐	☐

Strengths	Reference
Concerns and Additional Questions	**Reference**

STANDARD 7 OF APPLICATION: ACADEMIC ACHIEVEMENT GOALS

The Academic Achievement Goals section should define the performance expectations for students and the school as whole.

Evaluation Criteria:

A response that meets the standard will present:

- Specific goals in:
  - Reading;
  - Reading Comprehension;
  - Mathematics; and
  - Mathematics Reasoning;
- Goals that clear, measurable and data-driven;
- Goals on improving student achievement; and
- Valid and reliable assessment tools for measuring each of the defined goals.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
☐	☐	☐

Strengths	Reference
Concerns and Additional Questions	**Reference**

STANDARD 8 OF APPLICATION: CURRICULUM DEVELOPMENT AND ALIGNMENT

The Curriculum Development and Alignment section should define the process by which the design team developed (or chose) the curricular program of the school, and illustrate alignment with Arkansas Curriculum Frameworks.

Evaluation Criteria:

A response that meets the standard of a curricular development and alignment program will present:

- Evidence that the curriculum aligns with, or a sound and rationale plan and timeline for aligning the curriculum with, the Arkansas Department of Education's content standards, benchmarks and performance standards.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
☐	☐	☐

Strengths	Reference
Concerns and Additional Questions	**Reference**

STANDARD 9 OF APPLICATION: GEOGRAPHICAL SERVICE AREA

The Geographical Service Area section must outline the impact of a new school opening within the current public education system.

Evaluation Criteria:

A response that meets the standard will present:

- The specific geographical area served by the charter school; and
- Information on the school districts within the geographical area that may be affected (including data on the expected number of students to transfer to the charter school).

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
☐	☐	☐

Strengths	Reference
Concerns and Additional Questions	**Reference**

STANDARD 10 OF APPLICATION: ANNUAL PROGRESS REPORTS

The Annual Progress Reports section should define how the academic progress of individual students and the school as a whole will be measured, analyzed and reported.

Evaluation Criteria:

A response that meets the standard will present:

- A clear and conceptually sound plan for documenting and reporting student performance data;
- A timeline for data compilation and completion of an annual report to parents, the community and the State Board of Education that outlines the school's progress; and
- A plan for dissemination of the annual report to appropriate stakeholders.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
☐	☐	☐

Strengths	Reference
Concerns and Additional Questions	**Reference**

STANDARD 11 OF APPLICATION: ENROLLMENT CRITERIA AND PROCEDURES

The Enrollment Criteria and Procedures section should describe how the school will attract and enroll its student body, including any criteria for admission and enrollment. Applicants must also provide assurances for a random lottery selection process.

Evaluation Criteria:

A response that meets the standard will present:

- A student recruitment plan that will provide equal opportunity for all parents and students to learn about and apply to the school;
- An enrollment and admissions process that is open, fair and in accordance with applicable law; and
- A process for, and a guarantee of, a random, anonymous lottery process should there be more student applications than can be accommodated under the terms of the charter.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
☐	☐	☐

Strengths	Reference
Concerns and Additional Questions	**Reference**

STANDARD 12 OF APPLICATION: STAFFING PLAN

The Staffing Plan section should describe the job duties of the school director and other key personnel. This section should also describe the professional standards that all employees will be held to.

Evaluation Criteria:

A response that meets the standard will present:

- A job description for the school director and other key personnel, including but not limited to an operations director, board members, teachers, etc.;
- An outline of the professional qualifications required for administrators, teachers, counselors, etc; and
- A staffing plan that clearly outlines both the types and numbers of positions to be filled at the school and salary scales for such positions.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
☐	☐	☐

Strengths	Reference
Concerns and Additional Questions	**Reference**

STANDARD 13 OF APPLICATION: BUSINESS AND BUDGETING PLAN

The Business & Budgeting Plan section should describe how the charter school will organize its business office and manage its fiscal responsibilities.

Evaluation Criteria:

A response that meets the standard will present:

- An appropriate plan for how the school will manage procurement activities;
- A description of the personnel required to carry out business duties, including the requisite qualifications of any proposed personnel;
- A realistic timeline and process by which the governance structure will review and adopt an annual budget; and
- A balanced budget that accurately reflects the revenue currently available to the school and expenditures for program implementation.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
☐	☐	☐

Strengths	Reference
Concerns and Additional Questions	**Reference**

STANDARD 14 OF APPLICATION: FINANCIAL AND PROGRAMMATIC AUDIT PLAN

The Financial and Programmatic Audit Plan section should provide the procedure and timeline by which an annual audit should be conducted. This section should also include an outline for the information that will need to be reported to ADE and the community.

Evaluation Criteria:

A response that meets the standard will present:

- A sound plan for annually auditing school's financial and programmatic operations.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
☐	☐	☐

Strengths	Reference
Concerns and Additional Questions	**Reference**

STANDARD 15 OF APPLICATION: ARKANSAS PUBLIC SCHOOL COMPUTER NETWORK ASSURANCES

The Arkansas Public School Computer Network (APSCN) Assurances section should provide documentation of the applicant's understanding of and participation in the required state educational data reporting system.

Evaluation Criteria:

A response that meets the standard will present:

- Assurance that the charter school will comply with all state statutory requirements regarding the APSCN educational data reporting system.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
☐	☐	☐

Strengths	Reference
Concerns and Additional Questions	**Reference**

STANDARD 16 OF APPLICATION: FACILITIES

The Facilities section should provide an understanding of the school's anticipated facilities needs and how the school plans to meet those needs.

Evaluation Criteria:

A response that meets the standard will present:

- An informed understanding of the facility needs of the school over the term of its charter.
- A realistic plan for securing a facility that is appropriate and adequate for the school's program and targeted population.
- Evidence that the school understands the costs of securing and improving a facility and has access to the necessary resources to fund the facility plan.
- A sound plan for continued operation, maintenance and repair of the facility.

For schools that will be using district-owned facilities, a response that meets the standard will present:

- Documentation that the school district and school are in agreement over the use of the facility and its equipment.

For schools that will NOT be using district-owned facilities, a response that meets the standard will present:

- Documentation that the property owner and school are in agreement over the use of the facility and its equipment;
- A statement of the facilities' compliance with applicable codes; and
- A detailed outline of any relationships between the property owner and:
    - members of the local board of the public school district where the charter school will be located;
    - the employees of the public school district where the charter school will be located;
    - the sponsor of the charter school; and
    - employees, directors and/or administrators of the charter school.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
☐	☐	☐

Strengths	Reference
Concerns and Additional Questions	**Reference**
Facilities Review Report	

STANDARD 17 OF APPLICATION: STUDENT SERVICES

The Student Services section should describe how the school will address services for its student body.

Evaluation Criteria:

A response that meets the standard will present:

- A guidance program that will serve all students;
- A health services program that will serve all students;
- A plan for a media center for use by all students;
- A transportation plan that will serve all eligible students;
- A food service plan that will serve all eligible students;
- Sound plans for educating special education students that reflect the full range of programs and services required to provide such students with a high quality education;
- An alternative education plan for eligible students, including those determined to be at-risk, or those that are bilingual or have limited English proficiency; and
- Plans for a gifted and talented program for eligible students.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
☐	☐	☐

Strengths	Reference
Concerns and Additional Questions	**Reference**

STANDARD 18 OF APPLICATION: STUDENT SERVICES

This section should describe how the school will address food services for its student body.

Evaluation Criteria:

A response that meets the standard will present:

- A food service plan that will serve all eligible students.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
☐	☐	☐

Strengths	Reference
Concerns and Additional Questions	**Reference**

STANDARD 19 OF APPLICATION: PARENTAL INVOLVEMENT

The Parental Involvement section should describe how parents or guardians of enrolled students will make a positive impact on the school and its educational program.

Evaluation Criteria:

A response that meets the standard will present:

- A plan for involving parents and guardians in the school's education programs; and
- A proposal that involves the parents of students, employees and the broader community in carrying out the terms of the charter.~~.~~

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
☐	☐	☐

Strengths	Reference
Concerns and Additional Questions	**Reference**

STANDARD 20 OF APPLICATION: WAIVERS

The Waivers section should provide describe any waiver from local or state law for which the charter is seeking.

Evaluation Criteria:

A response that meets the standard will present:

- A persuasive explanation of any waiver requests; and
- A compelling description of how the school will address any waivers.

~~Does Not Meet the Standard~~	~~Partially Meets the Standard~~	~~Meets the Standard~~
☐	☐	☐

~~Strengths~~Legal Comments	Reference
Concerns and Additional Questions	**Reference**

STANDARD 21 OF APPLICATION: DESEGREGATION ASSURANCES

The Desegregation Assurances section should describe the applicant's understanding of applicable statutory and regulatory obligations to create and maintain a unitary system of desegregated public schools.

Evaluation Criteria:

A response that meets the standard will present:

- Assurance that the charter school will comply with all applicable federal and state statutory and regulatory requirements regarding the creation and maintenance of desegregated public schools; and
- An outline of the potential impact of the proposed charter school on those desegregation efforts already in place in affected public school districts.

~~Does Not Meet the Standard~~	~~Partially Meets the Standard~~	~~Meets the Standard~~
☐	☐	☐

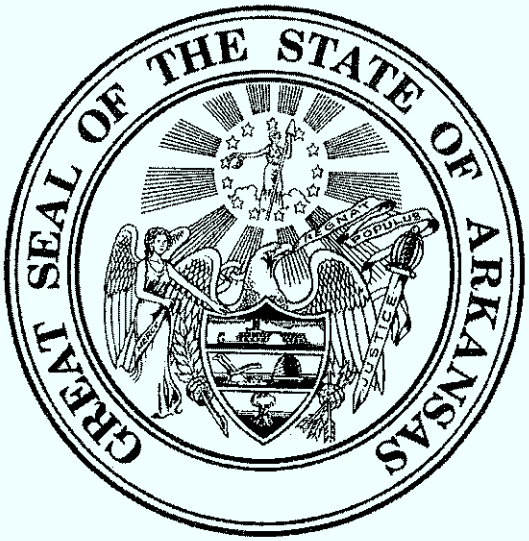
~~Strengths~~ Legal Comments	Reference
Concerns and Additional Questions	**Reference**

ADDITIONAL COMMENTS:

ARKANSAS DEPARTMENT OF EDUCATION

District Conversion Public Charter School New Application

Deadline for Submission: October 31~~, 2009~~



Charter School: _____

Date Submitted: _____

Date Approved: _____

Arkansas Department of Education
Charter School Office
Four ~~#4 State~~ Capitol Mall, Room 105-C ~~305-B~~
Little Rock, AR 72201
501.683.5313

Arkansas Department of Education
District Conversion Public Charter Schools
~~Planning to Open in 20-20~~11

August 31, ~~2008*~~	Deadline for conversion ~~and limited~~ charter letters of intent to be filed with the ADE.
October 31, ~~2008*~~	Deadline for conversion ~~and limited~~charter applications to be submitted with letter of support from the school board to the ADE.
January/February ~~2009*~~	Tentative date for application submitted to the State Board of Education. (Pending hearing timelines.)

*Note - All information must be **received** (not postmarked) in the Charter School Office of the Arkansas State Department of Education no later than 4:00 p.m. on the date of the deadline. Information received in the Charter School Office after 4:00 p.m. on the established date will not be processed. It is the responsibility of the applicant to strongly adhere to the charter application timeline. Please take into consideration the length of the time that may be required for your application to reach the Charter School Office, particularly when mailing your application. Should the deadline date fall on a weekend, all materials must be received no later than 4:00 p.m. the following Monday.

STATE BOARD OF EDUCATION

ARKANSAS DEPARTMENT OF EDUCATION

REQUIREMENTS FOR LETTER OF INTENT

To Apply For A **District Conversion** Public School Charter

Applicants for district conversion public charter schools are required to send a one (1) page "**Letter of Intent to Apply for a Conversion District Public School Charter**" to the Arkansas Department of Education.

Submit the letter of intent via certified mail to the Department of Education at the following address no later than the close of the business day (4:00 p.m.) **on August 31, ~~2008~~** in order for the application to be considered by the State Board of Education at a later date:

Arkansas Department of Education
Charter School Office
Four ~~4 State~~ Capitol Mall, Room 105-C ~~305-B~~
Little Rock, AR 72201

Required format to be followed for the letter of intent:

1. The letter of intent is to consist of only one (1) page;
2. Identify the school district which intends to apply for a charter;
3. Include the contact person's name, full address, daytime telephone number, FAX number, and e-mail address;
4. Give the name of the school which intends to apply for a charter
5. Give the name of the proposed district conversion charter school;
6. Describe the location of the proposed district conversion charter school;
7. Identify the grade levels of students to be served by the district conversion public charter school;
8. Provide proposed student enrollment cap for district conversion public charter school; and
9. Provide a one-paragraph description of the purpose or special emphasis of the proposed school.

The superintendent of the school district for the proposed conversion public charter school should sign the letter.

STATE BOARD OF EDUCATION
ARKANSAS DEPARTMENT OF EDUCATION
APPLICATION FOR A CONVERSION PUBLIC CHARTER SCHOOL

A. GENERAL INFORMATION (Please type.)

Name of Proposed Charter School: _____

Grade Level(s) for the School: _____ Student Enrollment cap: ~~Proposed Enrollment~~: _____

Name of School District: _____

Name of Contact Person: _____

Address (no P.O. Box please): _____ City: _____ ZIP: _____

Daytime Phone Number: (_____) _____ FAX: _____

E-mail: _____

Charter Site Address: _____

City: _____ ZIP Code: _____

Date of Proposed Opening: _____

Name of Superintendent: _____

Address: _____

City: _____ Zip Code: _____

Phone Number: _____ FAX: _____

E-mail: _____

B. GENERAL DESCRIPTION

In succinct terms describe the proposed school including grade levels offered, student populations served, educational focus, and any other essential characteristics.

(Use additional sheets as necessary.)

C. GENERAL INSTRUCTIONS

APPLICATION REQUIREMENTS AND CONTENTS: The total number of pages prepared by the applicant in response to Section D. of this application form plus any attachments used to support those responses **cannot exceed 30 pages**. Any attachments required by the application form are not to be included in the count for the total number of pages and are indicated by the word "required" in the list of contents below. Do not use dividers or separators noting the various parts of the application. **All pages and ~~applicants'~~ attachments should be numbered and attachments clearly referred to in the narrative text.**

The narrative responses should be given in the order requested. **Brevity and clarity are strongly encouraged**. The responses and all supporting attachments should be prepared/ typed on white, 8 ½" x 11" paper (copied on one side only) suitable for reproduction. The type should be in 12 point font or larger and page margins of at least one inch on all sides with page numbers clearly marked.

List of Contents:
The following is a list for the contents of the final application to be submitted to the State Board of Education. **The contents must be arranged in the order listed below:**

1. Sections A and B of the application form with all information provided (required)
2. Responses to all inquiries in Section D. in the prescribed order and numbered accordingly
3. Applicant's attachments (if any) supporting narrative responses
4. A copy of the school's calendar and daily schedule (required)
5. Proposed budget using template provided (required)
6. Proposed salary schedule for both administrative and teaching positions (required)
7. Evidence of parental and community support (required)
8. Signed Statement of Assurances Form (required)

Submit the original copy of the application with original pages for all attachments including original signatures on any attachment requiring a signature. DO NOT STAPLE THE ORIGINAL APPLICATION PAGES OR ANY OF THE ORIGINAL ATTACHMENTS.

In addition to the original unbound copy of the application and all attachments, **please submit: ~~Six (6)~~Twelve (12) one sided bound/stapled copies (no notebooks)**; **One (1) CD copy of the application** in Microsoft Word, ~~WordPerfect,~~ or Adobe Acrobat pdf file. Please ensure that the information saved on the CD can be accessed. CD should be labeled with the name of the proposed school.

All application materials must be received by the Charter School Office at the Arkansas Department of Education by 4:00 p.m. on October 31~~, 2008~~. Please make sure that applications being submitted by United States Postal Service ~~Mail~~ are done so in a timely manner as to be received in the Charter School Office by the deadline. Facsimile transmissions (FAX) will not be accepted, and any application received after this time will not be forwarded to the State Board of Education for consideration. Applications should be mailed or hand-delivered to:

Arkansas Department of Education
Charter School Office
Four ~~#4 State~~ Capitol Mall, Room ~~305-B~~ 105-C
Little Rock, AR 72201

D. REQUIRED INFORMATION

The applicant for the proposed conversion public charter, if approved by the State Board of Education, agrees to operate the educational program described below in accordance with the provisions described within this document, Arkansas Code Annotated §6-23-101 et seq., the State Board of Education Rules Governing Charter Schools, and the attached assurances. This is a narrative description of various components of the proposed charter school, and the responses to the following inquiries including any supporting attachment pages **must be limited to no more than 30 pages**.

Application Standards:

1. Describe the results of the public hearing, which was held for the purpose of assessing support for the establishment of this district conversion public charter school. Provide verification that notice of the public hearing was distributed to the community, certified school personnel, and parents of all students enrolled in the public schools in the community to be served by the proposed charter school. Also, include verification that notice of the public hearing was published on a weekly basis for at least three (3) weeks prior to the date of the hearing in a newspaper having general circulation in the school district.

2. Give the mission statement of the proposed district conversion public charter school.

3. Describe the educational need for the school.

4. Describe the educational program to be offered by the district conversion public charter school.

5. List the specific measurable goals in reading, reading comprehension, mathematics, and mathematics reasoning based on the state mandated assessments, and any other assessment tools if used, for improving student academic achievement for each year of the public charter schools' initial five (5) year period.

6. Describe the process that will be used to develop and align the curriculum with the Arkansas Curriculum Frameworks.

7. Describe the enrollment criteria and the student selection process. Include a statement of what ~~that a random, anonymous~~ student selection method will be utilized in the event that more students apply for admission to the district conversion public charter school than can be accommodated under the terms of the charter. ~~, except as allowed for in Ark Code Ann §6-23-306(14)(C). Should an applicant believe that the use of a weighted lottery is necessary, the applicant~~

~~shall state how they will comply with the requirements of Arkansas Code Annotated 6-23-306 (14) (c)~~.

8. Summarize the job descriptions of the school director and other key personnel. Specify the qualifications to be met by professional employees (administrators, teachers, counselors, etc.) of the program. List the types of administrative positions, teaching positions, and support positions and how many of each.

9. Describe the manner in which the school will make provisions for the following student services:
   (A) Guidance Program
   (B) Health Services
   (C) Media Center
   (D) Transportation
   (E) Food Services
   (F) Special Education
   (G) Alternative Education
   (H) Gifted and Talented Program

   Please note that under federal guidelines students with disabilities shall be provided specific services and all aspects of IDEA apply. The public charter school cannot waive the responsibility of providing services for students with disabilities.

10. Provide a statement that the charter school will participate in the Arkansas Public School Computer Network for reporting education data, as required by state statute or by State Board of Education rule.

11. Describe the facilities to be used. Give the present use of the facility and the use for the past three (3) years. Include a statement that the facility will comply with all requirements for accessibility in accordance with the Americans with Disabilities Act (ADA) and Individuals with Disabilities Education Act (IDEA) and all other state and federal laws. If the facility does not currently meet these requirements, provide a list of items that will need to be addressed to bring the facility into compliance.

    Include a statement that the facility will comply with all requirements for accessibility in accordance with the Americans with Disabilities Act (ADA) and Individuals with Disabilities Education Act (IDEA) and all other state and federal laws. The facility will be inspected by staff of the ADE or its designee prior to any State Board of Education action on the application. If the facility does not currently meet these requirements, provide a list of items that will need to be addressed to bring the facility into compliance. Also include a statement of permissible uses for the facility from the local zoning authority, and whether there are any alcohol sales within 1000 feet of the facility.

12. List the provisions of Title 6 of the Arkansas Code Annotated (Education Code) and the rules and regulations, including sections of the *Standards for* Rules as allowed, established by the State Board that the district conversion public charter school seeks to be exempted from in order to meet the goals of the school. Identify the specific State Board rules requested to be waived by title and section number if applicable. **Provide a brief description of the need for each waiver requested.**

13. Describe the potential impact of the proposed district conversion public charter school on the efforts of a public school district or districts to comply with court orders and statutory obligations to create and maintain a unitary system of desegregated public schools.

14. Describe how the parents or guardians of the enrolled students will be involved with the school and its educational program.

Attachments must be included in the following order:

- Applicant's attachments (if any) supporting narrative responses
- A copy of the school's calendar and daily schedule (required)
- Proposed budget using template as provided (required)
- Proposed salary schedule for both administrative and teaching positions (required)
- Evidence of parental and community support (required)
- Signed Statement of Assurances Form (required)

Charter School Budget Information

The Budget Template has been developed for application purposes. It is intended to challenge the applicant to consider the many expenses incurred in the operation of a school. It is formatted to expedite the application process. Budget revenues must equal or exceed expenses for each school year.

Upon approval of the District Conversion Public Charter School, the ADE Public School Finance and Administrative Support Section will provide technical assistance. At that time, a detailed budget will be developed specific to the terms of the Charter. That budget will also meet the data reporting requirements of the Arkansas Public School Computer Network.

The Budget Template is to be used as an estimate of the Revenues and Expenditures associated with the operation of the District Conversion Public Charter School. The Expenditures section is a comprehensive overview of the normal expenses incurred in the operation of a school.

The following definitions are provided to assist the applicant in the completion of the Budget Template:

> The "Number of Students" is the number of students expected to be enrolled in the district conversion public charter school. The description of student numbers including addition of students by year and or grade must clearly be defined within the application.
>
> All public schools in Arkansas receive "foundation funding," a set amount of money per student based upon daily membership. On top of the foundation funding amount, which was the amount determined necessary to provide all students with an adequate education public schools also receive "enhancement funding," which allows the state to fund education at an amount above what is required for adequacy. This amount will change each fiscal year. It is calculated in July. For further clarification of student funding please refer to Arkansas Code Annotated § 6-20-2305.
>
> Number of Positions, both certified and non-certified should be stated as the full time equivalent (FTE) of each position. For example, if the Charter will have 5 FTE's position at 1.00 and 3 part-time FTE's positions at .50 employees: the 5.00 FTE's position equal a total of 5.00 FTE's positions, the 3 part-time .50 FTE's positions equal a total of 1.50 FTE's positions, for a grand total of 6.50 FTE's positions.
>
> Fringe Benefits at a minimum should include F.I.C.A., teacher retirement, health insurance, and unemployment obligations.

Public Charter School Application
Estimated Budget Worksheet/~~Template~~

Line#	Revenues	Amount	Total
1	State Public Charter School Aid:		
2	No. of Students (____) x $6,023.00 State Foundation Funding		
3	~~No. of Students (____) x $35.00 Enhancement Funding~~		_____
4	No. of Students (____) x $41.33 Professional Development		_____
5	No. of Students (____) x eligible rate* NSLA Funding		_____
6	Total State Charter School Aid	_____	$0.00
7			
8	Other Sources of Revenues:		
9	Private Donations or Gifts	_____	
10	Federal Grants (List the amount)	_____	
11	Special Grants (List the amount)	_____	
12	Other *(Specifically Describe)*	_____	
13			_____
14	Total Other Sources of Revenues		$0.00
15			
16	**TOTAL REVENUES**		$0.00
17			
18	**Expenditures**	**Amount**	**Total**
19	Administration:		
20	Salaries: *(No. of Positions___)*	_____	
21	Fringe Benefits	_____	
22	Purchased Services	_____	
23	Supplies and Materials	_____	
24	Equipment	_____	
25	Other *(Describe)*	_____	$0.00
26			
27	Regular Classroom Instruction:		
28	Salaries: *(No. of Positions___)*	_____	
29	Fringe Benefits	_____	
30	Purchased Services	_____	
31	Supplies and Materials	_____	
32	Equipment	_____	
33	Other *(Describe)*	_____	$0.00

**NSLA Funding eligibility rate: the amount of funding is based on the percentage of students eligible for free or reduced price meals. Below seventy percent (70%): $496.00 per student; between seventy and ninety percent (70-90%): $992.00 per student; and ninety percent and above (90%): $1,488.00 per student.*

34 *(Budget Continued)*

35 Special Education:

36 Salaries: *(No. of Positions___)* _____

37 Fringe Benefits _____

38 Purchased Services _____

39 Supplies and Materials _____

40 Equipment _____

41 Other *(Describe)* _____ _____ $0.00

42

43 Gifted and Talented Program:

44 Salaries: *(No. of Positions___)* _____

45 Fringe Benefits _____

46 Purchased Services _____

47 Supplies and Materials _____

48 Equipment _____

49 Other *(Describe)* _____ _____ $0.00

50

51 Alternative Education Program:

52 Salaries: *(No. of Positions___)* _____

53 Fringe Benefits _____

54 Purchased Services _____

55 Supplies and Materials _____

56 Equipment _____

57 Other *(Describe)* _____ _____ $0.00

58

59 Guidance Services:

60 Salaries: *(No. of Positions___)* _____

61 Fringe Benefits _____

62 Purchased Services _____

63 Supplies and Materials _____

64 Equipment _____

65 Other *(Describe)* _____ _____ $0.00

66

67 Health Services:

68 Salaries: *(No. of Positions___)* _____

69 Fringe Benefits _____

70 Purchased Services _____

71 Supplies and Materials _____

72 Equipment _____

73 Other *(Describe)* _____ _____ $0.00

74 *(Budget Continued)*

75	Media Services:		
76	Salaries: *(No. of Positions___)*	_____	
77	Fringe Benefits	_____	
78	Purchased Services	_____	
79	Supplies and Materials	_____	
80	Equipment	_____	
81	Other *(Describe)*	_____	$0.00
82			
83	Fiscal Services:		
84	Salaries: *(No. of Positions___)*	_____	
85	Fringe Benefits	_____	
86	Purchased Services	_____	
87	Supplies and Materials	_____	
88	Equipment	_____	
89	Other *(Describe)*	_____	$0.00
90			
91	Maintenance and Operation:		
92	Salaries: *(No. of Positions___)*	_____	
93	Fringe Benefits	_____	
94	Purchased Services		
95	(include utilities)	_____	
96	Supplies and Materials	_____	
97	Equipment	_____	
98	Other *(Describe)*	_____	$0.00
99			
100	Pupil Transportation:		
101	Salaries: *(No. of Positions___)*	_____	
102	Fringe Benefits	_____	
103	Purchased Services	_____	
104	Supplies and Materials	_____	
105	Equipment	_____	
106	Other *(Describe)*	_____	$0.00
107			
108	Food Services:		
109	Salaries: *(No. of Positions___)*	_____	
110	Fringe Benefits	_____	
111	Purchased Services	_____	
112	Supplies and Materials	_____	
113	Equipment	_____	
114	Other *(Describe)*	_____	$0.00

115 *(Budget Continued)*

116	Data Processing:		
117	Salaries: *(No. of Positions___)*	_____	
118	Fringe Benefits	_____	
119	Purchased Services	_____	
120	Supplies and Materials	_____	
121	Equipment	_____	
122	Other *(Describe)*	_____	$0.00
123			
124	Substitute Personnel:		
125	Salaries: *(No. of Positions___)*	_____	
126	Fringe Benefits	_____	$0.00
127			
128	If Applicable: Facilities Lease/Purchase (contract for one total		
129	year including facility upgrades)	_____	
130	*Please list upgrades:*	_____	
131		_____	
132	If Applicable: Utilities (contract for one total year including facility upgrades)	_____	
133	IIf Applicable: Insurance (contract for one total year including facility upgrades):		
134	If Applicable: Property Insurance	_____	
135	If Applicable: Content Insurance	_____	$0.00
136			
137	Debt Expenditures:	_____	$0.00
138	Other Expenditures:		
139	*(Describe)*	_____	$0.00
140			
141	**TOTAL EXPENDITURES**		$0.00

DISTRICT CONVERSION PUBLIC CHARTER SCHOOL APPLICATION STATEMENT OF ASSURANCES

The signature of the Superintendent of the School District of the public charter school certifies that the following statements are addressed through policies adopted by the public charter school and, if approved, the local board, administration, and staff of the district conversion public charter school shall abide by them:

1. The information submitted in this application is true to the best of my knowledge and belief.

2. The proposed district conversion public charter school shall be open to all students, on a space available basis, and shall not discriminate in its admission policy on the basis of race, color, national origin, creed, sex, ethnicity, sexual orientation, mental or physical disability, age, ancestry, athletic performance, special need or proficiency in the English language, and academic achievement, although the charter may provide for the exclusion of a student who has been expelled from another public school district.

3. In accordance with federal and state laws the proposed district conversion public charter school hiring and retention policies of administrators, teachers, and other employees shall not discriminate on the basis of race, color, national origin, creed, sex, ethnicity, sexual orientation, mental or physical disability, age, ancestry, or special need.

4. Any educator employed by a school district before the effective date of a charter for a district conversion public charter school operated at a school district facility shall not be transferred to or employed by the public charter school over the educator's objection.

5. The proposed district conversion public charter school shall operate in accordance with federal laws and rules governing public schools; applicable provisions of the Arkansas Constitution; and state statutes or regulations governing public school not so waived by the approved charter.

6. The proposed district conversion public charter school shall ensure that any of its employees who qualify for membership in the Arkansas Teacher Retirement System or the State and Public School Employee Insurance Program shall be covered under those systems to the same extent a qualified employee of the school district is covered.

7. The proposed district conversion public charter school shall comply with all health and safety laws, rules and regulations of the federal, state, county, region, or community that may apply to the facilities and school property.

8. The employees and volunteers of the district conversion public charter school are held immune from liability to the same extent as other school district employees and volunteers under applicable state laws.

9. The district conversion public charter school shall be reviewed for its potential impact on the efforts of a public school district to comply with court orders and statutory obligations to create and maintain a unitary system of desegregated public schools.

10. The charter applicant should know that certain provisions of state law shall not be waived. The proposed district conversion public charter school is subject to any prohibition, restriction, or requirement imposed by Title 6 of the Arkansas Code Annotated and any rule and regulation approved by the State Board of Education under this title relating to:

    (a) Monitoring compliance with Arkansas Code Annotated § 6-23-101 et seq. as determined by the Commissioner of the Department of Education;

    (b) Conducting criminal background checks for employees;

    (c) High school graduation requirements as established by the State Board of Education;

    (d) Special education programs as provided by this title;

    (e) Public school accountability under this title; and

    (f) Health and safety codes as established by the State Board of Education and local governmental entities.

11. The facilities of the proposed charter school shall comply with all requirements for accessibility for individuals with disabilities in accordance with the ADA and IDEA and all other state and federal laws.

_____ Date: _____

Signature of Superintendent of School District

_____

Print or type name

District Conversion Public Charter School
~~2009~~ Application Checklist

- ❑ Submit one (1) page letter of intent, following the letter of intent guidelines, to ADE Charter School Office by certified mail: Deadline August 31~~, 2009~~.

- ❑ Notice of the public shall be hearing:

  A. Distributed to the community, certified personnel, and the parents of all students enrolled at the public school for which the district initiated the application; and

  B. Published in a newspaper having general circulation in the public school district at least three (3) weeks prior to the date of the meeting.

  Documentation that these requirements have been met must be included in the charter school application.

- ❑ Conduct the public hearing; include results of the public hearing in the charter school application.

- ❑ Additional check points for the charter application

  - Responses to section D of the application, including attachments, cannot exceed 30 pages
  - Sections A and B of the application form are completed
  - Copy of proposed budget must be included
  - Copy of the proposed school calendar must be included
  - Copy of the proposed daily schedule must be included
  - Copy of proposed salary schedule must be included
  - Evidence of parental and community support must be included
  - Signed statement of assurance page must be included

- ❑ ☐ Submit final copies of the charter school application to ADE Charter School Office as follows:

  - 1 original copy with original signatures (unbound)
  - ~~6~~ 12 copies of the original (bound/stapled, no notebooks)
  - 1 cd copy in either Microsoft Word, ~~WordPerfect~~, or Adobe Acrobat pdf (labeled)

It is the applicant's responsibility to comply with all aspects of Arkansas Code Annotated § 6-23-101 et seq., the ADE Rules Governing Charter Schools, and the requirements outlined in the application for an district conversion public charter school. Contact the ADE Charter School Office for questions and for assistance with developing the application.

Arkansas Department of Education

Charter School Application Evaluation Instrument

The following instrument will be used to evaluate applications submitted to the Arkansas Department of Education ("ADE") for the establishment of new public charter schools. This instrument is only intended to provide clarity, transparency and consistency in the charter school application review process.

The ADE will use the following instrument only to evaluate the quality of a charter school application against the criteria stated herein. For each of the application requirements, the criteria define the characteristics and elements of a response that meet the standard for charter approval. The following definitions will guide the rating of each information requirement:

Meets the Standard:	The response reflects a thorough understanding of key issues and demonstrates capacity to open and operate a quality charter school. It addresses the topic with specific and accurate information that shows thorough preparation and presents a clear, realistic picture of how the school expects to operate.
Partially Meets the Standard:	The response addresses most of the criteria, but response lacks meaningful detail and requires important additional information.
Does Not Meet the Standard:	The response lacks meaningful detail, demonstrates lack of preparation, or otherwise raises substantial concerns about the applicant's understanding of the issue in concept and/or ability to meet the requirement in practice.

Arkansas Department of Education

District Conversion Public Charter School Application Evaluation

EVALUATION RUBRIC

Name of Proposed School:

Sponsoring School District:

Part 1: PRE-APPLICATION MATERIALS

The Arkansas Department of Education requires that all applicants submit a Letter of Intent, outlining a general description of the proposed charter school.

Evaluation Criteria:
A response that meets the standard will guarantee that:

- A Letter of Intent was filed with ADE on time and included all necessary information.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
☐	☐	☐

Strengths	Reference
Concerns and Additional Questions	**Reference**

Part 2: REQUIRED INFORMATION

STANDARDS 1 OF APPLICATION: PUBLIC HEARING RESULTS

All proposed school design teams must conduct a public hearing before applying for an open enrollment charter school, to assess support for the school's establishment. Applicants are asked both to document the logistics of the hearing and to include a narrative of the hearing results.

Evaluation Criteria:

A response that meets the standard will present:

- A thorough description and evidence of public support exhibited at the hearing;
- Documentation of required notices published to garner public attention to the hearing; and
- A thorough description of the results of the public hearing.
- ~~Documentation of required notices of the public hearing to superintendents and school board members in contiguous school districts.~~

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
☐	☐	☐

Strengths	Reference
Concerns and Additional Questions	**Reference**

STANDARD 2 OF APPLICATION: MISSION STATEMENT

The Mission Statement ~~section~~ should be meaningful and indicate what the school intends to do, for whom and to what degree.

Evaluation Criteria:

A response that meets the standard will present:

- A mission statement that is ~~meaningful~~, manageable and measurable.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
☐	☐	☐

Strengths	Reference
Concerns and Additional Questions	**Reference**

STANDARD 3 OF APPLICATION: EDUCATIONAL NEED

The Educational Need section should indicate how the school intends to offer a viable educational option for students in Arkansas. Along with the mission statement, this section outlines the basic rationale for the new school.

Evaluation Criteria:

A response that meets the standard will present:

- A description of educational need that presents a clear option for students;
- A clear description of a plan for school improvement that addresses how the conversion public charter school will improve student learning and meet state education goals; and

~~A specific rationale for how the charter school will enhance or expand the educational options currently available to the school's target student population.~~ Valid and reliable data that substantiates the educational needs.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
☐	☐	☐

Strengths	Reference
Concerns and Additional Questions	**Reference**

STANDARD 4 OF APPLICATION: EDUCATIONAL PROGRAM

The Educational Program section should describe the educational foundation of the school and the teaching and learning strategies that will be employed.

Evaluation Criteria:

A response that meets the standard will present:

- A clear description of the proposed educational program, including but not limited to the foundational educational philosophy and curricular and instructional strategies to be employed; A specific rationale for how the charter school will enhance or expand the educational options currently available to the school's target student population; and
- A clear organization of the school in terms of both length of school day and year that meets minimum state requirements.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
☐	☐	☐

Strengths	Reference
Concerns and Additional Questions	**Reference**

STANDARD 5 OF APPLICATION: ACADEMIC ACHIEVEMENT GOALS

The Academic Achievement Goals section should define the performance expectations for students and the school as whole.

Evaluation Criteria:

A response that meets the standard will present:

- Specific goals in:
  - Reading;
  - Reading Comprehension;
  - Mathematics; and
  - Mathematics Reasoning;
- Goals that clear, measurable and data-driven;
- Goals on improving student achievement; and
- Valid and reliable assessment tools for measuring each of the defined goals.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
☐	☐	☐

Strengths	Reference
Concerns and Additional Questions	**Reference**

STANDARD 6 OF APPLICATION: CURRICULUM DEVELOPMENT AND ALIGNMENT

The Curriculum Development and Alignment section should define the process by which the design team developed (or chose) the curricular program of the school, and illustrate alignment with Arkansas Curriculum Frameworks.

Evaluation Criteria:

A response that meets the standard of a curricular development and alignment program will present:

- Evidence that the curriculum aligns with, or a sound and rationale plan and timeline for aligning the curriculum with, the Arkansas Department of Education's content standards, benchmarks and performance standards.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
☐	☐	☐

Strengths	Reference
Concerns and Additional Questions	**Reference**

STANDARD 7 OF APPLICATION: ENROLLMENT CRITERIA AND PROCEDURES

The Enrollment Criteria and Procedures section should describe how the school will attract and enroll its student body, including any criteria for admission and enrollment. Applicants must also provide assurances for a random lottery selection process.

Evaluation Criteria:

A response that meets the standard will present:

- A student recruitment plan that will provide equal opportunity for all parents and students to learn about and apply to the school;
- An enrollment and admissions process that is open, fair and in accordance with applicable law; and
- A process for~~,~~ ~~and a guarantee of, a random, anonymous lottery process~~ student selection should there be more student applications than can be accommodated under the terms of the charter.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
☐	☐	☐

Strengths	Reference

Concerns and Additional Questions	Reference

STANDARD 8 OF APPLICATION: STAFFING PLAN

The Staffing Plan section should describe the job duties of the school director and other key personnel. This section should also describe the professional standards to which ~~that~~ all employees will be held ~~to~~.

Evaluation Criteria:

A response that meets the standard will present:

- A job description for the school director and other key personnel, including but not limited to an operations director, board members, teachers, etc.;
- An outline of the professional qualifications required for administrators, teachers, counselors, etc; and
- A staffing plan that clearly outlines both the types and numbers of positions to be filled at the school and salary scales for such positions.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
☐	☐	☐

Strengths	Reference

Concerns and Additional Questions	Reference

STANDARD 9 OF APPLICATION: STUDENT SERVICES

The Student Services section should describe how the school will address services for its student body.

Evaluation Criteria:

A response that meets the standard will present:

- A guidance program that will serve all students;
- A health services program that will serve all students;
- A plan for a media center for use by all students;
- A transportation plan that will serve all eligible students;
- A food service plan that will serve all eligible students;
- Sound plans for educating special education students that reflect the full range of programs and services required to provide such students with a high quality education;
- An alternative education plan for eligible students, including those determined to be at-risk, or those that are bilingual or have limited English proficiency; and
- Plans for a gifted and talented program for eligible students.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
☐	☐	☐

Strengths	Reference

Concerns and Additional Questions	Reference

STANDARD 10 OF APPLICATION: ARKANSAS PUBLIC SCHOOL COMPUTER NETWORK ASSURANCES

The Arkansas Public School Computer Network (APSCN) Assurances section should provide documentation of the applicant's understanding of and participation in the required state educational data reporting system.

Evaluation Criteria:

A response that meets the standard will present:

- Assurance that the charter school will comply with all state statutory requirements regarding the APSCN educational data reporting system.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
☐	☐	☐

Strengths	Reference

Concerns and Additional Questions	Reference

STANDARD 11 OF APPLICATION: FACILITIES

The Facilities section should provide an understanding of the school's anticipated facilities needs and how the school plans to meet those needs.

Evaluation Criteria:

A response that meets the standard will present:

- An informed understanding of the facility needs of the school over the term of its charter.
- A realistic plan for securing a facility that is appropriate and adequate for the school's program and targeted population.
- Evidence that the school understands the costs of securing and improving a facility and has access to the necessary resources to fund the facility plan.
- A sound plan for continued operation, maintenance and repair of the facility.

For schools that will be using district-owned facilities, a response that meets the standard will present:

- Documentation that the school district and school are in agreement over the use of the facility and its equipment.

For schools that will NOT be using district-owned facilities, a response that meets the standard will present:

- Documentation that the property owner and school are in agreement over the use of the facility and its equipment;
- A statement of the facilities' compliance with applicable codes; and
- A detailed outline of any relationships between the property owner and:
    - members of the local board of the public school district where the charter school will be located; and
    - the employees of the public school district where the charter school will be located.~~;~~
    - ~~the sponsor of the charter school; and~~
    - ~~employees, directors and/or administrators of the charter school.~~

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
☐	☐	☐

Strengths	Reference
Concerns and Additional Questions	**Reference**
Facilities Review Report	

STANDARD 12 OF APPLICATION: WAIVERS

The Waivers section should provide describe any waiver from local or state law for which the charter is seeking.

Evaluation Criteria:

A response that meets the standard will present:

- A persuasive explanation of any waiver requests; and
- A compelling description of how the school will address any waivers.

~~Does Not Meet the Standard~~	~~Partially Meets the Standard~~	~~Meets the Standard~~
☐	☐	☐

~~Strengths~~ Legal Comments	Reference
Concerns and Additional Questions	**Reference**

STANDARD 13 OF APPLICATION: DESEGREGATION ASSURANCES

The Desegregation Assurances section should describe the applicant's understanding of applicable statutory and regulatory obligations to create and maintain a unitary system of desegregated public schools.

Evaluation Criteria:

A response that meets the standard will present:

- Assurance that the charter school will comply with all applicable federal and state statutory and regulatory requirements regarding the creation and maintenance of desegregated public schools; and
- An outline of the potential impact of the proposed charter school on those desegregation efforts already in place in affected public school districts.

~~Does Not Meet the Standard~~	~~Partially Meets the Standard~~	~~Meets the Standard~~
☐	☐	☐

~~Strengths~~ Legal Comments	Reference
Concerns and Additional Questions	**Reference**

STANDARD 14 OF APPLICATION: PARENTAL INVOLVEMENT

The Parental Involvement section should describe how parents or guardians of enrolled students will make a positive impact on the school and its educational program.

Evaluation Criteria:

A response that meets the standard will present:

- ~~A plan for involving parents and guardians in the school's education programs~~A plan to involve parents and guardians of students to be enrolled in the school, as well as certified employees and the broader community, in the process of carrying out the terms of the charter, and
- A description of how certified employees and parents of students will be involved in developing, implementing, and evaluating the school improvement plan and identifying performance criteria ~~.~~

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
☐	☐	☐

Strengths	Reference
Concerns and Additional Questions	**Reference**

ADDITIONAL COMMENTS:

Limited District Conversion Public Charter School New Application

Deadline for Submission: October 31~~, 2009~~

Charter School: _____

Date Submitted: _____

Date Approved: _____

Arkansas Department of Education
Charter School Office
~~4 State~~ Four Capitol Mall, Room ~~305-B~~ 105-C
Little Rock, AR 72201
501.683.5313

Arkansas Department of Education
Limited District Conversion Public Charter Schools
~~Planning to Open in 2010-2011~~

August 31	Deadline for ~~conversion and~~ limited district conversion charter letters of intent to be filed with the ADE.
October 31	Deadline for ~~conversion and~~ limited district conversion charter applications to be submitted with letter of support from the school board to the ADE.
January/February	Tentative date for application submitted to the State Board of Education. (Pending hearing timelines.)

*Note - All information must be **received** (not postmarked) in the Charter School Office of the Arkansas State Department of Education no later than 4:00 p.m. on the date of the deadline. Information received in the Charter School Office after 4:00 p.m. on the established date will not be processed. It is the responsibility of the applicant to strongly adhere to the charter application timeline. Please take under consideration the length of the time that may be required for your application to reach the Charter School Office, particularly when mailing your application. Should the deadline date fall on a weekend, all materials must be received no later than 4:00 p.m. the following Monday.

STATE BOARD OF EDUCATION

ARKANSAS DEPARTMENT OF EDUCATION

REQUIREMENTS FOR LETTER OF INTENT

To Apply For A **Limited District Conversion** Public School Charter

Applicants for limited district conversion public charter schools are required to send a one (1) page "**Letter of Intent to Apply for a Limited Conversion District Public School Charter**" to the Arkansas Department of Education.

Submit the letter of intent via certified mail to the Department of Education at the following address no later than the close of the business day (4:00 p.m.) **on August 31~~, 2009~~** in order for the application to be considered by the State Board of Education at a later date:

Arkansas Department of Education
Charter School Office
Four Capitol Mall, Room 105-C
Little Rock, AR 72201

Required format to be followed for the letter of intent:

1. The letter of intent is to consist of only one (1) page;
2. Identify the school district which intends to apply for a charter;
3. Include the contact person's name, full address, daytime telephone number, FAX number, and e-mail address;
4. Give the name of the school which intends to apply for a charter
5. Give the name of the proposed district conversion charter school;
6. Describe the location of the proposed district conversion charter school;
7. Identify the grade levels of students to be served by the district conversion charter school;
8. Provide proposed student enrollment cap for district conversion public charter school; and
9. Provide a one-paragraph description of the purpose or special emphasis of the proposed school.

The superintendent of the school district for the proposed conversion public charter school should sign the letter.

STATE BOARD OF EDUCATION
ARKANSAS DEPARTMENT OF EDUCATION
APPLICATION FOR A
LIMITED CONVERSION PUBLIC CHARTER SCHOOL

A. GENERAL INFORMATION (Please type.)

Name of Proposed Charter School: _____

Grade Level(s) for the School: _____ Student Enrollment cap: _____

Name of School District: _____

Name of Contact Person: _____

Address (no P.O. Box please): _____ City:_____ ZIP:_____

Daytime Phone Number: (_____) _____ FAX: _____

E-mail: _____

Charter Site Address: _____

City:_____ ZIP Code: _____

Date of Proposed Opening:_____

Name of Superintendent: _____

Address: _____

City: _____ Zip Code: _____

Phone Number: _____ FAX: _____

E-mail: _____

B. GENERAL DESCRIPTION

In succinct terms describe the proposed school including grade levels offered, student populations served, educational focus, and any other essential characteristics.

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

(Use additional sheets as necessary.)

C. GENERAL INSTRUCTIONS

APPLICATION REQUIREMENTS AND CONTENTS: The total number of pages prepared by the applicant in response to Section D. of this application form plus any attachments used to support those responses **cannot exceed 30 pages**. Any attachments required by the application form are not to be included in the count for the total number of pages and are indicated by the word "required" in the list of contents below. Do not use dividers or separators noting the various parts of the application. **All ~~applicants'~~ pages and attachments should be numbered and attachments clearly referred to in the narrative text.**

The narrative responses should be given in the order requested. Brevity and clarity are strongly encouraged. The responses and all supporting attachments should be prepared/ typed on white, 8 ½" x 11" paper (copied on one side only) suitable for reproduction. The type should be in 12 point font or larger and page margins of at least one inch on all sides with page numbers clearly marked.

List of Contents:
The following is a list for the contents of the final application to be submitted to the State Board of Education. **The contents must be arranged in the order listed below:**

1. Sections A and B of the application form with all information provided (required)
2. Responses to all inquiries in Section D in the prescribed order and numbered accordingly
3. Letter from the local school district board president that documents that the application for the limited charter was reviewed and approved at a regular school board meeting
4. Applicant's attachments (if any) supporting narrative responses
5. A copy of the school's calendar and daily schedule (required)
6. Proposed salary schedule for both administrative and teaching positions (required)
7. Evidence of parental and community support (required)
8. Signed Statement of Assurances Form (required)

Submit the original copy of the application with original pages for all attachments including original signatures on any attachment requiring a signature. DO NOT STAPLE THE ORIGINAL APPLICATION PAGES OR ANY OF THE ORIGINAL ATTACHMENTS.

In addition to the original unbound copy of the application and all attachments, **please submit: Twelve (12) one sided bound/stapled copies (no notebooks)**; **One (1) CD copy of the application** in Microsoft Word or Adobe Acrobat pdf file. Please ensure that the information saved on the CD can be accessed. CD should be labeled with the name of the proposed school.

All application materials must be received by the Charter School Office at the Arkansas Department of Education by 4:00 p.m. on October 31~~, 2009~~. Please make sure that applications being submitted by United States Postal Service are done so in a timely manner as to be received in the Charter School Office by the deadline. Facsimile transmissions (FAX) will not be accepted, and any application received after this time will not be forwarded to the State Board of Education for consideration. Applications should be mailed or hand-delivered to:

Arkansas Department of Education
Charter School Office
Four Capitol Mall, Room 105-C
Little Rock, AR 72201

D. REQUIRED INFORMATION

The applicant for the proposed limited charter, if approved by the local board and the State Board of Education, agrees to operate a school alternative comprehensive staffing and compensation program designed to enhance student and teacher performance and improve employee salaries, opportunities and incentives in accordance with the provisions described within this document, Act 1311 of 2001, the State Board of Education Rules and Regulations Governing Limited Charter Schools, and the attached assurances. This is a narrative description of various components of the proposed limited charter school, and the responses to the following inquiries including any supporting attachment pages **must be limited to no more than 30 pages** as per the instructions in section C of this form.

Application Standards:

1. Describe a plan for school improvement that addresses how the limited district conversion public charter school will improve student learning and meet state education goals.

2. List the specific measurable goals in reading, reading comprehension, mathematics, and mathematic reasoning based on the state mandated assessments, and any other assessment tools if used, for improving student academic achievement for each year of the public charter schools' five (5) year period.

3. Describe the performance criteria that will be used during the initial five-year period of the charter to measure the progress of the limited district conversion charter in improving student learning and meeting or exceeding the state education goals.

4. Describe how the certified employees will be involved in developing and implementing the school improvement plan and in identifying performance criteria.

5. Describe how the school will enhance teacher performance and improve employee salaries, professional opportunities, and professional growth experiences.

6. Describe the alternative comprehensive staffing model by summarizing the job descriptions of the instructional personnel. Specifically the qualifications and compensation for each position. Identify the number of administrative positions, teaching positions, and support positions.

7. Describe the admission, enrollment criteria and the student selection processes. Include a statement of what ~~that a random, anonymous~~ student selection method will be utilized in the event that more students apply for admission to the charter

school than can be accommodated under the terms of the charter~~, except as allowed for in Arkansas Code Annotated §6-23-306(14)(C). Should an applicant believe that the use of a weighted lottery is necessary, the applicant shall state how they will comply with the requirements of Arkansas Code Annotated 6-23-306 (14) (c)~~.

8. Provide proof of support for the school by the local school board and the community.

9. List the provisions of Title 6 of the Arkansas Code Annotated (Education Code) and the rules and regulations, including sections of the *Standards for* Rules as allowed, established by the State Board that the limited public charter school seeks to be exempted from, as allowable by Arkansas Code Annotated §6-23-601. Identify the specific State Board rules requested to be waived by title and section number if applicable**. Provide a brief description of the need for each waiver requested.**

10. Describe the potential impact of the proposed limited district conversion public charter school on the efforts of a public school district or districts to comply with court orders and statutory obligations to create and maintain a unitary system of desegregated public schools.

Attachments must be included in the following order:

- Applicant's attachments (if any) supporting narrative responses
- A copy of the school's calendar and daily schedule (required)
- Proposed salary schedule for both administrative and teaching positions (required)
- Signed Statement of Assurances Form (required)

LIMITED PUBLIC CHARTER SCHOOL
APPLICATION STATEMENT OF ASSURANCES

The signature of the Superintendent of the School District of the public charter school certifies that the following statements are addressed through policies adopted by the public charter school and, if approved, the local board, administration, and staff of the district conversion public charter school shall abide by them:

1. The information submitted in this application is true to the best of my knowledge and belief.

2. The proposed limited public charter school shall be open to all students, on a space available basis, and shall not discriminate in its admission policy on the basis of race, color, national origin, creed, sex, ethnicity, sexual orientation, mental or physical disability, age, ancestry, athletic performance, special need or proficiency in the English language, and academic achievement, although the charter may provide for the exclusion of a student who has been expelled from another public school district.

3. In accordance with federal and state laws the proposed limited public charter school hiring and retention policies of administrators, teachers, and other employees shall not discriminate on the basis of race, color, national origin, creed, sex, ethnicity, sexual orientation, mental or physical disability, age, ancestry, or special need.

4. Any educator employed by a school district before the effective date of a charter for a limited charter school operated at a school district facility shall not be transferred to or employed by the public charter school over the educator's objection.

5. The proposed limited public charter school shall operate in accordance with federal laws and rules governing public schools; applicable provisions of the Arkansas Constitution; and state statutes or regulations governing public school not so waived by the approved charter.

6. The proposed limited public charter school shall ensure that any of its employees who qualify for membership in the Arkansas Teacher Retirement System or the State and Public School Employee Insurance Program shall be covered under those systems to the same extent a qualified employee of the school district is covered.

7. The proposed limited public charter school shall comply with all health and safety laws, rules and regulations of the federal, state, county, region, or community that may apply to the facilities and school property.

8. The employees and volunteers of the limited public charter school are held immune from liability to the same extent as other school district employees and volunteers under applicable state laws.

9. The limited public charter school shall be reviewed for its potential impact on the efforts of a public school district to comply with court orders and statutory obligations to create and maintain a unitary system of desegregated public schools.

10. The charter applicant should know that certain provisions of state law shall not be waived. The proposed limited public charter school is subject to any prohibition, restriction, or requirement imposed by Title 6 of the Arkansas Code Annotated and any rule and regulation approved by the State Board of Education under this title relating to:

    (a) Monitoring compliance with Arkansas Code Annotated § 6-23-101 et seq. as determined by the Commissioner of the Department of Education;

    (b) Conducting criminal background checks for employees;

    (c) High school graduation requirements as established by the State Board of Education;

    (d) Special education programs as provided by this title;

    (e) Public school accountability under this title; and

    (f) Health and safety codes as established by the State Board of Education and local governmental entities.

11. The facilities of the proposed charter school shall comply with all requirements for accessibility for individuals with disabilities in accordance with the ADA and IDEA and all other state and federal laws.

_____ Date: _____

Signature of Superintendent of School District

_____

Print or type name

Limited District Conversion Public Charter School Application Checklist

- ❑ Submit one (1) page letter of intent, following the letter of intent guidelines, to ADE Charter School Office by certified mail: Deadline August 31.

- ❑ Check points for the charter application

  - ♦ Responses to section D of the application, including attachments, cannot exceed 30 pages
  - ♦ Sections A and B of the application form are completed
  - ♦ Copy of the proposed school calendar must be included
  - ♦ Copy of the proposed daily schedule must be included
  - ♦ Copy of proposed salary schedule must be included
  - ♦ Signed statement of assurance page must be included

- ❑ Submit final copies of the charter school application to ADE Charter School Office as follows:
  - o 1 original copy with original signatures (unbound)
  - o 12 copies of the original (one sided bound/stapled, no notebooks)
  - o 1 CD copy in either Microsoft Word or Adobe Acrobat pdf

It is the applicant's responsibility to comply with all aspects of Arkansas Code Annotated § 6-23-101 et seq., the ADE Rules Governing Charter Schools, and the requirements outlined in the application for an district conversion public charter school. Contact the ADE Charter School Office for questions and for assistance with developing the application.

Arkansas Department of Education

Charter School Application Evaluation Instrument

The following instrument will be used to evaluate applications submitted to the Arkansas Department of Education ("ADE") for the establishment of new public charter schools. This instrument is only intended to provide clarity, transparency and consistency in the charter school application review process.

The ADE will use the following instrument only to evaluate the quality of a charter school application against the criteria stated herein. For each of the application requirements, the criteria define the characteristics and elements of a response that meet the standard for charter approval. The following definitions will guide the rating of each information requirement:

Meets the Standard: The response reflects a thorough understanding of key issues and demonstrates capacity to open and operate a quality charter school. It addresses the topic with specific and accurate information that shows thorough preparation and presents a clear, realistic picture of how the school expects to operate.

Partially Meets the Standard: The response addresses most of the criteria, but response lacks meaningful detail and requires important additional information.

Does Not Meet the Standard: The response lacks meaningful detail, demonstrates lack of preparation, or otherwise raises substantial concerns about the applicant's understanding of the issue in concept and/or ability to meet the requirement in practice.

Arkansas Department of Education

Limited Public Charter School Application Evaluation

EVALUATION RUBRIC

Name of Proposed School:

Sponsoring School District:

Part 1: PRE-APPLICATION MATERIALS

The Arkansas Department of Education requires that all applicants submit a Letter of Intent, outlining a general description of the proposed charter school.

Evaluation Criteria:
A response that meets the standard will guarantee that:

- A Letter of Intent was filed with ADE on time and included all necessary information.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
☐	☐	☐

Strengths	Reference
Concerns and Additional Questions	**Reference**

Part 2: REQUIRED INFORMATION

STANDARDS 1 OF APPLICATION: STUDENT LEARNING IMPROVEMENT PLAN

This section should describe a complete plan for school improvement that addresses how the limited district conversion public charter school will improve student learning and meet state education goals.

Evaluation Criteria:

A response that meets the standard will present:

- A thorough description of a plan for school improvement;
- A narrative of how the school will improve student learning;
- A description of how the school will meet the state education goals; and
- Describe a clear organizational pattern of the school in terms of length of school day and year, daily schedule, and organizational method of teacher/student interaction, which meets the minimum state requirements for daily instruction.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
☐	☐	☐

Strengths	Reference
Concerns and Additional Questions	**Reference**

STANDARD 2 OF APPLICATION: ACADEMIC ACHIEVEMENT GOALS

This section should list the specific measurable goals based on the state mandated assessments, and any other assessment tools if used, for improving student academic achievement for each year of the charter schools' five (5) year period.

Evaluation Criteria:

A response that meets the standard will present:

- List specific measurable goals to be achieved by students in Reading, Reading Comprehension, Math and Mathematic Reasoning;
- Explain how goals will be clear, measurable and data-driven; and
- Describe any additional valid and reliable assessment tools for measuring each of the defined goals.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
☐	☐	☐

Strengths	Reference
Concerns and Additional Questions	**Reference**

STANDARD 3 OF APPLICATION: PERFORMANCE CRITERIA

This section should describe the performance criteria that will be used during the initial five-year period of the charter to measure the progress of the limited district conversion charter in improving student learning and meeting or exceeding the state education goals.

Evaluation Criteria:

A response that meets the standard will present:

- Describe performance criteria that will be used during the initial five year period;
- Explain what methods will be used to measure the progress of students;
- Provide information on how students will be monitored using state education goals each year;
- Explain how students will be provided instruction based on these results.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
☐	☐	☐

Strengths	Reference
Concerns and Additional Questions	**Reference**

STANDARD 4 OF APPLICATION: CERTIFIED EMPLOYEES

This section should describe how the certified employees will be involved in developing and implementing the school improvement plan and in identifying performance criteria.

Evaluation Criteria:

A response that meets the standard will present:

- Describe how the certified staff will be involved in the development and implementation of the school improvement plan in offering educational options for students.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
☐	☐	☐

Strengths	Reference
Concerns and Additional Questions	**Reference**

STANDARD 5 OF APPLICATION: TEACHER PERFORMANCE

This section should describe how the school will enhance teacher performance and improve employee salaries, professional opportunities, and professional growth experiences.

Evaluation Criteria:

A response that meets the standard will present:

- Describe specific Professional Growth strategies to enhance teacher performance, such as those provided in Staff Development, via consultants, conferences, college classes, etc. which explains how the instructional strategies and curriculum will be provided in a different manner for students;
- Provide a plan for enhancing and improving employees salaries and how that enhancement will be determined for each employee; and
- Provide additional information regarding professional opportunity offerings to enhance teacher performance.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
☐	☐	☐

Strengths	Reference

Concerns and Additional Questions	Reference

STANDARD 6 OF APPLICATION: STAFFING

This section should describe the alternative comprehensive staffing model by summarizing the job descriptions of the instructional personnel. Specifically the qualifications and compensation for each position. Identify the number of administrative positions, teaching positions, and support positions.

Evaluation Criteria:

A response that meets the standard will present:

- List all positions planned for the school;
- Provide a job description for instructional personnel, administrative positions, and support staff;
- Outline the professional qualifications required for administrators, teachers, counselors, special education, etc.;
- Describe the staffing plan that clearly outlines both the type and number of positions to be filled at the school; and
- Provide a salary schedule for all positions including merit pay, bonuses, incentive, etc.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
☐	☐	☐

Strengths	Reference

Concerns and Additional Questions	Reference

STANDARD 7 OF APPLICATION: ENROLLMENT CRITERIA

This section should describe the admission, enrollment criteria and the student selection processes.

Evaluation Criteria:

A response that meets the standard will present:

- The school's student recruitment plan that will provide equal access of information regarding the school and the application process;
- The school's enrollment and admission policy that is open fair and in accordance with applicable law; and
- A process for student selection should there be more student applications than can be accommodated under the terms of the charter.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
☐	☐	☐

Strengths	Reference
Concerns and Additional Questions	**Reference**

STANDARD 8 OF APPLICATION: SUPPORT

This section should provide proof of support for the school by the local school board and the community.

Evaluation Criteria:

A response that meets the standard will present:

- Describe the results of all meetings conducted to provide information to the public and school personnel;
- Provide documentation of notices distributed to the community, certified personnel, and parents of all students enrolled at the public school for which the district initiated the application; and
- Provide proof of participation and support from the local school board and the community, including dated sign-in sheets and letters of support.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
☐	☐	☐

Strengths	Reference
Concerns and Additional Questions	**Reference**

STANDARD 9 OF APPLICATION: WAIVERS

This section should list the provisions of Title 6 of the Arkansas Code Annotated (Education Code) and the rules and regulations, including sections of the Standards for Rules as allowed, established by the State Board that the limited public charter school seeks to be exempted from, as allowable by Arkansas Code Annotated §6-23-601. Identify the specific State Board rules requested to be waived by title and section number if applicable. Provide a brief description of the need for each waiver requested.

Evaluation Criteria:

A response that meets the standard will present:

- List the waivers requested of standards for accreditation and Arkansas Education Code as allowed under Arkansas Code Annotated §6-23-601;
- Provide compelling and persuasive reasons for the waivers and why they are necessary for the proposed program; and
- Explain how the waivers will be utilized to develop the goals and objectives of the school.

Legal Comments	**Reference**
Concerns and Additional Questions	**Reference**

STANDARD 10 OF APPLICATION: DESEGREGATION

This section should describe the potential impact of the proposed limited district conversion public charter school on the efforts of a public school district to comply with court orders and statutory obligations to create and maintain a unitary system of desegregated public schools.

Evaluation Criteria:

A response that meets the standard will present:

- Provide assurance document that states that the charter school will comply with all applicable federal and state statutory and regulatory requirements regarding the creation and maintenance of desegregated public schools
- Provide an outline of the potential impact of the proposed charter school on those desegregation efforts already in place in affected public school districts.

Legal Comments	**Reference**
Concerns and Additional Questions	**Reference**

ADDITIONAL COMMENTS:

McGehee School District
LEA # 2105
Desha County

Fiscal Distress Indicators and Additional Concerns:

* A declining balance determined to jeopardize the fiscal integrity of the school district

District Profile:	2005-06	2006-07	2007-08	2008-09
Superintendent	**Diane Barrett**	**Barbara Woods**	**Barbara Woods**	**Thomas Gathen**
4 QTR ADM	1,313	1,196	1,196	1,162
Assessment	115,563,839	117,729,206	118,460,931	119,330,398
Total Mills	34.46	34.46	34.46	34.46
Total Debt Bond/Non Bond	5,688,989	5,258,191	7,563,260	7,231,000
Per Pupil Expenditures	8,270	9,038	8,970	8,791
Personnel-Non-Fed Certified FTE	118.31	107.57	106.95	102.03
Personnel-Non-Fed Certified Clsrm FT	106.52	93.04	91.19	89.26
Avg Salary-Non-Fed Cert Clsrm FTE	35,689	38,832	40,520	41,400
Avg Salary-Non-Fed Cert FTE	37,461	41,784	41,963	43,381
Net Legal Balance (Excl Cat & QZAB)	3,042,947	3,209,224	1,553,040	1,640,436

District projected Unrestricted Legal Balance for the 2009-2010 school year: $857,375

Arkansas Department of Education
McGehee School District
Fund Balance Report
April 12, 2010

District LEA	**2105000**
District Description	**MCGEHEE SCHOOL DISTRICT**
FY-07 Legal Balance	3,385,106
FY-07 Restricted SOF	180,216
FY-07 Deposits with Paying Agents	0
FY-07 Current Loans	0
FY-07 Unrestricted Legal Balance	**3,204,890**
FY-08 Legal Balance	1,776,219
FY-08 Restricted SOF	238,888
FY-08 Deposits with Paying Agents	0
FY-08 Current Loans	0
FY-08 Unrestricted Legal Balance	**1,537,331**
FY 07-FY 08 % Change	-52.03%
FY-09 Legal Balance	2,048,483
FY-09 Restricted SOF	422,673
FY-09 Deposits with Paying Agents	0
FY-09 Current Loans	0
FY-09 Unrestricted Legal Balance	**1,625,810**
FY 08-FY 09 % Change	5.76%
Two Year Change	(1,579,080)
Two Year Projected Balance	**46,730**
FY-10 BUDGET	
FY-10 Legal Balance	1,260,422
FY-10 Restricted SOF	(403,047)
FY-10 Deposits with Paying Agents	0
FY-10 Current Loans	0
FY-10 Unrestricted Legal Balance	**857,375**
FY 09 Actual-FY 10 Budget % Change	-47.26%

ARKANSAS DEPARTMENT OF EDUCATION

Dr. Tom W. Kimbrell
Commissioner

State Board of Education

Dr. Naccaman Williams
Springdale
Chair

Jim Cooper
Melbourne
Vice Chair

Sherry Burrow
Jonesboro

Brenda Gullett
Fayetteville

Sam Ledbetter
Little Rock

Alice Mahony
El Dorado

Dr. Ben Mays
Clinton

Toyce Newton
Crossett

February 24, 2010

Mr. Thomas Gathen, Superintendent
McGehee School District
409 Oak Street
McGehee, AR 71654

Dear Mr. Gathen:

Pursuant to Ark. Code Ann. § 6-20-1905, the purpose of this letter is to provide notice that the McGehee School District (District) has been identified by the Arkansas Department of Education (Department) as a school district in Fiscal Distress. According to Ark. Code Ann. §6-20-1904, the District meets the following criteria necessary for identification as a school district in Fiscal Distress:

- A declining balance determined to jeopardize the fiscal integrity of the school district

The Arkansas State Board of Education (SBE) will be requested by the Department to classify the McGehee School District as being in Fiscal Distress at its meeting on April 12, 2010, to be held at 9:00 a.m. in the Auditorium of the Arch Ford Education Building, Four Capitol Mall, Little Rock, Arkansas.

Attached to this letter is a copy of the Rules Identifying and Governing the Arkansas Fiscal Assessment and Accountability Program (Rules). The Rules provide information on the process for appealing the Fiscal Distress identification status. Appeals will be heard at the April 12, 2010, SBE meeting. Additional information may be found in Arkansas Code Ann. §6-20-1901 et seq.

Ark. Code Ann. §6-20-1907 states that no school district identified by the Department as being in Fiscal Distress may incur any debt without prior written approval from the Department. "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 its liabilities. The district is required to obtain prior written approval from the Department, effective with receipt of this letter. Please retain this notice in your District audit file.

If you have any questions or comments, please contact Hazel Burnett, at (501) 682-5124.

Sincerely,

William J. Goff, CPA
Assistant Commissioner
Fiscal and Administrative Services

cc: Dr. Tom W. Kimbrell, Commissioner of Education
Dr. Diana Julian, Deputy Commissioner
Jeremy Lasiter, General Counsel
Ms. Hazel Burnett
Senator Jimmy Jeffress
Representative Robert S. Moore
Stephen Montgomery, School Board President

Four Capitol Mall
Little Rock, AR
72201-1019
(501) 682-4475
ArkansasEd.org

An Equal Opportunity Employer

Business Education:

Summary

To support the decision-making process for state departments of education with regards to establishing passing scores, or cut scores, for the Praxis Business Education assessment, research staff from Educational Testing Service (ETS) designed and conducted two multi-state standard setting studies. The studies also collected content-related validity evidence to confirm the importance of the content specifications for entry-level Business Education teachers. The standard setting studies involved two expert panels, comprised of teachers, administrators, and college faculty.

Standard setting was conducted using a probability-based Angoff approach. The recommended cut scores for each panel, as well as the average cut score across the two panels, are provided. The average recommended cut score across the two panels is 75 (on the raw score metric), which represents 62.5% of total available 120 raw-score points (the recommended cut scores for Panels 1 and 2 are 74 and 76, respectively). The scaled score associated with a raw score of 75 on the Praxis Business Education assessment is 154.

Both panels confirmed that the knowledge and/or skills stated or implied in the Praxis Business Education assessment content specifications were important for entry-level teachers. The results of the evaluation surveys (initial and final) from each panel support the quality of the standard-setting implementation.

Summary

The standard setting study involved an expert panel, comprised of teachers, administrators, and college faculty. The recommended cut score for the panel is provided to help state departments of education determine an appropriate cut (or passing) score.

- For Praxis World Languages Pedagogy, the recommended cut score is **33** (on the raw score metric), which represents 63% of total available 52 raw points. The scaled score associated with a raw score of 33 is 158.

The panel confirmed that the knowledge and/or skills stated or implied in the Praxis World Languages Pedagogy assessment content specifications were important for entry-level World Language teachers. The results of the evaluation surveys (initial and final) support the quality of the standard-setting implementation.

Summary

To support the decision-making process for state departments of education with regards to establishing passing scores, or cut scores, for the Praxis World Languages assessments for German, French, and Spanish, research staff from Educational Testing Service (ETS) designed and conducted a series of multi-state standard setting studies. The studies also collected content-related validity evidence to confirm the importance of the content specifications for entry-level K-12 German, French, and Spanish teachers. The standard setting studies involved two expert panels for each assessment, comprised of teachers, administrators, and college faculty.

Standard setting was conducted using a probability-based Angoff approach (for the multiple-choice sections) and an Extended Angoff approach (for the constructed-response sections). Section-level minimum scores were constructed and an overall cut score was computed. The recommended cut scores for each panel, as well as the average cut across the two panels, are provided to help state departments of education determine appropriate cut (or passing) scores.

- For Praxis World Languages: **German**, the average recommended cut score is **64** (on the raw score metric), which represents 65% of total available 98 raw points (the recommended cut scores for Panels 1 and 2 are 66 and 63, respectively). The scaled score associated with a raw score of 64 on the Praxis German assessment is 163.
- For Praxis World Languages: **French**, the average recommended cut score is **63** (on the raw score metric), which represents 65% of total available 97 raw points (the recommended cut scores for Panels 1 and 2 are 59 and 66, respectively). The scaled score associated with a raw score of 63 on the Praxis French assessment is 162.
- For Praxis World Languages: **Spanish**, the recommended cut score is **67** (on the raw score metric), which represents 70% of total available 96 raw points (the recommended cut scores for Panels 1 and 2 are 66 and 69, respectively). The scaled score associated with a raw score of 67 on the Praxis Spanish assessment is 168.

For each of the assessments, both panels confirmed that the knowledge and/or skills stated or implied in the Praxis World Languages assessment content specifications were important for entry-level K-12 teachers. The results of the evaluation surveys (initial and final) from each panels support the quality of the standard-setting implementation.

Arkansas State Board of Education
Executive Summary
March 9, 2010

Agenda Item Number:

Agenda Item: Waiver of National Board for Professional Teaching Standards (NBPTS) repayment of State funds

Attachments: Arkansas Code 6-17- 413
National Board Rules
Supporting data from Tamora (Goodman) McDowell

Presenter: Michael Rowland, NBPTS Program Advisor

Recommendation for Action:

Recommendation that fee and substitute pay reimbursement waiver for **Tamora (Goodman) McDowell** be considered and granted due to health and/or extenuating circumstances as outlined. The State Board of Education has the authority to waive repayment of State monies in cases of death, disability, or extenuating circumstances. The law governing the National Board support program is attached. Please refer to Arkansas Code 6-17-413, Section 1(b)(1), (b)(2), and (b)(4) and Section 3.01 of the National Board rules.

Background Information;

Tamora McDowell asks that her repayment obligation of $2,300.00 be waived due to her inability to complete the requirements of her 2003 National Board for Professional Teaching (NBPTS) candidacy due to the emotional stress of the following:

During her first year of candidacy, November 1, 2003, she was involved in an automobile accident causing her to withdraw from NBPTS candidacy:

- Ambulance transported to Marion Hospital
- Air lifted to Regional Medical Center in Memphis, TN
- Pelvis broken in three places
- Her recovery was long and painful
- A note from a physician at the Campbell Clinic – Medical Center confirms Mrs. McDowell's recover from 11-1-2003 to 4-16-2004.

She was employed at the Little Rock School District at the time of the auto accident at Martin Luther King Elementary School. Mr. Tyrone Harris was her principal.

Mrs. McDowell (Goodman in 2003) indicates that she communicated with someone in the Office of Teacher Quality and provided documentation of her accident. She claims

she was told that her repayment would be waived. Her file does not indicate evidence of the waiver approval, so she is being asked to reapply for the waiver.

It is my judgment that she should be considered for the extenuating circumstances waiver.

ARKANSAS DEPARTMENT OF EDUCATION
RULES GOVERNING INITIAL AND STANDARD/PROFESSIONAL ADMINISTRATOR AND ADMINISTOR -ARKANSAS CORRECTIONAL SCHOOL LICENSURE
~~August 2003~~

1.0 REGULATORY AUTHORITY

1.01 These shall be known as the Arkansas Department of Education Rules Governing Initial and Standard/Professional School Administrator Licensure.

1.02 These rules are enacted pursuant to the authority of the State Board of Education under Ark. Code Ann. § 6-11-105, ~~and~~ 6-17-402 ~~(Repl. 1999) and~~ § 25-15-204 Supp., and Act 733 of 2009.

2.0 PURPOSE

2.01 The purpose of these rules is to establish the requirements and procedures for obtaining an Initial or Standard/Professional Arkansas School Administrator License.

3.0 DEFINITIONS

For the purpose of these Rules

3.01 **Administrator License -** a license, issued by the state, which allows one to serve as an administrator in an Arkansas school district or other agency or organization requiring an administrator license (grade levels indicated). There are three types of administrator licenses available in Arkansas.

3.01.1 **Building Level Administrator** –a principal, assistant principal, or vice principal. (grade levels P-8 and/or ~~7-12~~ 5-12)

3.01.2 **Building Level Administrator/ Arkansas Correctional School** – a principal, assistant principal, or vice principal. (grade levels 5-12) employed in the Arkansas Correctional Schools

3.01.3 **Curriculum/Program Administrator** –a school leader who is responsible for program development and administration, and/or

DRAFT

employment evaluation decisions. Each Curriculum/Program Administrator License is limited to one of the following areas:

3.01.3.1 Special Education (~~grade levels P-4, and/or 4-12, or~~ P-12)

3.01.3.2 Gifted and Talented Education (~~grade levels P-8, and/or 7-12, or~~ P-12)

3.01.3.3 Career and Technical Education (grade levels 4-8, 7-12 and/or Post-Secondary)

3.01.3.4 Content Area Specialist (grade levels P-12 ~~P-8 and/or 7-12~~)

3.01.3.4.1 The areas of licensure for Content Area Specialist are listed ~~in Appendix A~~. in the areas and levels of Licensure as approved by the State Board of Education.

3.01.3.5 Curriculum Specialist (grade levels ~~P-8, 4-8 and/or 7-12~~ P-12)

3.01.4 **District Level Administrator** –a superintendent, assistant/associate superintendent, or deputy superintendent. (grade level P-12)

3.02 **Administrator Licensure Completion ~~Program~~ Plan (ALCP)** - a plan filed with the office of Professional Licensure, which is designed to assist an individual who has been offered employment in an administrative position prior to completion of state Administrator Licensure requirements. An ALCP may be requested for any one of the three types of Administrator Licenses ~~Licensure areas~~.

3.02.1 Administrators on an ALCP must participate in Induction for each year they are employed under an ALCP.

3.03 **Advanced Program of Study** - a state-approved administrator preparation curriculum (inclusive of a portfolio and internship) offered at an Arkansas college or university, which is based on the current leadership standards ~~*Standards for Licensure of Beginning Administrators*~~ as adopted by the Arkansas State Board of Education. The program requires a candidate to demonstrate and document competency in the specific knowledge, skills, and dispositions required of a District Level Administrator.

DRAFT

3.04 **Area of Licensure –** a particular content field as identified in ~~Appendix A~~, Areas and Levels of Licensure as approved by the State Board of Education.

3.05 **Level of Licensure-** The grade level parameters of an administrator licensure area such as ~~P-8, 7-12, P-12,~~ P-8, P-12, 4-8, 5-12, or 7-12.

3.06 **Beginning Administrator** - an individual in his/her first one-to-three years as a school administrator who holds an Initial Building Level Administrator License, Initial Curriculum/Program Administrator License or is employed under ~~or~~ an ALCP, and is pursuing a Standard Administrator License.

3.07 **Classroom Teaching Experience-** Employment as the licensed classroom teacher of record

3.07.1 Credit for one (1) year of classroom teaching requires a minimum of fifty percent of each day to be spent as a classroom teacher.

3.07.2 One (1) year of classroom teaching experience shall equal a minimum of 120 days within a school year.

3.07.3 Experience as an Educational Examiner, Adult Education, Athletic Director/Coaching, School Administrator, Speech Pathology (with the exception of Curriculum Program Admimistrators for Special Education) & School Psychology Specialist is not recognized as classroom teaching experience.

3.07.4 Four (4) years of experience as a school counselor, or school librarian may be counted toward the total of four (4) years of classroom teaching experience for Building Level Administrator ~~only~~ and Curriculum / Program Administrator for Curriculum (only).

3.08 **External Evaluator** –a member of the portfolio review committee within an Arkansas college or university program of study, who is a practicing school administrator or a former school administrator holding a current administrator license, and not employed within the college or university department offering the program of study.

DRAFT

3.09 **Induction** – a period of no less than one year and no more than three years, when a candidate is employed while holding an Initial Administrator License or those candidates employed under an ALCP- the mentoring support and accelerated professional development associated with the Initial Administrator License. The time of induction (minimum of one year, maximum of three years) concludes with the successful completion of the state-mandated assessment.

3.09.1 Induction consists of:

3.09.1.1 Completion of the ADE Mentoring Program for Administrators, including attendance at training sessions and working with a mentor while employed as an Administrator

3.09.1.2 Successful completion of the state-mandated assessment for Administrators

3.10 **Initial Administrator License** - a license, issued by the state, which allows one to serve as either a beginning Building Level Administrator in a traditional P-12 setting, an Arkansas Correctional School setting, or Curriculum/Program Administrator in an Arkansas school district. This initial license is valid for no less than one, and no more than three years. ~~,during which time the administrator participates in Administrator Induction.~~

3.10.1 **Initial Building Level Administrator/ Arkansas Correctional School** – a licensed issued by the state which allows one to serve as a beginning building level administrator in an Arkansas Correctional School setting. This initial license is valid for no less than one, and no more than three years.

3.11 **Internship** - a practical administrative and/or curricular experience, within a program of study (based on NCATE standards), which provides the candidate with practice in a traditional P-12 school setting in the specific area of administration being sought. A separate internship is required for every area and level of administration sought.

DRAFT

3.12 **Mentor** - a licensed administrator ~~trained~~ certified in the state-adopted mentoring model. Mentors are assigned to assist a beginning administrator by providing support and focused feedback with regard to skills, management, and professional behaviors.

3.13 ~~**Mentoring**~~ **State Mentoring Program for Administrators**- support and focused feedback ~~(for professional growth and development~~) provided to a beginning administrator by an experienced licensed administrator that has been trained in the Arkansas mentoring model for administrators. ~~mentor.~~

3.14 **Portfolio** - an accumulation of materials and documented experiences reflecting the ~~knowledge, disposition and performance~~ competencies of the candidate with regard to Arkansas Administrator Licensure Standards as required by program of study. A separate portfolio is required for each area and level of administrator licensure sought. The portfolio will be assessed by the program of study faculty and at least one external evaluator to ensure program quality and integrity.

3.15 **Program of Study** - a state-approved administrator preparation curriculum (inclusive of a portfolio and internship) offered at an Arkansas college or university, ~~and~~ based on the current leadership standards ~~*Standards for Licensure of Beginning Administrators*~~ as adopted by the Arkansas State Board of Education. The program requires a candidate to demonstrate and document competency in the specific knowledge, skills, and dispositions required of a Building Level, ~~or~~ Curriculum/Program Administrator, and/or District Administrator.

3.16 **Standard Administrator License** - a renewable license, valid for five years, issued to candidates who have successfully completed all state-mandated licensure requirements for Building Level, Curriculum/Program or District Level Administrator. ~~This license is valid for five (5) years. , at which time it must be renewed, or it will expire.~~

3.17 **State-Mandated Licensure Assessments** – ~~test~~ the required assessment(s) used for the evaluation of administrators who are pursuing Standard administrator licensure.

DRAFT

3.17.1 Successful ~~completion~~ passing of the state-mandated licensure assessments is defined as meeting the state-adopted cut score for the appropriate licensure assessment.

3.18 Professional License- A standard Arkansas Teaching License that is issued upon the request of a teacher who has documented the completion of a Master's Degree and three years of teaching experience or who has documented current National Board Certification.

3.19 Traditional P-12 Setting- Employment in a public, including the Arkansas Correctional Schools, or private school between P-12 grade levels (or) a setting preapproved by the Arkansas Department of Education.

4.0 REQUIREMENTS FOR OBTAINING AN INITIAL ADMINISTRATOR LICENSE

4.01 There are two types of Initial Arkansas school administrator licenses.

4.01.1 Building Level Administrator

4.01.2 Curriculum/Program Administrator (issued in one of five (5) areas)

4.01.2.1 Special Education

4.01.2.2 Gifted and Talented Education

4.01.2.3 Career and Technical Education

4.01.2.4 Curriculum Specialist

4.01.2.5 Content Area Specialist

4.01.2.5.1 The areas of licensure for Content Area Specialist are listed in ~~Appendix A~~. the Areas and Levels of Licensure as approved by the State Board of Education

4.02 To qualify for an Initial Administrator License a candidate ~~must~~ shall:

4.02.1 Hold a current Arkansas Standard Teaching License,

4.02.1.1 For Curriculum/Program Administrator the license must be in the specialty area where applicable.

4.02.1.1.1 For Special Education, this includes ~~School Psychology Specialist and/or~~ Speech Language

DRAFT

Pathologist (P-12) licenses.

4.02.2 Have a minimum of four years of classroom teaching experience,

4.02.2.1 For Building Level, ~~at least~~ three of the four years of teaching experience ~~must~~ shall be classroom teaching experience, or experience as a school counselor or school librarian at the level at which the candidate is seeking licensure.

4.02.2.2 For Curriculum/Program Administrator, ~~at least three of~~ the four years of teaching experience ~~must~~ shall be as follows: ~~at the level and/or in the area in which the candidate is seeking licensure.~~

4.02.2.2.1 Special Education- In the area of Special Education. Individuals holding a license in Speech Language Pathology through the ADE shall document a minimum of four (4) years of experience in a traditional P-12 setting.

4.02.2.2.2 Gifted and Talented- In the area of Gifted and Talented.

4.02.2.2.3 Career and Technical- In the area of Career and Technical.

4.02.2.2.4 Content Area Specialist- In the specific content area ~~and level sought.~~

4.02.2.2.5 Curriculum Specialist- At any level or area as a classroom teacher, school librarian or school counselor.

4.02.3 Have completed ~~hold~~ a graduate degree in Educational Leadership from an Arkansas college or university that is regionally ~~and/or NCATE~~ accredited ~~college or university~~ and whose approved administrator education programs are NCATE accredited.

4.02.3.1 The appropriate program of study shall include an internship and portfolio. Each area and level of administration granted requires a separate internship and portfolio as well as completion of the state mentoring program.

DRAFT

4.02.3.1.1 Internships shall be within the grade level of licensure sought and shall be above and/or below the grade levels of teaching experience for the grade level sought.

4.02.3.1.2 Candidates with teaching experience and internship in a public or private school setting shall receive the Initial Building Level Administrator license and shall be employable in a public or private school setting.

4.02.3.1.3 Candidates whose teaching experience and/or internship was earned within an Arkansas Correctional School (ACS) setting shall receive the Initial Building Level Administrator/ACS license and shall be employable as a Building Level Administrator only in an Arkansas Correctional School setting. Candidates shall be eligible for the Initial Building Level Administrator license that allows employment in a public or private school setting upon completion of the required teaching experience and/or internship within a public or private school setting~~.~~

4.02.3.2 For candidates holding a graduate degree in an area other than Educational Leadership, the institution of higher education will review their credentials to determine their individual needs. The candidates will complete a graduate level program of study based on their individual needs inclusive of an internship and portfolio based on the current leadership standards ~~*Standards for Licensure of Beginning Administrators*~~ as adopted by the Arkansas State Board of Education to obtain an initial license.

4.02.3.2.1 A Master's Degree in an area other than

Educational Leadership, shall be a Master's Degree in Education or a Master's Degree in a content/added endorsement/area as identified in the Areas and Levels of Licensure as approved by the State Board of Education.

~~4.02.4complete the appropriate program of study (inclusive of an internship and portfolio),~~

4.03 ~~The Administrator must be prepared through a regionally and/or NCATE accredited college or university whose administrator prep program is NCATE accredited.~~

4.04 The Educational Leadership Chairperson and licensure officer at the ~~regionally and/or NCATE accredited~~ college or university where the candidate was enrolled ~~will~~ shall provide written evidence of degree or program of study completion.

4.05 The Initial Administrator License shall be issued when a completed, appropriately signed, Initial License Application has been submitted to the office~~s~~ of Professional Licensure ~~and Professional Quality Enhancement~~ at the Arkansas Department of Education. The application provides ADE with verification of:

4.05.1 ~~the~~ current Arkansas Standard teaching license,
4.05.2 ~~the~~ required teaching experience,
4.05.3 ~~the~~ graduate degree,
4.05.4 ~~the~~ level of preparation, and
4.05.5 completion of the program of study (inclusive of an internship and portfolio), verified by the Educational Leadership chairperson and licensure officer at the university attended.

5.0 GENERAL POLICIES AND PROCEDURES RELATING TO AN INITIAL ADMINISTRATOR LICENSE

5.01 The Initial Arkansas Administrator License:

5.01.1 is valid for no less than one, and no more than three years,
5.01.2 becomes effective as of date of issue

DRAFT

~~5.01.3 expires three years from the effective date, unless requirements for a Standard license are met.~~

~~5.01.3.1 If requirements for the Standard License are not met by the end of the third year, a candidate may re-apply for the Initial License.~~

5.02 Candidates who hold an Initial Administrator License, but are not employed as a Beginning Administrator for a period of three years, ~~must~~ shall meet current program of study and assessment requirements for re-issuance of an Initial Administrator License ~~Licensure requirements at the time of re-application.~~

5.03 The Initial Administrator License shall become null and void and shall not be renewed at such time as the Administrator has been employed as an Administrator for three years and has not successfully completed Induction.

5.04 Administrators employed under ~~who hold~~ an Initial Administrator License shall participate in Administrator Induction. ~~which concludes after a minimum of one year and successful completion of the state-mandated assessment~~.

6.0 ~~RULES PERTAINING TO OBTAINING~~ REQUIREMENTS FOR OBTAINING A STANDARD/PROFESSIONAL ADMINISTRATOR LICENSE

6.01 There are three routes for obtaining a Standard/Professional Arkansas Administrator License.

6.01.1 Conversion of an Initial license via Induction

6.01.2 Completion of the requirements of an ALCP

6.01.3 Conversion of an out-of-state Standard administrator license through reciprocity

6.02 There are three types of Standard/Professional Arkansas Administrator Licenses:

6.02.1 Building Level Administrator

6.02.2 Curriculum/Program Administrator, issued in one of five areas

6.02.2.1 Special Education

DRAFT

6.02.2.2 Gifted and Talented Education
6.02.2.3 Career and Technical Education
6.02.2.4 Curriculum Specialist
6.02.2.5 Content Area Specialist

6.02.2.5.1 The areas of licensure for Content Area Specialist are listed in ~~Appendix A~~ the Areas and Levels of Licensure approved by the State Board of Education.

6.02.3 District Level Administrator

6.03 The requirements for each of the Standard Arkansas Administrator Licenses are as follows:

6.03.1 To qualify for the Standard/Professional Building Level Administrator License the candidate shall ~~must~~:

6.03.1.1 ~~be employed as a Building Level Administrator, must~~ have been employed as a Building Level Administrator for a minimum of at least 50% of the day, in Arkansas for a minimum of one year

6.03.1.1 hold a current Arkansas Initial Building Level Administrator License or have completed all ALCP requirements,

6.03.1.2 ~~participate in Induction,~~ have completed Induction.

6.03.1.2.1 For candidates that meet all licensure requirements for both levels of building level administrator, only one induction shall be required to license at both levels.

6.03.1.3 successfully ~~complete~~ pass the state-mandated licensure assessment.

6.03.2 To qualify for the Curriculum/Program Administrator License the candidate shall ~~must~~:

6.03.2.1 ~~be employed~~ have been employed as a Curriculum/Program Administrator for a minimum of at least 50% of the day, in Arkansas for a minimum of one year in the area of the initial license,

DRAFT

6.03.2.1 hold a current Arkansas Initial Curriculum/Program Administrator License in the license-specific specialty area or have completed all ALCP requirements.

6.03.2.2 ~~participate in Induction,~~ have completed Induction.

6.03.2.2.1 A separate induction shall be required for each area of Curriculum / Program Administrator license.

6.03.2.3 successfully complete the state-mandated licensure assessment.

6.03.3 To qualify for the District Level Administrator License the candidate shall ~~must~~:

6.03.3.1 hold a current Standard/Professional Arkansas teaching license,

6.03.3.2 ~~have at least four (4) years of classroom teaching experience.~~ shall have met the classroom teaching experience requirement for Building Level Administrator and/or Curriculum/Program Administrator

6.03.3.3 hold a current Standard Building Level or Curriculum/Program Administrator License, with a minimum of one year experience as a Building Level or Curriculum Program Administrator.

6.03.3.4 have or complete ~~an advanced~~ a graduate degree (with a program of study reflective of the standards for District Level Administrator Licensure), or complete an advanced program of study reflective of the standards for District Level Administrator Licensure (both inclusive of an internship and portfolio), from a regionally ~~and/or NCATE~~ accredited college or university whose program of study is NCATE accredited,

6.03.3.5 successfully complete the state-mandated licensure assessment.

6.04 The authorized school district representative ~~will~~ shall verify employment as an Administrator ~~and completion of Induction~~ for a Standard Building Level or Curriculum/Program Administrator License candidate.

DRAFT

6.05 The Standard Building Level, ~~or~~ Curriculum/Program Administrator, or District Level Administrator License will be issued when a completed, appropriately signed Standard License Application has been submitted to the office of Professional Licensure with verification that all requirements have been met. ~~and Professional Quality Enhancement at ADE. The application provides ADE with verification of:~~

~~6.05.1 employment experience as a licensed school administrator,~~

~~6.05.2 the appropriate initial administrator license (or ALCP),~~

~~6.05.3 completion of the Arkansas Administrator Induction Program, and including mentoring and training sessions and successful completion of the State-Mandated Assessment.~~

~~6.05.4 successful completion of the state-mandated licensure assessment (documented via a copy of the official score report).~~

6.06 The Educational Leadership Chairperson and the Licensure Officer at the ~~regionally and/or NCATE accredited~~ college or university where the candidate was enrolled ~~will~~ shall verify ~~advanced degree or~~ the graduate degree and advanced program of study completion for Standard District Level Administrator License.

~~6.06.1 The Standard District Level Administrator License will shall be issued when the completed, appropriately signed Standard License Application and official transcript are is submitted to the Office of Professional Licensure, and Professional Quality Enhancement at ADE. The application provides ADE with verification of:~~

~~6.06.1 the Standard Arkansas teaching license,~~

~~6.06.2 the teaching experience,~~

~~6.06.3 the Standard Building Level or Curriculum/Program Administrator license, with a minimum of one year of experience as a Building Level or Curriculum Program Administrator~~

~~6.06.4 the advanced degree or completion of the advanced program of study (both inclusive of an internship and portfolio), and~~

~~6.06.5 successful completion of the state-mandated licensure assessment (documented via a copy of the official score report).~~

~~6.07 The Standard Administrator License will be issued to applicants holding a Standard administrator license from another state who have met all~~

DRAFT

~~requirements for a Standard Arkansas Administrator License through reciprocity.~~

~~6.07.1 Building Level and/or Curriculum/Program Administrators, with less than one-year administrative experience, will be mentored for one year.~~

~~7 GENERAL POLICIES AND PROCEDURES RELATING TO A STANDARD ADMINISTRATOR LICENSE~~

~~7.03 The Standard Arkansas Administrator license:~~

~~7.03.1 shall be issued only for those areas and levels of licensure that have been approved by the State Board of Education,~~

~~7.03.2 shall be a renewable license, valid for a period of five years,~~

~~7.03.3 shall become effective January 1 of the year it is issued, and shall expire December 31 of the fifth year.~~

~~7.04 The effective dates of the candidate's~~ standard ~~teaching license and~~ standard ~~Administrator License shall coincide.~~

7.0 ~~RULES PERTAINING TO~~ AN ADMINISTRATOR LICENSURE COMPLETION ~~PROGRAM~~ PLAN (ALCP)

7.01 The ALCP is the licensure route for an individual who has been offered employment in an administrative position in an Arkansas school district prior to completion of state Administrator Licensure requirements.

7.02 The ALCP is a plan filed with the office of Professional Licensure, which ~~describes~~ lists the requirements to be completed for licensure.

7.03 The ALCP is valid for a maximum of three years and is not renewable.

7.04 To qualify for an ALCP candidates shall ~~must~~:

7.04.1 Hold a current AR Standard/Professional teaching license,

7.04.1.1 For Curriculum/Program Administrator the license must be in the specialty area where applicable.

7.04.2 have a minimum of four years of classroom teaching experience,

DRAFT

7.04.2.1 For Building Level ~~Licensure~~, at least three of the four years teaching experience shall ~~must~~ be classroom teaching experience, or experience as a counselor or school librarian at the level at which the candidate is seeking the ALCP.

7.04.2.2 For Curriculum/Program Administrator ~~Licensure~~, ~~at least three of~~ the four years of classroom teaching experience shall ~~must~~ be ~~at the level and/or in the area in which the candidate is seeking the ALCP~~ as follows:

7.04.2.2.1 Special Education- In the area of Special Education. Individuals holding a license in Speech Language Pathology through the ADE shall document a minimum of four (4) years of experience in a traditional P-12 setting.

7.04.2.2.2 Gifted and Talented- In the area of Gifted and Talented.

7.04.2.1.3 Career and Technical- In the area of Career and Technical.

7.04.2.1.4 Content Area Specialist- In the specific content area and level sought.

7.04.2.2.5 Curriculum Specialist- At any level or area as a classroom teacher, school librarian or school counselor.

7.04.3 be enrolled and participating in the appropriate program of study through a regionally ~~and/or NCATE~~ accredited Arkansas college or university whose Educational Leadership Program is NCATE accredited ~~administrator program~~

7.04.3.1 When it has been determined that a candidate is no longer attending class and working under an ALCP, the Educational Leadership chair is required to report it to the Office of Professional Licensure.

7.04.3.2 Candidates employed in an Arkansas public school

DRAFT

under an ALCP shall file a waiver request to be employed out of their licensure area and shall make annual yearly progress as defined in section 4.04 through section 4.04.2.3 of the Rules Governing the Addition of Areas of Licensure or Endorsement each year they have been granted a waiver to be employed out of their licensure area.

7.04.3.2.1 The ALCP shall be considered null and void and further waiver requests to work under an ALCP shall be denied at such time as the candidate fails to make annual yearly progress.

7.04.4 be hired as a Beginning Administrator, in a traditional P-12 school setting, in an Arkansas school district. The position must be in the level/area of the license sought.

7.04.5 have or complete a graduate ~~or advanced~~ degree from a regionally ~~and/or~~ ~~NCATE~~ accredited college or university in Arkansas whose Educational Leadership Program is NCATE accredited.

7.04.5.1 For Building Level and/or Curriculum/Program Administrator, that degree shall ~~must~~ be a graduate degree.

7.04.5.2 For District Level, that degree shall ~~must~~ be ~~an advanced degree~~ a graduate degree with a program of study reflective of the standards for District Level Administrator.

7.04.5.3 For candidates holding a graduate degree in an area other than Educational Leadership, the Institution of Higher Education ~~will~~ shall review ~~their~~ the candidate's credentials to determine ~~their~~ individual needs. These candidates ~~will~~ shall complete ~~a~~ an individualized graduate level program of study (inclusive of an internship and portfolio) ~~which meets~~

DRAFT

~~their individual needs and is~~ based on the ~~AR *Standards for Licensure of Beginning Administrators*~~ leadership standards as adopted by the Arkansas State Board of Education.

7.04.5.4 In addition, for District Level, the candidate shall ~~must~~ already hold a Standard Building Level or Curriculum/Program Administrator License.

7.04.5.5 A Master's Degree in an area other than Educational Leadership, shall be a Master's Degree in Education or a Master's Degree in a content/added endorsement/ area as identified in the Areas and Levels of Licensure as approved by the State Board of Education.

7.05 ~~Candidates for~~ The ALCP shall ~~must~~ ~~have~~ be ~~enrollmented in a Program of Study~~ verified by the Educational Leadership Chairperson at the ~~regionally and/or NCATE accredited~~ Arkansas college or university where the degree or program of study is offered.

7.06 The authorized school district representative where the candidate for the ALCP is employed shall ~~must~~ verify employment and assure the appointment of the Beginning Administrator mentor.

7.07 The employing Arkansas school district ~~must~~ shall file a completed ALCP ~~application~~ with the office~~s~~ of Professional Licensure ~~and Professional Quality Enhancement~~ within thirty days of hiring the beginning administrator under an ALCP.

7.08 While employed as a Beginning Building Level or Curriculum Program Administrator ~~beginning administrator~~ under an ALCP the candidate ~~must~~ shall:

7.08.1 be assigned an ADE-certified administrator mentor with experience in the area/grade level being sought.

7.08.2 ~~and participate in~~ complete the Administrator Induction Program including attendance at all ADE training sessions for each year employed under the ALCP,

DRAFT

7.08.3 complete the program of study (inclusive of portfolio and internship),

7.08.4 successfully complete the state-mandated licensure assessment.

7.09 Administrator Induction will continue until all requirements are met (no less than one and no more than three years)

8.0 ~~RULES PERTAINING TO~~ BEGINNING ADMINISTRATOR INDUCTION

8.01 All administrators holding an Initial Building Level Administrator License, an Initial Building Level Administrator/Arkansas Correctional School License, Curriculum/Program Administrator License or an ALCP, ~~who~~ and are employed as beginning administrators, shall participate in Induction for no less than one year and no more than three years.

8.01.1 All Building Level and/or Curriculum/Program Administrators, with less than one-year administrative experience, will be mentored for a minimum of one year.

8.02 Induction includes:

8.02.1 participation in all Administrator Induction activities

8.02.1.1 Having an assigned mentor for a minimum of one year

8.02.1.2 Attending all ADE-sponsored training sessions for Administrators

8.02.2 ~~Registering for and~~ Successfully completing the state-mandated assessment.

8.03 All Arkansas school districts shall complete and submit the ADE required School District ~~Mentoring Plan Signature and~~ Assurances Form to the Office of ~~Professional Quality Enhancement~~ Teacher Quality at the Arkansas Department of Education no later than September 15 of each year.

8.04 Arkansas public school districts shall implement, support, and monitor the quality of mentoring as outlined in ADE Beginning Administrator Induction Guidelines. ~~and the district's approved plan for mentoring.~~

DRAFT

8.05 All Arkansas School Districts shall:

8.05.1 assign an ADE-certified administrator mentor with relevant experience to the Beginning Administrator within three weeks ~~upon~~ of employment of the Beginning Administrator,

8.05.2 release Beginning Administrators and Mentors from the district to attend the mandatory statewide induction orientation and ~~informational~~ follow-up meetings held by ADE,

8.05.3 adhere to mentoring guidelines developed by ADE, including distribution of professional development support funding within the parameters established by ADE,

8.05.4 file annual reports, including:

8.05.4.1 ~~the list of new administrators and mentors~~ Beginning Administrator Mentor Pair Reporting Form submitted to the Office of Teacher Quality no later than September 15 of each year,

8.05.4.2 Professional Learning Plan for each Beginning Administrator

8.05.4.3 the end of year ~~expenditure~~ budget report to be submitted to the Office of Teacher Quality no later than June 30 of each year.

8.06 Mentoring allocations for the Beginning Administrator shall follow the administrator to a new employment site if the administrator continues in an Arkansas public school.

8.06.1 If the administrator moves to a non-public school, leaves the profession, or leaves Arkansas, materials bought with state mentoring allocations shall remain in the public school district where the administrator was last employed.

8.07 School districts that do not comply with these rules shall be placed in accredited-cited status for licensure deficiencies. Licensure deficiencies for these purposes are defined as:

8.07.1 failure to submit and implement an approved district mentoring plan,

8.07.2 failure to register all Beginning Administrators with the Office of ~~Professional Quality Enhancement~~ Teacher Quality ~~Enhancement,~~ and/or

DRAFT

8.07.3 failure to comply with established guidelines for assignment, support and monitoring of Beginning Administrators and mentors.

~~9.0 RULES PERTAINING TO ADMINISTRATOR LICENSURE WAIVER~~

~~9.01 A waiver of administrator licensure may be requested by a school district when a district wishes to employ an individual as an Administrator with who has identified expertise but does not possess an administrator license nor a teaching license. This applies to building level and district level administrators only.~~

~~9.01.1 NOTE: This is a district-specific, non-transferable waiver request, and does not culminate in an administrator license.~~

~~9.02 A The waiver request shall must be made to the Director Commissioner of the Department of Education.~~

~~9.03 A The waiver request shall must outline the licensure area in which the waiver is being requested, and should include the following:~~

~~9.03.1 the need for the waiver,~~

~~9.03.2 special qualifications of the individual for whom the waiver is being requested,~~

~~9.03.3 outcome expectations,~~

~~9.03.4 an annual accountability plan, and~~

~~9.03.5 a timeline not to exceed three years.~~

~~9.04 The Director Commissioner will rule on the request based on the recommendations of a review team.~~

~~9.04.1 The review team will be comprised of representatives of public education, higher education, the private sector, and ADE.~~

~~9.05 The Director Commissioner will notify the requesting district within thirty days.~~

~~9.05.1 If the request is denied, the school district may appeal to the State Board of Education.~~

~~9.05.2 If the request is approved, the school district shall must file a progress report to the Director Commissioner after six months, and annually thereafter.~~

DRAFT

~~9.06 The Director Commissioner has the authority, based on the progress and annual reports, to revoke the waiver for reasonable cause.~~

10.0 GENERAL POLICIES PERTAINING TO ALL LICENSES

10.01 Administrators who need a duplicate license shall ~~must~~ submit a completed application form (indicating "duplicate") and pay applicable fee to the office of Professional Licensure.

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

10.02 All information and documentation submitted for an Arkansas Administrator License must be accurate, authentic and unaltered.

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

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

DRAFT

ARKANSAS DEPARTMENT OF EDUCATION
RULES GOVERNING INITIAL, STANDARD/PROFESSIONAL AND PROVISIONAL TEACHER LICENSURE
~~**July 2007**~~

1.0 REGULATORY AUTHORITY

1.01 These shall be known as the Arkansas Department of Education Rules Governing Initial, Standard/Professional and Provisional Teacher Licensure.

1.02 These rules are enacted pursuant to the authority of the State Board of Education under Ark. Code Ann. § 6-11-105 ~~(Rep 1999),~~ ~~and~~ § 25-15-204 ~~(Supp. 1999)~~ and Act 1173 of 2009.

2.0 PURPOSE

2.01 The purpose of these rules is to establish the requirements and procedures for obtaining an Initial, Standard/Professional or Provisional Teaching License.

3.0 DEFINITIONS

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

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

3.02 **Central Registry -** The Child Maltreatment Central Registry established within the Arkansas Department of Human Services, which contains records of cases on all true investigations determination of child maltreatment.

3.03 **Content/Standard Teaching Area** refer to the specific subject areas listed under Integrated Curriculum Humanities, Integrated Science Curriculum, Integrated Visual and Performance Arts, Integrated Vocational Education, Integrated Physical Education and Health and Special Education as listed in the State Board Approved Levels and Areas of Licensure.

3.04 **Induction** - the period of time beginning with a teacher's first employment as the teacher of record in an Arkansas public school, cooperative, or agency that requires an Arkansas teaching license. The novice teacher, operating under an Initial License, is provided mentoring support and accelerated professional development during the Initial license period. It concludes with successful completion of the state-mandated performance assessment. Induction shall not be less than one year and no more than three years.

DRAFT

3.05 **Initial Licensure -** The first teaching license issued to an applicant for teacher licensure. This license may a provisional, initial, or standard teacher license.

3.06 **Initial Teaching License** - a three-year teaching license, issued by the state, which allows one to teach in traditional P-12 setting..

3.07 **Level of Licensure** - the grade/age level parameter of the teaching license as identified in Appendix A, Areas and Levels of Licensure.

3.08 **Mentor** - a licensed master teacher with a minimum of three years successful teaching experience who is trained in the state-adopted mentoring model. Mentors are assigned in their districts to assist a novice teacher by providing focused feedback with regard to instructional skills, classroom management, and professional behaviors.

3.09 **Mentoring -** the act of a certified mentor providing support and focused feedback to a novice teacher (through the state-adopted mentoring model) with the goal of enhanced instructional skills, competency, and professional development.

3.09.1 Successful completion of the performance assessment is defined as meting the state-adopted overall cut-score and the cut-score for each of the four Domains.

3.10 **Non-Traditional Licensure Program** - the teacher training program approved and administered by the Arkansas Department of Education, whose participants hold a minimum of a baccalaureate degree and are allowed to teach in an Arkansas traditional P-12 setting via a Non-Traditional Provisional license.

3.11 **Novice Teacher** - any licensed teacher-of-record with less than one year of public school, or accredited private school, classroom teaching experience, not including student internship or substitute teaching.

3.09 **Performance Assessment** - an assessment tool used for evaluation of the classroom performance of a novice teacher, conducted by a trained assessor who utilizes a framework of essential teaching skills in which the novice teacher must demonstrate competency in an authentic classroom setting.

3.09.1 Successful completion of the performance assessment is defined as meeting the state-adopted cut-score.

3.10 **Professional License-** A standard Arkansas teaching license, that is issued upon request of a teacher who has documented the completion of a Master's Degree and three years of teaching experience or who has documented current National Board Certification.

DRAFT

3.11 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.

3.12 Provisional Teaching License - A temporary one-year teaching license available to candidates who have not met all requirements for the Initial or Standard/Professional Arkansas teaching licenses.

3.13 Standard Non-Instructional Student Services License - a five-year renewable license, issued by the state, which allows one to practice in Arkansas public schools as a School Psychology Specialist or Speech Language Pathologist.

3.14 Standard Teaching License - a five-year renewable license, issued by the state, which allows one to teach in Arkansas public schools.

3.15 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.

3.16 Traditional P-12 Setting - Employment in a public, including the Arkansas Correctional Schools, or private school between P-12 grade levels (or) a setting pre-approved by the Arkansas Department of Education.

4.0 REQUIREMENTS FOR OBTAINING AN INITIAL TEACHING LICENSE

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

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

OR

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

OR

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

OR

4.01.4 By Reciprocity

OR

4.01.5 Conversion of a Provisional license

DRAFT

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

4.02.1 **A** completed application for Initial licensure.

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

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

4.02.4 Documentation that the applicant has requested and cleared a child maltreatment central registry check to be conducted by the Department of Human Services as required by law.

4.02.5 Documentation reflecting completion of a teacher preparation program. This shall be:

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

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

OR

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

OR

4.02.5.1.3 Verification from the Arkansas Non-Traditional Licensure Program.

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

DRAFT

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

4.05 Candidates may obtain concurrent licensure in more than one licensure/endorsement area.

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

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

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

4.08 **Candidates** who completed an Arkansas teacher preparation program but never received a Standard teaching license (when it has been **longer than five years** since program completion) shall meet current requirements for an Initial license.

5.0 GENERAL POLICIES AND PROCEDURES RELATING TO AN INITIAL TEACHING LICENSE

5.01 The Initial Arkansas teaching license:

5.01.1 is valid for no less than one and no more than three years;
5.01.2 expires three years from the effective date, unless requirements for a Standard teaching license are met; and
5.01.3 requires that all Novice Teachers participate in Induction.

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

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

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

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

DRAFT

5.06 Advanced degrees shall not be reflected on the Initial teaching license unless that degree is designated on the official transcript as an education degree or a degree in a content teaching area as approved by the State Board of Education. The degree must be from an institution of higher education holding regional/national accreditation recognized by the U.S. Department of Education, or the Council for Higher Education Accreditation. If the degree is a teacher preparation degree it must be from a program that holds national accreditation recognized by the U.S. Department of Education, the Council for Higher Education Accreditation, or be state approved.

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

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

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

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

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

5.11 A teacher shall have three years while employed as teacher of record to successfully complete Induction (mentoring and Praxis III - performance assessment) and convert the three-year Initial Arkansas teaching license to the Standard/Professional five-year teaching license.

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

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

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

DRAFT

5.12.1.2 The teacher shall provide verification of having been employed as the teacher of record for three years.

5.12.1.3 The application shall not be processed when received later than the registration deadline for the state mandated performance assessment for either the Fall or Spring Semester.

5.12.1.4 The teacher shall be employed as teacher of record.

5.12.1.5 The teacher shall pay the current fee that covers the cost of the state mandated performance assessment.

5.13 Teachers employed under the One-Semester Permit shall not be deemed Highly Qualified for the semester employed.

5.14 The One-Semester Permit shall be effective for only the Fall or Spring semester of the school year issued.

5.15 The Standard/Professional teaching license shall be issued to the holder of the One-Semester Permit upon verification by the Arkansas Department of Education that the Induction requirements have been completed.

5.16 The Initial Arkansas teaching license shall not be issued for the Non-Instructional Student Services and Professional & Technical areas.

5.17 Beginning May 1, 2007, all teachers licensing in P.E./Wellness/Leisure shall receive the new licensure code numbers 235 for (P-8) and 236 for (7-12).

5.17.1 Teachers holding the new licensure code numbers 235 and/or 236 shall not be automatically approved to be employed as a coach in the public schools of Arkansas.

5.17.2 Teachers holding the new licensure code numbers 235 and/or 236 shall work under the ALP (Additional Licensure Plan) for the coaching endorsement (7-12) when employed as a coach.

6.0 REQUIREMENTS FOR OBTAINING A STANDARD TEACHING LICENSE

6.01 Requirements for a Standard teaching license are:

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

OR

DRAFT

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

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

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

6.01.4 Passing the required pedagogical assessment(s),

6.01.5 Successful completion of Induction (mentoring and performance assessment), and

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

6.01.7 Successful clearance of the child maltreatment central registry check performed by the Arkansas Department of Human Services.

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

6.03 Candidates for a Standard/Professional teaching license in the Non-Instructional Student Service areas of Speech Language Pathologist shall complete the following requirements:

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

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

DRAFT

6.03.3 Successfully clearing the required State Police, ~~and~~ FBI, ~~background checks.~~ and Child Maltreatment Central Registry background checks as required by law.

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

6.04 Candidates for a Standard/Professional teaching license~~d~~ in the Non-Instructional Student Services Area of School Psychology Specialist shall meet the following requirements:

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

6.04.2 The School Psychology program shall hold national accreditation recognized by the U.S. Department of Education or the Council for Higher Education Accreditation.

6.04.3 Successful completion of the state required specialty area assessment.

6.04.4 Successfully clearing the required State Police, ~~and~~ FBI, ~~background checks.~~ and Child Maltreatment Central Registry background checks as required by law.

6.04.5 Candidates for licensure as a School Psychology Specialist shall not be eligible for a provisional teaching license.

6.05 A content/standard teaching area may be added to the Speech Pathology or School Psychology specialist teaching license by meeting the following requirements.

6.05.1 Completion of a program of study to include an internship in the teaching area.

6.05.2 Successful completion of the required basic skills assessments, the required specialty area assessment(s) & the required pedagogical assessment at the appropriate level of licensure.

DRAFT

7.0 GENERAL POLICIES AND PROCEDURES RELATING TO A STANDARD/PROFESSIONAL TEACHING LICENSE

7.01 The standard/professional teaching license shall be issued only for those areas and levels of licensure that have been approved by the State Board of Education.

7.02 The standard/professional teaching license shall be a renewable teaching license, valid for a period of five years.

7.03 The standard/professional teaching license shall become effective January 1 of the year it is issued and shall expire December 31 of the fifth year.

7.04 The standard/professional teaching license will reflect all general education and endorsement areas reflected on the Initial teaching license.

7.05 Additional areas and levels of licensure may be added to the Standard/Professional teaching license.

7.06 The beginning and expiration dates of a Standard/Professional teaching license shall not change upon adding licensure areas or advanced degrees.

7.07 The degree a teaching license is based upon shall be reflected on the Standard/Professional teaching license.

7.08 Advanced degrees shall not be reflected on the Standard/Professional teaching license unless that degree is designated on the official transcript as an education degree, or a degree in a content teaching area as approved by the State Board of Education. The degree must be from an institution of higher education holding regional/national accreditation recognized by the U.S. Department of Education, or the Council for Higher Education Accreditation. If the degree is a teacher preparation degree it must be from a program that holds national accreditation recognized by the U.S. Department of Education, the Council for Higher Education Accreditation or be state approved.

~~**7.09** Teachers licensing by reciprocity with less than one-year of teaching experience who hold a Standard/Professional teaching license shall participate in the Mentoring component of Induction in their first year as the teacher-of-record.~~

8.0 REQUIREMENTS FOR OBTAINING A PROVISIONAL TEACHING LICENSE

8.01 A one-year (**1084**) non-renewable provisional teaching license shall be available for graduates of an Arkansas teacher preparation program who have not completed the following requirements:

8.01.1 All required subject-specific and pedagogical assessments, and/or

DRAFT

8.01.2 A three-credit-hour Arkansas History course when required.

8.02 A one-year (**1084**) non-renewable provisional teaching license shall be issued upon providing the following documentation.

8.02.1 A completed application reflecting completion of an approved teacher preparation program from an Arkansas college or university;

8.02.2 Official transcripts reflecting the completion of a Bachelor's Degree (Master's Degree when required);

8.02.3 Successful completion of both parts of the required background checks (Arkansas State Police and Federal Bureau of Investigation);

8.02.4 Documentation that the applicant has requested and cleared a child maltreatment central registry check to be conducted by the Department of Human Services as required by law.

8.02.5 Score report reflecting successful completion of the state required basic skills assessment (all parts); and

8.02.6 Proof of employment on the verification of provisional licensure eligibility form indicating employing school district and hire date.

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

9.01 The one-year (**1084**) non-renewable provisional teaching license shall be converted to the three-year Initial teaching license when the following documentation has been submitted:

9.01.1 A completed application for licensure requesting conversion of the provisional license;

9.01.2 Score reports reflecting successful completion of the required assessment(s), and/or

9.01.3 Official transcript reflecting the successful completion of a three-credit-hour Arkansas History course when required.

10.0 RULES PERTAINING TO NOVICE TEACHER INDUCTION

10.01 All **Novice Teachers** employed as teacher-of-record ~~in an Arkansas public school or agency~~ in a traditional P-12 setting shall participate in Induction for no less than one year. ~~and no more than three years.~~

DRAFT

10.02 Induction includes mentoring, and successful completion of the state mandated performance assessment.

10.03 The School District Induction Assurances Form is to be submitted to the Office of Teacher Quality at the Arkansas Department of Education no later than September 15 of each year.

10.04 All Arkansas public schools or agencies who employ a novice teacher as a licensed teacher-of-record shall:

10.04.1 Register all novice teachers in their employ and their mentors with the Office of Teacher Quality using the Induction Pairing Form no later than September 15th of each year,

10.04.2 Assign to the novice teacher a mentor teacher who is located in the same building, and who, as much as possible, has a compatible background in content area and level of licensure, is trained and certified in the state adopted mentoring model, and has at least three (3) years of successful teaching experience. Districts shall contact the Induction Program Advisor in the Office of Teacher Quality for consideration of any exceptions to these requirements.

10.04.3 Assign the mentor to the novice teacher within three weeks of the novice teacher's first contract day of the school year,

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

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

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

DRAFT

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

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

10.04.8 Submit the End-of-Year Budget Report Form on-line, reflecting Induction expenditures, no later than June 30th each year.

10.05 For the teacher to be eligible for the Standard/Professional Teaching license, Induction shall be completed by the teacher within three years, while the teacher is employed as teacher of record.

10.06 Novice teachers become eligible to participate in the state-mandated performance assessment after a minimum of six months employed and mentored as teacher-of-record.

10.06.1 To take the performance assessment candidates shall notify Office of Teacher Quality by following current standard application procedures.

10.07 All Arkansas School Districts shall implement, support, and monitor the quality of mentoring as outlined in ADE Induction Guidelines.

10.07.1 Implementation of the district mentoring plan shall include

10.07.1.1 Selecting mentor candidates according to the Arkansas Mentor Qualifications form; and

10.07.1.2 Providing a trained certified mentor for each novice teacher.

10.07.2 Support includes:

10.07.2.1 Providing a minimum of 2 hours every two weeks of released time (on average) during the contract day for the mentor and novice teacher to work together,

10.07.2.2 Assisting the novice and mentor to schedule focused observations and professional development activities, and

DRAFT

10.07.2.3 Providing activities for mentors and novice teachers, which engage them in collaborative dialogue, problem solving, and professional development.

10.07.3 The quality of the District Induction Program is assessed by monitoring.

10.07.3.1 A trained monitor, sent from the ADE, interviews the Project director and novice teacher-mentor pair.

10.07.3.2 The required mentoring documentation shall be collected by the district Project Director, and reviewed by the ADE monitor.

10.07.4 All ~~mentoring~~ observation documents shall be collected by the Project Director.

10.07.4.1 At the end of the school year the Professional Growth Plan and Observation forms would become the sole possession of the novice teacher and shall not be utilized for employment decisions or employment evaluation decisions.

10.08 Mentoring observational information shall not be utilized in any way for employment decisions unless students are at risk, either physically or emotionally.

10.09 School districts shall distribute any associated mentoring support funding within the parameters established by the Arkansas Department of Education.

10.10 Mentor teachers shall perform a minimum of three (3) formal classroom observations per school year for novice teachers and provide feedback focused on increased professional growth.

10.10.1 All observations, both formal and informal, shall be noted ~~on forms~~ as designated by the Arkansas Department of Education.

10.11 Materials purchased by the novice with mentoring funding shall follow the novice teacher to a new teaching assignment if the novice teacher continues teaching in an Arkansas public school.

10.11.1 If the novice teacher chooses to teach in a non-public school, leave the profession of teaching, or teach out of the state of Arkansas, materials bought with state mentoring allocations shall remain in the public school district in which the novice teacher was last employed.

10.12 Performance Assessment School districts shall:

DRAFT

10.12.1 Provide released time for the novice teacher to participate in the performance assessment for Standard licensure.

10.12.2 Provide released time for Assessors from the district to attend mandatory statewide meetings required by the Arkansas Department of Education.

10.12.3 Provide released time for Assessors from the district to conduct a minimum of two performance assessments per semester.

10.12.4 Not dictate when the novice teacher takes the performance assessment; and

10.12.5 Not use the performance assessment results for contract renewal or dismissal purposes.

10.12.6 ~~Provide released time for the novice teacher to participate in the performance assessment for Standard licensure~~

10.13 Novice

10.13.1 A novice teacher applying for the performance assessment must teach in ~~an~~ a traditional Arkansas public or private school in grades P-12

10.13.2 Teachers in distance learning labs will follow the protocol for distance learning lab observations.

10.13.3 Novice teachers must teach a class or small group of students without any other licensed teacher present (except the Assessor)

10.13.4 A novice teacher may have an instructional aide (non licensed teacher-~~license~~) present in the room if he or she is normally scheduled to be present and does not contribute to class discipline.

10.13.5 Any novice teacher who is unsuccessful in the performance assessment will automatically be assigned a highly trained mentor and will receive mentoring with financial support for another year.

10.13.6 A novice teacher-may re-take the performance assessment each semester until the three year license expires.

10.13.7 Arkansas Department of Education Office of Teacher Quality will fund the first ~~two~~ attempt~~s~~ to pass Praxis III assessment. Any remaining attempts will be paid for by the Novice Teacher.

10.13.8 The novice teacher will receive copies of the assessment summary statements and the Superintendent receives the scores by domain.

DRAFT

10.13.9 If a novice whose ~~teacher's~~ Initial license expires prior to passing the performance assessment, the novice teacher may apply through the Office of Professional Licensure for a one semester permit.

10.13.9.1 The novice teacher-must take the performance assessment within that six month window.

10.13.9.2 The novice teacher will incur the cost of the performance assessment plus a financial penalty.

10.13.9.3 If the novice teacher is not successful at the performance assessment within the six months, the novice teacher will not be allowed another opportunity. This results in the permanent loss of licensure.

~~**10.14** School districts shall release Assessors from the district to attend mandatory statewide meetings required by the Arkansas Department of Education.~~

10.14 School districts that do not comply with these rules shall be placed in accredited-cited status for licensure deficiencies. Licensure deficiencies for these purposes are defined as:

10.14.1 Failure to register all novice teachers with the Office of Teacher Quality, and/or

10.14.2 Failure to comply with established guidelines for assignment, support, and monitoring of mentor teachers and novice teachers.

10.14.3 Failure to submit all appropriate documentation.

10.15 Project Director's Stipend

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

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

11.00 GENERAL POLICIES PERTAINING TO ALL LICENSES

DRAFT

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

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

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

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

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

11.04 Teachers holding a provisional or initial teaching license who have never completed a Child Maltreatment Central Registry check shall do so at the conversion, of their provisional or initial teaching license to the standard teaching license.

DRAFT

Name:_____ Date:_____ Page_____ of _____

Courses of Study

List recommended courses to be taken from current year to anticipated exit year. Include those courses needed to assist the child in reaching postsecondary goals.

School Year	Grade Level	List Courses to be taken each year (a 4-year Graduation Plan may be substituted for this section).	Credits Earned
Ages 18-21			

Transfer of Rights - Child signs between 16th and 17th birthdays

I have been informed that the rights and procedural safeguards afforded to parents under part B of the Individual with Disabilities Education Act will transfer from my parents to me when I turn eighteen, except that my parents retain the right to receive any notices required under part B.

Child's Signature:_____ Date:_____

Information on Guardianship

I have been informed of my option to seek legal guardianship of my child should he/she be determined incapacitated or incompetent to provide informed consent with respect to his/her education program.

Parent's Signature:_____ Date:_____

Reminder: Summary of Performance

As per the Individuals with Disabilities Education Act, a Summary of Performance is required to be completed and a copy given to the child in his/her final year of school.

ARKANSAS DEPARTMENT OF EDUCATION
SPECIAL EDUCATION AND RELATED SERVICES
4.00 REFERRAL
Rev. July ~~2008~~ 2010

4.01 REFERRAL GENERALLY

4.01.1 If a child is suspected of having a disability which adversely affects educational performance and who by reason thereof, needs special education and related services, a referral may be made at any time to the local educational agency by -

4.01.1.1 The child's teacher;

4.01.1.2 Other educational personnel;

4.01.1.3 The child's parent(s);

4.01.1.4 The child; or

4.01.1.5 Other individuals with relevant knowledge of the child.

4.01.2 A referral is to be made in writing through the completion of the required Referral Form and provided to the principal or designee of the school in which the child is enrolled. Where the referral originates from a parent, an individual not associated with the school, or other agency personnel, an employee of the local educational agency where the child is enrolled must complete the Referral Form and forward it to the principal or designee of the school.

4.01.3 Informal data collection conducted pursuant to § 4.02 of this part must be completed prior to any referral conference.

4.01.4 Where appropriate, a child's parent(s) must be informed of the referral and shall be offered an explanation of its purpose.

4.02 CONTENT OF REFERRAL

Along with the information provided in the Referral Form, any information which may assist in determining whether or not a child is a child with a disability should be submitted, including, but not limited to -

4.02.1 The results of hearing and vision screening;

4.02.2 Home or classroom behavior checklists;

4.02.3 Existing medical, social, or educational data;

4.02.4 Examples of the child's academic work; and

4.02.5 Screening inventories.

4.03 NOTICE OF REFERRAL CONFERENCE

4.03.1 Within seven (7) calendar days of the date the local educational agency receives the written referral, the local educational agency must schedule a referral conference at a time and place agreed upon by the parent(s) and provide the parent(s) with written notification of the referral and referral conference consistent with the notice requirements established in §9.04 of these regulations.

4.03.2 In addition to meeting the requirements of §9.04 of these regulations, notice of a referral conference must be provided to the parent(s) early enough to ensure that they will have an opportunity to attend and must include the time and location of the conference and who will be in attendance.

4.03.3 The agency may provide initial notice to the parent(s) through the use of -

4.03.3.1 Registered mail;

4.03.3.2 Certified mail; or

4.03.3.3 First class mail.

4.03.4 If the parents do not respond to the initial written notice within seven (7) calendar days of its dissemination, a subsequent notice must be issued to the parents by any communication means necessary, specifying that the referral conference will be held seven (7) calendar days from the date of dissemination of the subsequent notice, but in no case more than 21 calendar days from receipt of the written referral.

4.03.4.1 If the parents do not respond to the subsequent notice, the referral conference may be conducted without the parent in attendance.

4.03.4.2 If no parent can be identified or located after reasonable efforts by the agency or if the child is a ward of the State or an unaccompanied homeless youth as defined in section 725(6) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434 a(6), then a surrogate parent must be assigned to the child pursuant to §15.00 of these regulations.

4.03.5 The public agency shall maintain written documentation of its efforts to ensure that the requirements of §4.00 have been met.

4.04 REFERRAL CONFERENCE

4.04.1 If a child is referred to the local educational agency pursuant to §4.01, a referral conference must be held for the purpose of reviewing all existing information related to the child and to determine the actions to be taken.

4.04.2 The referral conference must be attended by at least three (3) persons, including the principal or a designee and one teacher directly involved in the education of the child. The conference may also be attended by the child, if appropriate, and by other individuals at the discretion of the parents or agency.

4.04.3 Decisions made at the referral conference must be recorded on the required Referral Conference Decision Form and signed by the principal or a designee. The Referral Conference Decision Form shall also include the names of the participants of the conference.

4.04.4 Options for referral conference outcomes include -

4.04.4.1 A decision to conduct a comprehensive evaluation of the child consistent with the eligibility criteria set out in §6.00 of these regulations;

4.04.4.2 A decision to conduct a specialized evaluation of the child consistent with the eligibility criteria set out in §6.00 of these regulations; or

4.04.4.3 A decision not to conduct an evaluation of the child.

4.04.5 Subsequent to the conclusion of the referral conference, the local educational agency must provide the parent written notice of the decision reached at the referral conference, consistent with § 9.04 of these regulations. If the parent was not present at the referral

conference, notice must be given to the parent within seven (7) calendar days after the referral conference by -

4.04.5.1 Registered mail;

4.04.5.2 Certified mail; or

4.04.5.3 First class mail.

4.04.6 If the local educational agency has reason to believe that the parent may require assistance in understanding the decision reached at the referral conference, a representative of the local educational agency must contact the parent by telephone or initiate a home visit to explain the decision.

4.05 TEMPORARY PLACEMENT DURING EVALUATION

4.05.1 If a referral conference results in a decision to evaluate a child, and existing data and educational observations establish the need for immediate intervention or differential diagnostic data gathering, the local educational agency, with the parent's written consent, may initiate a temporary placement for the child to provide special education and related services.

4.05.2 The temporary placement of a child is limited to sixty (60) calendar days, during which time the evaluation must be completed.

4.05.3 If a determination is made to initiate a temporary placement for a child, the reason(s) for such placement must be stated on the Referral Conference Decision Form, and an interim Individualized Educational Program must be developed and implemented for the period of time the student is in the temporary placement, not to exceed sixty (60) calendar days~~, in accordance with § 8.00 of these regulations~~.

4.06 CONSENT TO EVALUATE

4.06.1 The public agency proposing to conduct an initial evaluation to determine if a child qualifies as a child with a disability under 34 CFR 300.8 must, after providing notice consistent with 34 CFR 300.503 and 300.504, obtain informed consent, consistent with 34 CFR 300.1 from the parent of the child before conducting the evaluation.

4.06.1.1 Parental consent for initial evaluation must not be construed as consent for initial provision of special education and related services.

4.06.1.2 The public agency must make reasonable efforts to obtain the informed consent from the parent for an initial evaluation to determine whether the child is a child with a disability.

4.06.2 For initial evaluations only, if the child is a ward of the State and is not residing with the child's parent, the public agency is not required to obtain informed consent from the parent for an initial evaluation to determine whether the child is a child with a disability if -

4.06.2.1 Despite reasonable efforts to do so, the public agency cannot discover the whereabouts of the parent of the child;

4.06.2.2 The rights of the parents of the child have been terminated in accordance with State law; or

4.06.2.3 The rights of the parent to make educational decisions have been subrogated by a judge in accordance with State law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the child.

4.06.3 If the parent of a child enrolled in public school or seeking to be enrolled in public school does not provide consent for initial evaluation under paragraph 4.06.1 of this section, or the parent fails to respond to a request to provide consent, the public agency may, but is not required to, pursue the initial evaluation of the child by utilizing the procedural safeguards in subpart E of this part (including the mediation procedures under 34 CFR 300.506 or the due process procedures under 34 CFR 300.507 through 300.516), if appropriate, except to the extent inconsistent with State law relating to such parental consent.

4.06.3.1 The public agency does not violate its obligation under 34 CFR 300.111 and 300.301 through 300.311 if it declines to pursue the evaluation.

4.06.4 Public agency personnel must also provide the parent with a copy of "Information for Parents Regarding Consent," and must ensure that the parent understands the information it contains.

ARKANSAS DEPARTMENT OF EDUCATION
SPECIAL EDUCATION AND RELATED SERVICES
18.00 REGULATIONS GOVERNING RESIDENTIAL PLACEMENT
Rev. July ~~2008~~ 2010

18.01 REGULATORY AUTHORITY

18.01.1 These regulations shall be known as Arkansas Department of Education regulations allocating public school funds for the education of residentially placed students and defining educational services in such placements.

18.01.2 These regulations are enacted pursuant to the State Board of Education's authority under Ark. Code Ann. 6-11-105, 6-41-202, 6-18-202, 6-20-104, and 6-20-107.

18.02 PURPOSE

18.02.1 It is the purpose of these regulations to allocate public school funds for the education of residentially placed students.

18.02.2 It is further the purpose of these regulations to define the educational services in such placements.

18.03 DEFINITIONS

18.03.1 ADE - Arkansas Department of Education

18.03.2 DHS – Department of Human Services

18.03.3 Juvenile - As used in this section, "juvenile" means a person who is eighteen (18) years old or less.

18.03.4 Juvenile Detention Facility (JDF) - Any facility operated by a political subdivision of the State for the temporary care of juveniles alleged to be delinquent or adjudicated delinquent, and awaiting disposition, who require secure custody in a physically restricting facility. Under Ark. Code Ann. 9-27-330(a)(11), such facility shall afford opportunities for education, recreation, and other rehabilitative services to adjudicated delinquents who may be ordered by the court to remain in the juvenile detention facility for an indeterminate period not to exceed ninety (90) days.

18.03.5 Student without disabilities - For purposes of these regulations, a student who has NOT been identified as disabled in accordance with the IDEA, and Ark. Code Ann. 6-41-202, et seq., shall be considered nondisabled.

18.03.6 Student with disabilities - For the purposes of these regulations, a student with a disability means a student identified pursuant to the IDEA and Ark. Code Ann. 6-41-202, et seq., as needing special education and related services (inclusive of those presently receiving services).

18.03.7 Residential placement in state - For the purposes of these regulations, such residential placement in state means -

18.03.7.1 One of the following licensed facilities -

A. Inpatient psychiatric treatment facilities licensed by the Arkansas Department of Human Services (DHS);

B. Alcohol and drug treatment facilities licensed by the Arkansas Department of Human Services;

C. Easter Seals of Arkansas in Little Rock;

D. Arkansas Pediatrics Facility in Pulaski County;

E. Millcreek ICF-MR in Fordyce;

F. Brownwood ICF-MR in Fort Smith.

18.03.7.2 The facility has an approved special education component; as granted by the ADE, Special Education Unit on an annual basis. Such placement does not include the Arkansas School for the Blind, the Arkansas School for the Deaf or the Arkansas School for Mathematics and Sciences.

18.03.8 Residential Placement Out-of-State - For the purposes of these regulations, when a student with disabilities is placed in a residential treatment facility outside the State of Arkansas, the special education component of such a facility must be approved by the ADE, Special Education Unit and must be operating under

the appropriate licensure of the state in which it is located.

18.03.9 Residency - Ark. Code Ann. 6-18-202 establishes residency requirements for students attending public schools in the State of Arkansas. Students affected by this statute include both those with and without disabilities.

18.04 RESIDENTIAL PLACEMENT IN STATE - STUDENTS WITHOUT DISABILITIES

18.04.1 Assignment of responsibility.

18.04.1.1 When a nondisabled student is placed for non-educational reasons in a residential treatment facility for treatment, the district where the residential treatment facility is located is the student's resident district. This district is responsible for educating the student.

18.04.1.2 When a nondisabled student who is a ward of the State is placed in a residential treatment facility, the district where the facility is located is responsible for educating the student.

18.04.1.3 When a nondisabled student is placed in a residential treatment facility for educational purposes by a parent or agent other than the school district, the parent or agent remains responsible for the education of the student.

18.04.2 Procedures for educational management.

18.04.2.1 Each school district must designate an individual who will be responsible for ensuring compliance with these regulations. This may be the district superintendent or a designee.

18.04.2.2 When a nondisabled student is placed in a residential facility, the facility must notify the responsible school district (superintendent or designee) within seven (7) calendar days of the student's admission. The district's superintendent or designee should also be informed.

Failure of the facility to notify the responsible district in a timely fashion may result in loss of ADE approval of the residential treatment facility's special education program.

18.04.2.3 The district superintendent or designee shall convene a conference by a review team within seven (7) calendar days of notice by the residential treatment facility that the student is in a residential program. This conference may be conducted face-to-face or via a telephone call.

18.04.2.4 The review team shall be composed of, at a minimum, a representative from the district, a representative from the residential treatment facility, and a DHS representative if the student is receiving services from one or more DHS Divisions.

18.04.2.5 The review team shall review information available on the student and determine whether a referral for consideration of eligibility for special education and related services is warranted.

18.04.2.6 When the review team determines the student should be referred for consideration of eligibility for special education, a referral form must be completed and a referral conference conducted following the process in §4.00 of State Special Education regulations.

18.04.2.7 When the review team determines that the student should not be referred for consideration for special education and related services, it must identify the general educational and non-educational needs of the student.

18.04.2.8 Based on the identified needs of the nondisabled student, the review team will determine and document where the educational program of the student will be implemented. The inter-linkage of the treatment program needs and educational programming must be discussed in reaching a decision on an appropriate educational setting.

18.04.2.9 Should the local review team be unable to agree upon where the educational program of the student will be implemented, a determination must be requested from the state level review panel. Requests for a determination from the state level review panel shall be submitted in writing to the Administrator, Dispute Resolution, ADE, Special Education Unit.

18.04.2.10 From the time of the request for a state level review until a determination is made, the student will remain in his/her present educational setting.

18.04.2.11 The state level review panel will be composed of three (3) persons: one (1) from the ADE, one (1) from DHS and the third will be the Coordinator of the Behavior Intervention Consultant Network or other appropriate ADE staff.

18.04.2.12 Within 30 calendar days of receipt of the written request, the state level review panel shall convene, review all information and render a final decision as to where the education program of the student will be implemented. The panel may extend the process by an additional 15 days should circumstances warrant.

18.04.2.13 The state level review panel's decision will be considered final, will be rendered in writing and will be sent to the local review team for implementation.

18.04.3 Assignment of costs.

18.04.3.1 For nondisabled students, "educational costs" are limited to only those costs incurred for direct educational instruction of the student.

18.04.3.2 All other services provided for the student are considered non-educational and are not reimbursable under these regulations. Such other costs will be borne by DHS, Medicaid, private insurance, the parent or by any combination thereof.

18.04.3.3 Residential treatment facilities must submit a bill to the school district for educational costs only. The invoice must be itemized to reflect the specific services provided. Invoices must be submitted to the school district in a timely manner in order for the district to seek reimbursement from the ADE, Special Education Unit.

18.04.4 Funding.

18.04.4.1 A local school district may access funds through the ADE, Special Education Unit for reimbursement for educational costs on nondisabled students placed in residential treatment facilities.

18.04.4.2 The maximum amount a district may be reimbursed on a per student basis for actual educational costs will be the Formula Foundation Aid times 2.00.

18.04.4.3 The local school district shall not be responsible for educational costs exceeding its maximum reimbursement rate for those nondisabled students receiving educational services in a residential treatment facility.

18.04.4.4 When the requests for reimbursement exceed the amount of funds available, the reimbursement will be prorated.

18.04.5 Extended School Year Services (ESY).

18.04.5.1 There is no provision for extended school year (educational) services to nondisabled students when schools are not in session. This applies to nondisabled students in residential placements, as well as their nondisabled peers who attend the local public school. Therefore, there is no need for a district to convene a review team during the summer months when school is not in session.

18.04.5.2 Residential treatment facilities cannot bill school districts for educational services provided to nondisabled students during the summer months.

18.05 RESIDENTIAL PLACEMENT IN STATE - STUDENTS WITH DISABILITIES

18.05.1 Assignment of responsibility.

18.05.1.1 For students with disabilities in state-operated facilities (such as the Human Development Centers) the facility is responsible for procedural safeguards and the provision of FAPE.

18.05.1.2 When a student with a disability is placed for non-educational reasons in a residential treatment facility for treatment, the district where the facility is located is the student's resident district. The district shall be responsible for procedural safeguards and the provision of FAPE.

18.05.1.3 When a student with a disability who is a ward of the state is placed in a residential treatment facility, the district where the residential treatment facility is located is responsible for educating the student.

18.05.1.4 When a student with a disability is placed in a residential treatment facility for educational purposes by a school district, the placing district remains responsible for procedural safeguards and the provision of FAPE.

18.05.1.5 When a student with a disability is placed in a residential treatment facility for educational purposes by a parent or agent other than the school district, the parent may petition the district where the student permanently resides (home district, usually that of the student's parent or guardian) for provision of procedural safeguards and FAPE.

18.05.2 Procedural safeguards.

18.05.2.1 The procedural safeguards specified in §9.00 of these regulations shall be followed.

18.05.3 Assignment of costs.

18.05.3.1 The State Department of Education, a public school district, or an open-enrollment charter school shall not be liable for any education costs associated with

the placement of a juvenile in an in-state residential or inpatient facility for any care and treatment, including psychiatric treatment, unless:

A. The Department authorized public payment for educational costs based on a determination that the educational program and facilities are appropriate for the juvenile and the Department has approved the facility's education program; and

B. Each program authorization precedes the placement.

C. If the program is not authorized prior to the placement, the Department, public school districts, or open-enrollment charter schools shall not be responsible for education or other related costs, nor shall they be subject to any order to pay for educational or other related costs.

18.05.3.2 The liability of the Department, a public school district, or an open-enrollment charter school for the educational costs or other related costs shall be limited to -

A. The reimbursement rate established by the Department for a juvenile placed in a residential or inpatient facility.

18.05.3.3 For identified students with disabilities, those costs defined as being educational in accordance with the IDEA will be borne by the district responsible for provision of procedural safeguards and FAPE. For students in state-operated facilities, the facility assumes those costs.

18.05.3.4 All other costs will be borne by either DHS, Medicaid, private insurance, the parent or by any combination thereof.

18.05.4 Funding.

18.05.4.1 School districts may be reimbursed for the

educational costs of students with disabilities, including those in school districts not qualifying for any State Equalization Aid, who have been placed in approved residential treatment facilities, as defined by the ADE, Special Education Unit.

18.05.4.2 The maximum amount to be reimbursed to a district on a per student basis is the amount equal to the product of the Formula Foundation Aid times 2.10, regardless of the setting in which the education is provided. (For example, there may be instances where the student resides in a residential treatment facility but attends the public school for educational purposes.)

18.05.4.3 When the requests for reimbursement exceed the amount of funds available, the reimbursement will be prorated.

18.05.5 Extended School Year Services (ESY).

18.05.5.1 Not all students with disabilities receiving educational services in residential placement will be eligible for or in need of ESY services.

18.05.5.2 Determination of student eligibility for ESY services is made by the school district based on the regulations governing ESY in §19.00 of these regulations.

18.05.6 This section shall not apply to a juvenile placed in an Arkansas juvenile detention facility as defined in Ark. Code Ann. 6-20-104.

18.06 RESIDENTIAL PLACEMENT OUT-OF-STATE - CHILDREN WITH DISABILITIES

18.06.1 Assignment of responsibility.

18.06.1.1 When a student with a disability is placed in a residential treatment facility for educational purposes by a school district, the placing school district remains responsible for procedural safeguards and the provision of FAPE.

18.06.1.2 When a student with a disability is unilaterally placed in a residential facility for educational purposes by a parent or agent other than the school district, the parent may petition the school district where the student permanently resides (home school district, usually that of the student's parent or guardian) for consideration of the provision of procedural safeguards and FAPE.

18.06.1.3 In accordance with the Interagency Agreement between the ADE and DHS, when a child with a disability is a ward of the state and is placed in a residential treatment facility outside the boundaries of the State of Arkansas, the ADE is responsible for procedural safeguards and FAPE.

18.06.2 Procedural safeguards.

18.06.2.1 The procedural safeguards specified in §9.00 of these regulations shall be followed.

18.06.3 Assignment of costs.

18.06.3.1 The Department of Education, a public school district, or an open-enrollment charter school shall not be liable for any educational costs or other related costs associated with the placement of a juvenile in an out-of-state residential or inpatient facility for any care and treatment, including psychiatric treatment, unless:

A. At the time of placement:

1. The juvenile qualifies as disabled under the Individuals with Disabilities Education Act, 20 U.S.C. §1400 et seq.; and

2. Payment is required under the Individuals with Disabilities Education Act;

B. The Department authorizes public payment for educational costs based on a determination that the educational program

and facilities are appropriate for the juvenile and the Department has approved the facility's education program; and

C. Each program authorization precedes the placement.

1. If the program is not authorized prior to placement, the department, public school districts, or open-enrollment charter schools shall not be responsible for education or other related costs, nor shall they be subject to any order to pay for educational or other related costs.

18.06.3.2 Nothing in this section shall be construed to require payment by the Department, a public school district, or an open-enrollment charter school for education costs and other related costs associated with the placement of a juvenile in an out-of-state residential or inpatient facility for any care or treatment, including psychiatric treatment, prior to April 7, 2005.

18.06.3.3 For identified students with disabilities, those costs defined as being educational in accordance with the IDEA will be borne by the district/agency responsible for provision of procedural safeguards and FAPE.

18.06.3.4 All other costs will be borne by either DHS, Medicaid, private insurance, the parent or by any combination thereof.

18.06.3.5 The liability of the Department, a public school district, or an open-enrollment charter school for the educational costs or other IDEA related costs shall be limited to the lesser of -

A. The reimbursement rate established by the Department for a juvenile placed in a residential or inpatient facility; or,

B. The normal and customary educational cost

reimbursement rate of the state in which a juvenile is placed in an out-of-state residential or inpatient facility as determined by the Department.

18.06.4 Funding.

18.06.4.1 School districts may request reimbursement for the educational costs of a student with disabilities placed in an approved residential treatment facility located outside the boundaries of Arkansas. Reimbursement may be used to fund the cost of such placement incurred by a school district.

18.06.4.2 Reimbursement for this cost to the district will be calculated on the basis of Ark. Code Ann. 6-20-107(d)(2).

18.06.4.3 When requests for reimbursement exceed the amount of funds available, the reimbursement will be prorated.

18.06.5 Extended School Year Services (ESY).

18.06.5.1 Not all students with disabilities receiving educational services in residential placement will be eligible for or in need of ESY services.

18.06.5.2 Determination of student eligibility for ESY services is made by the school district/agency based on the regulations governing ESY in §19.00 of these regulations.

18.07 JUVENILE DETENTION FACILITIES

18.07.1 General.

18.07.1.1 For the purposes of these regulations, juvenile detention facilities are designated as approved residential treatment facilities.

18.07.1.2 The juvenile detention facility and the district where the juvenile detention facility is located are designated as responsible for educating the student consistent with federal and state laws for any period

of time the student is being detained in the facility.

18.07.1.3 The resident district of a student who is being detained in a juvenile detention facility is designated as responsible for the timely transfer of a student's educational records to the district where the juvenile detention facility is located upon notification by the court or district where the facility is located of the student's placement in a juvenile detention facility.

18.07.2 Educational services for nondisabled students.

18.07.2.1 In order to be eligible for public school funds, each juvenile detention facility must provide the following educational services for nondisabled students -

A. The teachers employed by the juvenile detention facility must hold a valid teaching license from the Arkansas Department of Education.

B. The maximum teacher/student caseload must be 1 to 15 without a paraprofessional and 1 to 24 with a full time paraprofessional.

C. The juvenile detention facility must provide instruction that addresses the State's Curriculum Standards and educational skills needed by students and appropriately address the age ranges and the abilities of the students in the facility.

D. The juvenile detention facility must provide appropriate instructional and supplemental materials and media as are needed to enhance student instruction. Such materials include, but are not limited to, reference materials, dictionaries, maps, reading materials, and computer enhanced instructional software and/or internet access.

E. The juvenile detention facility must provide ~~each student educational services for at least~~

~~one hundred eighty (180) minutes per day~~. planned instructional time in each school day averaging not less than six (6) hours per day or thirty (30) hours per week.

18.07.2.2 A school district which receives a student after attendance at a juvenile detention facility shall not use absences incurred as a result of detention as a basis for denial of credit.

18.07.3 Educational services for disabled students.

18.07.3.1 In order to be eligible for public school funds, each jurisdictional school district and juvenile detention facility must provide the following educational services for disabled students -

A. FAPE consistent with the student's IEP.

B. The teacher, employed by the JDF or local school district, who is implementing the IEP of a student with a disability must either -

1. Hold a valid teaching license as a special education teacher, or

2. Meet the qualifications in §18.07.2.1A above and implement the IEP in collaborative consultation with licensed special education personnel.

C. The procedural safeguards specified in these regulations shall be followed for those students identified as disabled and for those suspected of being disabled.

18.07.4 Funding for students in juvenile detention facilities.

18.07.4.1 The juvenile detention facility may receive reimbursement from the local school district in which the facility is located for the costs of providing educational services to students in the facility, based upon the following -

A. For nondisabled students, educational costs are costs incurred for direct educational instruction and include salaries and benefits of teachers and paraprofessionals, staff development costs and substitute pay.

B. For students with disabilities under the IDEA, educational costs include all costs incurred in the provision of FAPE.

C. For students suspected of having disabilities as defined by the IDEA, educational costs shall include costs incurred in the evaluation process.

18.07.4.2 The juvenile detention facility and the local school district in which the juvenile detention facility is located must jointly determine the education costs incurred by the facility.

18.07.4.3 The local school district in which the juvenile detention facility is located must reimburse the juvenile detention facility for educational costs incurred up to an amount not to exceed the Formula Foundation Aid, times the number of students in the facility.

18.07.4.4 If the juvenile detention facility and the local school district cannot agree on an amount for reimbursement, either entity may appeal to the ADE for a final decision.

18.07.4.5 The ADE must reimburse local school districts which have juvenile detention facilities on a quarterly basis based upon the district requesting such reimbursements.

A. The quarterly reimbursement amount will be determined by dividing the amount identified in §18.07.4.3 by four (4).

B. Should costs decrease, the local school district in which the facility is located

must notify the ADE, Special Education Unit within thirty (30) days of revised costs.

C. Any adjustments to reimbursements based on cost decreases will be made in the fourth (4th) quarter.

18.07.4.6 The jurisdictional local school district may request reimbursement for the costs of educational services provided to students in juvenile detention facilities and incurred by the local school district.

18.07.4.7 The juvenile detention facility must provide the jurisdictional local school district a ~~monthly~~ quarterly attendance record for each student in the facility, regardless of length of stay.

18.08 JUVENILE TREATMENT CENTERS (FORMERLY KNOWN AS SERIOUS OFFENDER PROGRAMS)

18.08.1 It shall be the responsibility of ~~the local school district in which a~~ each juvenile treatment center ~~is located~~ to report the attendance of its ~~those~~ students ~~on the district's attendance report and to transfer funding to the juvenile treatment center located within the district~~. in the education program by providing quarterly attendance reports to the Department of Human Services, Division of Youth Services (DYS). DYS will provide the quarterly attendance information to the Arkansas Department of Education. Funding will be disbursed to DYS in support of education services within DYS juvenile treatment centers based upon a legislative appropriation for this purpose.

Arkansas Department of Education Guidelines for Registration, Training, Scope of Responsibilities, Supervision and Review of Speech-language Assistants and Aides
(Rev. July ~~2008~~ 2010)

I. DEFINITIONS

A. SPEECH-LANGUAGE PATHOLOGY ASSISTANT – A speech-language pathology assistant (SLP-Assistant) is an individual who, following academic and on-the-job training, performs tasks as prescribed, directed, and supervised by master's level speech-language pathologists certificated/licensed by the Arkansas Department of Education (ADE) or licensed by the Arkansas Board of Examiners in Speech-Language Pathology and Audiology (ABESPA).

B. SPEECH-LANGUAGE PATHOLOGY AIDE – A speech-language pathology aide (SLP-Aide) is an individual with a high school diploma/equivalent (GED) and on-the-job training who performs tasks as prescribed, directed, and supervised by master's level speech-language pathologists certificated/licensed by the ADE or licensed by ABESPA.

C. SUPERVISING SPEECH-LANGUAGE PATHOLOGIST – A speech-language pathologist who holds a current ABESPA license or a valid certificate/license initially issued by the ADE prior to August 1, 1997 and has two (2) years of full-time professional speech-language pathology experience, after completion of the paid professional experience (CF)* Thereafter, individuals who are issues initial speech-language pathology certification/ licensure by the ADE after August 1, 1997, shall be required to hold ABESPA licensure.

*In geographic areas of the State where there is a documented shortage of speech-language pathologists, school districts must submit a proposal and receive approval to allow a speech-language pathologist who holds the required credentials but does not meet the requirement for professional speech-language pathology experience to supervise speech-language pathology assistants and aides (see requirements for supervising speech-language pathologist).

D. DIRECT SUPERVISION – Direct supervision means on-site, in-view observation and guidance by a speech-language pathologist while an assigned clinical activity is performed by a speech-language assistant or speech-language pathology aide.

E. INDIRECT SUPERVISION – Indirect supervision means those activities other than direct observation and guidance conducted by a speech-language pathologist that may include demonstration, record review, review and evaluation of audio- or video-tapes sessions, and/or interactive television.

F. SCREENING - A pass-fail procedure to identify people who may require further assessment.

II. REQUIREMENT FOR A SPEECH-LANGUAGE PAHTOLOGY ASSISTANT/AIDE

A. A speech-language pathology assistant must:

1. Complete a bachelor's degree in speech-language pathology; OR

2. Complete a speech-language pathology assistant training program culminating in an Associates Degree from an institution accredited by the Arkansas Department of Higher Education. Programs must meet the specified curriculum content and fieldwork experience listed below. Applicants from out of state will be reviewed on a case-by-case basis to ensure equivalency.

a. Curriculum Content
The curriculum must be consistent with the ASHA-approved Criteria for the Registration of Speech-Language Pathology Assistants (Section III-A)
The curriculum content must include 60 semester credit hours with the following content:

- 20-40 semester credit hours in general education
- 20-40 semester credit hours in technical content areas
- a minimum of 100 clock hours fieldwork experience*

b. General education (20-40 semester credit hours)
The general education sequence should include, but is not limited to, the following:

- oral and written communication
- mathematics
- computer applications
- social and natural sciences

c. Technical knowledge (20-40 semester credit hours)
Course content must provide students with knowledge and skills to assume the job responsibilities and core technical skills for speech-language pathology assistants, and must include the following:

- overview of normal processes of communication
- overview of communication disorders
- instruction in assistant-level service delivery practices
- instruction in workplace behaviors
- cultural and linguistic factors in communication
- observation
- fieldwork experiences

d. The program describes how course content provides instruction in the following workplace behaviors of the speech-language pathology assistant:

- relating to clients/patients in a supportive manner
- following supervisor's instructions

- maintaining confidentiality and other appropriate workplace behaviors
- communicating in oral and written forms
- following health and safety precautions

* Fieldwork Experience
The minimum of 100 hours of field work experience must provide the student with opportunities for carrying out speech-language pathology assistant responsibilities. This training must be supervised by a speech-language pathologist who holds a current and valid license from ABESPA or the ASHA Certificate of Clinical Competence (CCC) in Speech-Language Pathology. These experiences are not intended to develop independent practice.

3. meet continuing education requirements of ~~twelve (12)~~ ten (10) clock hours annually pertaining to the designated duties of the SLP-Assistant

B. A speech-language pathology aide must:

1. hold a high school diploma or equivalent (GED)

2. demonstrate competency in oral and written communication skills

3. complete a minimum of forty (40) clock hours of inservice training during the initial year of employment pertaining to the duties of the SLP-Aide

4. during subsequent years of employment, complete continuing education requirements of ~~twelve (12)~~ ten (10) clock hours annually pertaining to the designated duties of the SLP-Aide.

III. REQUIREMENTS FOR A SUPERVISING SPEECH-LANGUAGE PATHOLOGIST

A. A supervising speech-language pathologist:

1. must hold a Master's Degree in Speech-Language Pathology; have two (2) years of full-time professional speech-language pathology experience, after completion of the paid professional experience (CF)*; and hold a current ABESPA license or a valid certificate/license initially issued by the ADE prior to August 1, 1997. Thereafter, individuals who are issued initial speech-language pathology certification/licensure by the ADE after August, 1997, shall be required to hold ABESPA licensure in order to supervise speech-language pathology assistants and aides.

2. may not supervise more than two (2) full-time or three (3) part-time assistants/aides. Three (3) part-time assistants/aides may not exceed the number of work hours for two (2) full-time assistants/aides or 80 hours.

3. must institute a training program for each assistant/aide encompassing all the procedures to be performed. Documentation of such training in format substance acceptable to the ADE shall be retained in the assistant's or aide's file.

4. must inform the parent or legal guardian about the use of an assistant/aide and document informed consent.

5. must provide and document appropriate supervision of the assistant/aide.

6. is required to maintain original documents related to supervision and training for three (3) years and submit document(s) upon request by the ADE within thirty (30) days of the request.

*In geographic areas of the State where there is a documented shortage of speech-language pathologists, school districts must submit a proposal and receive approval to allow a speech-language pathologist who holds the required credentials but does not meet the requirement for professional speech-language pathology experience to supervise speech-language pathology assistants and aides. The local education agency must document that a good faith effort has been made to recruit and hire appropriately and adequately trained speech-language pathologists. Subsequent to approval by the Arkansas Department of Education, the state consultant for speech-language pathology or a speech-language pathologist who provides training for supervisors and support personnel will monitor and provide additional training for the supervising speech-language pathologist. Monitoring activities will include at least 4 on-site visits and monthly review of supervision documentation:

1. After initial group training for supervisors, the supervising speech-language pathologist will be provided individualized on-site training sessions which address the use of a speech-language pathology assistant/aide.

2. The supervising speech-language pathologist must provide the following for review monthly:

a. direct supervision record
b. indirect supervision log
c. treatment plans/reliability checks
d. summary of training activities for the speech-language pathology assistant/aide

B. Although the speech-language pathologist may delegate specific tasks to the speech-language pathology assistant or speech-language pathology aide, the legal (i.e., professional liability) and ethical responsibility to the patient/client for all services provided or omitted cannot be delegated; it must remain the full responsibility of the supervising speech-language pathologist.

IV. SUPERVISION GUIDELINES FOR A SPEECH-LANGUAGE PATHTOLOGY ASSISTANT

A. A total of at least 30% direct and indirect supervision is required and must be documented for the first ninety (90) workdays. (For a 40-hour work week, this would be 12 hours for both direct and indirect supervision.) Documented direct supervision shall be required no less than 20% of the actual student contact time weekly for each speech-language pathology assistant. During each week, data on every student seen by the speech-language pathology assistant must be reviewed by the supervisor. In addition, the 20% direct supervision must be scheduled so that all students seen by the assistant are directly supervised in a timely manner. Supervision days and time of day (morning/afternoon) must be alternated to ensure that all students receive direct contact with the speech-language pathologist at least once every two (2) weeks. Information obtained during direct supervision must include data relative to (a) agreement (reliability) between the assistant and the supervisor on correct/incorrect recording of target behavior, (b) accuracy in implementation of screening and treatment procedures, (c) accuracy in recording data, and (d) ability to interact effectively with the student.

B. Indirect supervision is required no less than 10% of the actual student contact time and may include demonstration, record review, review and evaluation of audio- or video-taped sessions, interactive television, and/or supervisory conferences that may be conducted by telephone. Treatment data must be reviewed at least weekly or every five (5) sessions for each student. The speech-language pathologist will review each session plan as needed for timely implementation modifications.

C. After the initial ninety (90) day work period, the amount of supervision may be adjusted depending on the competency of the assistant, the needs of the students served, and the nature of the assigned tasks. The minimum is 20% documented supervision, with no less than 10% being direct supervision. (For a 40-hour work week, this is 8 hours of supervision, at least 4 of which is direct supervision.) Supervision days and time of day (morning/afternoon) must be alternated to ensure that all students receive direct contact with the speech-language pathologist at lease once every two (2) weeks.

D. A supervising speech-language pathologist must be able to be reached by personal contact, phone, pager, or other immediate means at all times when direct student care is being rendered. If, for any reason (i.e., extended leave, illness, change of jobs), the supervisor is no longer available to provide the level of supervision stipulated, the speech-language pathology assistant may not perform direct student care until a speech-language pathologist has been designated as the speech-language pathology assistant's supervisor and the ADE has been notified.

E. Whenever the SLP-Assistant's performance is judged by the supervising speech-language pathologist to be unsatisfactory over two (2) consecutive observations, the SLP-Assistant shall be retrained in the necessary skills and direct observations shall be increased to 50% of all clinical sessions until the SLP-Assistant's performance is judged to be satisfactory over two (2) consecutive observations.

V. SCOPE OF RESPONSIBILITIES OF THE SPEECH-LANGUAGE PATHOLOGY ASSISTANT

A. Provided that the training, supervision, documentation and planning are appropriate (i.e., consistent with these guidelines), the following tasks may be designated to a speech-language pathology assistant:

1. Conduct speech-language screenings (without interpretation) following specified screen-ing protocols developed by the supervising speech-language pathologist.

2. Provide routine maintenance/generalization tasks as prescribed by the supervising speech-language pathologist. The SLP shall be solely responsible for performing all tasks associated with the assessment and diagnosis of communication and swallowing disorders, for design of all intervention plans, and for directly implementing such plans through the acquisition stage of intervention.

3. Follow documented treatment plans or protocols developed by the supervising speech-language pathologist, not to exceed the activities delineated in #2 above.

4. Perform pure-tone hearing screenings (without interpretation).

5. Document student progress toward meeting established objectives as stated in the treatment plan, and report this information to the supervising speech-language pathologist.

6. Assist the speech-language during assessment of students, such as those judges to be difficult to test.

7. Assist with informal documentation (e.g., tallying notes for the speech-language pathologist to use), prepare materials, and assist with other clerical duties as directed by the speech-language pathologist.

8. Perform checks and maintenance of equipment.

9. Participate with the speech-language pathologist in research project, in-service training, and public relations programs.

B. There is a potential for possible misuse of the speech-language pathology assistant, particularly when responsibilities are delegated by administrative staff or nonclinical staff without the knowledge and approval of the supervising speech-language pathologist. Therefore, the speech-language pathology assistant should not perform any task without the express knowledge and approval of the supervising speech-language pathologist.

An individual's communication or related disorder or other factors may preclude the use of services from anyone other than the licensed/certificated speech-language pathologist.

The SLP-Assistant may not:

1. Perform standardized or non-standardized diagnostic tests, formal or informal evaluation, or interpret test results;

2. Perform intervention tasks associated with skill acquisition;

3. Participate in parent conferences, case conferences, or in any interdisciplinary team without the presence of the supervising speech-language pathologist or other ASHA-certified speech-language pathologist designated by the supervising speech-language pathologist;

4. Provide student or family counseling;

5. Write, develop, or modify a student's individualized education program (IEP) in any way;

6. Assist with students without following the IEP as prepared by the speech-language pathologist or without access to supervision (See Supervision Guidelines);

7. Sign any formal documents (e.g., treatment plans, reimbursement forms, or reports). (The assistant may sign treatment notes for review and co-signature by the supervising professional.);

8. Select students for services;

9. Discharge a student from services;

10. Disclose clinical or confidential information either orally or in writing to anyone not designated by the supervising speech-language pathologist;

11. Make referrals for additional services;

12. Communicate with the student, family or others regarding any aspect of the student status regarding diagnosis, prognosis, treatment, and progress;

13. Represent himself or herself as a speech-language pathologist.

VI. SUPERVISION GUIDELINES FOR A SPEECH-LANGUAGE PATHOLOGY AIDE

A. 100% direct on-site, in-view supervision is required for the first ten (10) hours of direct student contact.

B. A total of at least 50% direct and indirect supervision is required and must be documented for the next ninety (90) workdays. (For a 40 hour work week, this would be

20 hours for both direct and indirect supervision.) Documented direct supervision shall be required no less than 30% of the actual student contact time weekly for each speech-language pathology aide. During each week, data on every student seen by the speech-language pathology aide must be reviewed by the supervisor. In addition, the 30% direct supervision must be scheduled so that all students seen by the aide are directly supervised in a timely manner. Supervision days and time of day (morning/ afternoon) must be alternated to ensure that all students receive direct contact with the speech-language pathologist at least once every two (2) weeks. Information obtained during direct supervision must include data relative to (a) agreement (reliability) between the aide and the supervisor on correct/incorrect recording of target behavior, (b) accuracy in implementation of screening and treatment procedures, (c) accuracy in recording data, and (d) ability to interact effectively with the student.

C. Indirect supervision is required no less than 20% of the actual student contact time and may include demonstration, record review, review and evaluation of audio-or video-taped sessions, interactive television, and/or supervisory conferences that may be conducted by telephone. Treatment data must be reviewed at least weekly for each case. The speech-language pathologist will review each session plan as needed for timely implementation of modifications.

D. After the initial ninety (90) day work period, the amount of supervision may be adjusted depending on the competency of the aide, the needs of the students served, and the nature of the assigned tasks. The minimum is 40% documented supervision, with no less than 30% being direct supervision. (For 40-hour work week, this is 16 hours of supervision, at least 12 of which is direct supervision.) Supervision days and time of day (morning/afternoon) must be alternated to ensure that all students receive direct with the speech-language pathologist at least once every two (2) weeks.

E. A supervising speech-language pathologist must be able to be reached by personal contact, phone, pager, or other immediate means at all time when direct student care is being rendered. If, for any reason (i.e., extended leave, illness, change of jobs), the supervisor is no longer available to provide the level of supervision stipulated, the speech-language pathology aide may not perform direct student care until a speech-language pathologists has been designated as the speech-language pathology aide's supervisor and the ADE has been notified.

F. Whenever the SLP-Aide's performance is judged by the supervising speech-language pathologist to be unsatisfactory over two (2) consecutive observations, the SLP-Aide shall be retrained in the necessary skills and direct observations shall be increased to 50% of all clinical sessions until the SLP-Aide's performance is judged to be satisfactory over two (2) consecutive observations.

VIII. SCOPE OF RESPONSIBILITIES OF THE SPEECH-LANGUAGE PATHOLOGY AIDE

A. Provided that the training, supervision, documentation and planning are appropriate (i.e., consistent with these guidelines), the following tasks may be designated to a speech-language pathology aide:

1. Conduct speech-language screenings (without interpretation) following specified screening protocols developed by the supervising speech-language pathologist.

2. Conduct routine activities for the purpose of reinforcement of previously learned material/skills, carried out under a plan of treatment developed and monitored by the supervising speech-language pathologist. The SLP shall be solely responsible for performing all tasks associated with the assessment and diagnosis of communication and swallowing disorders, for design of all intervention plans, and for directly implementing such plans through the acquisition stage of intervention.

3. Follow documented treatment plans or protocols developed by the supervising speech-language pathologist, not to exceed the activities delineated in #2 above.

4. Perform pure-tone hearing screenings (without interpretation).

5. Document student progress toward meeting established objectives as stated in the individualized education program (IEP), and report this information to the supervising speech-language pathologist.

6. Assist the speech-language pathologist during assessment of students, such as those judged to be difficult to test.

7. Assist with formal documentation (e.g., tallying notes for the speech-language pathologist to use), prepare materials, and assist with other clerical duties as directed by the speech-language pathologist.

8. Perform checks and maintenance of equipment.

9. Participate with the speech-language pathologist in research projects, in-service training, and public relations programs.

B. There is a potential for possible misuse of the speech-language pathology aide, particularly when responsibilities are delegated by administrative staff or nonclinical staff without the knowledge and approval of the supervising speech-language pathologist. Therefore, the speech-language pathology aide should not perform any task without the express knowledge and approval of the supervising speech-language pathologist.

An individual's communication or related disorder or other factors may preclude the use of services from anyone other than a licensed speech-language pathologist.

C. The SLP-Aide may not:

1. Perform standardized or non-standardized diagnostic tests, formal or informal evaluation, or interpret test results:

2. Perform intervention tasks associated with skill acquisition;

3. Participate in parent conferences, case conferences, or in any interdisciplinary team without the presence of the supervising speech-language pathologist or other ASHA-certified speech-language pathologist designated by the supervising speech-language pathologist;

4. Provide student or family counseling;

5. Write, develop, or modify a student's IEP in any way;

6. Assist with students without following the IEP prepared by the speech-language pathologist or without access to supervision (See Supervision Guidelines);

7. Sign any formal document (e.g., treatment plans, reimbursement forms, or reports). (The aide may sign treatment notes for review and co-signature by the supervising professional.);

8. Select students for services;

9. Discharge a student from services;

10. Disclose clinical or confidential information either orally or in writing to anyone not designated by the supervising speech-language pathologist;

11. Make referrals for additional services;

12. Communicate with the student, family or others regarding any aspect of the student status regarding diagnosis, prognosis, treatment, and progress.

13. Represent himself or herself as a speech-language pathologist.

VIII. EXCLUSIVE RESPONSIBILITIES OF THE SPEECH-LANGUAGE PATHOLOGIST

A. Complete initial supervision training prior to accepting an assistant/aide for supervision and upgrade supervision training on a regular basis.

B. Participate significantly in hiring the assistant/aide.

C. Document preservice training and credentials of the assistant/aide.

D. Inform students and families about the level (professional vs. support personnel), frequency, and duration of services, as well as supervision.

E. Represent the speech-language pathology team in all collaborative, interprofessional, interagency meetings, correspondence, and reports. This would not preclude the assistant/aide from attending meetings along with the speech-language pathologist as a team member or drafting correspondence and report for editing, approval, and signature by the speech-language pathologist.

F. Make all clinical decisions, including determining a student selection for inclusion/exclusion in the case load, and dismissing students from treatment.

G. Communicate with students, parents, and family members about diagnosis, prognosis, treatment, and progress.

H. Conduct diagnostic evaluation, assessments, or appraisals, and interpret obtained data in reports.

I. Review each treatment plan with the assistant at least weekly or every five (5) sessions. Review each treatment plan with the aide at least weekly.

J. Delegate specific tasks to the assistant/aide while retaining legal and ethical responsibility for all student services provided or omitted.

K. Prepare an individualized treatment plan and make modifications prior to or during implementation.

L. Discuss the case with or refer the students to other professionals.

M. Sign all formal documents (e.g., treatment plans, reimbursement forms, reports). The supervisor should indicate on documents that the assistant/aide performed certain activities.

N. Review and sign all informal progress notes prepared by the assistant/aide.

O. Provide ongoing training to the assistant/aide on the job.

P. Provide and document appropriate supervision of the assistant/aide.

Q. Ensure that the assistant/aide only perform tasks that are within the scope of responsibility of the speech-language pathology assistant/aide.

R. Participate in the performance appraisal of the speech-language pathology assistant/aide.

IX. REGISTRATION OF SPEECH-LANGUAGE PATHOLOGY ASSISTANTS, AIDES AND SUPERVISING SPEECH-LANGUAGE PATHOLOGIST(S)

A. Individuals desiring to register as a speech-language pathology assistant, speech-language pathology aide or supervising speech-language pathologist under these ADE guidelines must submit a completed registration application to the ADE (See Guideline's Attachment), including all required attachments.

B. This registration application must be approved in writing by the ADE before any personnel employed for the purposes established in these ADE guidelines may be engaged in activities associated with a program of speech-language pathology services delivery.

C. Notification of approval/disapproval of the registration application will be forwarded in writing by the ADE to the chief operating officer of the public agency, as well as to the individual designated on the registration application as the local contact person. In programs where this individual is not the supervising speech-language pathologist, notification of approval/ disapproval of the registration application will also be forwarded to the supervising speech-language pathologist.

X. INSERVICE TRAINING AND CONTINUING EDUCATION OPPORTUNITITIES PROVIDED BY OR THROUGH THE ARKANSAS DEPARTMENT OF EDUCATION

A. The ADE will ensure that all individuals participating in approved programs for the use of speech-language pathology assistant/aides operating in conjunction with these guidelines shall participate in appropriately designed training prior to the use of support personnel in the delivery of speech-language pathology services. It shall be the responsibility of the public agency to ensure the participation of such personnel in all required training activities. Documentation of each individual's participation must be maintained for review by the ADE.

B. The ADE will provide for, or cause to be provided, appropriate training opportunities for individuals employed as speech-language pathology assistants/aides and supervising speech-language pathologists.

XI. OVERSIGHT MONITORING BY THE ADE OF SPEECH-LANGUAGE PATHOLOGY ASSISTANTS/AIDES AND SUPERVISING SPEECH-LANGUAGE PATHOLOGISTS

A. The ADE shall review and approve all requests by public agencies providing special education services to children and youth to initiate and/or continue to use appropriately supervised SLP Assistant and/or Aides.

B. The ADE shall, as a part of its regular schedule of monitoring public agencies' compliance with special education program standards, regulations and guidelines, review

the compliance status of speech-language pathology services (i.e., the use of appropriately supervised SLP-Assistants and/or Aides).

C. The ADE shall aggressively investigate reports of violations of these guidelines, and shall take appropriate action, consistent with its scope of authority under federal and state statute and regulation, in the event that any individual employed for the purposes of working under these ADE guidelines is found to be acting in a manner which violates these guidelines. Furthermore, if an individual who holds ABESPA licensure as a speech-language is found by the ADE to be in violation of these guidelines, the ADE will notify ABESPA of the complaint and findings for consideration under its investigative process.

INFORMATION FOR PARENTS REGARDING CONSENT

Consent means:

A. You have been fully informed in your native language or other mode of communication (such as sign language, Braille, or oral communication) of all information about the action for which you are giving consent.

B. You understand and agree in writing to that action, and the consent describes that action and lists the records (if any) that will be released and to whom; **and**

C. You understand that the consent is voluntary on your part and that you may withdraw your consent at any time.

If you wish to revoke (cancel) your consent after your child has begun receiving special education and related services, you must do so in writing. Your withdrawal of consent does not negate (undo) an action that has occurred after you gave your consent but before you withdrew it. In addition, the school district is not required to amend (change) your child's education records to remove any references that your child received special education and related services after your withdrawal of consent.

Confidentiality of Information

A. This public agency is required to obtain written **consent** before personally identifiable information is disclosed to parties, other than officials of participating agencies in accordance with paragraph A.1 of this section, unless the information is contained in education records, and the disclosure is authorized without parental consent under 34 CFR part 99.

1. Except as provided in paragraph A.2 and A.3 of this section, parental consent is not required before personally identifiable information is released to officials of participating agencies for purposes of meeting a requirement of this part.

2. Parental consent, or the consent of an eligible child who has reached the age of majority under State law, must be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services in accordance with 34 CFR 300.321(b)(3).

3. If a child is enrolled, or is going to enroll in a private school that is not located in the LEA of the parent's residence, parental consent must be obtained before any personally identifiable information about the child is released between officials in the LEA where the private school is located and officials in the LEA of the parent's residence.

B. You have the rights described in the "Confidentiality of Information" section of "Your Rights Under the IDEA" regarding storage, disclosure to third parties, retention and destruction of personally identifiable information.

C. When a child with a disability reaches the age of majority under State law that applies to all children (except for a child with a disability who has been determined to be incompetent under State law):

1. the public agency must provide any notice required by this section to the child and the parents;

2. the public agency must provide notice that all other right accorded to parents under this part transfer to the child;

3. the public agency must notify the child and the parents of the transfer of rights; and

4. the public agency must provide notice that all the rights accorded to parents under this part transfer to children who are incarcerated in an adult or juvenile State, or local correctional institution.

~~**Evaluation/Placement Consent**~~

~~A. The public agency is required to obtain your written informed consent before:~~

~~1. conducting an initial evaluation of the child; and~~

~~2. initial provision of special education and related services to the child.~~

~~a. The public agency must make reasonable efforts to obtain informed consent from the parent for the initial provision of special education and related services to the child.~~

~~b. If the parent of a child fails to respond or refuses to consent to services under this section, the public agency may not use the due process hearing procedures (including the mediation procedures under 34 CFR 300.506 or the due process procedures under 34 CFR 300.507 through 300.516) in order to obtain agreement or a ruling that the services may be provided to the child.~~

~~c. If the parent of the child refuses to consent to the initial provision of special education and related services, or the parent fails to respond to a request to provide consent for the initial provision of special education and related services, the public agency -~~

~~1) Will not be considered to be in violation of the requirement to make available FAPE to the child for the failure to provide the child with the special education and related services for which the public agency requests consent; and~~

~~2) Is not required to convene an IEP Team meeting or develop an IEP under 34 CFR 300.320 and 300.324 for the child for the special education and related services for which the public agency requests such consent.~~

~~3. conducting any reevaluation of a child with a disability, except that such informed consent need not be obtained if the public agency can demonstrate that it has made reasonable efforts to obtain such consent and the child's parent has failed to respond; and~~

Consent for Initial Evaluation

A. The public agency cannot conduct an initial evaluation of your child to determine whether your child is eligible under Part B of the IDEA to receive special education and related services without first providing you with prior written notice of the proposed action and obtaining your consent.

B. The public agency must make reasonable efforts to obtain your informed consent for an initial evaluation to decide whether your child is a child with a disability.

C. Your consent for initial evaluation does not mean that you have also given your consent for the public agency to start providing special education and related services to your child.

D. Your school district may not use your refusal to consent to one service or activity related to the initial evaluation as a basis for denying you or your child any other service, benefit, or activity, unless another Part B requirement requires the school district to do so.

E. If your child is enrolled in public school or you are seeking to enroll your child in public school and you have refused to provide consent or failed to respond to a request to provide consent for an initial evaluation, your school district may, but is not required to, seek to conduct an initial evaluation of your child by utilizing the Act's mediation or due process complaint, resolution meeting, and impartial due process hearing procedures. The public agency will not violate its obligations to locate, identify, and evaluate your child if it does not pursue an evaluation of your child in these circumstances.

Parental Consent for Services

A. The public agency must obtain your informed consent before providing special education and related services to your child for the first time.

B. The public agency must make reasonable efforts to obtain your informed consent before providing special education and related services to your child for the first time.

C. If you do not respond to a request to provide your consent for your child to receive special education and related services for the first time, or if you refuse to give such consent, the public agency may not use the procedural safeguards (i.e., mediation, due process complaint, resolution meeting, or an impartial due process hearing) in order to obtain agreement or a ruling that the special education and related services (recommended by your child's IEP Team) may be provided to your child without your consent.

D. If you refuse to give your consent for your child to receive special education and related services for the first time, or if you do not respond to a request to provide such consent or later revoke (cancel) your consent in writing and the public agency does not provide your child with the special education and related services for which it sought your consent, the public agency:

1. Is not in violation of the requirement to make a free appropriate public education (FAPE) available to your child for its failure to provide those services to your child; and

2. Is not required to have an individualized education program (IEP) meeting or develop an IEP for your child for the special education and related services for which your consent was requested.

E. If you revoke (cancel) your consent in writing at any point after your child is first provided special education and related services, then the public agency may not continue to provide such services, but must provide you with prior written notice before discontinuing those services.

Parental Consent for Reevaluations

A. The public agency must obtain your informed consent before it reevaluates your child, unless it can demonstrate that:

1. It took reasonable steps to obtain your consent for your child's reevaluation; and

2. You did not respond.

B. If you refuse to consent to your child's reevaluation, the public agency may, but is not required to, pursue your child's reevaluation by using the

mediation, due process complaint, resolution meeting, and impartial due process hearing procedures to seek to override your refusal to consent to your child's reevaluation. As with initial evaluations, the public agency does not violate its obligations under Part B of the IDEA if it declines to pursue the reevaluation in this manner.

C. Your written consent is required before ~~4.~~ conducting a reevaluation before determining that the child is no longer a child with a disability. However, reevaluation is not required before the termination of a child's eligibility under the IDEA due to graduation from secondary school with a regular diploma, or due to exceeding the age eligibility for FAPE under State law.

Documentation of Reasonable Efforts to Obtain Parental Consent

A. The public agency must maintain documentation of reasonable efforts to obtain your consent for initial evaluations, to provide special education and related services for the first time, to reevaluation and to locate parents of wards of the State for initial evaluations. The documentation must include a record of the public agency's attempts in these areas, such as:

1. Detailed records of telephone calls made or attempted and the results of those calls;

2. Copies of correspondence sent to you and any responses received; and

3. Detailed records of visits made to your home or place of employment and the results of those visits.

Other Consent Requirements

A. Parental consent is not required before -

1. Reviewing existing data as part of ~~an~~ your child's evaluation or a reevaluation; or

2. Administering to your child a test or other evaluation that is administered to all children unless, before administration of that test or evaluation, consent is required of parents of all children.

B. In addition to the parental consent requirements described in paragraph A of this section, a State may require parental consent for other services and activities under this part if it ensures that each public agency in the State establishes and implements effective procedures to ensure that a parent's refusal to consent does not result in a failure to provide the child with FAPE.

C. A public agency may not use ~~a parent's~~ your refusal to consent to one of these services or activit~~y~~ies under this section as a basis to deny ~~the parent or child~~ any other service, benefit, or activity of the public agency, ~~except as required by this part.~~ unless another IDEA Part B requirement requires the public agency to do so.

D. If a parent of a child who is home schooled or placed in a private school by the parents at their own expense does not provide consent for the initial evaluation or the reevaluation, or the parent fails to respond to a request to provide consent, the public agency may not use ~~the consent to override~~ its dispute resolution procedures~~;~~ (i.e., mediation, due process complaint, resolution meeting, or an impartial due process hearing) and the public agency is not required to consider the child as eligible ~~for services under 34 CFR 300.132 through 300.144~~ to receive equitable services (services made available to parentally-placed private school children with disabilities).

E. To meet the reasonable efforts requirement of this section, the public agency must document its attempts to obtain parental consent using the procedures in 34 CFR 300.322(d).

NOTIFICATION TO PARENT(S) OF TRANSFER OF RIGHTS UNDER THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT

Date:_____

Dear:_____

In accordance with requirements set forth in the *Individuals with Disabilities Education Act (IDEA),* Part B, this is to notify you that, since your child with a disability has reached the age of majority under State law (age 18) all rights and protections given to you as the parent of a child with disabilities as contained in "Your Rights Under the IDEA" now transfer to _____.
(Name of Child)
However, the IDEA provides that you will retain the right along with your child to receive any notices required under Part B.

Furthermore, such transfer of rights and protections also includes children who are incarcerated in an adult or juvenile Federal, State, or local correctional institution.

The IDEA provides that an exception to this requirement may be made when a child with a disability has been determined to be incapacitated or incompetent under State law. In Arkansas, the determination of an individual's incapacitation or incompetence and appointment of a legal guardian for that individual must be done by the appropriate court of law.

_____
Principal/Designee

NOTIFICATION TO YOUTH OF TRANSFER OF PARENTAL RIGHTS UNDER THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT

Date:_____

Dear:_____

In accordance with requirements set forth in the *Individuals with Disabilities Education Act (IDEA)*, Part B, this is to notify you that, since you have reached the age of majority under State law (age 18) all rights and protections previously given to your parent(s) as contained in "Your Rights Under the IDEA" now transfer to you. However, the IDEA provides that your parent(s) will retain the right along with you to receive any notices required under Part B of the IDEA.

For your information, the IDEA provides that such a transfer of rights and protections also includes children and youth who are incarcerated in an adult or juvenile Federal, State, or local correctional institution.

The IDEA provides that an exception to this requirement may be made when a child or youth with a disability has been determined to be incapacitated or incompetent under State law. In Arkansas, the determination of an individual's incapacitation or incompetence and appointment of a legal guardian for that individual must be done by the appropriate court of law.

_____
Principal/Designee

ARKANSAS DEPARTMENT OF EDUCATION
SPECIAL EDUCATION AND RELATED SERVICES
8.00 INDIVIDUALIZED EDUCATION PROGRAM (IEP)
Rev. July ~~2008~~ 2010

8.01 RESPONSIBILITY OF PUBLIC AGENCIES FOR IEPs

8.01.1 Each public agency shall ensure that -

8.01.1.1 Except as provided in 34 CFR 300.320 - 300.324 and this part of these regulations, an IEP is developed and implemented for each child with a disability served by that agency; and

8.01.1.2 An IEP is developed and implemented for each eligible child placed in or referred to a private school or facility by the public agency.

8.02 DEFINITIONS RELATED TO IEPs

8.02.1 Individualized Education Program. As used in this part, the term individualized education program or IEP means a written statement for each child with a disability that is developed, reviewed, and revised in a meeting in accordance with 34 CFR 300.320-300.324.

8.02.2 Participating Agency. As used in 34 CFR 300.324(c)(1) and §8.09 of these regulations, participating agency means a State or local agency, other than the public agency responsible for a student's education, that is financially and legally responsible for providing transition services to the student.

8.03 WHEN IEPs MUST BE IN EFFECT

8.03.1 General.

8.03.1.1 At the beginning of each school year, each public agency must have in effect, for each child with a disability within its jurisdiction, an IEP, as defined in 34 CFR 300.320.

8.03.2 Implementation of IEPs. Each public agency shall ensure that -

8.03.2.1 An IEP -

A. Is in effect before special education and

related services are provided to an eligible child under this part; and

B. As soon as possible following the development of the IEP, special education and related services are made available to the child in accordance with the child's IEP.

Exceptions to this would be when the meetings occur during the summer or other vacation period, or when there are circumstances which require a short delay, such as working out transportation arrangements. However, unless otherwise specified in the IEP, the IEP services must be provided as soon as possible, but not later than thirty (30) calendar days following the IEP meeting.

8.03.2.2 The child's IEP is accessible to each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for its implementation; and

8.03.2.3 Each teacher and provider described in § 8.03.2.2 of this part is informed of -

A. His or her specific responsibilities related to implementing the child's IEP; and

B. The specific accommodations, modifications, and supports that must be provided for the child in accordance with the child's IEP.

8.03.3 IEPs for children who transfer public agencies in the same State.

8.03.3.1 If a child with a disability (who had an IEP that was in effect in a previous public agency in the same State) transfers to a new public agency in the same State, and enrolls in a new school within the same school year, the new public agency (in consultation with the parents) must provide FAPE to the child (including services comparable to those described in the child's IEP from the previous public agency),

until the new public agency either -

A. Adopts the child's IEP from the previous public agency; or

B. Develops, adopts and implements a new IEP that meets the applicable requirements in 34 CFR 300.320 through 300.324.

8.03.4 IEPs for children who transfer from another State.

8.03.4.1 If a child with a disability (who had an IEP that was in effect in a previous public agency in another State) transfers to a public agency in a new State, and enrolls in a new school within the same school year, the new public agency (in consultation with the parents) must provide the child with FAPE (including services comparable to those described in the child's IEP from the previous public agency), until the new public agency -

A. Conducts an evaluation pursuant to 34 CFR 300.304 through 300.306 (if determined to be necessary by the new public agency); and

B. Develops, adopts, and implements a new IEP, if appropriate, that meets the applicable requirements in 34 CFR 300.320 through 300.324.

8.03.5 Transmittal of records. To facilitate the transition for a child described in paragraph 8.03.3 and 8.03.4 of this section -

8.03.5.1 The new public agency in which the child enrolls must take reasonable steps to promptly obtain the child's records, including the IEP and supporting documents and any other records relating to the provision of special education or related services to the child, from the previous public agency in which the child was enrolled, pursuant to 34 CFR 99.31(a)(2); and

8.03.5.2 The previous public agency in which the child was enrolled must take reasonable steps to promptly respond to the request from the new public agency.

8.04 IEP MEETINGS

8.04.1 General.

8.04.1.1 Each public agency is responsible for initiating and conducting meetings for the purpose of developing, reviewing, and revising the IEP of a child with a disability.

8.04.2 Initial IEPs; provision for services .

8.04.2.1 Each public agency must ensure that -

A. As set forth in §6.03.1.1 of these regulations, procedures for initial evaluation of a child must be completed within sixty (60) calendar days of the written parental consent to evaluate.

B. Within thirty (30) calendar days of completing the administration of tests and other evaluation materials, an Evaluation/ Programming Conference must be conducted by a group of qualified professionals and the parent of the child, as set out in §6.05.1.2 of these regulations and 34 CFR 300.321 for the purpose of determining the student's eligibility for special education and related services and the educational needs of the child and, if appropriate, develop an IEP for the child.

8.04.3 Review and revision of IEPs. Each public agency must ensure that the IEP team -

8.04.3.1 Reviews the child's IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved; and

8.04.3.2 Revises the IEP as appropriate to address -

A. Any lack of expected progress toward the annual goals described in 34 CFR 300.320(a)(2) and §8.08.1 of these

regulations, and in the general education curriculum, if appropriate;

B. The results of any reevaluation conducted under 34 CFR 300.303 and §7.01, of these regulations;

C. Information about the child provided to, or by, the parents, as described in 34 CFR 300.503(a)(2) and §6.05.1.1, of these regulations;

D. The child's anticipated needs; or

E. Other matters.

8.05 IEP TEAM

8.05.1 General.

8.05.1.1 The public agency must ensure that the IEP team for each child with a disability includes -

A. The parents of the child;

B. Not less than a regular education teacher of the child (if the child is, or may be, participating in the regular education environment);

C. Not less than one special education teacher of the child, or where appropriate, not less than one special education provider of the child;

D. A representative of the public agency who -

1. Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;

2. Is knowledgeable about the general education curriculum; and

3. Is knowledgeable about the availability of resources of the public agency.

E. An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in §§8.05.1.1B through 8.05.1.1F of this part;

F. At the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and

G. Whenever appropriate, the child with a disability.

8.05.2 Transition services participants.

8.05.2.1 Under § 8.05.1.1G of this part, the public agency must invite a child with a disability to attend the child's IEP Team meeting if a purpose of the meeting will be the consideration of the postsecondary goals for the child and the transition services needed to assist the child in reaching those goals under 34 CFR 300.320(b).

8.05.2.2 If the child does not attend the IEP Team meeting, the public agency must take other steps to ensure that the child's preferences and interests are considered.

8.05.2.3 To the extent appropriate, with the consent of the parents or a child who has reached the age of majority in implementing the requirements of 34 CFR 300.3-321(b)(1) and § 8.08.2.2 of this part, the public agency must invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services.

8.05.2.4 If a participating agency, other than the public agency, fails to provide the transition services

described in the IEP in accordance with 34 CFR 300.320(b), the public agency must reconvene the IEP Team to identify alternative strategies to meet the transition objectives for the child set out in the IEP.

8.05.3 Determination of knowledge and special expertise.

8.05.3.1 The determination of the knowledge or special expertise of any individual described in § 8.05.1.1F of this part must be made by the party (parents or public agency) who invited the individual to be a member of the IEP Team.

8.05.4 Designating a public agency representative.

8.05.4.1 A public agency may designate a public agency member of the IEP Team to also serve as the agency representative, if the criteria in §8.05.1.1D of this part are satisfied.

8.05.5 IEP Team attendance.

8.05.5.1 A member of the IEP Team described in 8.05.1.1B through 8.05.1.1E of this section is not required to attend an IEP Team meeting, in whole or in part, if the parent of a child with a disability and the public agency agree, in writing, that the attendance of the member in not necessary because the member's area of the curriculum or related services is not being modified or discussed in the meeting.

8.05.5.2 A member of the IEP Team described in 8.05.5.1 of this section may be excused from attending an IEP Team meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if -

A. The parent, in writing, and the public agency consent to the excusal; and

B. The member submits, in writing to the parent and the IEP Team, input into the development of the IEP prior to the meeting.

8.06 PARENT PARTICIPATION

8.06.1 Public agency responsibility.

8.06.1.1 Each public agency must take steps to ensure that one or both of the parents of a child with a disability are present at each IEP meeting or are afforded the opportunity to participate, including -

A. Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and

B. Scheduling the meeting at a mutually agreed on time and place.

8.06.2 Information provided to parents.

8.06.2.1 The notice required under §8.06.1.1A of this part must -

A. Indicate the purpose, time, and location of the meeting and who will be in attendance; and

B. Inform the parents of the provisions in 34 CFR 300.321(a)(6) and (c) and §§8.05.1.1F and 8.05.3 of this part relating to the participation of other individuals on the IEP team who have knowledge or special expertise about the child.

8.06.2.2 For a child with a disability beginning not later than the first IEP to be in effect when the child turns 16, or younger, if determined appropriate by the IEP Team, the notice also must -

A. Indicate that a purpose of the meeting will be the consideration of postsecondary goals and transition services for the child in accordance with 34 CFR 300.320(b) and §8.08.2.1 of this part;

B. Indicate that the agency will invite the student; and

C. Identify any other agency that will be invited to send a representative.

8.06.3 Other methods to ensure parent participation.

8.06.3.1 If neither parent can attend an IEP Team meeting, the public agency must use other methods to ensure parent participation, including individual or conference telephone calls consistent with 34 CFR 300.328 (related to alternative means of meeting participation).

8.06.4 Conducting an IEP Team meeting without a parent in attendance.

8.06.4.1 A meeting may be conducted without a parent in attendance if the public agency is unable to convince the parents that they should attend. In this case the public agency must keep a record of the attempts to arrange a mutually agreed on time and place, such as -

A. Detailed records of telephone calls made or attempted and the results of those calls;

B. Copies of correspondence sent to the parents and any responses received; and

C. Detailed records of visits made to the parent's home or place of employment and the results of those visits.

8.06.5 Use of interpreters or other action, as appropriate.

8.06.5.1 The public agency must take whatever action is necessary to ensure that the parent understands the proceedings at the IEP meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English.

8.06.6 Parent copy of child's IEP.

8.06.6.1 The public agency must give the parent a copy of the child's IEP at no cost to the parent.

8.07 DEVELOPMENT, REVIEW, AND REVISION OF IEP

8.07.1 Development of IEP.

8.07.1.1 General. In developing each child's IEP, the IEP Team must consider -

A. The strengths of the child and the concerns of the parents for enhancing the education of their child;

B. The results of the initial or most recent evaluation of the child; and the academic, developmental, and functional needs of the child.

C. As appropriate, the results of the child's performance on any general State or district-wide assessment programs.

8.07.1.2 Consideration of special factors. The IEP Team must -

A. In the case of a child whose behavior impedes his or her learning or that of others, consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior. Such consideration may include the need to conduct a functional behavioral assessment (FBA) of the child and/or develop a behavior intervention plan (BIP) to address identified behavioral needs of the child. (See §11.00 of these regulations).

B. In the case of a child with limited English proficiency, consider the language needs of the child as those needs relate to the child's IEP;

C. In the case of a child who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP Team determines, after an evaluation of the child's reading and writing skills, needs, and

appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the child;

D. Consider the communication needs of the child, and in the case of a child who is deaf or hard of hearing, consider the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode; and

E. Consider whether the child needs assistive technology devices and services.

8.07.1.3 Additional FAPE considerations. The IEP Team must -

A. Consider whether the child has available to him the variety of educational programs and services available to nondisabled children, including art, music, industrial arts, consumer and homemaking education, vocational education. This list of program options is not exhaustive and could include any program or activity in which nondisabled children participate.

B. Consider whether the child is being afforded an equal opportunity for participation in nonacademic and extracurricular services and activities. Nonacademic and extracurricular services and activities may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the public agency and assistance in making outside employment available.

8.07.1.4 Agreement.

A. In making changes to a child's IEP after the annual IEP Team meeting for a school year, the parent of a child with a disability and the public agency may agree not to convene an IEP Team meeting for the purposes of making those changes, and instead may develop a written document to amend or modify the child's current IEP.

B. If changes are made to the child's IEP in accordance with paragraph A of this section, the public agency must ensure that the child's IEP Team is informed of those changes.

8.07.1.5 Consolidation of IEP Team meetings. To the extent possible, the public agency must encourage the consolidation of reevaluation meetings for the child and other IEP Team meetings for the child.

8.07.1.6 Amendments. Changes to the IEP may be made either by the entire IEP Team at an IEP Team meeting, or as provided in paragraph A of this section, by amending the IEP rather than by redrafting the entire IEP. Upon request, a parent must be provided with a revised copy of the IEP with the amendments incorporated.

8.07.2 Review and revision of IEP.

8.07.2.1 In conducting a meeting to review, and, if appropriate, revise a child's IEP, the IEP Team shall consider the factors described in §8.07.1 of this part.

8.07.3 Requirement with respect to regular education teacher.

8.07.3.1 The regular education teacher of a child with a disability, as a member of the IEP Team, must, to the extent appropriate, participate in the development, review, and revision of the IEP of the child, including assisting in the determination of -

A. Appropriate positive behavioral interventions and supports and other strategies for the child; and

B. Supplementary aids and services, program modifications, and support for school personnel consistent with 34 CFR 300.320(a)(4) and §8.08.1.3 of these regulations.

8.07.4 Construction.

8.07.4.1 Nothing in this part shall be construed to require the IEP Team to include information under one component of a child's IEP that is already contained under another component of the child's IEP; or

8.07.4.2 That additional information be included in a child's IEP beyond what is explicitly required in section 614 of the Act.

8.08 CONTENT OF IEP

8.08.1 General. The IEP for each child with a disability must include -

8.08.1.1 A statement of the child's present levels of academic achievement and functional performance, including -

A. How the child's disability affects the child's involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled children); or meet each of the child's other educational needs that result from the child's disability;

B. For preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;

8.08.1.2 A statement of measurable annual goals, including academic and functional goals designed to -

A. Meet the child's needs that result from the child's disability to enable the child to

be involved in and make progress in the general education curriculum; and

B. Meet each of the child's other educational needs that result from the child's disability;

8.08.1.3 For children with disabilities who take alternate assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives;

8.08.1.4 A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided to enable the child -

A. To advance appropriately toward attaining the annual goals;

B. To be involved and make progress in the general curriculum in accordance with §8.08.1.1 of this part and to participate in extracurricular and other nonacademic activities; and

C. To be educated and participate with other children with disabilities and nondisabled children in the activities described in this part;

8.08.1.5 An explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in the activities described in §8.08.1.4 of this part;

8.08.1.6 A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of a child on State and district-wide assessments consistent with section 612(a)(16) of the Act; and

8.08.1.7 If the IEP team determines that the child

must take an alternate assessment instead of a particular regular State or district-wide assessment of student achievement, a statement of why -

A. The child cannot participate in the regular assessment; and

B. The particular alternate assessment selected is appropriate for the child; and

8.08.1.8 The projected date for the beginning of the services and modifications described in § 8.08.1.3 of this part, and the anticipated frequency, location, and duration of those services and modifications; and

8.08.1.9 A description of -

A. How the child's progress toward meeting the annual goals described in §8.08.1.2 of this part will be measured; and

B. When periodic reports on the progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided.

8.08.2 Transition services. The IEP must include –

8.08.2.1 Transition services. Beginning not later than the first IEP to be in effect when the child turns 16, or younger, if determined appropriate by the IEP Team and updated annually, thereafter, the IEP must include -

A. Appropriate measurable post secondary goals based upon age appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills; and

B. The transition services (including courses of study) needed to assist the child in reaching those goals.

8.08.3 Transfer of rights at age of majority.

8.08.3.1 In Arkansas, beginning not later than one year before the child reaches the age of majority under State law [age eighteen (18)], the child's IEP must include a statement that the child has been informed of his or her rights under Part B of the IDEA and §9.00 of these regulations, if any, that will transfer to the child on reaching the age of majority, consistent with 34 CFR 300.520 and §9.07 of these regulations.

8.08.3.2 The LEA must use the procedures established by the State for appointing the parent of a child with a disability, or if the parent is not available, another appropriate individual, to represent the educational interests of the child throughout the period of the child's eligibility under Part B of the Act if, under State law, a child who has reached the age of majority, but has not been determined not to be incompetent, can be determined to have the ability to provide informed consent with respect to the child's educational program.

A. In Arkansas, state statute at Arkansas Code Annotated §28-65-101 et seq. and §28-65-202 et seq. provides a mechanism whereby any individual may file a petition for the appointment of himself or herself or some other qualified person as guardian of an incapacitated person. It is appropriate for the LEA to inform the parent of a student who may be determined to not have the ability to provide informed consent with respect to his/her education program to seek to obtain such legal guardianship from an appropriate circuit or juvenile court, dependent upon the age and status of the youth or young adult in question.

8.08.4 Students with disabilities convicted as adults and incarcerated in adult prisons.

8.08.4.1 Special rules concerning the content of IEPs for children with disabilities convicted as adults and

incarcerated in adult prisons include requirements that do not apply to these populations, as follows -

A. The requirements contained in section 612(a)(16) of the Act and 34 CFR 300.320(a)(6) and §§8.08.1.5 and 8.08.1.6 of these regulations, relating to the participation of children with disabilities in general assessments; and

B. The requirements in 34 CFR 300. 320(b) and §8.08.2 of these regulations relating to transition planning and transition services, with respect to children whose eligibility under Part B of the IDEA will end, because of their age, before they will be eligible to be released from prison based on consideration of their sentence and eligibility for early release.

8.08.4.2 Modifications of IEP or placement.

A. Subject to §8.08.4.2B of this part, the IEP Team of a child with a disability who is convicted as an adult under State law and incarcerated in an adult prison, may modify the child's IEP or placement if the State has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated.

B. The requirements of 34 CFR 300.320 and §§8.02.1 and 8.08.1 of these regulations, relating to IEPs, and 34 CFR 300.112 and §13.01.1 of these regulations relating to LRE, do not apply with respect to the modifications described in § 8.08.4.2A.

8.09 AGENCY RESPONSIBILITIES FOR TRANSITION SERVICES

8.09.1 If a participating agency, other than the public agency, fails to provide the transition services described in the IEP in accordance with 34 CFR 300.320(b) and §8.08.2.1 of these regulations, the

public agency must reconvene the IEP Team to identify alternative strategies to meet the transition objectives for the child set out in the IEP.

8.09.2 Nothing in this part relieves any participating agency, including a state vocational rehabilitation agency, of the responsibility to provide or pay for any transition service that the agency would otherwise provide to children with disabilities who meet the eligibility criteria of that agency.

8.10 PRIVATE SCHOOL PLACEMENTS BY PUBLIC AGENCIES

8.10.1 Developing IEPs.

8.10.1.1 Before a public agency places a child with a disability in, or refers a child to, a private school or facility, the agency must initiate and conduct a meeting to develop an IEP for the child in accordance with 34 CFR 300.320 and 300.324 and §§8.07 and 8.08 of these regulations.

8.10.1.2 The agency must ensure that a representative of the private school or facility attends the meeting. If the representative cannot attend, the agency must use other methods to ensure participation by the private school or facility, including individual or conference telephone calls.

8.10.2 Reviewing and revising IEPs.

8.10.2.1 After a child with a disability enters a private school or facility, any meetings to review and revise the child's IEP may be initiated and conducted by the private school or facility at the discretion of the public agency.

8.10.2.2 If the private school or facility initiates and conducts these meetings, the public agency must ensure that the parents and an agency representative-

A. Are involved in any decisions about the child's IEP; and

B. Agree to any proposed changes in the IEP before those changes are implemented.

8.10.3 Responsibility.

8.10.3.1 Even if a private school or facility implements a child's IEP, responsibility for compliance with this part remains with the public agency and the SEA.

ARKANSAS DEPARTMENT OF EDUCATION
SPECIAL EDUCATION AND RELATED SERVICES
9.00 DUE PROCESS
Rev. July ~~2008~~ 2010

9.01 GENERAL RESPONSIBILITY OF PUBLIC AGENCIES

It shall be the responsibility of each public agency providing special education and related services to establish, maintain, and implement procedural safeguards that meet the requirements of this part and 34 CFR 300.500 - 300.536.

9.02 OPPORTUNITY TO EXAMINE RECORDS; PARENT PARTICIPATION IN MEETINGS

9.02.1 Opportunity to Examine Records.

9.02.1.1 The parents of a child with a disability must be afforded, in accordance with the procedures of §§16.01 - 16.09 of these regulations and 34 CFR 300.613 - 300.621, an opportunity to -

9.02.1.2 Inspect and review all education records with respect to -

A. The identification, evaluation, and educational placement of the child; and

B. The provision of FAPE to the child; and

9.02.2 Parent participation in meetings.

9.02.2.1 The parents of a child with a disability must have an opportunity to participate in meetings with respect to -

A. The identification, evaluation, and educational placement of the child; and

B. The provision of FAPE to the child.

9.02.2.2 Each public agency must provide notice consistent with § 8.06.1.1A and 8.06.2.1 of these regulations and 34 CFR 300.322(a)(1) and (b)(1) to ensure that parents of children with disabilities have the opportunity to participate in meetings described in §9.02.2.1 of this part.

9.02.2.3 A meeting does not include informal or unscheduled conversations involving public agency personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision. A meeting also does not include preparatory activities that public agency personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

9.02.3 Parent involvement in placement decisions.

9.02.3.1 Each public agency must ensure that a parent of each child with a disability is a member of any group that makes decisions on the educational placement of the parent's child.

9.02.3.2 In implementing the requirements of § 9.02.3.1 of this part, the public agency must use procedures consistent with the procedures described in §8.06.1.1 and 8.06.2.1 of these regulations and 34 CFR 300.322(a) through (b)(1).

9.02.3.3 If neither parent can participate in a meeting in which a decision is to be made relating to the educational placement of their child, the public agency must use other methods to ensure their participation, including individual or conference telephone calls, or video conferencing.

9.02.3.4 A placement decision may be made by a group without the involvement of a parent, if the public agency is unable to obtain the parent's participation in the decision. In this case, the public agency must have a record of its attempt to ensure their involvement.

9.03 INDEPENDENT EDUCATIONAL EVALUATION

9.03.1 General.

9.03.1.1 The parents of a child with a disability have the right under this part to obtain an independent educational evaluation of the child, subject to §§9.03.2 - 9.03.5 of this part.

9.03.1.2 Each public agency must provide to parents, upon request for an independent educational evaluation, information about where an independent educational evaluation may be obtained, and the agency criteria applicable for independent educational evaluations as set forth in § 9.03.5 of this part.

09.03.1.3 For the purposes of this part -

A. Independent educational evaluation means an evaluation conducted by a qualified examiner who is not employed by the public agency responsible for the education of the child in question; and

B. Public expense means that the public agency either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent, consistent with § 5.02 of these regulations and 34 CFR 300.103.

9.03.2 Parent right to evaluation at public expense.

9.03.2.1 A parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the public agency, subject to the conditions in paragraph 9.03.2.2 - 9.03.2.4 of this section.

9.03.2.2 If a parent requests an independent educational evaluation at public expense, the public agency must, without unnecessary delay, either -

A. File a due process complaint to request a hearing to show that its evaluation is appropriate; or

B. Ensure that an independent educational evaluation is provided at public expense, unless the agency demonstrates in a hearing under §10.00 of these regulations and 34 CFR 300.507 through 300.513 that the evaluation obtained by the parent did not meet agency criteria.

9.03.2.3 If the public agency files a due process complaint notice to request a hearing and the final decision is that the agency's evaluation is appropriate, the parent still has the right to an independent educational evaluation, but not at public expense.

9.03.2.4 If a parent requests an independent educational evaluation, the public agency may ask for the parent's reason why he or she objects to the public evaluation. However, the explanation by the parent may not be required and the public agency may not unreasonably delay either providing the independent educational evaluation at public expense or filing a due process complaint to request a due process hearing to defend the public evaluation.

9.03.2.5 A parent is entitled to only one independent educational evaluation at public expense each time the public agency conducts an evaluation with which the parent disagrees.

9.03.3 Parent-Initiated Evaluations.

If the parent obtains an independent educational evaluation at public expense or shares with the public agency an evaluation obtained at private expense, the results of the evaluation -

9.03.3.1 Must be considered by the public agency, if it meets agency criteria, in any decision made with respect to the provision of FAPE to the child; and

9.03.3.2 May be presented by any party as evidence at a hearing on a due process complaint under these regulations regarding that child.

9.03.4 Requests for evaluations by hearing officers.

If a hearing officer requests an independent educational evaluation as part of a hearing on a due process complaint, the cost of the evaluation must be at public expense.

9.03.5 Agency Criteria.

9.03.5.1 If an independent educational evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that the public agency uses when it initiates an evaluation, to the extent those criteria are consistent with the parent's right to an independent educational evaluation.

9.03.5.2 Except for the criteria described in § 9.03.5.1 of this part, a public agency may not impose conditions or time lines related to obtaining an independent educational evaluation at public expense.

9.04 PRIOR NOTICE BY PUBLIC AGENCY; CONTENT OF NOTICE

9.04.1 Notice.

9.04.1.1 Written notice that meets the requirements of §9.04.2 of this part must be given to the parents of a child with a disability a reasonable time before the public agency -

A. Proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child; or

B. Refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child.

9.04.2 Content of Notice.

The notice required under § 9.04.1 of this part must include -

9.04.2.1 A description of the action proposed or refused by the agency;

9.04.2.2 An explanation of why the agency proposes or refuses to take the action;

9.04.2.3 A description of other options that the IEP Team considered and the reasons why those options were rejected;

9.04.2.4 A description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action;

9.04.2.5 A description of other factors that are relevant to the agency's proposal or refusal;

9.04.2.6 A statement that the parents of a child with a disability have protection under the procedural safeguards of this part and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained; and

9.04.2.7 Sources for parents to contact to obtain assistance in understanding the provisions of this part.

9.04.3 Notice in understandable language.

9.04.3.1 The notice required under § 9.04.1 of this part must be -

A. Written in language understandable to the general public; and

B. Provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.

9.04.3.2 If the native language or other mode of communication of the parent is not a written language, the public agency must take steps to ensure -

A. That the notice is translated orally or by other means to the parent in his or her native language or other mode of communication;

B. That the parent understands the content of the notice; and

C. That there is written evidence that the requirements in §9.04.3.2A and B of this part have been met.

9.05 PROCEDURAL SAFEGUARDS NOTICE

9.05.1 General.

9.05.1.1 A copy of the procedural safeguards available to the parents of a child with a disability must be given to the parents, only one time a school year, except that a copy also must be given to the parents, at a minimum -

A. Upon initial referral or parent request for evaluation;

B. Upon receipt of the first State complaint under 34 CFR 300.151 - 300.153 and upon receipt of the first due process complaint under 34 CFR 300.507 in a school year;

C. In accordance with the discipline procedures in 34CFR 300.530(h); and

D. Upon request by a parent.

9.05.2 Internet Web site. A public agency may place a current copy of the procedural safeguards notice on its Internet Web site if a Web site exists.

9.05.3 Contents.

9.05.3.1 The procedural safeguards notice must include a full explanation of all of the procedural safeguards available under §§9.00, 13.00, and 16.00 of these regulations and 34 CFR 300.148, 300.151 through 300.153, 300.300, 300.502 through 300.503, 300.505 through 300.518, 300.520, 300.530 through 300.536 and 300.610 through 300.625 relating to -

A. Independent educational evaluation;

B. Prior written notice;

C. Parental consent;

D. Access to educational records;

E. Opportunity to present and resolve complaints through the due process complaint and State complaint procedures, including -

1. The time period in which to file a complaint;

2. The opportunity for the agency to resolve the complaint; and

3. The difference between the due process complaint and the State complaint procedures, including the jurisdiction of each procedure, what issues may be raised, filing and decisional timelines, and relevant procedures.

F. The child's placement during the pendency of any due process proceedings;

G. Procedures for students who are subject to placement in an interim alternative educational setting;

H. Requirements for unilateral placement by parents of children in private schools at public expense;

I. The availability of mediation under 34 CFR 300.506 and §10.00 of these regulations;

J. Hearings on due process complaints, including requirements for disclosure of evaluation results and recommendations;

K. Civil actions, including the time period in which to file those actions; and

L. Attorneys' fees.

9.05.4 Notice in understandable language.

The notice required under § 9.05.1 of this part must meet the requirements of § 9.04.3 of these regulations and 34 CFR 300.503(c).

9.05.5 Electronic mail.

A parent of a child with a disability may elect to receive notices required by 34 CFR 300.503, 300.504, and 300.508 by an electronic mail communication, if the public agency makes that option available.

9.06 PARENTAL CONSENT

9.06.1 Parental consent for initial evaluation.

9.06.1.1 The public agency proposing to conduct an initial evaluation to determine if a child qualifies as a child with a disability under 34 CFR 300.8 must, after providing notice consistent with 34 CFR 300.503 and 300.504, obtain informed consent, consistent with 34 CFR 300.9,from the parent of the child before conducting the evaluation.

9.06.1.2 Parental consent for initial evaluation must not be construed as consent for initial provision of special education and related services.

9.06.1.3 The public agency must make reasonable efforts to obtain the informed consent from the parent for an initial evaluation to determine whether the child is a child with a disability.

9.06.1.4 For initial evaluations only, if the child is a ward of the State and is not residing with the child's parent, the public agency is not required to obtain informed consent from the parent for an initial evaluation to determine whether the child is a child with a disability if -

A. Despite reasonable efforts to do so, the public agency cannot discover the whereabouts of the parent of the child;

B. The rights of the parents of the child have been terminated in accordance with State law; or

C. The rights of the parent to make educational decisions have been subrogated by a judge in accordance with State law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the child.

9.06.2 If the parents of a child with a disability enrolled in public school or seeking to be enrolled in public school does not provide consent for initial evaluation or the parent fails to respond to a request to provide consent, the public agency may, but is not required to, pursue the initial evaluation of the child by using the due process procedures under §10.00 of these regulations and 34 CFR 300.507 - 300.516, or the mediation procedures under §10.00 and 34 CFR 300.506 if appropriate, except to the extent inconsistent with State law relating to parental consent. The public agency does not violate its obligation under 34 CFR 300.111 and 300.301 through 300.311 if it declines to pursue the evaluation.

9.06.3 Parental Consent for Services.

9.06.3.1 A public agency that is responsible for making FAPE available to a child with a disability must obtain informed consent from the parent of the child

before the initial provision of special education and related services to the child.

9.06.3.2 The public agency must make reasonable efforts to obtain informed consent from the parent for the initial provision of special education and related services to the child.

9.06.3.3 If the parent of a child fails to respond or refuses to consent to services under this section, the public agency may not use mediation procedures under 34 CFR 300.506 or due process procedures under 300.507 through 300.516 in order to obtain agreement or a ruling that the services may be provided to the child.

9.06.3.4 If the parent of the child refuses to consent to the initial provision of special education and related services, or the parent fails to respond to a request to provide consent for the initial provision of special education and related services, the public agency -

A. Will not be considered to be in violation of the requirement to make available FAPE to the child for the failure to provide the child with the special education and related services for which the public agency requests consent; and

B. Is not required to convene an IEP Team meeting or develop an IEP under 34 CFR 300.320 and 300.324 for the child for the special education and related services for which the public agency requests such consent.

9.06.4 Failure to respond to request for reevaluation.

9.06.4.1 Each public agency must obtain informed parental consent, in accordance with 34 CFR 300.300(a)(1), prior to conducting any reevaluation of a child with a disability.

9.06.4.2 If the parent refuses to consent to the reevaluation, the public agency may, but it is not required to,

pursue the reevaluation by using the consent override procedures described in 34 CFR 300.300(a)(3).

9.06.4.3 The public agency does not violate its obligations under 34 CFR 300.311 and 300.301 through 300.311 if it declines to pursue the evaluation or reevaluation.

9.06.4.4 Informed parental consent need not be obtained for reevaluation if the public agency can demonstrate that it made reasonable efforts to obtain such consent, and the child's parent has failed to respond.

9.06.4.5 To meet the reasonable efforts requirement in §9.06.3.2 of this part, the public agency must document its attempts to obtain parental consent using the procedures in 34 CFR 300.322(d).

9.06.5 Other Consent Requirements.

9.06.5.1 Parental consent is not required before -

A. Reviewing existing data as part of an evaluation or a reevaluation; or

B. Administering a test or other evaluation that is administered to all children unless, before administration of that test or evaluation, consent is required of parents of all children.

9.06.5.2 Limitation.

A public agency may not use a parent's refusal to consent to one service or activity under § 9.06.1 to deny the parent or child any other service, benefit, or activity of the public agency, except as required by this part.

9.06.5.3 Parent of a child who is home schooled or placed in a private school by the parents.

A. If a parent of a child who is home schooled or placed in a private school by the parents

at their own expense does not provide consent for the initial evaluation or the reevaluation, or the parent fails to respond to a request to provide consent, the public agency may not use the consent override procedures described in this section; and

B. The public agency is not required to consider the child as eligible for services under 34 CFR 300.132 through 300.144.

9.07 TRANSFER OF PARENTAL RIGHTS AT AGE OF MAJORITY

9.07.1 General.

9.07.1.1 When a child with a disability reaches the age of majority under State law that applies to all students (age 18 in Arkansas), except for a student with a disability who has been determined to be incompetent <u>or incapacitated</u> under State law -

A. The public agency must provide any notice required by Part B of the IDEA and these regulations to both the child and the parents; and

B. All other rights accorded to parents under Part B of the IDEA and these regulations transfer to the ~~student~~ <u>child</u>; and

C. All rights accorded to parents under Part B of the IDEA and these regulations transfer to children who are incarcerated in an adult or juvenile, State or local correctional institution.

D. Whenever a State provides for the transfer of rights under this part pursuant to §9.07.1 A and B of this part, the agency must notify the child and the parent of the transfer of rights. (See form: Letter of Notification of Transfer of Rights.)

9.07.1.2 The LEA must use the procedures established by the State for appointing the parent of a child with a

disability, or if the parent is not available, another appropriate individual, to represent the educational interests of the child throughout the period of the child's eligibility under Part B of the Act if, under State law, a child who has reached the age of majority, but has not been determined to be incompetent, can be determined not to have the ability to provide informed consent with respect to the child's educational program.

9.07.2 Legal Guardianship

9.07.2.1 In accordance with Arkansas Code Annotated §28-65-101 et seq. and §28-65-201 et seq. any person may file a petition for the appointment of himself or herself or some other qualified person as guardian of an incapacitated person.

9.07.2.2 Arkansas Code Annotated §28-65-101(5)(A) defines an "incapacitated person" to mean a person who is impaired by reason of a disability such as mental illness, mental deficiency, physical illness, chronic use of drugs or chronic intoxication to the extent of lacking sufficient understanding or capacity to make or communicate decisions to meet the essential requirements for his or her health or safety or to manage his or her estate.

9.07.2.3 Arkansas Code Annotated §28-65-101(3) defines a "Guardian" as one appointed by a court to have the care and custody of the person or of the estate, or of both, of an incapacitated person.

9.07.2.4 Jurisdiction of Courts

A. The jurisdiction of the circuit courts over all matters of guardianship, other than guardianships ad litem in other courts, shall be exclusive, subject to the right of appeal. (Arkansas Code Annotated §28-65-107(a))

B. If a juvenile is the subject matter of an open case filed under the Arkansas Juvenile Code of 1989, §9-27-301 et seq., the guardianship

petition shall be filed in that case if the juvenile resides in Arkansas.

9.07.2.5 Rights of Incapacitated Persons

A. An incapacitated person for whom a guardian has been appointed is not presumed to be incompetent and retains all legal and civil rights except those which have been expressly limited by court order or have been specifically granted by order to the guardian by the court.

TRAUMATIC BRAIN INJURY
EARLY CHILDHOOD SPECIAL EDUCATION

I. DEFINITION

"Traumatic brain injury" means an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's developmental/educational performance. The term applies to open- or closed-head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual and motor abilities; psychosocial behavior; physical functions; information processing; and speech. The term does not apply to brain injuries that are congenital or degenerative, or to brain injuries induced by birth trauma.

II. SCREENING INFORMATION

A. Required

1. Hearing

2. Vision

3. Formal measures of -

a. Development (May include the areas of cognition, motor, social/emotional, self-help)

b. Speech/language

B. Recommended

1. Informal measures, such as -

a. Observation;

b. Medical history;

c. Anecdotal records; and/or

d. Interviews (Parents, teachers, family members).

III. REQUIRED EVALUATION DATA

C. **Social History** (Emphasis on developmental, family and health/medical history)

D. **Assessment**

1. Medical (Required)

a. Physical examination

b. Specialized (Neurological, and others as indicated)

2. Cognitive/Intellectual Abilities (One required)

3. Social/Emotional (One adaptive behavior assessment required)

4. Self-help (May be included in the adaptive behavior, cognitive/intellectual and/or the programming assessments)

5. Communicative Abilities (Both receptive and expressive required)

6. Motor (If indicated)

7. Neuropsychological assessment ~~(One required)~~ **or** appropriate medical statement from a licensed physician confirming presence of a traumatic brain injury (Required)

8. Programming (One criterion or curriculum-based measure required)

IV. EVALUATION DATA ANALYSIS

Formal assessment of the child with traumatic brain injury should include a baseline evaluation. Because of the dynamic nature of TBI, it is recommended that the testing format include informal assessment and diagnostic teaching to complement formal testing. It is important to consider the child's pre-injury learning styles and knowledge base. Previous history may serve as a baseline to compare pre-injury skills with postinjury performance. Once baseline levels are obtained, periodic and frequent review/evaluation should occur to document progress and changes in the child's needs.

It is important to note that symptoms following the traumatic brain injury are dependent upon the state of brain function in relation to the environmental

demands upon the child. Therefore, while standardized tests are important, one cannot necessarily rely upon their interpretation to guide teachers toward effective teaching, particularly if that interpretation is used as a predictor of developmental achievement. The scores derived on evaluations administered to children with TBI must be interpreted differently from scores of other children, in that these test results reflect only that the child could perform the task demanded by the specific test items. However, these results do not predict future performance. For example, it is not uncommon for a child to score average or above on a standardized test of cognitive ability in a clinical setting. The child's overt appearances may indicate everything is intact, but upon return to preschool, or shortly thereafter, the child exhibits a variety of problems. This may include changes in social/conduct behaviors; the ability to initiate, sustain and complete mental operations; or to work and learn at the rate that material is presented. The problems are not necessarily in learning pre-academic skills, but pertain to social-emotional changes in addition to the learning and communication processes involved. The more informative assessments will measure social and conduct behaviors and communication skills, as well the child's ability to learn, and to execute or remember a variety of tasks under imposed time limits. Observational and anecdotal data may provide additional information for programming.

A. To be eligible for early childhood special education and related services as a child with traumatic brain injury, the following must be present -

1. A written statement from a physician, to include -

a. Diagnosis of traumatic brain injury consistent with federal definition;

b. Physical and preschool limitations;

c. Medication need;

d. Seizure management (If applicable)

2. Justification of the adverse affect on developmental/ educational performance which is attributed to the traumatic brain injury resulting in the corresponding need for early childhood special education and related services.

TRAUMATIC BRAIN INJURY

I. DEFINITION

"Traumatic brain injury" means an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance. The term applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech. The term does not apply to brain injuries that are congenital or degenerative, or brain injuries induced by birth trauma.

II. POSSIBLE REFERRAL CHARACTERISTICS

The effects of a traumatic brain injury (TBI) can be catastrophic or may lead to only slight damage. Characteristics of individuals with traumatic brain injury may be present to varying degrees, range in severity, and may be influenced by environmental changes, changes in task demands and/or the recovery process. These characteristics may include, but are not limited to, the following:

A. Cognitive Behaviors

1. Difficulty in initiating, organizing and completing tasks

2. Inconsistency in recall of information

3. Difficulty in using appropriate judgment

4. Difficulty with long-term memory

5. Difficulty with short-term memory

6. Difficulty in maintaining attention and concentration

7. Difficulty with flexibility in thinking, reasoning and problem-solving

8. Difficulty with orientation to person, places and/or time

9. Difficulty with speed of processing information

10. Exhibits gaps in task analysis

B. Communicative Behaviors (May range from nonspeaking to subtle difficulty in communication)

1. Difficulty in initiating, maintaining, restructuring and terminating conversation

2. Difficulty in maintaining the topic of conversation

3. Difficulty in discriminating relevant from irrelevant information

4. Difficulty in producing relevant speech

5. Difficulty responding to verbal communication in a timely, accurate, and efficient manner

6. Difficulty in understanding verbal information

7. Difficulty with word retrieval

8. Difficulty with articulation (which may include apraxia and/or dysarthria)

9. Difficulty with voice production (such as intensity, pitch and/or quality)

10. Difficulty in producing fluent speech

11. Difficulty in formulating and sequencing ideas

12. Difficulty with abstract and figurative language

13. Difficulty with perseverated speech (repetition of words, phrases, and topics)

14. Difficulty using appropriate syntax

15. Difficulty using language appropriately (such as requesting information, predicting, debating, and using humor)

16. Difficulty in understanding and producing written communication

17. Difficulty with noise overload

18. Difficulty in interpreting subtle verbal and nonverbal cues during conversation

C. Social-Emotional Behaviors

1. Difficulty in perceiving, evaluating and using social cues and context appropriately

2. Difficulty in initiating and sustaining appropriate peer and family relationships

3. Difficulty in demonstrating age-appropriate behavior

4. Difficulty in coping with over-stimulating environments

5. Denial of deficits affecting performance

6. Difficulty in establishing and maintaining self-esteem

7. Difficulty with using self-control (verbal and physical aggression)

8. Difficulty with speaking and acting impulsively

9. Difficulty in initiating activities

10. Difficulty in adjusting to change

11. Difficulty in compliance with requests

12. Difficulty with hyperactivity

13. Intensification of pre-existent maladaptive behaviors and/or disabilities

D. Physical Impairments

1. Exhibits short-term or long-term physical disabilities

2. Displays seizure activity

3. Difficulty in spatial orientation (visual motor/ perceptual)

4. Difficulty with mobility and independence (to include problems in balance, strength, muscle tone, equilibrium and gross motor skills)

5. Difficulty with vision (which may include tracking, blind spots and/or double vision)

6. Difficulty with dizziness (vertigo)

7. Difficulty with auditory skills (which may include hearing loss and/or processing problems)

8. Difficulty with fine motor skills (dexterity)

9. Difficulty in speed of processing and motor response time

10. Difficulty with skills that affect eating and speaking (voluntary and involuntary)

11. Difficulty with bowel and/or bladder control

12. Displays premature puberty

13. Loss of stamina and/or sense of fatigue

14. Difficulty in administering self-care (such as independent feeding, grooming and toileting)

III. SCREENING INFORMATION

A. Required

1. Hearing

2. Vision

B. Recommended

1. Formal (Not applicable)

2. Informal

   a. Observation

   b. Medical history

   c. Anecdotal records

   d. School records

e. Interviews (parents, teachers, peers)

IV. REQUIRED EVALUATION DATA

A. Social History

B. Individual Intelligence (One required)

C. Individual Achievement (One required)

D. Adaptive Behavior (One required)

E. Communicative Abilities (Both receptive and expressive required)

F. Other

1. Neuropsychological assessment ~~(One required)~~ **or** appropriate medical statement from a licensed physician confirming presence of a traumatic brain injury (Required)

2. Specific subject areas (Required--each suspected area of deficit must assessed)

3. Medical (Required)

a. Physical examination

b. Specialized (Neurological, and others as indicated)

V. OPTIONAL EVALUATION DATA

(Suggested for acquiring additional baseline functioning and programming information)

A. Memory (Long- and short-term)

1. Auditory

2. Visual

B. Learning Processes

1. Visual perception

2. Auditory perception

3. Perceptual-motor development

C. Behavior Assessment (Including observation across a variety of settings)

D. Vocational Assessment

Traumatic brain injury often results in diverse impairments that may be either temporary or permanent, contributing to partial or total disability. Unfortunately, the injury often intensifies pre-existent maladaptive behaviors or disabilities. To complicate the situation further, the student with traumatic brain injury may experience erratic changes in behaviors, especially during the first five years after the injury occurred. Since symptoms may change, even disappear, periodic reevaluations are necessary to monitor the progress of the brain-injured student.

An individual should be designated as responsible for the coordination of periodic reviews of progress and reevaluation of functional levels and status of needs.

VI. EVALUATION DATA ANALYSIS

Formal assessment of the student with traumatic brain injury should include a baseline evaluation. Because of the dynamic nature of TBI, it is recommended that the testing format include informal assessment and diagnostic teaching to complement formal testing. It is important to consider the student's pre-injury learning styles and knowledge base. Previous history may serve as a baseline to compare pre-injury skills with post-injury performance. Once baseline levels are obtained, periodic and frequent review/ evaluation should occur to document progress and changes in the student's needs.

It is important to note that symptoms following the traumatic brain injury are dependent upon the state of brain function in relation to the environmental demands upon the student. Therefore, while standardized tests are important, one cannot necessarily rely upon their interpretation to guide teachers toward effective teaching, particularly if that interpretation is used as a predictor of classroom abilities.

The scores derived on psychological and academic evaluations administered to students with TBI must be interpreted differently from scores of other students, in that these test results reflect only that the students could perform the task demanded by the specific test items. However, these results do not predict future performance. For example, it is not uncommon for a student to score average or above on standardized tests of intelligence in a clinical setting. The student's overt appearances may indicate everything is intact, but upon return to school or shortly

thereafter, the student exhibits a variety of problems. This may include changes in social/conduct behaviors and the ability to work independently; to initiate, sustain and complete mental operations; or to work and learn at the rate that material is presented. The problems are not necessarily in learning academic content, but pertain to social-emotional changes in addition to the learning and communication processes involved.

The more informative assessments will measure social and conduct behaviors and communication skills, as well as the student's ability to learn and to execute or remember a variety of tasks under imposed time limits. Observational and anecdotal data may provide additional information for programming.

A. To be eligible for special education and related services as a student with traumatic brain injury, the following must be present:

1. A written statement from a physician to include:

a. Diagnosis of traumatic brain injury consistent with the federal definition;

b. Physical and school limitations;

c. Medication needs;

d. Seizure management (if applicable)

2. Justification of the adverse affect on educational performance which is attributed to the traumatic brain injury resulting in the corresponding need for special education and related services.

VII. PROGRAMMING CONSIDERATIONS

It is critical to consider each student's needs and environment carefully in order to provide effective services and to develop programming tailored to the student. The nature of TBI is one of change and unpredictability. No two students with traumatic brain injury function alike, because each has a unique profile depending on the location and extent of brain damage and environmental factors. For example, a student with an injury that affects his/her vision will have a very different set of problems and needs than one with an injury that primarily affects the speech areas of the brain. The effects of a brain injury may lead to only slight damage in one or a few areas or it can be catastrophic in nature.

Depending on the effects of the brain injury, students with TBI may require monitoring or direct care for immediate and long-term medical and physical

needs. Physical care and support may be the most crucial consideration for some students with brain injuries.

When there are physical needs, careful planning and coordination are essential. Oversight management of the medical/health care needs of the student remains with the student's primary physician. However, other health care providers, including those at the school, most likely will be part of the team involved in developing and implementing a health care plan which addresses both crisis situations and long-term interventions.

Programming considerations will vary among students with TBI due to the effects of the brain injury. They may change for any one student due to fluctuations in recovery rate, and students may perform various academic skills with different levels of proficiency. TBI may cause problems with all, some or none of the academic skills that the student possessed before the injury. The student may need to continue to develop skills that are intact and to relearn those which are affected.

Students with TBI have specific, sometimes intense, additional needs and often require more time and intensive instruction in order to learn. Thus, modifications in the existing school environment, curriculum, instruction and schedule may be necessary for the student who has sustained a traumatic brain injury to be successful in school. An expanded curriculum may be necessary for effective instruction, including strands such as differentiated academics, life skills and developmental/compensatory skills. In addition, personnel working with this population should be aware that some adjustments in typical outcomes, expectations and instructional activities may be necessary.

ADE SPED
REQUIRED FORM
REV. JULY-~~2008~~ 2010
AGES 3-21

REFERRAL FORM

Child: _____ Sex: _____ ID#_____

Race (Check all that apply): __Hispanic __American Indian/Alaskan Native __Asian __Black __Hawaiian/ Pacific Islander __White

Date of Birth: _____ Age: _____ Grade: _____ Public Agency: _____

Name of person(s) referring child: _____ Date: _____

Name and address of parent/guardian:

_____
_____
_____

Phone: (Home)_____ (Work)_____

Native Language/Mode of Communication of Parent:
☐ English ☐ Other (Specify)_____
Interpreter Needed? ☐ Yes ☐ No
Native Language/Mode of Communication of Child:
☐ English ☐ Other (Specify)_____

Description of academic/developmental, and/or behavioral performance which prompted referral:

_____
_____
_____

Current program: _____
_____
_____
_____

Please summarize and/or attach any additional information which would assist in determining the nature of the child's developmental/learning problems (pre-referral data/early intervening services including, but not limited to response to intervention by scientifically research based evidence; screening inventories; services; programs; home or classroom behavior checklists; existing medical, social, developmental/educational data; and/or samples of the child's work).

_____
_____
_____
_____

Has student repeated a grade? ☐ Yes ☐ No, Which grade? ____ Attendance:_____days absent this school year (K-12)

What strategies/methods have been used to improve academic/developmental, and/or behavioral performance?

_____
_____

What are the child's strengths?_____
_____
_____

Hearing Screening: Date: _____ Results: _____ Prior Special Education Referral? ☐Yes ☐ No

Vision Screening: Date: _____ Results: _____ When?_____

_____ _____
Public Agency Official/Designee Receiving Referral (Date)

GENERAL INFORMATION

PRIOR WRITTEN NOTICE

34 CFR §300.503

Notice

Your school district must give you written notice (provide you certain information in writing), whenever it:

1. Proposes to initiate or to change the identification, evaluation, or educational placement of your child, or the provision of a free appropriate public education (FAPE) to your child; or
2. Refuses to initiate or to change the identification, evaluation, or educational placement of your child, or the provision of FAPE to your child.

Content of notice

The written notice must:

1. Describe the action that your school district proposes or refuses to take;
2. Explain why your school district is proposing or refusing to take the action;
3. Describe each evaluation procedure, assessment, record, or report your school district used in deciding to propose or refuse the action;
4. Include a statement that you have protections under the procedural safeguards provisions in Part B of the IDEA;
5. Tell you how you can obtain a description of the procedural safeguards if the action that your school district is proposing or refusing is not an initial referral for evaluation;
6. Include resources for you to contact for help in understanding Part B of the IDEA;
7. Describe any other choices that your child's individualized education program (IEP) Team considered and the reasons why those choices were rejected; and
8. Provide a description of other reasons why your school district proposed or refused the action.

Notice in understandable language

The notice must be:

1. Written in language understandable to the general public; and
2. Provided in your native language or other mode of communication you use, unless it is clearly not feasible to do so.

If your native language or other mode of communication is not a written language, your school district must ensure that:

1. The notice is translated for you orally by other means in your native language or other mode of communication;
2. You understand the content of the notice; and
3. There is written evidence that 1 and 2 have been met.

NATIVE LANGUAGE

34 CFR §300.29

Native language, when used with an individual who has limited English proficiency, means the following:

1. The language normally used by that person, or, in the case of a child, the language normally used by the child's parents;
2. In all direct contact with a child (including evaluation of the child), the language normally used by the child in the home or learning environment.

For a person with deafness or blindness, or for a person with no written language, the mode of communication is what the person normally uses (such as sign language, Braille, or oral communication).

ELECTRONIC MAIL

34 CFR §300.505

If your school district offers parents the choice of receiving documents by e-mail, you may choose to receive the following by e-mail:

1. Prior written notice;
2. Procedural safeguards notice; and
3. Notices related to a due process complaint.

PARENTAL CONSENT - DEFINITION

34 CFR §300.9

Consent

Consent means:

1. You have been fully informed in your native language or other mode of communication (such as sign language, Braille, or oral communication) of all information about the action for which you are giving consent.

2. You understand and agree in writing to that action, and the consent describes that action and lists the records (if any) that will be released and to whom; and
3. You understand that the consent is voluntary on your part and you may withdraw your consent at anytime.

If you wish to revoke (cancel) your consent after you child has begun receiving special education and related services, you must do so in writing. Your withdrawal of consent does not negate (undo) an action that has occurred after you gave your consent ~~and~~ but before you withdrew it. In addition, the school district is not required to amend (change) your child's education records to remove any references that your child received special education and related services after your withdrawal of consent.

PARENTAL CONSENT

34 CFR §300.300

Consent for initial evaluation

Your school district cannot conduct an initial evaluation of your child to determine whether your child is eligible under Part B of the IDEA to receive special education and related services without first providing you with prior written notice of the proposed action and ~~without~~ obtaining your consent as described under the heading ***Parental Consent.***

Your school district must make reasonable efforts to obtain your informed consent for an initial evaluation to decide whether your child is a child with a disability.

Your consent for initial evaluation does not mean that you have also given your consent for the school district to start providing special education and related services to your child.

Your school district may not use your refusal to consent to one service or activity related to the initial evaluation as a basis for denying you or your child any other service, benefit, or activity, unless another Part B requirement requires the school district to do so.

If your child is enrolled in public school or you are seeking to enroll your child in a public school and you have refused to provide consent or failed to respond to a request to provide consent for an initial evaluation, your school district may, but is not required to, seek to conduct an initial evaluation of your child by utilizing the Act's mediation or due process complaint, resolution meeting, and impartial due process hearing procedures ~~(unless required to do so or prohibited from doing so under State law)~~. Your school district will not violate its obligations to locate, identify and evaluate your child if it does not pursue an evaluation of your child in these circumstances~~, unless State law requires it to pursue the evaluation~~.

Special rules for initial evaluation of wards of the State

If a child is a ward of the State and is not living with his/her parent —

The school district does not need consent from the parent for an initial evaluation to determine if the child is a child with a disability if:

1. Despite reasonable efforts to do so, the school district cannot find the child's parent;
2. The rights of the parents have been terminated in accordance with State law; or
3. A judge has assigned the right to make educational decisions ~~and to consent for an initial evaluation~~ to an individual other than the parent~~.~~ and that individual has provided consent for an initial evaluation.

Ward of the State, as used in the IDEA, means a child who, as determined by the State where the child lives, is:

1. A foster child;
2. Considered a ward of the State under State law; or
3. In the custody of a public child welfare agency.

Ward of the State does not include a foster child who has a foster parent.

Parental consent for services

Your school district must obtain your informed consent before providing special education and related services to your child for the first time.

The school district must make reasonable efforts to obtain your informed consent before providing special education and related services to your child for the first time.

If you do not respond to a request to provide your consent for your child to receive special education and related services for the first time, or if you refuse to give such consent, your school district may not use the procedural safeguards (i.e., mediation, due process complaint, resolution meeting, or an impartial due process hearing) in order to obtain agreement or a ruling that the special education and related services (recommended by your child's IEP Team) may be provided to your child without your consent.

If you refuse to give your consent for your child to receive special education and related services for the first time, or if you do not respond to a request to provide such consent or later revoke (cancel) your consent in writing and the school district does not provide your child with the special education and related services for which it sought your consent, your school district:

1. Is not in violation of the requirement to make a free appropriate public education (FAPE) available to your child for its failure to provide those services to your child; and
2. Is not required to have an individualized education program (IEP) meeting or develop an IEP for your child for the special education and related services for which your consent was requested.

If you revoke (cancel) your consent in writing at any point after your child is first provided special education and related services, the school district may not continue to

provide such services, but must provide you with prior written notice, as described under the heading ***Prior Written Notice****, before discontinuing those services.*

Parental consent for reevaluations

Your school district must obtain your informed consent before it reevaluates your child, unless your school district can demonstrate that:

1. It took reasonable steps to obtain your consent for your child's reevaluation; and
2. You did not respond.

If you refuse to consent to your child's reevaluation, the school district may, but is not required to, pursue your child's reevaluation by using the mediation, due process complaint, resolution meeting, and impartial due process hearing procedures to seek to override your refusal to consent to your child's reevaluation. As with initial evaluations, your school district does not violate its obligations under Part B of the IDEA if it declines to pursue the reevaluation in this manner.

Documentation of reasonable efforts to obtain parental consent

Your school must maintain documentation of reasonable efforts to obtain parental consent for initial evaluations, to provide special education and related services for the first time, to reevaluation and to locate parents of wards of the State for initial evaluations. The documentation must include a record of the school district's attempts in these areas, such as:

1. Detailed records of telephone calls made or attempted and the results of those calls;
2. Copies of correspondence sent to the parents and any responses received; and
3. Detailed records of visits made to the parent's home or place of employment and the results of those visits.

Other consent requirements

Your consent is not required before your school district may:

1. Review existing data as part of your child's evaluation or a reevaluation; or
2. Give your child a test or other evaluation that is given to all children unless, before that test or evaluation, consent is required from all parents of all children.

Your school district may not use your refusal to consent to one of these services or ~~activity~~ activities as a basis ~~to~~ for denying ~~you or your child~~ any other service, benefit, or activity unless another Part B requirement requires the school district to do so.

If you have enrolled your child in a private school at your own expense or if you are home schooling your child, and you do not provide your consent for your child's initial evaluation or your child's reevaluation, or you fail to respond to a request to provide your consent, the school district may not use its ~~consent override~~ dispute resolution procedures (i.e., mediation, due process complaint, resolution meeting, or an impartial due process hearing) and is not required to consider your child as eligible to receive

equitable services (services made available to parentally-placed private school children with disabilities).

INDEPENDENT EDUCATIONAL EVALUATIONS

34 CFR §300.502

General

As described below, you have the right to obtain an independent educational evaluation (IEE) of your child if you disagree with the evaluation of your child that was obtained by your school district.

If you request an independent educational evaluation, the school district must provide you with information about where you may obtain an independent educational evaluation and about the school district's criteria that apply to independent educational evaluations.

Definitions

Independent educational evaluation means an evaluation conducted by a qualified examiner who is not employed by the school district responsible for the education of your child.

Public expense means that the school district either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to you, consistent with the provisions of Part B of the IDEA, which allow each State to use whatever State, local, Federal and private sources of support are available in the State to meet the requirements of Part B of the Act.

Parent right to evaluation at public expense

You have the right to an independent educational evaluation of your child at public expense if you disagree with an evaluation of your child obtained by your school district, subject to the following conditions:

1. If you request an independent educational evaluation of your child at public expense, your school district must, without unnecessary delay, either: (a) File a due process complaint to request a hearing to show that its evaluation of your child is appropriate; or (b) Provide an independent educational evaluation at public expense, unless the school district demonstrates in a hearing that the evaluation of your child that you obtained did not meet the school district's criteria.
2. If your school district requests a hearing and the final decision is that your school district's evaluation of your child is appropriate, you still have the right to an independent educational evaluation, but not at public expense.
3. If you request an independent educational evaluation of your child, the school district may ask why you object to the evaluation of your child obtained by your school district. However, your school district may not require an explanation and

may not unreasonably delay either providing the independent educational evaluation of your child at public expense or filing a due process complaint to request a due process hearing to defend the school district's evaluation of your child.

You are entitled to only one independent educational evaluation of your child at public expense each time your school district conducts an evaluation of your child with which you disagree.

Parent-initiated evaluations

If you obtain an independent educational evaluation of your child at public expense or you share with the school district an evaluation of your child that you obtained at private expense:

1. Your school district must consider the results of the evaluation of your child, if it meets the school district's criteria for independent educational evaluations, in any decision made with respect to the provision of a free appropriate public education (FAPE) to your child; and
2. You or your school district may present the evaluation as evidence at a due process hearing regarding your child.

Requests for evaluations by hearing officers

If a hearing officer requests an independent educational evaluation of your child as part of a due process hearing, the cost of the evaluation must be at public expense.

School district criteria

If an independent educational evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that the school district uses when it initiates an evaluation (to the extent those criteria are consistent with your right to an independent educational evaluation).

Except for the criteria described above, a school district may not impose conditions or timelines related to obtaining an independent educational evaluation at public expense.

Confidentiality of Information

DEFINITIONS

34 CFR §300.611

As used under the heading **Confidentiality of Information**:

- *Destruction* means physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.

- *Education records* means the type of records covered under the definition of ‘‘education records’’ in 34 CFR Part 99 (the regulations implementing the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g (FERPA)).
- *Participating agency* means any school district, agency or institution that collects, maintains, or uses personally identifiable information, or from which information is obtained, under Part B of the IDEA.

PERSONALLY IDENTIFIABLE

34 CFR §300.32

Personally identifiable means information that has:

(a) Your child's name, your name as the parent, or the name of another family member;

(b) Your child's address;

(c) A personal identifier, such as your child’s social security number or student number; or

(d) A list of personal characteristics or other information that would make it possible to identify your child with reasonable certainty.

NOTICE TO PARENTS

34 CFR §300.612

The State Educational Agency must give notice that is adequate to fully inform parents about confidentiality of personally identifiable information, including:

1. A description of the extent to which the notice is given in the native languages of the various population groups in the State;
2. A description of the children on whom personally identifiable information is maintained, the types of information sought, the methods the State intends to use in gathering the information (including the sources from whom information is gathered), and the uses to be made of the information;
3. A summary of the policies and procedures that participating agencies must follow regarding storage, disclosure to third parties, retention, and destruction of personally identifiable information; and
4. A description of all of the rights of parents and children regarding this information, including the rights under the Family Educational Rights and Privacy Act (FERPA) and its implementing regulations in 34 CFR Part 99.

Before any major identification, location, or evaluation activity (also known as “child find”), the notice must be published or announced in newspapers or other media, or

both, with circulation adequate to notify parents throughout the State of the activity to locate, identify, and evaluate children in need of special education and related services.

ACCESS RIGHTS

34 CFR §300.613

The participating agency must permit you to inspect and review any education records relating to your child that are collected, maintained, or used by your school district under Part B of the IDEA. The participating agency must comply with your request to inspect and review any education records on your child without unnecessary delay and before any meeting regarding an individualized education program (IEP), or any impartial due process hearing (including a resolution meeting or a hearing regarding discipline), and in no case more than 45 calendar days after you have made a request.

Your right to inspect and review education records includes:

1. Your right to a response from the participating agency to your reasonable requests for explanations and interpretations of the records;
2. Your right to request that the participating agency provide copies of the records if you cannot effectively inspect and review the records unless you receive those copies; and
3. Your right to have your representative inspect and review the records.

The participating agency may presume that you have authority to inspect and review records relating to your child unless advised that you do not have the authority under applicable State law governing such matters as guardianship, or separation and divorce.

RECORD OF ACCESS

34 CFR §300.614

Each participating agency must keep a record of parties obtaining access to education records collected, maintained, or used under Part B of the IDEA (except access by parents and authorized employees of the participating agency), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

RECORDS ON MORE THAN ONE CHILD

34 CFR §300.615

If any education record includes information on more than one child, the parents of those children have the right to inspect and review only the information relating to their child or to be informed of that specific information.

LIST OF TYPES AND LOCATIONS OF INFORMATION

34 CFR §300.616

On request, each participating agency must provide you with a list of the types and locations of education records collected, maintained, or used by the agency.

FEES

34 CFR §300.617

Each participating agency may charge a fee for copies of records that are made for you under Part B of the IDEA, if the fee does not effectively prevent you from exercising your right to inspect and review those records.

A participating agency may not charge a fee to search for or to retrieve information under Part B of the IDEA.

AMENDMENT OF RECORDS AT PARENT'S REQUEST

34 CFR §300.618

If you believe that information in the education records regarding your child collected, maintained, or used under Part B of the IDEA is inaccurate, misleading, or violates the privacy or other rights of your child, you may request the participating agency that maintains the information to change the information.

The participating agency must decide whether to change the information in accordance with your request within a reasonable period of time of receipt of your request.

If the participating agency refuses to change the information in accordance with your request, it must inform you of the refusal and advise you of the right to a hearing for this purpose as described under the heading ***Opportunity For a Hearing***.

OPPORTUNITY FOR A HEARING

34 CFR §300.619

The participating agency must, on request, provide you an opportunity for a hearing to challenge information in education records regarding your child to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of your child.

HEARING PROCEDURES

34 CFR §300.621

A hearing to challenge information in education records must be conducted according to the procedures for such hearings under the Family Educational Rights and Privacy Act (FERPA).

RESULT OF HEARING

34 CFR §300.620

If, as a result of the hearing, the participating agency decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the child, it must change the information accordingly and inform you in writing.

If, as a result of the hearing, the participating agency decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of your child, it must inform you of your right to place in the records that it maintains on your child a statement commenting on the information or providing any reasons you disagree with the decision of the participating agency.

Such an explanation placed in the records of your child must:

1. Be maintained by the participating agency as part of the records of your child as long as the record or contested portion is maintained by the participating agency; and
2. If the participating agency discloses the records of your child or the challenged portion to any party, the explanation must also be disclosed to that party.

CONSENT FOR DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION

34 CFR §300.622

Unless the information is contained in education records, and the disclosure is authorized without parental consent under the Family Educational Rights and Privacy Act (FERPA), your consent must be obtained before personally identifiable information is disclosed to parties other than officials of participating agencies. Except under the circumstances specified below, your consent is not required before personally identifiable information is released to officials of participating agencies for purposes of meeting a requirement of Part B of the IDEA.

Your consent, or consent of an eligible child who has reached the age of majority under State law, must be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services.

If your child is in, or is going to go to, a private school that is not located in the same school district you reside in, your consent must be obtained before any personally identifiable information about your child is released between officials in the school district where the private school is located and officials in the school district where you reside.

SAFEGUARDS

34 CFR §300.623

Each participating agency must protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.

One official at each participating agency must assume responsibility for ensuring the confidentiality of any personally identifiable information.

All persons collecting or using personally identifiable information must receive training or instruction regarding your State's policies and procedures regarding confidentiality under Part B of the IDEA and the Family Educational Rights and Privacy Act (FERPA).

Each participating agency must maintain, for public inspection, a current listing of the names and positions of those employees within the agency who may have access to personally identifiable information.

DESTRUCTION OF INFORMATION

34 CFR §300.624

Your school district must inform you when personally identifiable information collected, maintained, or used is no longer needed to provide educational services to your child.

The information must be destroyed at your request. However, a permanent record of your child's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

STATE COMPLAINT PROCEDURES

DIFFERENCE BETWEEN DUE PROCESS HEARING COMPLAINT AND STATE COMPLAINT PROCEDURES

The regulations for Part B of IDEA set forth separate procedures for State complaints and for due process complaints and hearings. As explained below, any individual or organization may file a State complaint alleging a violation of any Part B requirement by a school district, the State Educational Agency, or any other public agency. Only you or

a school district may file a due process complaint on any matter relating to a proposal or a refusal to initiate or change the identification, evaluation or educational placement of a child with a disability, or the provision of a free appropriate public education (FAPE) to the child. While staff of the State Educational Agency generally must resolve a State complaint within a 60-calendar-day timeline, unless the timeline is properly extended, an impartial due process hearing officer must hear a due process complaint (if not resolved through a resolution meeting or through mediation) and issue a written decision within 45-calendar-days after the end of the resolution period, as described in this document under the heading Resolution Process, unless the hearing officer grants a specific extension of the timeline at your request or the school district's request. The State complaint and due process complaint, resolution and hearing procedures are described more fully below.

ADOPTION OF STATE COMPLAINT PROCEDURES

34 CFR §300.151

General

Each State Educational Agency must have written procedures for:

1. Resolving any complaint, including a complaint filed by an organization or individual from another State;
2. The filing of a complaint with the State Educational Agency;
3. Widely disseminating the State complaint procedures to parents and other interested individuals, including parent training and information centers, protection and advocacy agencies, independent living centers, and other appropriate entities.

Remedies for denial of appropriate services

In resolving a State complaint in which the State Educational Agency has found a failure to provide appropriate services, the State Educational Agency must address:

1. The failure to provide appropriate services, including corrective action appropriate to address the needs of the child; <u>and</u>
2. Appropriate future provision of services for all children with disabilities.

MINIMUM STATE COMPLAINT PROCEDURES

34 CFR §300.152

Time limit; minimum procedures

Each State Educational Agency must include in its State complaint procedures a time limit of 60 calendar days after a complaint is filed to:

1. Carry out an independent on-site investigation, if the State Educational Agency determines that an investigation is necessary;

2. Give the complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint;
3. Provide the school district or other public agency with the opportunity to respond to the complaint, including, at a minimum: (a) at the option of the agency, a proposal to resolve the complaint; and (b) an opportunity for a parent who has filed a complaint and the agency to agree voluntarily to engage in mediation;
4. Review all relevant information and make an independent determination as to whether the school district or other public agency is violating a requirement of Part B of the IDEA; and
5. Issue a written decision to the complainant that addresses each allegation in the complaint and contains: (a) findings of fact and conclusions; and (b) the reasons for the State Educational Agency's final decision.

Time extension; final decision; implementation

The State Educational Agency's procedures described above also must:

1. Permit an extension of the 60 calendar-day time limit only if: (a) exceptional circumstances exist with respect to a particular State complaint; **or** (b) the parent and the school district or other public agency involved voluntarily agree to extend the time to resolve the matter through mediation or alternative means of dispute resolution, if available in the State.
2. Include procedures for effective implementation of the State Educational Agency's final decision, if needed, including: (a) technical assistance activities; (b) negotiations; and (c) corrective actions to achieve compliance.

State complaints and due process hearings

If a written State complaint is received that is also the subject of a due process hearing as described below under the heading ***Filing a Due Process Complaint***, or the State complaint contains multiple issues of which one or more are part of such a hearing, the State must set aside the State complaint, or any part of the State complaint that is being addressed in the due process hearing until the hearing is over. Any issue in the State complaint that is not a part of the due process hearing must be resolved using the time limit and procedures described above.

If an issue raised in a State complaint has previously been decided in a due process hearing involving the same parties (you and the school district), then the due process hearing decision is binding on that issue and the State Educational Agency must inform the complainant that the decision is binding.

A complaint alleging a school district's or other public agency's failure to implement a due process hearing decision must be resolved by the State Educational Agency.

FILING A COMPLAINT

34 CFR §300.153

An organization or individual may file a signed written State complaint under the procedures described above.

The State complaint must include:

1. A statement that a school district or other public agency has violated a requirement of Part B of the IDEA or its regulations;
2. The facts on which the statement is based;
3. The signature and contact information for the complainant; and
4. If alleging violations regarding a specific child:
   (a) The name of the child and address of the residence of the child;
   (b) The name of the school the child is attending;
   (c) In the case of a homeless child or youth, available contact information for the child, and the name of the school the child is attending;
   (d) A description of the nature of the problem of the child, including facts relating to the problem; and
   (e) A proposed resolution of the problem to the extent known and available to the party filing the complaint at the time the complaint is filed.

The complaint must allege a violation that occurred not more than one year prior to the date that the complaint is received as described under the heading ***Adoption of State Complaint Procedures.***

The party filing the State complaint must forward a copy of the complaint to the school district or other public agency serving the child at the same time the party files the complaint with the State Educational Agency.

Due Process Complaint Procedures

FILING A DUE PROCESS COMPLAINT

34 CFR §300.507

General

You or the school district may file a due process complaint on any matter relating to a proposal or a refusal to initiate or change the identification, evaluation or educational placement of your child, or the provision of a free appropriate public education (FAPE) to your child.

The due process complaint must allege a violation that happened not more than two years before you or the school district knew or should have known about the alleged action that forms the basis of the due process complaint.

The above timeline does not apply to you if you could not file a due process complaint within the timeline because:

1. The school district specifically misrepresented that it had resolved the issues identified in the complaint; or
2. The school district withheld information from you that it was required to provide you under Part B of the IDEA.

Information for parents

The school district must inform you of any free or low-cost legal and other relevant services available in the area if you request the information, or if you or the school district file a due process complaint.

DUE PROCESS COMPLAINT

34 CFR §300.508

General

In order to request a hearing, you or the school district (or your attorney or the school district's attorney) must submit a due process complaint to the other party. That complaint must contain all of the content listed below and must be kept confidential.

You or the school district, whichever one filed the complaint, must also provide the State Educational Agency with a copy of the complaint.

Content of the complaint

The due process complaint must include:

1. The name of the child;
2. The address of the child’s residence;
3. The name of the child’s school;
4. If the child is a homeless child or youth, the child’s contact information and the name of the child’s school;
5. A description of the nature of the problem of the child relating to the proposed or refused action, including facts relating to the problem; and
6. A proposed resolution of the problem to the extent known and available to you or the school district at the time.

Notice required before a hearing on a due process complaint

You or the school district may not have a due process hearing until you or the school district (or your attorney or the school district's attorney), files a due process complaint that includes the information listed above.

Sufficiency of complaint

In order for a due process complaint to go forward, it must be considered sufficient. The due process complaint will be considered sufficient (to have met the content requirements above) unless the party receiving the due process complaint (you or the school district) notifies the hearing officer and the other party in writing, within 15 calendar days of receiving the complaint, that the receiving party believes that the due process complaint does not meet the requirements listed above.

Within five calendar days of receiving the notification the receiving party (you or the school district) considers a due process complaint insufficient, the hearing officer must decide if the due process complaint meets the requirements listed above, and notify you and the school district in writing immediately.

Complaint amendment

You or the school district may make changes to the complaint only if:

1. The other party approves of the changes in writing and is given the chance to resolve the due process complaint through a resolution meeting, described below; or
2. By no later than five days before the due process hearing begins, the hearing officer grants permission for the changes.

If the complaining party (you or the school district) makes changes to the due process complaint, the timelines for the resolution meeting (within 15 calendar days of receiving the complaint) and the time period for resolution (within 30 calendar days of receiving the complaint) start again on the date the amended complaint is filed.

Local educational agency (LEA) or school district response to a due process complaint

If the school district has not sent a prior written notice to you, as described under the heading ***Prior Written Notice***, regarding the subject matter contained in your due process complaint, the school district must, within 10 calendar days of receiving the due process complaint, send to you a response that includes:

1. An explanation of why the school district proposed or refused to take the action raised in the due process complaint;
2. A description of other options that your child's individualized education program (IEP) Team considered and the reasons why those options were rejected;
3. A description of each evaluation procedure, assessment, record, or report the school district used as the basis for the proposed or refused action; and

4. A description of the other factors that are relevant to the school district's proposed or refused action.

Providing the information in items 1-4 above does not prevent the school district from asserting that your due process complaint was insufficient.

Other party response to a due process complaint

Except as stated under the sub-heading immediately above, ***Local educational agency (LEA) or school district response to a due process complaint***, the party receiving a due process complaint must, within 10 calendar days of receiving the complaint, send the other party a response that specifically addresses the issues in the complaint.

MODEL FORMS

34 CFR §300.509

The State Educational Agency must develop model forms to help you file a due process complaint and a State complaint. However, your State or the school district may not require you to use these model forms. In fact, you can use this form or another appropriate model form, so long as it contains the required information for filing a due process complaint or a State complaint.

MEDIATION

34 CFR §300.506

General

The school district must make mediation available to allow you and the school district to resolve disagreements involving any matter under Part B of the IDEA, including matters arising prior to the filing of a due process complaint. Thus, mediation is available to resolve disputes under Part B of the IDEA, whether or not you have filed a due process complaint to request a due process hearing as described under the heading ***Filing a Due Process Complaint***.

Requirements

The procedures must ensure that the mediation process:

1. Is voluntary on your part and the school district's part;
2. Is not used to deny or delay your right to a due process hearing, or to deny any other rights you have under Part B of the IDEA; and
3. Is conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

The school district may develop procedures that offer parents and schools that choose not to use the mediation process, an opportunity to meet, at a time and location convenient to you, with a disinterested party:

1. Who is under contract with an appropriate alternative dispute resolution entity, or a parent training and information center or community parent resource center in the State; and
2. Who would explain the benefits and encourage the use of the mediation process to you.

The State must have a list of people who are qualified mediators and know the laws and regulations relating to the provision of special education and related services. The State Educational Agency must select mediators on a random, rotational, or other impartial basis.

The State is responsible for the cost of the mediation process, including the costs of meetings.

Each meeting in the mediation process must be scheduled in a timely manner and held at a place that is convenient for you and the school district.

If you and the school district resolve a dispute through the mediation process, both parties must enter into a legally binding agreement that sets forth the resolution and that:

1. States that all discussions that happened during the mediation process will remain confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding; and
2. Is signed by both you and a representative of the school district who has the authority to bind the school district.

A written, signed mediation agreement is enforceable in any State court of competent jurisdiction (a court that has the authority under State law to hear this type of case) or in a district court of the United States.

Discussions that happened during the mediation process must be confidential. They cannot be used as evidence in any future due process hearing or civil proceeding of any Federal court or State court of a State receiving assistance under Part B of IDEA.

Impartiality of mediator

The mediator:

1. May not be an employee of the State Educational Agency or the school district that is involved in the education or care of your child; and
2. Must not have a personal or professional interest which conflicts with the mediator’s objectivity.

A person who otherwise qualifies as a mediator is not an employee of a school district or State agency solely because he or she is paid by the agency or school district to serve as a mediator.

THE CHILD'S PLACEMENT WHILE THE DUE PROCESS COMPLAINT AND HEARING ARE PENDING

34 CFR §300.518

Except as provided below under the heading ***PROCEDURES WHEN DISCIPLINING CHILDREN WITH DISABILITIES,*** once a due process complaint is sent to the other party, during the resolution process time period, and while waiting for the decision of any impartial due process hearing or court proceeding, unless you and the State or school district agree otherwise, your child must remain in his or her current educational placement.

If the due process complaint involves an application for initial admission to public school, your child, with your consent, must be placed in the regular public school program until the completion of all such proceedings.

If the due process complaint involves an application for initial services under Part B of the IDEA for a child who is transitioning from being served under Part C of the IDEA to Part B of the IDEA and who is no longer eligible for Part C services because the child has turned three, the school district is not required to provide the Part C services that the child has been receiving. If the child is found eligible under Part B of the IDEA and you consent for the child to receive special education and related services for the first time, then, pending the outcome of the proceedings, the school district must provide those special education and related services that are not in dispute (those which you and the school district both agree upon).

RESOLUTION PROCESS

34 CFR §300.510

Resolution meeting

Within 15 calendar days of receiving notice of your due process complaint, and before the due process hearing begins, the school district must convene a meeting with you and the relevant member or members of the individualized education program (IEP) Team who have specific knowledge of the facts identified in your due process complaint. The meeting:

1. Must include a representative of the school district who has decision-making authority on behalf of the school district; and
2. May not include an attorney of the school district unless you are accompanied by an attorney.

You and the school district determine the relevant members of the IEP Team to attend the meeting.

The purpose of the meeting is for you to discuss your due process complaint, and the facts that form the basis of the complaint, so that the school district has the opportunity to resolve the dispute.

The resolution meeting is not necessary if:

1. You and the school district agree in writing to waive the meeting; or
2. You and the school district agree to use the mediation process, as described under the heading ***Mediation***.

Resolution period

If the school district has not resolved the due process complaint to your satisfaction within 30 calendar days of the receipt of the due process complaint (during the time period for the resolution process), the due process hearing may occur.

The 45-calendar-day timeline for issuing a final decision begins at the expiration of the 30-calendar-day resolution period, with certain exceptions for adjustments made to the 30-calendar-day resolution period, as described below.

Except where you and the school district have both agreed to waive the resolution process or to use mediation, your failure to participate in the resolution meeting will delay the timelines for the resolution process and due process hearing until you agree to participate in a meeting.

If after making reasonable efforts and documenting such efforts, the school district is not able to obtain your participation in the resolution meeting, the school district may, at the end of the 30-calendar-day resolution period, request that a hearing officer dismiss your due process complaint. Documentation of such efforts must include a record of the school district's attempts to arrange a mutually agreed upon time and place, such as:

1. Detailed records of telephone calls made or attempted and the results of those calls;
2. Copies of correspondence sent to you and any responses received; and
3. Detailed records of visits made to your home or place of employment and the results of those visits.

If the school district fails to hold the resolution meeting within 15 calendar days of receiving notice of your due process complaint <u>or</u> fails to participate in the resolution meeting, you may ask a hearing officer to order that the 45-calendar-day due process hearing timeline begin.

Adjustments to the 30-calendar-day resolution period

If you and the school district agree in writing to waive the resolution meeting, then the 45-calendar-day timeline for the due process hearing starts the next day.

After the start of mediation or the resolution meeting and before the end of the 30-calendar-day resolution period, if you and the school district agree in writing that no agreement is possible, then the 45-calendar-day timeline for the due process hearing starts the next day.

If you and the school district agree to use the mediation process, at the end of the 30-calendar-day resolution period, both parties can agree in writing to continue the mediation until an agreement is reached. However, if either you or the school district

withdraws from the mediation process, then the 45-calendar-day timeline for the due process hearing starts the next day.

Written settlement agreement

If a resolution to the dispute is reached at the resolution meeting, you and the school district must enter into a legally binding agreement that is:

1. Signed by you and a representative of the school district who has the authority to bind the school district; and
2. Enforceable in any State court of competent jurisdiction (a State court that has authority to hear this type of case) or in a district court of the United States or by the State Educational Agency, if your State has another mechanism or procedures that permit parties to seek enforcement of resolution agreements.

Agreement review period

If you and the school district enter into an agreement as a result of a resolution meeting, either party (you or the school district) may void the agreement within 3 business days of the time that both you and the school district signed the agreement.

HEARINGS ON DUE PROCESS COMPLAINTS

IMPARTIAL DUE PROCESS HEARING

34 CFR §300.511

General

Whenever a due process complaint is filed, you or the school district involved in the dispute must have an opportunity for an impartial due process hearing, as described in the ***Due Process Complaint*** and ***Resolution Process*** sections.

The State Educational Agency is responsible for convening due process hearings, and an appeal from a due process hearing decision is directly to a court.

Impartial hearing officer

At a minimum, a hearing officer:

1. Must not be an employee of the State Educational Agency or the school district that is involved in the education or care of the child. However, a person is not an employee of the agency solely because he/she is paid by the agency to serve as a hearing officer;
2. Must not have a personal or professional interest that conflicts with the hearing officer's objectivity in the hearing;

3. Must be knowledgeable and understand the provisions of the IDEA, and Federal and State regulations pertaining to the IDEA, and legal interpretations of the IDEA by Federal and State courts; and
4. Must have the knowledge and ability to conduct hearings, and to make and write decisions, consistent with appropriate, standard legal practice.

Each school district must keep a list of those persons who serve as hearing officers that includes a statement of the qualifications of each hearing officer.

Subject matter of due process hearing

The party (you or the school district) that requests the due process hearing may not raise issues at the due process hearing that were not addressed in the due process complaint, unless the other party agrees.

Timeline for requesting a hearing

You or the school district must request an impartial hearing on a due process complaint within two years of the date you or the school district knew or should have known about the issue addressed in the complaint.

Exceptions to the timeline

The above timeline does not apply to you if you could not file a due process complaint because:

1. The school district specifically misrepresented that it had resolved the problem or issue that you are raising in your complaint; or
2. The school district withheld information from you that it was required to provide to you under Part B of the IDEA.

HEARING RIGHTS

34 CFR §300.512

The Following Applies to One-tier States:

General

Any party to a due process hearing (including a hearing relating to disciplinary procedures) has the right to:

1. Be accompanied and advised by a lawyer and/or persons with special knowledge or training regarding the problems of children with disabilities;
2. Present evidence and confront, cross-examine, and require the attendance of witnesses;
3. Prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five business days before the hearing;

4. Obtain a written, or, at your option, electronic, word-for-word record of the hearing; and
5. Obtain written, or, at your option, electronic findings of fact and decisions.

Additional disclosure of information

At least five business days prior to a due process hearing, you and the school district must disclose to each other all evaluations completed by that date and recommendations based on those evaluations that you or the school district intend to use at the hearing.

A hearing officer may prevent any party that fails to comply with this requirement from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party.

Parental rights at hearings

You must be given the right to:

1. Have your child present;
2. Open the hearing to the public; and
3. Have the record of the hearing, the findings of fact and decisions provided to you at no cost.

HEARING DECISIONS

34 CFR §300.513

Decision of hearing officer

A hearing officer's decision on whether your child received a free appropriate public education (FAPE) must be based on substantive grounds.

In matters alleging a procedural violation, a hearing officer may find that your child did not receive FAPE only if the procedural inadequacies:

1. Interfered with your child's right to a free appropriate public education (FAPE);
2. Significantly interfered with your opportunity to participate in the decision-making process regarding the provision of a free appropriate public education (FAPE) to your child; <u>or</u>
3. Caused a deprivation of an educational benefit.

Construction clause

None of the provisions described above can be interpreted to prevent a hearing officer from ordering a school district to comply with the requirements in the procedural safeguards section of the Federal regulations under Part B of the IDEA (34 CFR §§300.500 through 300.536).

Separate request for a due process hearing

Nothing in the procedural safeguards section of the Federal regulations under Part B of the IDEA (34 CFR §§300.500 through 300.536) can be interpreted to prevent you from filing a separate due process complaint on an issue separate from a due process complaint already filed.

Findings and decision to advisory panel and general public

The State Educational Agency or the school district, (whichever was responsible for your hearing) after deleting any personally identifiable information, must:

1. Provide the findings and decisions in the due process hearing or appeal to the State special education advisory panel; and
2. Make those findings and decisions available to the public.

APPEALS

FINALITY OF DECISION; APPEAL; IMPARTIAL REVIEW

34 CFR §300.514

Finality of hearing decision

A decision made in a due process hearing (including a hearing relating to disciplinary procedures) is final, except that any party involved in the hearing (you or the school district) may appeal the decision by bringing a civil action, as described below.

TIMELINES AND CONVENIENCE OF HEARINGS AND REVIEWS

34 CFR §300.515

The State Educational Agency must ensure that not later than 45 calendar days after the expiration of the 30-calendar-day period for resolution meetings or, as described under the sub-heading ***Adjustments to the 30-calendar-day resolution period,*** not later than 45 calendar days after the expiration of the adjusted time period:

1. A final decision is reached in the hearing; and
2. A copy of the decision is mailed to each of the parties.

A hearing officer may grant specific extensions of time beyond the 45-calendar-day time period described above at the request of either party.

Each hearing must be conducted at a time and place that is reasonably convenient to you and your child.

CIVIL ACTIONS, INCLUDING THE TIME PERIOD IN WHICH TO FILE THOSE ACTIONS

34 CFR §300.516

General

Any party (you or the school district) who does not agree with the findings and decision in the due process hearing (including a hearing relating to disciplinary procedures) has the right to bring a civil action with respect to the matter that was the subject of the due process hearing. The action may be brought in a State court of competent jurisdiction (a State court that has authority to hear this type of case) or in a district court of the United States without regard to the amount in dispute.

The party (you or the school district) bringing the action shall have 90 calendar days form the date of the decision of the hearing officer to file a civil action.

Additional procedures

In any civil action, the court:

1. Receives the records of the administrative proceedings;
2. Hears additional evidence at your request or at the school district's request; and
3. Bases its decision on the preponderance of the evidence and grants the relief that the court determines to be appropriate.

Jurisdiction of district courts

The district courts of the United States have authority to rule on actions brought under Part B of the IDEA without regard to the amount in dispute.

Rule of construction

Nothing in Part B of the IDEA restricts or limits the rights, procedures, and remedies available under the U.S. Constitution, the Americans with Disabilities Act of 1990, Title V of the Rehabilitation Act of 1973 (Section 504), or other Federal laws protecting the rights of children with disabilities, except that before the filing of a civil action under these laws seeking relief that is also available under Part B of the IDEA, the due process procedures described above must be exhausted to the same extent as would be required if the party filed the action under Part B of the IDEA. This means that you may have remedies available under other laws that overlap with those available under the IDEA, but in general, to obtain relief under those other laws, you must first use the available administrative remedies under the IDEA (i.e., the due process complaint, resolution meeting, and impartial due process hearing procedures) before going directly into court.

Attorneys' Fees

34 CFR §300.517

General

In any action or proceeding brought under Part B of the IDEA, if you prevail, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to you.

In any action or proceeding brought under Part B of the IDEA, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to a prevailing State Educational Agency or school district, to be paid by your attorney, if the attorney: (a) filed a complaint or court case that the court finds is frivolous, unreasonable, or without foundation; or (b) continued to litigate after the litigation clearly became frivolous, unreasonable, or without foundation; or

In any action or proceeding brought under Part B of the IDEA, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to a prevailing State Educational Agency or school district, to be paid by you or your attorney, if your request for a due process hearing or later court case was presented for any improper purpose, such as to harass, to cause unnecessary delay, or to unnecessarily increase the cost of the action or proceeding.

Award of fees

A court awards reasonable attorneys' fees as follows:

1. Fees must be based on rates prevailing in the community in which the action or hearing arose for the kind and quality of services furnished. No bonus or multiplier may be used in calculating the fees awarded.
2. Fees may not be awarded and related costs may not be reimbursed in any action or proceeding under Part B of the IDEA for services performed after a written offer of settlement to you if:
   a. The offer is made within the time prescribed by Rule 68 of the Federal Rules of Civil Procedure or, in the case of a due process hearing or State-level review, at any time more than 10 calendar days before the proceeding begins;
   b. The offer is not accepted within 10 calendar days; and
   c. The court or administrative hearing officer finds that the relief finally obtained by you is not more favorable to you than the offer of settlement.

   Despite these restrictions, an award of attorneys' fees and related costs may be made to you if you prevail and you were substantially justified in rejecting the settlement offer.
3. Fees may not be awarded relating to any meeting of the individualized education program (IEP) Team unless the meeting is held as a result of an administrative proceeding or court action.

   Fees also may not be awarded for a mediation as described under the heading Mediation

   A resolution meeting, as described under the heading Resolution meeting, is not considered a meeting convened as a result of an administrative hearing or court action, and also is not considered an administrative hearing or court action for purposes of these attorneys' fees provisions.

The court reduces, as appropriate, the amount of the attorneys' fees awarded under Part B of the IDEA, if the court finds that:

1. You, or your attorney, during the course of the action or proceeding, unreasonably delayed the final resolution of the dispute;

2. The amount of the attorneys' fees otherwise authorized to be awarded unreasonably exceeds the hourly rate prevailing in the community for similar services by attorneys of reasonably similar skill, reputation, and experience;
3. The time spent and legal services furnished were excessive considering the nature of the action or proceeding; or
4. The attorney representing you did not provide to the school district the appropriate information in the due process request notice as described under the heading ***Due Process Complaint***.

However, the court may not reduce fees if the court finds that the State or school district unreasonably delayed the final resolution of the action or proceeding or there was a violation under the procedural safeguards provisions of Part B of the IDEA.

PROCEDURES WHEN DISCIPLINING CHILDREN WITH DISABILITIES

AUTHORITY OF SCHOOL PERSONNEL

34 CFR §300.530

Case-by-case determination

School personnel may consider any unique circumstances on a case-by-case basis, when determining whether a change of placement, made in accordance with the following requirements related to discipline, is appropriate for a child with a disability who violates a school code of student conduct.

General

To the extent that they also take such action for children without disabilities, school personnel may, for not more than **10 school days** in a row, remove a child with a disability who violates a code of student conduct from his or her current placement to an appropriate interim alternative educational setting (which must be determined by the child's individualized education program (IEP) Team), another setting, or suspension. School personnel may also impose additional removals of the child of not more than **10 school days** in a row in that same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement (see ***Change of Placement Because of Disciplinary Removals*** for the definition, below).

Once a child with a disability has been removed from his or her current placement for a total of **10 school days** in the same school year, the school district must, during any subsequent days of removal in that school year, provide services to the extent required below under the sub-heading ***Services***.

Additional authority

If the behavior that violated the student code of conduct was not a manifestation of the child's disability (see ***Manifestation determination***, below) and the disciplinary change of placement would exceed **10 school days** in a row, school personnel may apply the disciplinary procedures to that child with a disability in the same manner and for the same duration as it would to children without disabilities, except that the school must provide services to that child as described below under ***Services***. The child's IEP Team determines the interim alternative educational setting for such services.

Services

The services that must be provided to a child with a disability who has been removed from the child's current placement may be provided in an interim alternative educational setting.

A school district is only required to provide services to a child with a disability who has been removed from his or her current placement for **10 school days or less** in that school year, if it provides services to a child without disabilities who has been similarly removed.

A child with a disability who is removed from the child's current placement for **more than 10 school days** must:

1. Continue to receive educational services, so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP; and
2. Receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not happen again.

After a child with a disability has been removed from his or her current placement for **10 school days** in that same school year, and **if** the current removal is for **10 school days** in a row or less **and** if the removal is not a change of placement (see definition below), **then** school personnel, in consultation with at least one of the child's teachers, determine the extent to which services are needed to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP.

If the removal is a change of placement (see definition below), the child's IEP Team determines the appropriate services to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP.

Manifestation determination

Within **10 school days** of any decision to change the placement of a child with a disability because of a violation of a code of student conduct (except for a removal that is for **10 school days** in a row or less and not a change of placement), the school district, the parent, and relevant members of the IEP Team (as determined by the

parent and the school district) must review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine:

1. If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
2. If the conduct in question was the direct result of the school district's failure to implement the child's IEP.

If the school district, the parent, and relevant members of the child's IEP Team determine that either of those conditions was met, the conduct must be determined to be a manifestation of the child's disability.

If the school district, the parent, and relevant members of the child's IEP Team determine that the conduct in question was the direct result of the school district's failure to implement the IEP, the school district must take immediate action to remedy those deficiencies.

Determination that behavior was a manifestation of the child's disability

If the school district, the parent, and relevant members of the IEP Team determine that the conduct was a manifestation of the child's disability, the IEP Team must either:

1. Conduct a functional behavioral assessment, unless the school district had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the child; or
2. If a behavioral intervention plan already has been developed, review the behavioral intervention plan, and modify it, as necessary, to address the behavior.

Except as described below under the sub-heading ***Special circumstances***, the school district must return the child to the placement from which the child was removed, unless the parent and the district agree to a change of placement as part of the modification of the behavioral intervention plan.

Special circumstances

Whether or not the behavior was a manifestation of the child's disability, school personnel may remove a student to an interim alternative educational setting (determined by the child's IEP Team) for up to 45 school days, if the child:

1. Carries a weapon (see the definition below) to school or has a weapon at school, on school premises, or at a school function under the jurisdiction of the State Educational Agency or a school district;
2. Knowingly has or uses illegal drugs (see the definition below), or sells or solicits the sale of a controlled substance, (see the definition below), while at school, on school premises, or at a school function under the jurisdiction of the State Educational Agency or a school district; or

3. Has inflicted serious bodily injury (see the definition below) upon another person while at school, on school premises, or at a school function under the jurisdiction of the State Educational Agency or a school district.

Definitions

Controlled substance means a drug or other substance identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).

Illegal drug means a controlled substance; but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under that Act or under any other provision of Federal law.

Serious bodily injury has the meaning given the term ‘‘serious bodily injury’’ under paragraph (3) of subsection (h) of section 1365 of title 18, United States Code.

Weapon has the meaning given the term ‘‘dangerous weapon’’ under paragraph (2) of the first subsection (g) of section 930 of title 18, United States Code.

Notification

On the date it makes the decision to make a removal that is a change of placement of the child because of a violation of a code of student conduct, the school district must notify the parents of that decision, and provide the parents with a procedural safeguards notice.

CHANGE OF PLACEMENT BECAUSE OF DISCIPLINARY REMOVALS

34 CFR §300.536

A removal of a child with a disability from the child’s current educational placement is a **change of placement** if:

1. The removal is for more than 10 school days in a row; or
2. The child has been subjected to a series of removals that constitute a pattern because:
   a. The series of removals total more than 10 school days in a school year;
   b. The child’s behavior is substantially similar to the child’s behavior in previous incidents that resulted in the series of removals;
   c. Of such additional factors as the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another; and

Whether a pattern of removals constitutes a change of placement is determined on a case-by-case basis by the school district and, if challenged, is subject to review through due process and judicial proceedings.

DETERMINATION OF SETTING

34 CFR § 300.531

The individualized education program (IEP) Team must determine the interim alternative educational setting for removals that are **changes of placement**, and removals under the headings ***Additional authority*** and ***Special circumstances***, above.

APPEAL

34 CFR § 300.532

General

The parent of a child with a disability may file a due process complaint (see above) to request a due process hearing if he or she disagrees with:

1. Any decision regarding placement made under these discipline provisions; or
2. The manifestation determination described above.

The school district may file a due process complaint (see above) to request a due process hearing if it believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others.

Authority of hearing officer

A hearing officer that meets the requirements described under the sub-heading ***Impartial Hearing Officer*** must conduct the due process hearing and make a decision. The hearing officer may:

1. Return the child with a disability to the placement from which the child was removed if the hearing officer determines that the removal was a violation of the requirements described under the heading ***Authority of School Personnel***, or that the child's behavior was a manifestation of the child's disability; or
2. Order a change of placement of the child with a disability to an appropriate interim alternative educational setting for not more than 45 school days if the hearing officer determines that maintaining the current placement of the child is substantially likely to result in injury to the child or to others.

These hearing procedures may be repeated, if the school district believes that returning the child to the original placement is substantially likely to result in injury to the child or to others.

Whenever a parent or a school district files a due process complaint to request such a hearing, a hearing must be held that meets the requirements described under the headings ***Due Process Complaint Procedures, Hearings on Due Process Complaints***. except as follows:

1. The State Educational Agency or school district must arrange for an expedited due process hearing, which must occur within **20** school days of the date the hearing is requested and must result in a determination within **10** school days after the hearing.
2. Unless the parents and the school district agree in writing to waive the meeting, or agree to use mediation, a resolution meeting must occur within **seven** calendar days of receiving notice of the due process complaint. The hearing may proceed unless the matter has been resolved to the satisfaction of both parties within **15** calendar days of receipt of the due process complaint.
3. A State may establish different procedural rules for expedited due process hearings than it has established for other due process hearings, but except for the timelines, those rules must be consistent with the rules in this document regarding due process hearings.

A party may appeal the decision in an expedited due process hearing in the same way as they may for decisions in other due process hearings (see ***Appeals***, above).

PLACEMENT DURING APPEALS

34 CFR §300.533

When, as described above, the parent or school district has filed a due process complaint related to disciplinary matters, the child must (unless the parent and the State Educational Agency or school district agree otherwise) remain in the interim alternative educational setting pending the decision of the hearing officer, or until the expiration of the time period of removal as provided for and described under the heading ***Authority of School Personnel***, whichever occurs first.

PROTECTIONS FOR CHILDREN NOT YET ELIGIBLE FOR SPECIAL EDUCATION AND RELATED SERVICES

34 CFR §300.534

General

If a child has not been determined eligible for special education and related services and violates a code of student conduct, but the school district had knowledge (as determined below) before the behavior that brought about the disciplinary action occurred, that the child was a child with a disability, then the child may assert any of the protections described in this notice.

Basis of knowledge for disciplinary matters

A school district must be deemed to have knowledge that a child is a child with a disability if, before the behavior that brought about the disciplinary action occurred:

1. The parent of the child expressed concern in writing that the child is in need of special education and related services to supervisory or administrative personnel of the appropriate educational agency, or a teacher of the child;
2. The parent requested an evaluation related to eligibility for special education and related services under Part B of the IDEA; or
3. The child's teacher, or other school district personnel expressed specific concerns about a pattern of behavior demonstrated by the child directly to the school district's director of special education or to other supervisory personnel of the school district.

Exception

A school district would not be deemed to have such knowledge if:

1. The child's parent has not allowed an evaluation of the child or refused special education services; or
2. The child has been evaluated and determined to not be a child with a disability under Part B of the IDEA.

Conditions that apply if there is no basis of knowledge

If prior to taking disciplinary measures against the child, a school district does not have knowledge that a child is a child with a disability, as described above under the sub-headings ***Basis of knowledge for disciplinary matters*** and ***Exception***, the child may be subjected to the disciplinary measures that are applied to children without disabilities who engaged in comparable behaviors.

However, if a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures, the evaluation must be conducted in an expedited manner.

Until the evaluation is completed, the child remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services.

If the child is determined to be a child with a disability, taking into consideration information from the evaluation conducted by the school district, and information provided by the parents, the school district must provide special education and related services in accordance with Part B of the IDEA, including the disciplinary requirements described above.

REFERRAL TO AND ACTION BY LAW ENFORCEMENT AND JUDICIAL AUTHORITIES

34 CFR §300.535

Part B of the IDEA does not:

1. Prohibit an agency from reporting a crime committed by a child with a disability to appropriate authorities; or
2. Prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.

Transmittal of records

If a school district reports a crime committed by a child with a disability, the school district:

1. Must ensure that copies of the child's special education and disciplinary records are transmitted for consideration by the authorities to whom the agency reports the crime; and
2. May transmit copies of the child's special education and disciplinary records only to the extent permitted by the Family Educational Rights and Privacy Act (FERPA).

Requirements for Unilateral Placement by Parents of Children in Private Schools at Public Expense

GENERAL

34 CFR §300.148

Part B of the IDEA does not require a school district to pay for the cost of education, including special education and related services, of your child with a disability at a private school or facility if the school district made a free appropriate public education (FAPE) available to your child and you choose to place the child in a private school or facility. However, the school district where the private school is located must include your child in the population whose needs are addressed under the Part B provisions regarding children who have been placed by their parents in a private school under 34 CFR §§300.131 through 300.144.

Reimbursement for private school placement

If your child previously received special education and related services under the authority of a school district, and you choose to enroll your child in a private preschool, elementary school, or secondary school without the consent of or referral by the school

district, a court or a hearing officer may require the agency to reimburse you for the cost of that enrollment if the court or hearing officer finds that the agency had not made a free appropriate public education (FAPE) available to your child in a timely manner prior to that enrollment and that the private placement is appropriate. A hearing officer or court may find your placement to be appropriate, even if the placement does not meet the State standards that apply to education provided by the State Educational Agency and school districts.

Limitation on reimbursement

The cost of reimbursement described in the paragraph above may be reduced or denied:

1. If: (a) At the most recent individualized education program (IEP) meeting that you attended prior to your removal of your child from the public school, you did not inform the IEP Team that you were rejecting the placement proposed by the school district to provide FAPE to your child, including stating your concerns and your intent to enroll your child in a private school at public expense; or (b) At least 10 business days (including any holidays that occur on a business day) prior to your removal of your child from the public school, you did not give written notice to the school district of that information;
2. If, prior to your removal of your child from the public school, the school district provided prior written notice to you, of its intent to evaluate your child (including a statement of the purpose of the evaluation that was appropriate and reasonable), but you did not make the child available for the evaluation; or
3. Upon a court's finding that your actions were unreasonable.

However, the cost of reimbursement:

1. Must not be reduced or denied for failure to provide the notice if: (a) The school prevented you from providing the notice; (b) You had not received notice of your responsibility to provide the notice described above; or (c) Compliance with the requirements above would likely result in physical harm to your child; and
2. May, in the discretion of the court or a hearing officer, not be reduced or denied for the parents' failure to provide the required notice if: (a) The parent is not literate or cannot write in English; or (b) Compliance with the above requirement would likely result in serious emotional harm to the child.

Teacher/School District	Date

Legal Name of Child/Student	Child/Student ID	DOB

Permission for Consent Prior to Inviting Agencies Related to Transition

Your permission is required to invite outside agencies to an IEP meeting that, if your child is eligible, may provide or pay for transition services that may be essential or at the very least valuable to your child. Based on the student's needs the school has identified the following agencies which may be able to provide beneficial services pending your student qualifying for such services. These agencies will be invited at the appropriate time to either provide more information regarding their services or to begin the actual process of application/provision of services. Please examine these agencies and indicate whether you either do or do not give consent for the school to invite the agency(s). Please refer to the local agency resource list (attached) which describes various community agencies and their services to indicate any other agency you think is appropriate to invite. It is important to note however that even if your permission is granted to provide an invitation to the identified agencies below, the agency representative may not attend.

This permission shall be valid for the following duration. Beginning _____ and shall terminate _____
(permission period should be not longer than current status to anticipated exit date)

PLEASE CONSIDER THE FOLLOWING AGENCIES THE SCHOOL HAS IDENTIFIED AS POTENTIALLY IMPORTANT TO YOUR CHILD'S TRANSITION AND INDICATE WHETHER YOU CONSENT TO HAVE THE AGENCY(S) INVITED TO YOUR CHILD'S IEP	YES	NO
	☐	☐
	☐	☐
	☐	☐
	☐	☐
	☐	☐
	☐	☐
	☐	☐
	☐	☐
	☐	☐

Signature of Parent(s) _____ Date _____

Signature of Student (if student has reached the age of majority) Date

LOCAL AGENCY RESOURCE LIST

Below is a list of some of the more common agencies and a brief description of the services within your community. These agencies and their services may vary throughout the state. If you know of a service provided by an agency in your community that is not listed below, please indicate in the "other" section of the consent form. If you need more information regarding services before deciding to provide consent, please contact your child's special education teacher.

Arkansas Rehabilitation Services (may provide support for attainment of competitive employment and/or specialized instruction or training)
Disability Support Services Representative from college/university/trade school (may provide accommodations for learning)
Developmental Disabilities Services (may provide services through independent case management, community providers, integrated day care, Medicaid waiver, and Human Development Centers)
Community Health Center (may provide for personal therapy, employment support and other mental health needs)
Social Security Administration (may provide for Supplemental Security Income and Medicaid medical coverage)
Project Arkansas Work Incentives (provides information on how work will affect SSI and Medicare/Medicaid benefits; may provide self-supporting plan development and linkages to other agencies for vocational training and job placement)
Department of Workforce Services (may provide employment related services)
Arkansas Work Force Centers (provide locally developed and operated services such as work experience, summer work program and educational opportunities, linking employers and job seekers through a state-wide delivery system.
Local Independent Living Center (may help student develop and independent living plan and provide supports to realize the plan)
Division of Volunteerism (provides supportive volunteer activities statewide and promotes volunteerism as a means of community problem-solving)
Division of Children and Family Services (may provide services for children who are at risk of being abused, neglected, exploited, and who have serious emotional problems)
Division of Services for the Blind (may provide transition services and other vocational rehabilitation services to those persons who are blind or severely visually impaired)
Adult Education/Literacy (These free services provide adults with individualized instruction from certified teachers to improve their basic educational skills)
Local Guardianship Representative (may be a court employee, Guardianship Alliance representative, or Lawyer familiar with guardianship issues/procedures)
Division of County Operations (Responsible for administering many economic programs including ARKids First, Food Stamps and emergency assistance)
The Child and Adolescent Service System Program (CASSP) (service teams available throughout the state may provide development of multi-agency plans of care for children with serious emotional disturbance when the current system is not meeting their needs)
Other (please identify and describe)
Other (please identify and describe)
Other (please identify and describe)

ADE SPED
REQUIRED FORM
JULY-2010
AGES 3-21

REVOCATION OF PARENTAL CONSENT FOR PLACEMENT

I, _____, revoke my consent for _____
(Parent or Guardian) (Student's Name)

to receive special education and related services from _____.
(Public Agency)

_____
Parent/Guardian's Signature

_____
Date

****

CONFIRMATION

Based on your written notice dated _____ to revoke your consent for

_____ to receive special education and related services,
(Student's Name)

the _____ will not continue to provide such
(Public Agency)

services after providing you with prior written notice, as required by the IDEA, before

discontinuing those services.

_____
Public Agency Authorized Representative

_____
Date

Arkansas Department of Education
Emergency Rules Governing the
Arkansas Comprehensive Testing, Assessment and Accountability Program
and the Academic Distress Program

April 12, 2010

1.0 Regulatory Authority

1.01 These Rules shall be known as the Arkansas Department of Education Emergency Rules Governing the Arkansas Comprehensive Testing, Assessment and Accountability Program (ACTAAP).

1.02 The State Board of Education promulgated these Rules pursuant to implementation of A.C.A. §§ 6-11-105, 6-15-401 et seq., 6-15-2009, 25-15-204 and Act 1307 of 2009.

2.0 Purposes of Rules

2.01 To develop a single comprehensive testing, assessment and accountability program, which applies to and governs all public schools and public school districts in Arkansas.

2.02 To develop a single comprehensive testing, assessment and accountability program which utilizes the most current and effective testing, evaluation and assessment research information designed to achieve the following:

2.02.1 Clear academic standards that are periodically reviewed and revised;

2.02.2 Professional development standards for all administrators, teachers and instructional support personnel;

2.02.3 Expected achievement levels;

2.02.4 Reporting on student achievement and other indicators;

2.02.5 School and school district evaluation data;

2.02.6 A system of sanctions and rewards based on performance of schools and school districts; and

2.02.7 Compliance with current federal and state law and State Board of Education policies.

2.03 To ensure that all students in the public schools of Arkansas have an equal opportunity to demonstrate grade-level academic proficiency through the application of knowledge and skills in the core academic subjects consistent with state curriculum frameworks, performance standards and assessments.

2.04 To improve student learning and classroom instruction and to support high academic standards for all students, including identifiable subgroups, by establishing the provisions, procedures and requirements for the student assessment program.

2.05 To require point-in-time intervention when it is determined that a student(s) is not performing at grade level.

2.06 To outline testing and assessment security and confidentiality requirements.

2.07 To establish a program to identify, evaluate, assist and advise public school districts in academic distress.

3.0 Definitions – For the purpose of these Rules, the following terms mean:

3.01 “Academic Content Standards” – a series of documents that specify what a student enrolled in an Arkansas Public School should know and be able to do. These Academic Content Standards also provide the foundation for development of the State assessment system.

3.02 “Academic Distress” – a classification assigned to any public school district in which 75% or more of its students perform at the “below basic” performance level on the criterion-referenced assessments administered in that district.

3.03 "Academic Improvement Plan” – a plan detailing supplemental or intervention and remedial instruction, or both, in deficient academic areas for any student who is not proficient on the state-mandated criterion-referenced assessments and state mandated developmental appropriate assessments for K-2 (or delayed as that term is defined in “Uniform Readiness Screening”).

3.04 “Adequate Yearly Progress” – the level of academic performance required of public schools or school districts on the state-mandated criterion-referenced assessments and/or other indicators as required in the ACTAAP, which shall comply with State and Federal law.

3.05 “Alternative Education Intervention Program” – A special instructional program for students who have been retained for two consecutive years. The program shall include research-based learning opportunities and instructional strategies.

3.06 “Approved Early Reading Assessments” – Those assessments that identify students’ strengths and weaknesses in all of the elements of reading as described in the Report of the National Reading Panel.

3.07 “Approved Intensive Reading Program” – Programs of high-quality instruction that include the essential elements of reading described in the Report of the National Reading Panel.

3.08 "Arkansas Comprehensive Assessment Program" – means the testing component of Arkansas Comprehensive, Testing, Assessment and Accountability Program, which shall consist of developmentally appropriate assessments for kindergarten, Grades one and two, national norm-referenced tests in Grades 3 through 9, any other assessments as required by the State Board of Education, criterion-references tests for Grades 3 through 8, or other assessments which are based on researched best practices as determined by qualified experts which would be in compliance with federal and state law, End-of-Course tests for designated grades and content areas, and the high school literacy test.

3.09 "Arkansas Comprehensive Testing, Assessment and Accountability Program" – means a comprehensive system that focus on high academic standards, professional development, student assessments, and accountability for all schools.

3.10 "Arkansas Comprehensive School Improvement Plan (ACSIP)" – a plan developed by a local school team based on an analysis of student performance data and other relevant data that provides a plan of action to address deficiencies in student performance as evidenced in the Arkansas Comprehensive Assessment Program as defined in Section 3.08. This plan shall be reviewed annually and monitored at least every two years. Components of the plan include professional development, technology, and materials and resources necessary to carry out the activities of the plan. Additionally, this plan shall become the application for all instructional federal programs as administered by the Department of Education.

3.11 "Awards" – financial or other recognition of a public school structured to recognize schools that demonstrate and maintain high performance over time and to recognize schools that demonstrate growth on the state-mandated indicators. Awards also can be used to highlight individual schools so that their practices can be adopted in other schools and districts across the state.

3.12 "Benchmarks/Grade-Level Benchmarks" – Academic Content Standards and/or grade-level statements of what a student should know and be able to do. The Grade-Level Benchmarks provide guidance to classroom teachers in planning instruction aligned with the Academic Content Standards.

3.13 "Board" – The Arkansas State Board of Education.

3.14 "Criterion-Referenced Test (CRT)" – an assessment required by state statute, rule or regulation which is designed by the State to measure student performance/achievement on the State's Academic Content Standards.

3.15 "Department" – The Arkansas Department of Education.

3.16 "District Improvement Plan" – a compilation of the individual school improvement plans which align the district's resources to meet the needs of the individual school's plans. The main focus of the district improvement plan shall be to ensure that all students have an opportunity to demonstrate proficiency on all portions of state-mandated criterion-referenced assessments.

3.17 "Early Intervention" – a short-term, intensive, focused individualized instruction developed from ongoing, daily, systemic assessment that occurs while a child is in the initial, kindergarten through grade one (K -1), stages of learning.

3.18 "Elementary School" – public school(s) having some combination of grades kindergarten through four (K – 4).

3.19 "End-of-Course Exam" – a criterion-referenced assessment taken upon the successful completion of a course of study to determine whether a student demonstrates, according to a requisite scale score established by rule of the Board, attainment of necessary knowledge and skills.

3.20 "Essential Elements – Early Reading"
Comprehension – Understanding and remembering what is read
Decoding and Word Recognition (Phonics) – Recognizing words accurately, fluently, and independently
Fluency – Ability to read text accurately, quickly and with expression
Phonemic Awareness – Ability to hear and manipulate the sound structure of language
Vocabulary – Words that must be known to communicate effectively

3.21 "Grade Level" – performance of a student (or group of students) at the proficient level on benchmark assessments at the specified grade that is age-appropriate for that student(s).

3.22 "High School" – public school(s) having some combination of grades 9 – 12.

3.23 "Intensive Reading Improvement Plan (IRI)" – An intervention program for any K-2 student identified with substantial reading difficulties.

3.24 "Longitudinal Tracking" – means tracking individual student yearly academic achievement gains based on scheduled and annual assessments.

3.25 "Middle School" – public school(s) having some combination of grades five through eight (5 – 8).

3.26 "Norm-Referenced Test (NRT)" – an assessment required by state law, rule or regulation to measure the performance/achievement of Arkansas students relative to the achievement of students who comprised the norm or standardization group for a particular commercial instrument.

3.27 "Participation in Remediation" The amount of student involvement required in a student academic improvement plan that addresses those deficiencies for that student.

3.28 "Pass Rate" – The pass rate for the Benchmark Exams and the developmental appropriate assessments for K – 2 shall be proficiency. However, the pass rate for end-of-course and high school literacy shall be those scores established and independently approved by the State Board of Education. (See 6.03 for the proficiency definition)

3.29 "Public School District/Public School" – those school districts and schools (including open-enrollment charter schools) created pursuant to Title 6 of the 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 §6-15-501; §9-28-205, and §12-29-301 through §12-29-310, or other provisions of Arkansas law.

3.30 "Remediation" – a process of providing corrective, specialized supplemental instruction to help a student overcome academic deficiencies pursuant to their student academic improvement plan.

3.31 "Safe Harbor" – An alternate method of demonstrating Adequate Yearly Progress under the No Child Left Behind Act determined by decreasing the percent of students not performing at the proficient level on the Criterion Referenced Assessments by at least ten percent. Safe Harbor can only be applied if the school meets the secondary indicator condition and tests 95% or more of eligible students.

3.32 "Sanction" – intervention by the state to assist teaching and learning at a public school or a public school district that fails to meet expected performance goals on the state-mandated criterion-referenced assessments and/or other indicators.

3.33 "School Improvement" – the initial classification applied to a school that fails to meet adequate yearly progress for two successive years.

3.34 "Starting Point" – a specific figure for grade-level clusters K- 5, 6-8, and 9-12 in the content areas of literacy and mathematics which was derived by determining the school at the 20th percentile in the state based on total enrollment, among all schools ranked by the percentage of students at the proficient level, using data for the 2001-2002 school year or subsequent year for which there is a recalculation.

3.35 "Secure Examination or Assessment" – an assessment instrument, materials or other student achievement evaluation method required by State statute, rule or regulation that is administered to assess student performance or achievement and takes place on the dates specified on the testing/assessment calendar developed by the Commissioner of the Department.

3.36 "Substantial Reading Deficiency" – a determination for first and second grade students who score in the Below Basic Category on the State Reading Assessment in the previous school year and for kindergarten students who are rated as Delayed in both oral communication and written language on the Uniform Reading Scale (URS).

3.37 "Uniform Readiness Screening" - uniform, objective evaluation procedures specifically formulated for children entering public school for the first time that are intended for either kindergarten or first grade, as appropriate, and developed or adopted by the Board.

3.38 "Value-Added Computations of Student Gains" – statistical analyses of the educational impact of the school's instructional delivery system on individual student learning using a comparison of previous and post student achievement gains.

4.0 Academic Content Standards

4.01 The Board shall establish clear, specific, challenging academic content standards, which define what students shall know and be able to do in each content area.

4.02 The Board shall establish a schedule for periodic review and revision of academic content standards to ensure Arkansas academic content standards are rigorous and equip students to compete in the global workforce. For each review, the Department will provide the following:

4.02.1 Study and consideration of academic content standards from across the nation and international levels as appropriate;

4.02.2 Study and consideration of evaluations from national groups or organizations as appropriate;

4.02.3 Committees composed of Arkansas teachers and instructional supervisory personnel from public schools, assisted by teachers from institutions of higher education;

4.02.4 Review and input by the Departments of Higher Education and Workforce Education as well as community members; and

4.02.5 Public dissemination of revised academic content standards on the Department Website.

4.03 The Board shall provide for external review of revised standards by nationally recognized content experts in the discipline/area under consideration.

4.04 The Board shall establish a clear, concise system of reporting the academic performance of each school on the state's mandated criterion-referenced assessments and the norm-referenced assessments, which conform to current state and federal law.

4.05 Each local school/school district shall engage in a procedure that will assure that the academic standards for every level - grades kindergarten through twelve (K-12) are aligned and education and financial resources are aligned with student performance expectations at each level.

5.0 Arkansas Comprehensive Assessment Program

The Board shall establish a statewide assessment system for Grades K through 12 to be implemented in each public school in the State by the Department. All districts shall comply with the requirements of the assessment system. Failure to do so shall result in a recommendation to the Board for Probationary status or loss of accreditation as set out in the Standards for Accreditation, or for other intervention or sanction as allowed or required by these rules, state or federal law.

Local district school boards shall not establish school calendars that jeopardize or limit the valid testing and comparison of student learning gains.

5.01 Kindergarten, Grade One and Grade Two

5.01.1 The Board shall adopt and the Department shall implement a developmentally appropriate, uniform school readiness screening to validate a child's school readiness as part of a comprehensive evaluation decision. Beginning with the 2004-2005 school year and thereafter, the Department shall require that all school districts administer the uniform school readiness-screening instrument to each kindergarten student in the district prior to or upon the entry into kindergarten. Children who enter public school for the first time in first grade must be administered the uniform school readiness screening instrument as modified for use in first grade to determine placement.

5.01.2 Kindergarten, Grades 1 and 2: The Department shall select a developmentally appropriate assessment to be administered to all students in kindergarten, Grades one (1) and two (2) in reading and mathematics.

5.02 Criterion-Referenced Tests - Grades three through eight and high school

5.02.1 The Department shall develop and implement criterion-referenced assessments as follows: (1) Grades three (3) through eight (8) which measure application of knowledge and skills in reading and writing literacy and mathematics and science in Grades 5 and 7; (2) End-of-Course testing in Algebra I, geometry and Biology I (Biology begins in 2007-2008); (3) High school literacy that measures application of knowledge and skills in reading and writing literacy; and (4) social studies as funds are available and approved by the State Board of Education.

5.02.2 All criterion-referenced assessments shall be based on the Arkansas Curriculum Frameworks and Academic Content Standards.

5.02.3 All students in Grades 3 – 8 as well as all students enrolled in courses for which End-of-Course assessments are administered, shall take the criterion-referenced assessments on the testing dates established by the Department. This requirement includes the high school literacy assessment. This authority shall include field testing and any other requirements needed to establish fully-developed assessment instruments and methodologies.

5.02.4 Each school district shall administer criterion-referenced assessments to its students according to procedures established by the Commissioner of Education and specified in the applicable assessment administration materials.

5.02.5 Accounting for Students with Disabilities and Limited English Proficient Students

5.02.5.1 Each student in the specified grades shall participate as outlined in the test coordinator's handbook. A student shall participate in the Arkansas Alternate Assessment Program only upon the formal determination of :

5.02.5.1.1 The student's individual education program (IEP) committee, as documented in the student's individual educational program; or

5.02.5.2 The Individual Education Program (IEP) committee shall determine whether or not participation in the standard state assessment program is appropriate for students with IEPs. Students with disabilities for whom it is deemed inappropriate to take the standard state assessments (Benchmarks and End-of-Course) with the established accommodations shall participate in the Arkansas Alternate Assessment Program following the guidelines established by the Board.

5.02.5.3 Scores for students with disabilities shall be reported with other assessment results from the school.

5.02.5.4 LEP students shall participate in all required criterion referenced assessments. LEP students may access state approved accommodations provided such accommodations have been recommended by the language proficiency assessment committee and are used regularly in classroom instruction and assessment.

5.02.5.5 LEP students with less than one year in a U.S. school will not be required to take the State required literacy benchmark test or the High school literacy test. Districts may exercise this option. LEP students must take the appropriate mathematics test.

5.03 Norm-Referenced Assessments

5.03.1 The Board shall adopt a norm-referenced test to be administered in Grade 3 through Grade 9 in mathematics and reading, which shall be administered by the Department annually.

5.03.2 Each school district shall administer the norm-referenced assessments to its students according to procedures established by the Department and specified in the applicable test administration materials.

5.03.3 The Department shall establish mandatory training sessions for local district testing coordinators and other appropriate school personnel to ensure understanding of the norm-referenced assessments, proper administration of assessments, security, and effective use of the assessment reporting data to improve classroom instruction and learning.

5.04 National Assessment of Educational Progress

5.04.1 Selected schools shall participate in any or all components of the National Assessment of Educational Progress (NAEP).

5.04.2 Any school that fails to participate in the administration of any NAEP assessment shall be reported to the Board and may be subject to probationary status as set out in the Standards for Accreditation

5.05 Test Administration

5.05.1 The Department shall establish mandatory training sessions for local district testing coordinators and other appropriate school personnel to ensure understanding of the administration of assessments and effective use of assessment reporting data to improve classroom instruction and learning to provide program evaluation;

5.05.2 The superintendent or his/her designee in each school district shall be responsible for coordinating all local assessment activities including:

5.05.3 Scheduling testing times of all affected campuses according to the testing calendar developed by the Department;

5.05.4 Ensuring that security is maintained as specified in the appropriate testing administration materials;

5.05.5 Ensuring that all district personnel involved in the testing have been properly trained as specified by the Department;

5.05.6 Ensuring that all testing instruments are administered to all students according to the procedures established by the Commissioner of Education;

5.05.7 Ensuring that all assessment documents and student identification information are properly and accurately coded; and

5.05.8 Attesting whether ALL students have participated in the appropriate grade-level assessment(s).

5.05.9 Recommending for adoption by local school boards a school calendar that in no way jeopardizes or limits the valid testing and comparison of students' learning gains.

5.05.10 The appropriate test administration materials shall specify any allowable accommodations available to students participating in the administration of standard state assessments.

5.05.11 All students enrolled in a State-tested grade shall be accounted for in the State Assessment System.

5.06 A Technical Advisory Committee composed of nationally-recognized testing experts and psychometricians shall be selected by the Commissioner of Education and shall advise the Department in all technical aspects of the assessment system.

5.07 Security and Confidentiality

5.07.1 Violation of the security or confidential integrity of any assessment is prohibited.

5.07.2 The Board shall sanction a person who engages in conduct prohibited by this section, as provided under Arkansas Code §6-17-405 and following the Process for Certificate Invalidation as approved by the Board. Additionally, the Board may sanction a school district and/or school in which conduct prohibited in this section occurs.

5.07.3 Procedures for maintaining the security and confidential integrity of all assessment instruments and procedures shall be specified in the appropriate test administration instructions. Conduct that violates the security or confidential integrity of an assessment is defined as any departure from either the requirements established by the Commissioner of the Department for the administration of

the assessment or from the procedures specified in the applicable test administration materials. Conduct of this nature may include, but is not limited to the following acts and omissions:

5.07.3.1 Viewing secure assessment materials;

5.07.3.2 Duplicating secure assessment materials;

5.07.3.3 Disclosing the contents of any portion of secure assessment materials;

5.07.3.4 Providing, suggesting, or indicating to an examinee a response or answer to any secure assessment items;

5.07.3.5 Aiding or assisting an examinee with a response or answer to any secure assessment item;

5.07.3.6 Changing or altering any response or answer of an examinee to a secure assessment item;

5.07.3.7 Failing to follow the specified testing procedures or to proctor students;

5.07.3.8 Failing to administer the assessment on the designated testing dates;

5.07.3.9 Encouraging or assisting an individual to engage in the conduct described in this subsection;

5.07.3.10 Failing to report to appropriate authority that an individual has engaged in conduct set forth is this section;

5.07.3.11 Failing to follow the specified procedures and required criteria for alternate assessments; or,

5.07.3.12 Failing to return the secured test booklets back to the testing company in a timely manner.

5.07.4 The superintendent of each school district shall develop procedures to ensure the security and confidential integrity of all assessment instruments and test items. The superintendent shall be responsible for immediately notifying the Department in writing of conduct that violates the security or confidential integrity of an examination or assessment.

6.0 Student Performance Levels

6.01 The Board shall establish four (4) performance levels for each criterion-referenced assessment administered as part of ACTAAP. The Board shall establish five (5) performance levels for the Alternate Assessment for Students with Disabilities as part of ACTAAP. Those performance levels shall be not evident, emergent, supported independence, functional independence, and independent. Performance levels shall be established for mathematics, reading/language arts and science independently. Additionally, the Board shall establish a pass rate for each end-of-course and high school literacy assessment.

6.02 The Board shall establish four (4) performance levels for Grades K-2 for the norm-referenced assessment administered as part of the Arkansas Comprehensive Assessment Program for reading and mathematics. The following numerical scores define those performance levels.

Mathematics Norm Referenced Assessment standard score cut scores*				
Grade	Below Basic	Basic	Proficient	Advanced
K	0-120	121-128	129-136	137-400
1	0-134	135-146	147-159	160-400
2	0-148	149-164	165-181	182-400

*Lowest possible standard score value is 80

Reading Norm-Referenced Assessment standard score cut scores*				
Grade	Below Basic	Basic	Proficient	Advanced
K	0-119	120-127	128-137	138-400
1	0-136	137-145	146-158	159-400
2	0-153	154-165	166-182	183-400

*Lowest possible standard score value is 80

6.03 Beginning in the 2009-2010 school year, all students in Grade 9 or below who are in enrolled in Algebra I are required to complete and meet the requisite scale score on the End-of-Course Algebra I Examination in order to receive an academic credit towards graduation. The Board shall establish a requisite scale score of student performance on the End-of-Course Algebra I Examination. The following numerical scores define those performance levels.

End-of-Course Algebra I Pass Scale Score	
Not Pass	**Pass**
158 and Below	**159 and Above**

6.04 The following numerical scores define the performance levels on the criterion-referenced assessments and on the Students with Disabilities Alternate Assessment for not evident, emergent, supported independence, functional independence and independent. Functional independence and independent are considered to be grade level.

Mathematics Criterion Referenced Assessments (Augmented Benchmark Exams) Scale Score Ranges				
Grade	Below Basic	Basic	Proficient	Advanced
3	0 - 408	409 - 499	500 - 585	586 & above
4	0 - 494	495 - 558	559 - 639	640 & above
5	0 - 543	544 - 603	604 - 696	697 & above
6	0 - 568	569 - 640	641 - 721	722 & above
7	0 - 621	622 - 672	673 - 763	764 & above
8	0 - 654	655 - 699	700 - 801	802 & above

Literacy Criterion Referenced Assessments (Augmented Benchmark Exams) Scale Score Ranges				
Grade	Below Basic	Basic	Proficient	Advanced
3	0 - 329	330 - 499	500 - 653	654 & above
4	0 - 353	354 - 558	559 - 747	748 & above
5	0 - 381	382 - 603	604 - 798	799 & above
6	0 - 416	417 - 640	641 - 822	823 & above
7	0 - 425	426 - 672	673 - 866	867 & above
8	0 - 506	507 - 699	700 - 913	914 & above

Science Criterion Referenced Assessments (Augmented Benchmark Exams) Scale Score Ranges				
Grade	Below Basic	Basic	Proficient	Advanced
5	0 - 153	154 - 199	200 - 249	250 & above
7	0 - 151	152 - 199	200 - 249	250 & above

End-of-Course Algebra I Scale Score Ranges			
Below Basic	Basic	Proficient	Advanced
0 - 151	152 - 199	200 - 249	250 & above

End-of-Course Geometry Scale Score Ranges			
Below Basic	Basic	Proficient	Advanced
0 - 151	152 - 199	200 - 249	250 & above

End-of-Course Biology Scale Score Ranges			
Below Basic	Basic	Proficient	Advanced
0 - 145	146 - 199	200 - 249	250 & above

Grade 11 Literacy Scale Score Ranges			
Below Basic	Basic	Proficient	Advanced
0 - 168	169 - 199	200 - 249	250 & above

Mathematics Alternate Assessment for Students with Disabilities Scale Score Ranges					
Grade	Not Evident	Emergent	Supported Independence	Functional Independence	Independent
3	520 - 672	673 - 703	704 - 708	709 - 723	724 - 733
4	523 - 673	674 - 707	708 - 712	713 - 721	722 - 736
5	545 - 674	675 - 708	709 - 713	714 - 725	726 - 733
6	535 - 677	678 - 708	709 - 714	715 - 722	723 - 731
7	478 - 675	676 - 705	706 - 713	714 - 720	721 - 731
8	484 - 697	698 - 717	718 - 725	726 - 727	728 - 738

Literacy Alternate Assessment for Students with Disabilities Scale Score Ranges					
Grade	Not Evident	Emergent	Supported Independence	Functional Independence	Independent
3	487- 663	664 - 685	686 - 710	711 - 730	731 - 734
4	503 - 672	673 - 692	693 - 712	713 - 727	728 - 733
5	545 - 664	665 - 692	693 - 717	718 - 730	731 - 735
6	518 - 637	638 - 684	685 - 709	710 - 721	722 - 732
7	464 - 620	621 - 674	675 - 708	709 - 722	723 - 736
8	442 - 622	623 - 690	691 - 719	720 - 726	727 - 742

Science Alternate Assessment for Students with Disabilities Scale Score Ranges					
Grade	Not Evident	Emergent	Supported Independence	Functional Independence	Independent
5	563 - 700	701 - 718	719 - 723	724 - 730	731 - 736
7	490 - 670	671 - 688	689 - 705	706 - 720	721 - 733

Grade 9 Mathematics Alternate Assessment for Students with Disabilities Scale Score Ranges				
Not Evident	Emergent	Supported Independence	Functional Independence	Independent
0 - 99	100 -149	150 -199	200 - 249	250 - 300

Grade 11 Literacy Alternate Assessment for Students with Disabilities Scale Score Ranges				
Not Evident	Emergent	Supported Independence	Functional Independence	Independent
483 - 595	596 - 655	656 - 680	681 - 692	693 - 740

Science Grade 10 Alternate Assessment Scale Score Ranges				
Not Evident	Emergent	Supported Independence	Functional Independence	Independent
486 - 600	601 - 664	665 - 692	693 - 715	716 - 742

7.0 Student Accountability

7.01 By the year 2013-2014 all students are expected to perform at the proficient level or above.

7.02 Beginning with the 2005-2006 school year, a) students identified as failing to achieve at the proficient level on the State 2004-2005 or any subsequent mandated CRT (as referenced in Section 6.03 tables: Mathematics Criterion Referenced Assessments, Benchmarks, raw score points and Literacy Criterion Referenced Assessments, Benchmarks, raw score points, etc.); b) students in Grade K scoring delayed on either written language or oral communications and scoring delayed in mathematics on the state mandated uniform readiness screening (as referenced in Sections 3.36 and 3.37 Uniform Readiness Screening); and c) students in Grades 1 and 2 not scoring proficient on the state mandated NRT(as referenced in Section 6.02 tables, Mathematics Norm Referenced Assessment standard score cut scores and Reading Norm-Referenced Assessment standard score cut scores), shall be evaluated by school personnel, who shall jointly develop, a remediation plan with the student's parents. The remediation plan (AIP or if appropriate IRI) will assist the student in achieving the expected standard and will describe the parent's role and responsibilities as well as the consequences for the student's failure to participate in the plan.

7.02.1 The AIP shall be prepared using the format designed by the Department of Education. However, the local school may adjust the format as deemed necessary.

7.02.2 The AIP shall be developed cooperatively by appropriate teachers and/or other school personnel knowledgeable about the student's performance or responsible for the remediation in consultation with the student's parents. An analysis of student strengths and deficiencies based on test data and previous student records shall be available for use in developing the Plan. The plan shall be signed by the appropriate school administrator and the parent/guardian.

7.02.3 The AIP should be flexible, should contain multiple remediation methods and strategies, and should include an intensive instructional program different from the previous year's regular classroom instructional program. Examples of strategies and methods include, but are not limited to, computer assisted instruction, tutorial, extended year, learning labs within the school day, Saturday school, double blocking instruction in deficient areas during the school day, extended day etc.

7.02.4 The AIP shall include formative assessment strategies and shall be revised periodically based on results from the formative assessments.

7.02.5 The AIP shall include standards-based supplemental/remedial strategies aligned with the child's deficiencies.

7.02.6 A highly qualified teacher and/or a highly qualified paraprofessional under the guidance of a highly qualified teacher shall provide instructional delivery under the AIP.

7.02.7 The AIP should contain an implementation timeline that assures the maximum time for remedial instruction.

7.02.8 AIPs should be individualized; however, similar deficiencies based on test data, may be remediated through group instruction.

7.02.9 In any instance where a student with disabilities identified under the Individuals with Disabilities Education Act has an Individualized Education Program (IEP) that already addresses any academic area or areas in which the student is not proficient on state-mandated criterion-referenced assessments, the individualized education program shall serve to meet the requirement of an AIP.

7.03 Retention for failure to participate in the Academic Improvement Plan

7.03.1 School districts shall notify parents, guardians or caregivers of remediation requirements and retention consequences for failure to participate in the required remediation at the beginning of the 2004-2005 school year. Beginning with the 2005-2006 school year, this information shall be included in the student handbook.

7.03.2 Beginning with the 2005-2006 school year, students in Grades three through eight, identified for an AIP who do not participate in the remediation program shall be retained. The local district shall determine the extent of the required participation in remediation as set forth in the student academic improvement plan.

7.03.3 Remedial instruction provided during high school years (Grades 7 – 12) may not be in lieu of English, mathematics, science or social studies, or other core subjects required for graduation.

7.03.4 Any student who does not score at the Proficient level on the criterion–referenced assessments in reading, writing and mathematics shall continue to be provided with remedial or supplemental instruction until the expectations are met or the student is not subject to compulsory school attendance.

7.03.5 Any student that has an AIP and fails to remediate, but scores at the Proficient level on the criterion-referenced assessments, shall not be retained.

7.03.6 Beginning in the 2005-2006 school year, students not proficient on the End-of-Course tests or on the high school Literacy test, shall participate in a remediation program to receive credit for the corresponding course.

7.03.7 Beginning with the 2009-2010 school year, students who fail to meet the pass rate on the end-of-course assessments shall not receive credit for the course until at least one of the following conditions 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.

7.03.7.1 The student is identified as meeting a satisfactory pass level on a subsequent end-of-course assessment.

7.03.7.1.1 No student that is identified as having failed to meet the satisfactory pass levels on an initial end-of-course assessment shall be entitled to take more than three (3) additional subsequent end-of-course assessments. ADE will determine annually the schedule for administration of additional assessments.

7.03.7.1.2 Prior to a student taking additional end-of-course assessments, the student shall be given a sufficient opportunity and time for remediation.

7.03.7.2 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 level on an Alternate assessment directly related to the Alternate exit course.

7.03.7.2.1 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 meet a satisfactory Alternate level score on a subsequent Alternate assessment.

7.03.7.2.2 Alternate exit courses may be offered through a distance learning class and may be offered outside the normal school day.

7.03.7.3 The student is identified as a student with disabilities who, because of the nature of the disabilities, cannot meet the requirements. In such case that student may graduate from high school by demonstrating alternate competencies or Alternate levels of competency as contained in the student's individualized education program.

7.04 The results of End-of-Course assessments shall become a part of each student's transcript or permanent record. Each course for which a student completes the assessment shall be recorded with the performance level (advanced, proficient, basic or below-basic).

7.05 The Department shall implement a statistical system that shall provide the best analysis of classroom, school, and school district effects on student progress based on established, value-added longitudinal calculations, which shall measure the difference in a student's previous year's achievement compared to the current year achievement for the purposes of improving student achievement, accountability, and recognition.

7.06 The approach used by the Department shall be in alignment with federal statutes and developed in 2004-2005 to collect data to allow research and evaluation of student achievement growth models.

7.07 The approach shall include value-added longitudinal calculations with sufficient transparency in the model's conception and operation to allow others in the field to replicate the results.

7.08 Reading Deficiency for Students in Kindergarten through Grade Two

7.08.1 Beginning with the 2005-2006 school year, any student who exhibits a substantial reading deficiency shall be provided intensive reading instruction utilizing a scientifically-based reading program. The intensive instruction shall systematically, explicitly, and coherently provide instruction in the five essential elements of reading as defined in Section 3.20.

7.08.2 During the 2005-2006 school year, the State Board of Education shall establish performance levels for kindergarten, Grade 1 and Grade 2 that define substantial difficulties in reading based on the State mandated, developmentally appropriate assessment. The State mandated Uniform Screening Readiness (USR) instrument shall be used to determine substantial reading difficulty for kindergarten students.

7.08.3 Beginning with the 2005-2006 school year, all kindergarten students exhibiting substantial difficulties in reading will be evaluated by school personnel for the purpose of diagnosing specific reading difficulties. This evaluation will occur within 30 days of receiving the USR results.

7.08.4 Beginning with the 2005-2006 school year, within 30 days of the beginning of school, Grade 1 and Grade 2 students exhibiting substantial difficulties in reading will be evaluated by school personnel for the purpose of diagnosing specific reading difficulties. However, in those school years in which the State Board of Education shall revise the performance levels schools shall be allowed 30 days from the date of the final approval to conduct the evaluation.

7.08.5 The evaluation shall include the Dynamic Indicators of Basic Early Literacy Skills (DIBELS).

7.08.6 Beginning with the 2005-2006 school year, school personnel shall develop an Intensive Reading Improvement plan (IRI) that describes the intervention program for any student identified with substantial reading difficulty. The IRI shall be developed cooperatively by appropriate teachers and/or other school personnel knowledgeable about the student's performance or responsible for remediation.

7.08.7 The IRI shall contain an implementation timeline that assures the maximum time for remedial instruction. The intervention shall occur during the regular school day whenever possible, but may include extended day when appropriate. The intervention shall supplement, and not supplant, core classroom instruction.

7.08.8 The IRI shall include valid and reliable progress monitoring assessments to measure student growth toward the grade level benchmarks in each essential element of reading.

7.08.9 The intensive reading instruction provided under the IRI shall utilize strategies that are aligned with scientifically-based reading research.

7.08.9.1 The intensive instruction shall systematically, explicitly and coherently provide instruction in the five essential areas of reading. The intensity and focus of the instruction shall be based on the evaluation results, teacher observation, and data from progress monitoring assessments. The intervention plan shall be revised periodically to reflect student needs as indicated on progress monitoring assessments.

7.08.9.2 The IRI should be individualized; however, similar deficiencies may be remediated through group instruction.

7.08.9.3 A highly qualified teacher and/or a highly qualified paraprofessional under the guidance of a highly qualified teacher shall provide instruction under the IRI.

7.08.9.4 The intervention shall continue until the child has reached grade level benchmarks in all essential areas of reading.

7.08.10 Student achievement in each of the essential elements shall be monitored monthly after students complete the intervention. Students who are not meeting current expectations shall be provided additional interventions.

7.08.11 In any instance where a student with disabilities identified under the Individuals with Disabilities Act has an IEP that already addresses reading deficiencies, the individual education program shall serve to meet the requirements of the IRI.

7.09 The parent or guardian of any student identified with a substantial reading deficiency shall be notified in writing to include the following:

7.09.1 That the child has been identified as having a substantial deficiency in reading;

7.09.2 A description of the current services that are provided to the child; and,

7.09.3 A description of the proposed supplemental instructional services and supports that will be provided to the child that are designed to remediate the identified area of reading deficiency.

8.0 School Accountability

8.01 The Department of Education shall provide analyses of data produced by the Arkansas Comprehensive Assessment Program and other reliable measures of student learning to determine classroom, school, and school district academic performance.

8.02 Student performance trend data shall be one of the components used in developing objectives of the school improvement plan, internal evaluations of instructional and administrative personnel, assignment of staff, allocation of resources, acquisition of instructional materials and technology, performance-based budgeting, and assignment of students into educational programs of the local school program.

8.03 Each school shall develop one (1) Arkansas Comprehensive, School Improvement Plan (ACSIP) focused on student achievement. This requirement is intended to focus the school/school district annually on the school's performance data for the purposes of improved student performance, based on data and the performance of students on the state assessment system.

8.04 The purpose of ACSIP is to provide equal opportunity for all students, including identifiable subgroups, to meet the expected performance levels established by the Board on all State assessments.

8.05 Consistent with the No Child Left Behind Act, each school must make adequate yearly progress (AYP), based primarily on the administration of the criterion-referenced assessments described in Section 5.02. In order to make AYP, a school or school district must—

- Demonstrate that at least 95 percent of all students and of students in each applicable subgroup, as provided in Section 8.06, at the tested grade levels, participated in the assessments;

- Meet or exceed the annual measurable performance levels described in Section 904.5, based on the percentages of students scoring proficient or above on the assessments, overall and for each applicable subgroup; or alternatively, if the total group or any subgroup does not meet the annual measurable performance levels, demonstrate that the percentage of students in that subgroup who did not meet the proficient level for that year decreased by 10 percent of that percentage from the preceding school year and that the subgroup made progress on one additional academic indicator; and

- Show progress for all students on an additional academic indicator, which shall be graduation rate for high schools and percent attendance for elementary and middle schools.

8.06 The following subgroups must be included in the school/school district data disaggregation:

8.06.1 Students with Disabilities
8.06.2 Students who are English Language Learners
8.06.3 Economically Disadvantaged Students
8.06.4 Ethnic Subgroups
    8.06.4.1 Caucasian
    8.06.4.2 African American
    8.04.4.3 Hispanic

8.07 A school must meet AYP criteria overall and for each of these subgroups that meets the minimum group size as determined by the Department of Education and approved by the U.S. Department of Education.

8.08 The Department will determine AYP separately for mathematics and literacy, using appropriate statistical treatments. Based on the single statewide starting point described in this section, annual performance levels assure that ALL students will reach proficient by school year 2013-2014.

8.09 The Department will determine for each school in the state the percent of students performing at the proficient or advanced levels. This percentage will be determined by computing the sum of students proficient or advanced for the current year or the most recent three years across each grade for which there is a criterion-referenced assessment. That sum is divided by the total number of students assessed for that year or across those three years and grades. This number shall include students taking

alternate assessments. The percentage shall be determined separately for mathematics and reading/literacy.

8.10 The AYP starting point regarding percent proficient on state assessments will be determined for grade-level clusters K- 5; 6 – 8; and 9 – 12 and separately for mathematics and reading/literacy.

8.11 The AYP starting point will be determined by ranking each school within the grade-level by the percent proficient. Additionally, the ranking will include the total student enrollment for those grades using October 1, 2002, data or October 1 of a subsequent year for which there is a recalculation.

8.12 The Department will determine the school that contains the 20th percent student of total enrollment – starting from the school with the lowest percent proficient and counting upward. The percent proficient of that school becomes the "starting point" for determining AYP for that grade-level cluster and content area.

8.13 The following table establishes the starting point and projected performance level for each year of the twelve years addressed by the No Child Left Behind Act.

Calculating AYP and Annual Expected Performance Levels

	K-5 Math	K-5 Literacy	6-8 Math	6-8 Literacy	9-12 Math	9-12 Literacy
Year 05-06	40.00	42.40	29.10	35.20	29.20	35.50
Year 06-07	47.50	49.60	37.96	43.30	38.05	43.56
Year 07-08	55.00	56.80	46.83	51.40	46.90	51.63
Year 08-09	62.50	64.00	55.69	59.50	55.75	59.69
Year 09-10	70.00	71.20	64.55	67.60	64.60	67.75
Year 10-11	77.50	78.40	73.41	75.70	73.45	75.81
Year 11-12	85.00	85.60	82.28	83.80	82.30	83.88
Year 12-13	92.50	92.80	91.14	91.90	91.15	91.94
Year 13-14	100.00	100.00	100.00	100.00	100.00	100.00

8.14 Each year, in determining whether a school has met the target of percent proficient for that school year as listed on the chart, the Department shall compare the school's percent proficient in the appropriate grade-level cluster and content area with the statewide projected goal for that year. A school shall be deemed to have met AYP for a particular year for a particular grade-level cluster and content area as long as the school attains at least the statewide projected goal.

8.15 Schools/School Districts failing to meet expected performance standards as established by the Board shall be subject to sanctions as specified in school improvement or academic distress.

8.16 Schools/School Districts exemplifying exceptional performance levels and/or growth patterns shall be recognized for exemplary performance and will be eligible to participate in the rewards program.

9.0 Accountability

Schools failing to meet Adequate Yearly Progress as determined under these Rules shall be classified subject to the following consequences.

9.01 A school will be identified in alert status if it has not made AYP in the same subject (Mathematics or Literacy) for one year.

9.02 A school will be identified as in Improvement Status if it has not made AYP in the same subject (Mathematics or Literacy) for two consecutive years.

9.03 A school in Alert Status or Improvement Status that fails to make AYP, but does not fail to make AYP in the same subject for two consecutive years, will remain in its existing status for the following school year.

9.04 The first year a school fails to meet expected performance levels, that school shall be classified as on Alert Status. Any school classified on Alert Status shall be required to review and/or revise the school's ACSIP Plan with special attention given to State designated subgroup(s) which failed to meet expected performance levels.

9.05 The local school board president and the superintendent of a public school or school district identified by the Department in school improvement shall be notified in writing by the Department, via certified mail, return receipt requested, and the school district shall have a right to appeal to the Commissioner of the Department. The written appeal must be received in the Office of the Commissioner of Education within thirty (30) calendar days of the receipt of notice.

9.06 The second year a school fails to make Adequate Yearly Progress, that school shall be classified as Year 1 of School Improvement. Any school classified in Year 1 of School Improvement shall offer eligible students choice options to another school in the district not in school improvement.

9.07 The third year a school fails to make Adequate Yearly Progress, that school shall be classified as Year 2 of School Improvement. Any school classified in Year 2 of School Improvement shall offer eligible students supplementary educational services in keeping with federal guidelines in addition to continued consequences from Year 1 of School Improvement.

9.08 Should a school fail to make Adequate Yearly Progress in the fourth year, the Board shall advance that school into corrective action. Schools in corrective action must continue to offer consequences from School Improvement Year 2 and the school must implement a plan, with the approval of the Department, having specified corrective actions.

9.09 Should a school fail to make Adequate Yearly Progress in the fifth year, the Board shall advance that school into restructuring. In restructuring the Department may require the school to dismiss staff and administrators, annex the school to another school that is not in school improvement, and/or take other such action as deemed necessary by the Department and the Board.

9.10 Once a school has been identified in school improvement, that school must meet the standard(s) for which it failed to meet for two consecutive years to be considered for removal.

9.11 Schools that receive Title I funds must meet all funding requirements as specified by federal guidelines. Schools that do not receive Title I funds must implement programming in keeping with the school's ACSIP Plan as revised.

9.12 Beginning with the 2006-2007 school year, schools designated in year three, four or five school improvement shall participate in a scholastic audit conducted by the Department of Education (or its designees).

19.12.1 Results of the scholastic audit shall be presented to the superintendent within four (4) weeks of completing the scholastic audit. The audit shall make recommendations to improve teaching and learning for inclusion in the comprehensive school improvement plan.

9.13 School Performance Rating System

9.13.1 The Department of Education will establish a working task force during the 2004-2005 school year to assist in the development of the rating system. The task force shall include educators, parents, and business/community stakeholders. In order to keep the rating system reliable and valid, a Technical Advisory Committee composed of nationally recognized accountability experts, statisticians, and psychometricians shall be selected by the Commissioner of Education and shall advise the Department in all technical aspects of the accountability system. The rating system shall include the establishment of a performance level and an improvement level. The improvement level shall be

assigned in the 2007-2008 school year and the performance level shall be assigned no later than the 2009-2010 school year. The ADE will implement a pilot system of performance levels required by A.C.A. § 6-15-1903, at least one (1) year prior to the year of implementation required by law. The performance level designations may be applied to any school district requesting to be classified by such performance designations as allowed by A.C.A. § 6-15-1903 (b) (1).

9.14 Performance Category Levels

9.14. 1 The Department of Education shall prepare an annual report, which shall describe the school rating system. The annual report shall designate two (2) category levels for each school. The first category, annual performance, is based on the performance from the prior year on the criterion-referenced test and end–of–course exams. The second category, growth, shall be based on the schools' improvement gains tracked longitudinally and using value-added calculations on the criterion-referenced assessment

9.14.2 The initial annual report shall identify schools as being in one (1) of the following annual performance category levels, based on the criterion-referenced Benchmark exams, as defined in 6-15-404(g) (1), and defined according to rules of the State Board of Education:

(1) "Level 5", schools of excellence;
(2) "Level 4", schools exceeding the standards;
(3) "Level 3", schools meeting the standards;
(4) "Level 2", schools on alert; or
(5) "Level 1", schools in need of immediate improvement.

9.15 For the years 2004-2005 through 2008-2009, school will not be assigned annual school performance category levels, unless an annual performance category levels is requested by the school.

9.16 Annual School Performance Rating: Weighted Average Approach

9.16.1 Since the ACTAAP testing program in Arkansas was designed as a criterion-referenced assessment system with performance standards, the standards for student performance can be used to develop a rating index of school performance.

9.16.2 Numerical values to be used as weighting factors can be assigned to each students' performance category (Advanced = 4; Proficient = 3; Basic = 2; Below Basic = 1)

9.16.3 With these weights assigned to the performance levels, a performance index for the school can be computed by multiplying the weights of the performance levels times the number of students scoring in the performance category.

9.16.4 The sum of the weighted student performance for each subject and grade in the school is divided by the total number of students testing the subjects and grades. The resulting average for the school is an index of performance that will range between 1.0 and 4.0.

9.17 Achievement Rating Weighted Average Approach

9.17.1 Assigned the following points:

4 points per student scoring in the advanced category,
3 points per student scoring in the proficient category;
2 points per student scoring in the basic category,
1 point per student scoring in the below basic category.

Points = Number of student scoring in category X points assigned to categories

9.17.2 Example

Number of Students	Scoring Category	Points Assigned to Categories	Total
10	Advanced	4	40
30	Proficient	3	90
40	Basic	2	80
20	Below Basic	1	20
Total points for the school for all categories			230

9.18 Achievement Rating: Weighted Average Approach Calculation

9.18.1 To calculate the rating score for each school, divide the total point for the school by the number of students in the school.

Points Received	Number of Students	Rating
230	100	2.3

9.18.2 At the direction of the state board, a panel of stakeholders was convened to review the statewide performance of schools and conduct the standard setting process. In the school standard setting process, stakeholders representing administrators, teachers, business, parents, and school board members served as panelists to decide on the quality level represented by various points within the distribution of school index scores. The state board reviewed and adopted the following standards recommended by the stakeholder's advisory panels for the annual performance rating.

Standard Setting Recommendations Stakeholder Advisory Panels

Cut Scores	Cut 1/2	Cut 2/3	Cut 3/4	Cut 4/5
Administrators	1.7	2.19	2.76	3.02
Teachers	1.6	2.25	3.0	3.5
Business	1.735	2.145	2.7	3.365
Parents	1.75	2.2	2.65	3.0
School Board	1.81	2.30	2.87	3.30
Median	1.735	2.2	2.755	3.300
Average	**1.719**	**2.21**	**2.79**	**3.23**

9.18.3 After the rating score has been calculated for each school, schools may calculate their annual performance level by locating the established performance standard (cut score) for placing each school in one of five performance categories.

9.18.4 In the example below, if the rating score of the school is between 3.5 and 4.0, it will be in the "schools of excellence" performance category level.

Expert Panel Cut Scores	Performance Categories
3.23 – 4.0	Schools of excellence
2.79 – 3.22	Schools exceeding the standards
2.21 – 2.78	Schools meeting standards
1.719 – 2.20	Schools approaching the standards (alert)
1.0 – 1.718	Schools in need of immediate improvement

9.18.5 The second category, growth, available in 2007-2008, shall be based on the schools' improvement gains tracked longitudinally and using value-added calculations on the criterion-referenced assessment. The working taskforce shall continue to assist in the rating system during the establishment of the second category.

9.19 School Choice

9.19.1 For all schools that have received an annual performance category levels of Level 1 for two (2) consecutive years, the students in these schools shall be offered the opportunity public school choice option with transportation provided pursuant to A.C.A. § 6-18-227 et seq.

9.20 Supplemental Educational Services

9.20.1 In addition, the school district board shall provide supplemental educational services, approved by the State Board, to affected students.

9.21 Recognition Awards

9.21.1 Schools that receive an annual performance category level of Level 5 or Level 4 are eligible for school recognition awards and performance-based funding pursuant to A.C.A. § 6-15-1907.

9.22 Sanctions

9.22.1 Any school or district that is involved in substantiated test security violations will not be eligible to receive the “school of excellence” performance rating.

10.0 School District Accountability

10.01 The Department annually reviews each district to determine whether it is making AYP in the following way.

10.01.1 Determine the collective status for all the schools within a district within each grade-level grouping (k-5; 6-8 and 9-12)

10.01.2 Determine the district percent of participation across each grade level group

10.01.3 Determine the district status on secondary indicator across each grade-level group.

10.01.4 A district shall be in school improvement when all levels within a district fail to meet performance standards for two consecutive years in the same subject. A district having status of School Improvement shall be removed from that status when any one level meets the performance standard for two consecutive years in that subject.

10.02 Before identifying a district for district improvement, the Department will provide the district with an opportunity to review the data on which the identification is based. The district may appeal the identification, and the Department will decide the appeal within 30 days.

10.03 Each district identified for school improvement shall within three months of identification develop or revise a district improvement plan that complies with the requirements of the No Child Left Behind Act, including the requirement that it spend not less than 10% of its Part A, Title I funds on professional development for each fiscal year in which the district is identified for improvement. The district shall initiate implementation of the plan expeditiously, but not later than the beginning of the next school year after the school year in which the district was identified for improvement. The Department will provide technical assistance to districts in developing and implementing improvement plans under this section.

10.04 Academic Distress – Procedures for Identification, Classification and Appeal of School Districts in Academic Distress

10.04.1 A school district for which 75% or more of the students completing the state's assessments perform at the below basic level shall be designated in Academic Distress. This computation shall collectively include students from each school in the district and from each grade for which a criterion-referenced assessment is given.

10.04.2 Within thirty calendar days (30) after the release of the state assessment results by the Department, the Department shall identify all school districts in Academic Distress and shall notify in writing each school district superintendent and board president via certified mail, return receipt requested.

10.04.3 A school district may appeal a determination of the Department identifying the district as an Academic Distress school district by filing an appeal in writing in the Office of the Commissioner of the Department within (30) calendar days after receiving the notification, justifying why the district should not be identified as being in Academic Distress.

10.04.4 The Board shall render a written decision of a classification on a district's appeal of identification as an Academic Distress school district within sixty (60) calendar days of the district's written request.

10.04.5 The decision of the Board shall be final with no further right of appeal, except a school district may appeal to the Circuit Court of Pulaski County pursuant to the Administrative Procedures Act, A.C. A. §25-15-201 et seq.

10.05 Time Limitation of Academic Distress Status

10.05.1 A public school district identified as in academic distress shall have no more than two (2) consecutive school years beginning on July 1 following the date of notice of identification to be removed from academic distress status.

10.05.2 The Board may at any time take enforcement action on any school district in academic distress status including, but not limited to, annexation, consolidation, or reconstitution of a school district pursuant to A.C.A. § 6-13-1401 et seq.

10.05.3 If a public school district fails to be removed from academic distress status within the allowed two (2) year time period, the Board shall annex, consolidate or reconstitute the academic distress school district prior to July 1 of the next school year unless the Board, at its discretion, issues a written finding supported by a majority of the board, explaining in detail that the school district could not remove itself from academic distress during the relevant time period due to external forces beyond the school district's control.

10.06 Procedures for assisting school districts in academic distress

10.06.1 Within thirty (30) calendar days of classification by the State Board, each Academic Distress school district shall develop and file with the Department a modified Comprehensive School Improvement Plan to target and address any area in which the district is experiencing academic distress.

10.06.2 Within fifteen (15) calendar days of classification by the State Board, the Department shall assign a team of educators to evaluate the district and determine the need for on-site technical assistance.

10.06.3 The team of educators shall evaluate and make recommendations to the district superintendent within sixty (60) calendar days following the district's classification as an Academic Distress school district.

10.06.4 School districts classified as Academic Distress shall provide access to all district assessment, instruction, personnel and academic records and reports to assist the team in the formulation of the recommendations for improvement.

10.06.5 The Department with assistance from the team of educators shall review the data relative to the academic status and performance of students in the Academic Distress school district.

10.06.6 Following the on-site review, the team of educators will submit a written set of recommendations to the Academic Distress school district.

10.06.7 The Department shall provide relevant technical assistance to each identified school district based upon the needs identified in the Comprehensive School Improvement Plan.

10.08 Procedures for evaluating and removal of school districts from academic distress status

10.08.1 The Department shall review and annually report to the Board the academic conditions existing in each Academic Distress school district and determine whether the district is making progress and has fewer than 75% of the students performing in the below basic performance level.

10.08.2 A school district designated in Academic Distress shall be removed from Academic Distress only if fewer than 75% of the students perform below basic for two consecutive years.

11.0 Board Authority

11.01 The Board shall have the following authority regarding any public school district in academic distress:

11.01.1 Require the superintendent of the school district to relinquish all authority with respect to the district, to appoint an individual to administratively operate the district under the supervision of the Commissioner of the Department, with the cost to be paid from school district funding;

11.01.2 Suspend or remove some or all of the current board of directors and call for the election of a new school board for the school district in which case the school district shall reimburse the county board of election commissioners for election costs as otherwise required by law.

11.01.3 Allow the school district to operate without the local school board under the supervision of the local school district administration or an administration chosen by the Commissioner of the Department.

11.01.4 Waive the application of Arkansas law, with the exception of the Teacher Fair Dismissal Act of 1983, A.C.A. § 6-17-1501 et seq., and the Public school Employee Fair Hearing Act, A.C.A. § 6-17-1701 et seq., or Department Rules.

11.01.5 The Board has exclusive jurisdiction to determine the boundary lines of the receiving or resulting school district and to allocate assets and liability of the district.

11.01.6 Require the annexation, consolidation, or reconstitution of the public school district.

11.01.7 Take any other necessary and proper action as determined by the Board that is allowed by law.

11.01.8 After providing thirty (30) calendar days written notice, via certified mail return receipt requested, to a school district, the Department may petition the Board or the Board on its own motion, at any time, may take action pursuant to 11.0 as allowed by Act 1467 of 2003, in order to secure and protect the best interest of students in the public school district or to secure and protect the best interest of the educational resources of the state.

11.01.9 The School District shall have a right of appeal to a public hearing before the Board after filing a written notice of appeal with the office of the Commissioner of the Department at least thirty (30) calendar days prior to the appeal hearing.

11.01.10 The State Board shall consolidate, annex or reconstitute a school district that fails to remove itself from the classification

of a school district in academic distress within two (2) consecutive school years of receipt of notice of identification unless the Board, at its discretion, issues a written finding supported by a majority of the Board, explaining in detail that the school district could not remove itself from academic distress due to impossibility caused by external forces beyond the school district's control.

11.01.11 After a public hearing, the Board shall consolidate, annex, or reconstitute the school district in academic distress to another non-academic distress school district upon a majority vote of a quorum of the members of the Board as permitted or required by this subchapter.

11.01.12 The Board's classification of a school district in Academic Distress shall be final except that the school district shall have a right of appeal to the Circuit Court of Pulaski County pursuant to the Arkansas Administrative Procedures Act, A.C.A. § 25-15-201 et seq.

12.0 School Choice and Academic Distress

12.01 Any student attending a public school district classified as being in academic distress shall automatically be eligible and entitled pursuant to A.C.A. § 6-18-206, the "Arkansas Public School Choice Act", to transfer to another geographically contiguous school district not in academic distress during the time period a district is classified as being in academic distress, and therefore, not be required to file a petition by July 1 but shall meet all other requirements and conditions of the Arkansas Public School Choice Act.

12.02 The cost of student transportation to the nonresident district shall be borne by the resident district.

12.03 The nonresident district shall count the student for average daily membership purposes.

13.0 Emergency Clause

WHEREAS, the score tables set out in these Rules are critical to the Arkansas public educational system in that without these tables Arkansas public school districts would not be aware of the relevant scores to be used by the Arkansas Department of Education in determining the various levels of student competency on standardized tests it will administer during the Spring 2010 testing cycle. Therefore, without the revisions to these Rules, The Arkansas Department of Education would be impeded in its ability to carry out the educational accountability provisions of Act 1467 of 2003 (the Quality Education Act), Act 35 of the Second Extraordinary Session of 2003, and Act 1307 of 2009, thus directly impacting the education of children in said school districts, which may impact the fiscal welfare, and peril of certain students. As a result, the Arkansas State Board of Education hereby determines that imminent peril to the schools and

school districts of this state, as articulated above, will exist if these Rules are not promulgated on an emergency basis. Therefore, pursuant to Ark. Code Ann. § 25-15-204, these Rules are to immediately take effect upon passage by the Arkansas State Board of Education.

State of Arkansas *As Engrossed: S4/2/09*

87th General Assembly

A Bill

Regular Session, 2009 HOUSE BILL 1959

By: Representatives Abernathy, Barnett, Betts, T. Bradford, Breedlove, J. Brown, J. Burris, M. Burris, Carnine, Carter, Cook, L. Cowling, Dale, Davenport, J. Dickinson, Dunn, Hopper, D. Hutchinson, Lindsey, Ragland, Reep, J. Rogers, Saunders, Slinkard, Summers, Tyler, B. Wilkins, Woods

By: Senators J. Jeffress, Altes, G. Baker, Bledsoe, Broadway, Bryles, Crumbly, Hendren, G. Jeffress, Salmon, Steele, D. Wyatt

For An Act To Be Entitled

AN ACT TO AMEND THE REQUIREMENTS FOR PUBLIC SCHOOL END-OF-COURSE ASSESSMENTS; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE REQUIREMENTS FOR PUBLIC SCHOOL END-OF-COURSE ASSESSMENTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 6-15-419 is amended to read as follows:

6-15-419. Definitions.

The following definitions shall apply in this subchapter and in ~~§§ 6-15-2001 et seq., 6-15-2101 et seq., 6-18-227, 6-15-2201, 6-15-2301, and 6-15-2401:~~ §§ 6-15-2001 et seq., 6-15-2101 et seq., 6-15-2301, 6-15-2401, and 6-18-227:

(1) "ACT" means the ACT assessment for college placement administered by ACT, Inc;

(2) "Academic content standards" means standards that are approved by the State Board of Education and that set the skills to be taught and mastery level for each grade and content area;

~~(2)(A)~~(3)(A) "Academic improvement plan" means a plan detailing

supplemental or intervention and remedial instruction, or both, in deficient academic areas for any student who is not proficient on a portion or portions of the state-mandated Arkansas Comprehensive Assessment Program.

(B)(i) Such a plan shall be created and implemented by appropriate teachers, counselors, and any other pertinent school personnel.

(ii) All academic improvement plans shall be ~~annually reviewed~~ reviewed annually and revised to ensure an opportunity for student demonstration of proficiency in the targeted academic areas on the next state-mandated Arkansas Comprehensive Assessment Program.

(iii) A cumulative review of all academic improvement plans shall be part of the data used by the school in creating and revising its comprehensive school improvement plan.

(iv) All academic improvement plans shall be subject to review by the Department of Education.

(C) In any instance in which a student with disabilities identified under the Individuals with Disabilities Education Act has an individualized education program that already addresses any academic area or areas in which the student is not proficient on state-mandated augmented, criterion-referenced, or norm-referenced assessments, the individualized education program shall serve to meet the requirement of an academic improvement plan;

~~(3)~~(4) "Adequate yearly progress" means ~~that~~ the level of academic improvement required of public schools or school districts on the state-mandated augmented, criterion-referenced, or norm-referenced assessments and other indicators as required in the Arkansas Comprehensive Testing, Assessment, and Accountability Program, which shall comply with the Elementary and Secondary Education Act as reauthorized in the No Child Left Behind Act of 2001;

(5) "Advanced placement test" means the test administered by the College Board for a high school level preparatory course that incorporates the topics specified by the College Board on its standard syllabus for a given subject area and is approved by the College Board;

~~(4)~~(6) "Annexation" means the joining of an affected school district or part of the school district with a receiving district under § 6-13-1401 et seq., or § 6-13-1601 et seq.;

~~(5)~~(7) "Annual improvement gains" or "student learning gains"

means calculating a student's academic progress from one (1) year to the next, based on a same series nationally normed assessment given in the same time frame from one (1) year to the next, used as a pre-post measure of learning for the content areas tested;

~~(6)~~(8) "Annual performance" means ~~that~~ the level of academic achievement required of public schools or school districts on the state-mandated augmented, criterion-referenced, or norm-referenced assessments;

~~(7)~~(9) "Arkansas Comprehensive Assessment Program" means the testing component of the Arkansas Comprehensive Testing, Assessment, and Accountability Program, which shall consist of:

(A) Developmentally appropriate augmented, criterion-referenced, or norm-referenced assessments in kindergarten through grade twelve (K-12), as determined by the state board;

(B) Any other assessments as required by the state board;

(C) Other assessments that are based on researched best practices as determined by qualified experts which would be in compliance with federal and state law; and

(D) End-of-course examinations for designated grades and content areas;

~~(8)~~(10) "Arkansas Comprehensive Testing, Assessment, and Accountability Program" means a comprehensive system that focuses on high academic standards, professional development, student assessment, and accountability for schools;

~~(9)~~(11) "Comprehensive school improvement plan" means the individual school's comprehensive plan based on priorities indicated by assessment and other pertinent data and designed to provide an opportunity for all students to demonstrate proficiency on all portions of the state-mandated Arkansas Comprehensive Assessment Program;

~~(10)~~(12) "Consolidation" means the joining of two (2) or more school districts or parts of the school districts to create a new single school district under § 6-13-1401 et seq. or § 6-13-1601 et seq.;

~~(11)(A)~~(13)(A) "District improvement plan" means a districtwide plan coordinating the actions of the various comprehensive school improvement plans within a school district.

(B) The main focus of the district improvement plan shall be to ensure that all students demonstrate proficiency on all portions of the

state-mandated Arkansas Comprehensive Assessment Program;

~~(12)(A)~~(14)(A) "Early intervention" means short-term, intensive, focused, individualized instruction developed from ongoing, daily, systematic diagnosis that occurs while a child is in the initial, kindergarten through grade one (K-1), stages of learning early reading, writing, and mathematical strategies to ensure acquisition of the basic skills and to prevent the child from developing poor problem-solving habits that become difficult to change.

(B) The goal is to maintain a student's ability to function proficiently at grade level;

~~(13) "End of course" means an examination taken at the completion of a course of study to determine whether a student demonstrates attainment of the knowledge and skills necessary to mastery of that subject;~~

(15) "General end-of-course assessment" means a criterion-referenced assessment taken upon successful completion of a course of study set by the State Board of Education:

(A) To determine whether a student demonstrates, according to a requisite scale score established by rule of the state board, attainment of sufficient knowledge and skills to indicate a necessary and satisfactory mastery of the subject level content in that end-of-course assessment; and

(B) For which failure to meet that requisite scale score requires sufficient remediation before a student is entitled to receive full academic credit for the course; and

~~(14)~~(16) "Grade inflation rate" means the statistical gap between actual grades assigned for core classes at the secondary level and student performance on corresponding subjects on nationally normed college entrance exams such as the ~~American College Test~~ ACT;

~~(15)~~(17) "Grade level" means performing at the proficient or advanced level on state-mandated Arkansas Comprehensive Assessment Program tests;

~~(16)~~(18) "High school" means grades nine through twelve (9-12);

(19) "High-stakes end-of-course assessment" means a criterion-referenced assessment taken upon the successful completion of both the Algebra I and the English II course of study under § 6-15-433(b)(3)(A)(iii):

(A) To determine whether a student demonstrates, according to a requisite scale score established by rule of the state board, attainment of sufficient knowledge and skills to indicate a necessary and satisfactory

passing standard of the subject level content in that particular end-of-course assessment; and

(B) For which failure to meet the requisite scale score requires that the student shall not receive academic credit for the course of study for which the assessment was taken until the student meets the requisite scale score on the initial, a subsequent, or an alternative high-stakes end-of-course assessment as allowed or required by Arkansas law or by state board rules;

(20) "International Baccalaureate assessment" means an assessment administered by the International Baccalaureate Organization for a course offered under the International Baccalaureate Diploma Program;

~~(17)~~(21) "Longitudinal tracking" means tracking individual student yearly academic achievement gains based on scheduled and annual assessments;

~~(18)~~(22) "Middle level" means grades five through eight (5-8);

~~(19)~~(23) "No Child Left Behind Act" means the No Child Left Behind Act of 2001 signed into federal law on January 8, 2002;

~~(20)~~(24) "Parent" means:

(A) A parent, parents, legal guardian, a person standing in loco parentis, or legal representative, as appropriate, of a student; or

(B) The student if the student is eighteen (18) years of age or older;

~~(21)~~(25) "Point-in-time intervention and remediation" means intervention and remediation applied during the academic year upon the discovery that a student is not performing at grade level;

~~(22)~~(26) "Primary" means kindergarten through grade four (K-4);

~~(23)~~(27) "Public school" means those schools or school districts created pursuant to Title 6 of the 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~~ under § 6-15-501, § 9-28-205, § 12-29-301 et seq., or other provisions of Arkansas law;

~~(24)~~(28) "Public school in school improvement" or "school in need of immediate improvement" means any public school or public school district identified as failing to meet certain established levels of academic achievement on the state-mandated augmented, criterion-referenced, or norm-

referenced assessments as required by the state board in the program;

~~(25)~~(29) "Reconstitution" means a reorganization intervention in the administrative unit or governing body of a public school district, including~~, but not limited to,~~ without limitation the suspension, reassignment, replacement, or removal of a current superintendent or the suspension, removal, or replacement of some or all of the current school board members, or both;

~~(26)(A)(i)~~(30)(A)(i) "Remediation" means a process of using diagnostic instruments to provide corrective, specialized, supplemental instruction to help a student in grades two through four (2-4) overcome academic deficiencies.

(ii) For students in grades five through twelve (5-12), remediation shall be a detailed, sequential set of instructional strategies implemented to remedy any academic deficiencies indicated by below-basic or basic performance on the state-mandated augmented, criterion-referenced, or norm-referenced assessments.

(B) Remediation shall not interfere with or inhibit student mastery of current grade level academic learning expectations;

(31) "SAT" means the college entrance examination known as the "Scholastic Assessment Test" administered by the College Board;

~~(27)~~(32) "School district in academic distress" means any public school district failing to meet the minimum level of academic achievement on the state-mandated augmented, criterion-referenced, or norm-referenced assessments as required by the state board in the program;

~~(28)~~(33) "School improvement plan" means the individual school's comprehensive plan based on priorities indicated by assessment and other pertinent data and designed to ensure that all students demonstrate proficiency on all portions of the state-mandated Arkansas Comprehensive Assessment Program examinations;

~~(29)~~(34) "Social promotion" means the passage or promotion from one (1) grade to the next of a student who has not demonstrated knowledge or skills required for grade-level academic proficiency;

~~(30)~~(35) "Uniform school readiness screening" means uniform, objective evaluation procedures that are geared to either kindergarten or first grade, as appropriate, and developed by the state board and specifically formulated for children entering public school for the first

time; and

~~(31)~~(36) "Value-added computations of student gains" means the statistical analyses of the educational impact of the school's instructional delivery system on individual student learning, using a comparison of previous and posttest student achievement gains against a national cohort.

SECTION 2. Arkansas Code § 6-15-433(a), concerning a statewide assessment program, is amended to read as follows:

(a) Upon approval by the State Board of Education or as required by law, the Department of Education shall implement a statewide program of educational assessment that provides information for the improvement of the operation and management of the public schools and tests the requisite knowledge and skills of students.

SECTION 3. Arkansas Code § 6-15-433(b)(3)(A), concerning a statewide assessment program, is amended to read as follows:

(3)(A) Implement student achievement testing as part of the statewide assessment program, to be administered annually to measure reading, writing, and mathematics and ~~that~~ includes:

(i) Developmentally appropriate testing for grades kindergarten through two (K-2);

~~(ii)(a)~~(ii) Either:

(a) Developmentally appropriate augmented, criterion-referenced, or norm-referenced assessments in kindergarten through grade twelve (K-12), as determined by the state board and as required by law; or

(b) Other assessments ~~which~~ that are based on researched best practices as determined by qualified experts ~~which~~ that would be in compliance with federal and state law;

(iii)(a) ~~Any other tests required by the state board; and~~ High-stakes end-of-course assessments administered under § 6-15-2009 for Algebra I and English II only.

(b) The state board shall identify by rule Algebra I and English II high-stakes courses and establish the high-stakes end-of-course assessments;

(iv) ~~End-of-course examinations shall be~~

~~administered for Algebra I, geometry, literacy, and other content areas as directed by the state board~~ General end-of-course assessments administered for other content course subject areas as determined by state board rule; and

(v) Any other assessments required by the state board.

SECTION 4. Arkansas Code § 6-15-2009 is amended to read as follows:

6-15-2009. Public School Assessments and Remediation.

(a)(1) Each student shall participate in the statewide program of educational assessment required in §§ 6-15-419, ~~and~~ 6-15-433, and this section, and by the State Board of Education.

(2) Each student in grades three through eight (3-8) shall participate in those benchmark assessments required in §§ 6-15-419 ~~and~~ 6-15-433, and this section and ~~as established~~ by the state board.

(3) Students in appropriate grades shall participate in ~~those~~ the general end-of-course assessments and high-stakes end-of-course assessments required by §§ 6-15-419 and 6-15-433 as established by the ~~State Board~~ state board and this section.

(4)(A) The state board shall determine ~~a satisfactory passing level~~ the requisite scale score of student performance on each assessment required in subdivisions (a)(1)-(3) of this section.

(B) The requisite scale score for any high-stakes end-of-course assessment shall be set only at the cut score necessary to demonstrate the minimum satisfactory passing level of that subject.

(5) The state board shall ~~promulgate the passing levels of student performance in rules and regulations~~ establish by rule the requisite scale score for a general end-of-course assessment and the requisite scale score for high-stakes end-of-course assessments.

(b)(1) Each student identified as not meeting the satisfactory pass levels in the immediate previously administered benchmark assessment shall participate in ~~his or her~~ the remediation activities as required in ~~his or her~~ the student's individualized academic improvement plan beginning in the school year the assessment results are reported.

(2) ~~If~~ The Department of Education may determine that an individualized education program for a student with disabilities identified under the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et

seq., ~~has an~~ meets the requirements of an individualized academic improvement plan under this section if the individualized education program ~~that~~ addresses ~~any~~ one (1) or more academic ~~area or~~ areas in which the student is not proficient on state-mandated augmented, criterion-referenced, or norm-referenced assessments~~, the individualized education program meets the requirements of an academic improvement plan under this section~~.

(3)(A) The public school district where the student is enrolled shall notify the student's parent, guardian, or caregiver of the parent's role and responsibilities as well as the consequences for the student's failure to participate in the plan.

(B) This notice may be provided via student handbooks issued to students.

(4) ~~Beginning with the 2005-2006 school year, any~~ A student in grades three through eight (3-8) identified as not passing a benchmark assessment and who fails to participate in the subsequent academic improvement plan shall be retained and shall not be promoted to the next appropriate grade until:

(A) The student is deemed to have participated in an academic improvement plan; or

(B) The student passes the benchmark assessment for the current grade level in which the student is retained.

(c)(1) Beginning with the ~~2005-2006~~ 2009-2010 school year, ~~any~~ a student required to take ~~an~~ a general end-of-course assessment ~~that~~ who is identified as not meeting the ~~satisfactory pass levels~~ requisite scale score for a particular assessment shall participate in ~~his or her~~ the remediation activities as required in ~~his or her~~ the student's individualized academic improvement plan in the school year that the assessment results are reported in order to receive academic credit on his or her transcript for the course related to the end-of-course assessment.

(2) The individualized academic improvement plan shall include remediation activities focused on those areas in which a student failed to pass ~~an~~ a general end-of-course assessment.

(3)(A) ~~Until the 2009-2010 school year, a~~ A student who is identified as not meeting the ~~satisfactory pass levels~~ requisite scale score for ~~an~~ a general end-of-course assessment shall not receive academic credit on his or her transcript for the course related to the general end-of-course

assessment until the student is identified as having participated in remediation through an individualized academic improvement plan.

(B) ~~Prior to the 2009-2010 school year,~~ For the purpose of a general end-of-course assessment, remediation does not require that a student pass a subsequent end-of-course assessment in order to receive academic credit for a course.

(d)(1)(A)(i) Beginning with the 2009-2010 school year, all initial high-stakes end-of-course assessments for Algebra I shall be administered by grade ten (10) ~~for each student or as allowed in subsection (f) of this section~~.

~~(B) Any student who does not meet the satisfactory pass level on the initial assessment shall participate in an individualized academic improvement plan that shall include remediation activities and multiple opportunities for the student to take and pass subsequent end-of-course assessments.~~

(ii) Beginning with the 2013-2014 school year, all initial high-stakes end-of-course assessments for English II shall be administered by grade ten (10).

(iii) A student from an Arkansas public school who completed and received academic credit on an end-of-course assessment for Algebra I before the 2009-2010 school year or for English II before the 2013-2014 school year is not required to participate in and receive academic credit from a high-stakes end-of-course assessment on or after the 2009-2010 school year for Algebra I or on or after the 2013-2014 school year for English II.

(iv) A student transferring into an Arkansas public school on or after 2009-2010 for Algebra I or 2013-2014 for English II who can demonstrate by official transcript from an out-of-state public, private, or home school, or an Arkansas private or home school that he or she has previously obtained academic credit for Algebra I or English II is not required to participate in and receive academic credit from an initial high-stakes end-of-course assessment unless the public school district assesses the student's educational status and determines the student does not possess the requisite passing knowledge of Algebra I or English II.

(B)(i) Beginning with the 2009-2010 school year, an Arkansas public school student who is not in grade ten (10), grade eleven

(11), or grade twelve (12) in an Arkansas public school, and has not previously received proper academic credit on his or her transcript for Algebra I but has successfully completed an Algebra I course is required to complete and successfully meet the requisite scale score on a high-stakes end-of-course assessment before the student is entitled to receive academic credit on his or her transcript for Algebra I.

(ii) Only a student who is in grade ten (10), grade eleven (11), or grade twelve (12) in an Arkansas public school in the 2009-2010 school year is exempt from the requirement of taking a high-stakes Algebra I end-of-course assessment, but the student shall meet any general end-of-course assessment requirements for Algebra I.

(iii) Any other student, regardless of the school year or the grade level in which he or she completes an Algebra I course or, beginning with the 2013-2014 school year, the English II course shall successfully complete an Algebra I and English II high-stakes end-of-course assessment and meet the requisite scale score in order to be entitled to *receive academic credit for Algebra I or English II on the student's transcript, unless exempted under an individualized education program*

(iv) A student transferring into an Arkansas public school district without having obtained academic credit on his or her transcript in or after the 2009-2010 school year for Algebra I and in or after the 2013-1014 school year for English II is not exempt from the requirements of subdivision *(d)(1)(B)(iii)* of this section.

(C) Beginning with the 2013-2014 school year, an Arkansas public school student who is in grade ten (10) and who has not previously received academic credit under (d)(1)(A) for English II shall successfully complete the course and meet the requisite scale score on the English II high-stakes end-of-course assessment in order for the student to be entitled to receive academic credit for English II on the student's transcript.

(D)(i) A student who does not meet the requisite scale score on the relevant high-states end-of-course assessment shall participate in an individualized academic improvement plan.

(ii) An individualized academic improvement plan shall include research-based remediation activities and multiple opportunities for the student to take and pass subsequent high-stakes end-of-course assessments as long as the student remains enrolled in an Arkansas

public school and has not reached twenty-one (21) years of age.

(iii) If after two subsequent high-stakes end-of-course assessments a student does not meet the requisite scale score on the initial high-stakes end-of-course assessment, the student shall participate in strand analysis or formative analysis remediation provided and supported by the Department of Education before taking a third or subsequent high-stakes end-of-course assessment.

(iv) Subsequent high-stakes end-of-course assessments and associated remediation programs may be administered in an electronic format.

(2) For ~~any~~ a student required to participate in an individualized academic improvement plan in subdivision ~~(d)(1)(B)~~ (d)(1)(D) of this section, the individualized academic improvement plan shall identify the student's specific areas of deficiency on the high-stakes end-of-course ~~exam~~ assessment, the desired levels of performance necessary for the student to meet the satisfactory pass levels, and the instructional and support services to be provided to meet the desired levels of performance.

(3)(A) ~~Schools shall also provide for the~~ A public school also shall provide frequent monitoring of the student's progress in meeting the desired levels of performance.

(B) Remedial activities and instruction provided during high school shall not be in lieu of English, mathematics, science, history, or other core courses required for graduation.

(e)(1) Beginning with the 2009-2010 school year for Algebra I and the 2013-2014 school year for English II, ~~no~~ a student identified as not passing an initial high-stakes end-of-course assessment shall not receive ~~a~~ academic credit on his or her transcript for the course related to the end-of-course assessment and is not entitled to graduate from an Arkansas public high school until:

(A) The student is identified as meeting ~~a satisfactory pass level~~ the requisite scale score on a subsequent high-stakes end-of-course assessment; or

(B)(i) The student is identified as ~~having finished by the end of grade twelve (12) an appropriate alternative exit course and is identified as having met a satisfactory pass level on an alternative assessment directly related to the alternative exit course pursuant to § 6-~~

~~15-2010~~ meeting the requisite score established by state board rule on an alternative assessment.

(ii) An alternative assessment shall be an ACT assessment, SAT assessment, advanced placement test, or International Baccalaureate test.

(2)(A) ~~Any~~ A student identified as having not met the ~~satisfactory pass levels of an initial~~ requisite scale score for a high-stakes end-of-course assessment shall not receive academic credit on his or her transcript for the related course until the student meets the requirements of subdivision (e)(1) of this section.

(B) If a student does not meet the ~~satisfactory pass levels on an initial~~ requisite scale score on an end-of-course assessment ~~or~~ and does not satisfy the remedial requirements of ~~subdivisions (d)(1)(B)~~ subsection (c) of this section for general end-of-course assessments and subdivision (e)(1) of this section for high-stakes end-of-course assessments, the student shall not be entitled to graduate with a high school diploma from an Arkansas public high school or public charter school.

(f)(1)(A) The state board shall establish the high-stakes end-of-course assessment program required in subsection (d) of this section for Algebra I beginning in the 2009-2010 school year and for English II beginning in the 2013-2014 school year.

(B) Throughout this process, the end-of-course assessment program shall ~~ever~~ be maintained in such a manner as to meet the requirements of state and federal law, including the full range of students with disabilities.

(2)(A) The superintendent of each public school district shall be responsible for the proper administration of this section and ~~those~~ the rules promulgated by the state board to implement the requirements of this section.

(B) To the extent that ~~any~~ a public school district is determined to have knowingly failed to administer these provisions of law or rules, the superintendent's license shall be subject to probation, suspension, or revocation ~~pursuant to the process set forth in accordance with~~ under § 6-17-410.

(3) Each year the ~~Department of Education~~ department shall make public at least fifty percent (50%) of the test questions on the most recent

1 initial benchmark and end-of-course assessments.
2 (4) The state board shall promulgate ~~any~~ rules to establish cut
3 scores, remediation programs required in (d)(1)(D), and other components of
4 the general end-of-course assessment program and high-stakes end-of-course
5 assessment program necessary to administer the provisions of this subsection.
6 (5)(A) Each school year, the department shall establish and
7 publish by commissioner's memo an end-of-course assessment cycle for general
8 end-of-course assessments and high-stakes end-of-course assessments that a
9 public school district shall follow unless the public school district has
10 obtained a written waiver from the department.
11 (B) The end-of-course assessment cycle shall include an
12 assessment cycle for a student who does not meet the requisite scale score
13 for an initial high-stakes end-of-course assessment and is required under
14 this section to pass a subsequent end-of-course assessment before receiving
15 academic credit on the student's transcript for the course that corresponds
16 to the initial end-of-course assessment.
17 (6)(A) The department shall develop the form of end-of-course
18 assessments and subsequent end-of-course assessments with the documents,
19 manuals, forms, and protocols necessary for the proper administration,
20 completion, submission, and scoring of the assessment.
21 (B) The assessment shall be composed of sections that may
22 include both multiple choice and open-response test items.
23 (7) For the 2009-2010 school year and each school year
24 thereafter, the department shall take steps to ensure that the end-of-course
25 assessments are aligned with state standards and that professional
26 development training is available to teachers of courses for which an end-of-
27 course assessment is required.
28 (8) Within fifteen (15) business days from the date a public
29 school district receives a student's score that indicates the student did not
30 meet the requisite scale score on an initial and subsequent end-of-course
31 assessment required by this section, the public school district shall provide
32 written notice of the failure to the student's parent or guardian.
33 (9) If a student with disabilities identified under the
34 Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq. is
35 unable to meet the requirements of this section because of the nature of the
36 student's disabilities, the student may graduate from high school by

demonstrating alternative competencies or alternative levels of competency under the student's individualized education program.

(10) In administering the assessments under this section, the public school district shall provide state-approved accommodations for students with state-recognized disabilities and for English language learners as allowed by law and state board rules.

SECTION 5. Arkansas Code § 6-15-2010 is repealed:

~~6-15-2010. Alternative exit course and alternative course exam.~~

~~(a)(1) No student who is identified as having failed to meet the satisfactory pass levels on an initial end-of-course assessment shall be entitled to take more than three (3) additional subsequent end-of-course assessments.~~

~~(2)(A) Any student who fails to be identified as meeting the satisfactory pass levels after taking at least three (3) subsequent end-of-course exams shall be required to take and pass an alternative exit course and meet a satisfactory alternative level score on a subsequent alternative assessment prior to being entitled to graduate with a high school diploma from an Arkansas high school or open-enrollment charter school.~~

~~(B) If a student with disabilities identified under the Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq., is unable to meet the requirements of subdivision (a)(2)(A) of this section because of the nature of his or her disabilities, the student may graduate from high school by demonstrating alternative competencies or alternative levels of competency as contained in the student's individualized education program.~~

~~(3) Prior to the administration of any additional end-of-course assessment as permitted under § 6-15-2009 (d)(1)(B), a student shall be given a sufficient opportunity and time for remediation.~~

~~(b) The alternative exit course may be offered through a distance learning class and may be offered by the school district outside the course of the normal school day.~~

~~(c) The State Board of Education shall promulgate any rules necessary to administer the provisions of this subsection.~~

SECTION 6. EMERGENCY CLAUSE. It is found and determined by the

General Assembly of the State of Arkansas that end-of-course assessments for public school students assist the state in measuring a student's proficiency in reading, writing, and mathematics, which is essential to academic progression for students; that a specified effective date for this act is essential to the continuity of public student assessments, which begin with an early fall testing cycle, and to the efficient operation of the Department of Education and the public schools of this state in preparing for the fall 2009 testing cycle; and that this act is immediately necessary because any delay could work irreparable harm to the department, to the public school districts, and to the students. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2009.

/s/ Abernathy

APPROVED: 4/9/2009

ARKANSAS DEPARTMENT OF EDUCATION
PROPOSED EMERGENCY RULES GOVERNING APPEALS INVOLVING STUDENT RESIDENCY DISPUTES BETWEEN SCHOOL DISTRICTS

1.00 PURPOSE

1.01 The purpose of these rules is to establish a procedure by which school districts may appeal to the Arkansas Department of Education from a determination made by another school district concerning a student's correct school district of residence.

2.00 AUTHORITY

2.01 These rules are promulgated pursuant to Ark. Code Ann. §§ 6-11-105, 6-18-202 (as amended by Act 1310 of 2009), and 25-15-201 et seq.

3.00 PRELIMINARY INVESTIGATION BY SCHOOL DISTRICTS

3.01 Prior to appealing any matter concerning a student's correct school district of residence to the Arkansas Department of Education, the school districts shall complete the following process as outlined in Ark. Code Ann. § 6-18-202(e):

3.01.1 The superintendent of a school district that determines that a student who resides within its boundaries is unlawfully attending another school district (hereinafter "appealing district") shall send written notification to the superintendent of the other school district (hereinafter "responding district") that the student is unlawfully attending the responding school district.

3.01.2 The written notification from the appealing district's superintendent shall include a reasonable description of the location of the residence, including a street address if available, and other information that enables the responding school district to determine whether the student is a resident of the appealing or responding school district.

3.01.3 Upon receipt of the appealing district superintendent's notification, the responding school district's superintendent shall immediately investigate and determine which school district the student is required to attend.

3.01.4 The responding school district's superintendent shall conduct the investigation within ten (10) business days after receiving the written notice from the appealing district's superintendent.

3.01.5 The responding school district's superintendent may extend the investigation ten (10) business days in a case that involves five (5) or more students by submitting written notice within the first ten (10) business days of the investigation to the appealing school district's superintendent.

3.01.6 The responding school district's superintendent shall make a determination as to which school district the student is required to attend and send a written report to the appealing school district's superintendent, in writing, of the findings of the investigation and the documentation supporting his or her determination.

3.02 A student who is determined to be unlawfully attending a school not within the student's resident district shall be immediately barred from attending the nonresident school district.

4.00 RIGHT OF APPEAL

4.01 The appealing school district's superintendent may, within five (5) days after receiving the written report of the responding district's superintendent, appeal to the Arkansas Department of Education the decision of the responding district's superintendent.

4.02 The appeal shall be made by filing a written notice of appeal with the General Counsel's Office of the Arkansas Department of Education.

4.03 The written notice of appeal shall include a list of the names of students that the appealing school district alleges are unlawfully attending the responding district and a copy of the written report completed by the responding district.

4.04 The written notice of appeal shall also include all documentation indicating that the appealing school district followed all preliminary procedures as outlined in Ark. Code Ann. § 6-18-202(e) and Section 3.00 above.

5.00 BRIEFING SCHEDULE

5.01 Once a notice of appeal is received by the General Counsel's office, a hearing officer will be appointed to investigate the facts surrounding the appeal and conduct a hearing.

5.02 The General Counsel's office will notify each school district of a briefing schedule to be followed by both districts, as well as the date of the hearing.

5.03 The appealing school district, in its brief, shall provide a detailed explanation as to why the student in question is unlawfully attending the responding district.

5.04 The responding school district, in its brief, shall provide a detailed explanation as to why the student in question is entitled to attend its school district.

5.05 Each school district's brief shall be limited to ten (10) pages, excluding any exhibits that may be attached.

5.06 The hearing officer may, only for good cause shown and upon written request of either district, allow either district to submit a brief of up to twenty (20) pages, excluding any exhibits that may be attached.

5.07 The hearing officer may compel disclosure of additional information from both school districts in his or her duties.

5.08 The briefs of both districts shall become a part of the official record of the proceedings.

6.00 HEARING PROCEDURES

6.01 The hearing officer will conduct the hearing in the following manner:

6.01.1 The hearing officer will give an opening statement to describe the nature of the proceedings for the record. This statement will include the date, time, and location of the hearing and an identification of the parties present.

6.01.2 A representative from each school district will have the opportunity to present an opening statement of no longer than five (5) minutes, beginning with the appealing school district.

6.01.3 A representative from each school district will be allowed thirty (30) minutes to present their cases, beginning with the appealing school district. The hearing officer may, only for good cause shown and upon request of either district, allow either district up to one (1) hour to present their cases.

6.01.4 A representative from each school district will be allowed ten (10) minutes to present a closing argument, beginning with the appealing school district.

6.01.5 The hearing officer may ask questions of any party or witness at any time throughout the proceedings. The hearing officer may also request exhibits or call witnesses at his or her discretion.

6.02 The hearing will be recorded by a certified court reporter. Every witness giving oral testimony must be sworn under oath by the court reporter and will be subject to direct examination, cross examination, and questioning by the hearing officer.

6.03 As noted in Section 5.08 above, the briefs of both districts shall become a part of the official record of the proceedings. Additional documents or exhibits offered during the hearing will be included in the official record of the proceedings if those documents are relevant to the matter in dispute and not cumulative.

6.04 For purposes of the record, documents offered during the hearing by the appealing district shall be clearly marked in sequential, numeric order (e.g., 1, 2, 3).

6.05 For purposes of the record, documents offered during the hearing by the responding district shall be clearly marked in sequential, alphabetic letters (e.g. A, B, C).

6.06 The responding school district shall have the burden of proof in proving that the student is entitled to attend its school district.

6.07 The hearing officer may announce his or her decision immediately after hearing all arguments and evidence or may take the matter under advisement.

6.08 Within ten (10) business days after the hearing, the hearing officer shall issue a final order including findings of fact and conclusions of law. The superintendents of both school districts will be served either personally or by mail with a copy of the order.

7.00 CIRCUIT COURT APPEAL

7.01 Either school district may appeal from the hearing officer's final order to the circuit court of the county where the school district that is appealing the order is located.

7.02 The circuit court shall affirm the order of the hearing officer if it is supported by substantial evidence.

8.00 EMERGENCY CLAUSE

8.01 WHEREAS, these Rules are critical to the Arkansas public educational system in that without these Rules Arkansas public school districts would lack a procedure by which school districts may appeal to the Arkansas Department of Education from a determination made by another school district concerning a student's correct school district of residence.

Therefore, without these Rules, The Arkansas Department of Education would be impeded in its ability to entertain appeals from school districts as required by Act 1310 of 2009, thus directly impacting the education of children in Arkansas school districts, which may impact the fiscal welfare, and peril of certain students. As a result, the Arkansas State Board of Education hereby determines that imminent peril to the schools and school districts of this state, as articulated above, will exist if these Rules are not promulgated on an emergency basis. Therefore, pursuant to Ark. Code Ann. § 25-15-204, these Rules are to immediately take effect upon passage by the Arkansas State Board of Education.

State of Arkansas *As Engrossed: H3/24/09 H3/25/09*

87th General Assembly

A Bill

Regular Session, 2009 HOUSE BILL 2003

By: Representative Lowery

For An Act To Be Entitled

AN ACT TO AMEND THE LAW PERTAINING TO RESIDENCY REQUIREMENTS AND ATTENDANCE AT PUBLIC SCHOOLS; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW PERTAINING TO RESIDENCY REQUIREMENTS AND ATTENDANCE AT PUBLIC SCHOOLS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 6-18-202(e), concerning age and residence requirements for attending public schools, is amended to read as follows:

(e)(1) ~~Any~~ A school district ~~that admits~~ shall not admit for ten (10) school days or more a student who is not a resident of the school district or is not otherwise entitled by law to attend the school district ~~for ten (10) school days or more a student that the school district knows or should have known is a resident of another school district not included in a tuition agreement or is not officially transferred to it shall be liable to the resident district of the student for an amount of money equal to the amount of state foundation funding per student~~.

~~(2) Notice to a school district by a complainant school district that a student is attending illegally in the school district begins the running of the ten-day time period.~~

~~(3) Causes of action arising under this subsection may be~~

~~brought in a court of competent jurisdiction.~~

~~(4) The school district that admits the student shall have the burden of proof as to the student's residency.~~

~~(5)(A) Upon presentation of a court order or judgment finding that a school district has admitted for ten (10) school days or more a student the district should have known was a resident of another district, as set forth in subdivision (e)(1) of this section, the Department of Education will satisfy the defendant school district's liability by transferring to the complainant school district the appropriate amount of funds from state aid that the department would have distributed to the defendant school district.~~

~~(B) The transfer will be made from the next payment due to the district from the department after the order is received by the department.~~

(2)(A) A school district that determines that a student who resides within its boundaries is unlawfully attending another school district shall send *written notification to the superintendent of* the other school district that the student is *unlawfully attending the school district.*

(B) The written notification to the superintendent shall include a reasonable description of the location of the residence, including a street address if available, and other information that enables the school district to determine that the student is a resident of the school district.

(3)(A) The school district that receives the notification under subdivision (e)(2) of this section shall immediately investigate and determine which school district the student is required to attend.

(B) The school district conducting the investigation shall:

(i)(a) Complete the investigation within ten (10) business days after receiving the written notice.

(b) The school district conducting the investigation may extend the investigation ten (10) business days in a case that involves five (5) or more students by submitting written notice within the first ten (10) business days of the investigation to the school district that submitted the notification under subdivision (e)(2) of this section;

(ii) Make a determination as to which school district the student is required to attend; and

(iii) Send a written report to the school district

that submitted the notification, in writing, of the findings of the investigation and the documentation supporting its determination.

(4) A student who is determined to be unlawfully attending a school not within the student's resident district shall be immediately barred from attending the nonresident school district.

(5)(A) The school district that submitted the notification may within five (5) days after receiving the written report, appeal the decision of the school district that conducted the investigation.

(B) The appeal shall be made to the Department of Education.

(C) The school district that conducted the investigation shall have the burden of proof in proving that the student is entitled to attend its school.

(6)(A) The department shall promulgate rules to establish the procedure for a department hearing officer to investigate the appeal and conduct a hearing.

(B) The department hearing officer may compel disclosure of information from both of the school districts in his or her duties.

(C)(i) The decision of the department hearing officer may be appealed by either school district to the circuit court of the county where the school district that is appealing the decision is located.

(ii) The circuit court shall affirm the decision of the department hearing officer if it is supported by substantial evidence.

SECTION 2. Arkansas Code § 6-18-202(f), concerning the age and residence requirements for attending public schools, is amended to read as follows:

(f) Any person who knowingly gives a false residential address for purposes of public school enrollment ~~shall be~~ is guilty of a violation and subject to a fine not to exceed ~~five hundred dollars ($500)~~ one thousand dollars ($1,000).

/s/ Lowery

APPROVED: 4/9/2009